

Approved: 3-19-99
Date

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Steve Morris at 10:00 a.m. on March 18, 1999 in Room 423-S of the Capitol.

All members were present except:

Committee staff present: Raney Gilliland, Legislative Research Department
 Jill Wolters, Revisor of Statutes
 Nancy Kippes, Committee Secretary

Conferees appearing before the committee:

Doug Wareham, Kansas Grain & Feed Association and Kansas Fertilizer & Chemical Association
Jere White, Kansas Corn Growers Association and Kansas Grain Sorghum Producers Association
Leslie Kaufman, Assistant Director, Public Affairs Division, Kansas Farm Bureau

Others attending: (See Attached)

Senator Stephens made a motion to approve the minutes of the March 17, 1999 meeting as submitted. Senator Biggs seconded. The motion carried.

HCR 5017 - Urging Congress to direct the Environmental Protection Agency to cease implementation of new restrictions for aluminum and magnesium phosphide based grain fumigants and to ensure that risk mitigation allowances for such grain fumigants are based on sound science and reliable information.

Doug Wareham, Kansas Grain & Feed Association and Kansas Fertilizer & Chemical Association, testified in support of **HCR 5017** (Attachment 1), stating that the Environmental Protection Agency (EPA) proposal to impose stringent new controls on the use of phosphine gas as a grain fumigant would cause the phase out of phosphine gas as a grain fumigant and this is the only practical remaining fumigant available to protect raw grains, oilseeds, feedstuffs and processed commodities in on-farm and commercial grain storage in Kansas and across the United States. The proposal would reduce the exposure standard, prohibit fumigation and aeration of grain storage facilities within 500 feet of residential areas, and require notification of local residents adjoining commercial and industrial sites as well as local authorities prior to fumigation.

Mr. Wareham proposed amending the components of **SCR 1609** into **HCR 5017**.

Jere White, Kansas Corn Growers Association and Kansas Grain Sorghum Producers Association, provided testimony in support of **HCR 5017**, advising that huge amounts of grain were stored on the ground during and after harvest over the past few years and grain fumigants are a necessary tool in preserving grain quality (Attachment 2). Mr. White stated his associations would support any amendments to **HCR 5017** that would include language and the message of **SCR 1609**.

Leslie Kaufman, Assistant Director, Public Affairs Division, Kansas Farm Bureau, testified that the Kansas Farm Bureau supports uniform, safe, effective and scientifically-based regulation of agriculture chemicals but said they have strong concerns that the new requirements by EPA for using aluminum and magnesium phosphide are not based on sound science (Attachment 3). She also said methyl bromide, another potential grain fumigant, has more difficult handling properties and the ability to use it in the future is also in doubt. Ms. Kaufman advised Kansas Farm Bureau testified in both the Senate and House Agriculture Committees in support of **SCR 1609** urging Congress to direct the EPA to use sound science and conduct oversight hearings when implementing the Food Quality Protection Act and would therefore support an amendment to **HCR 5017** to incorporate the language of **SCR 1609**.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE, Room 423-S of the Capitol, 10:00 a.m. on March 18, 1999.

Greg Krissek, Kansas Department of Agriculture, was present to answer some of the questions from the committee members.

Written testimony was provided by Kansas Association of Wheat Growers in support of HCR 5017 (Attachment 4).

Senator Umbarger made a motion to amend language in SCR 1609 into HCR 5017. Senator Downey seconded. Motion carried.

Senator Stephens made a motion to pass favorably HCR 5017 as amended. Senator Umbarger seconded. The motion carried.

Senator Downey made a motion to introduce a new resolution. Senator Umbarger seconded. Motion carried.

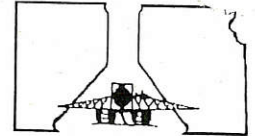
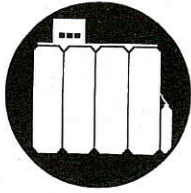
Discussion was had on the proposed new resolution.

The next meeting will be March 19, 1999.

SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: 3-18-99

NAME	REPRESENTING
Leslie Kaufman	Ks Farm Bureau
Aundrea Siders	KS Farm Bureau
Sandy Rogers	Ks Farm Bureau
Kathleen Souperne	KS Farm Bureau
Sarah Coover	KS Farm Bureau
Andy Soule	KS Farm Bureau
Tiffany Gillan	KS Farm Bureau
Rod Gilley	Gilley Farms
Sean Bryant	Ks Farm Bureau
Steve Slaby	KS Farm Bureau
Amy Scanlan	K.S. Farm Bureau
Erin McMillan	K.S. Farm Bureau
Jake Sad	K.S. farm Bureau
Jim White Jeremy Whiteside	KS Farm Bureau
Brian Bond	KS Farm Bureau
Terrod Commerford	K.S. Farm Bureau
Russell Balthorst	KS Farm Bureau
Larry Sellers	KS Farm Bureau
Jenny Schwieterman	" " Hamilton Co.



STATEMENT OF THE
KANSAS GRAIN & FEED ASSOCIATION
AND THE
KANSAS FERTILIZER & CHEMICAL ASSOCIATION
BEFORE THE
SENATE AGRICULTURE COMMITTEE
SEN. STEVE MORRIS, CHAIR
REGARDING H.C.R. 5017

MARCH 18, 1999

Senate Agriculture
3-18-99
Attachment 1

KGFA & KFCA MEMBERS ADVOCATE PUBLIC POLICIES THAT ADVANCE A SOUND ECONOMIC CLIMATE FOR AGRIBUSINESS TO GROW AND PROSPER SO THEY MAY CONTINUE THEIR INTREGAL ROLE IN PROVIDING KANSANS AND THE WORLD THE SAFEST, MOST ABUNDANT FOOD SUPPLY.

Chairman Morris and members of the Senate Agriculture Committee, I am Doug Wareham appearing today on behalf of both the Kansas Grain and Feed Association (KGFA) and the Kansas Fertilizer and Chemical Association (KFCA). The KGFA is a voluntary state association with a membership encompassing the entire spectrum of the grain receiving, storage, processing and shipping industry in the state of Kansas. Our membership includes over 1,150 Kansas business locations and represents 99% of the commercially licensed grain storage in the state. KFCA's nearly 500 members are primarily plant nutrient and crop protection retail dealers with a proven record of supporting Kansas producers by providing the latest crop protection products and services available in today's rapidly changing agricultural industry.

On December 18, 1998, the Environmental Protection Agency (EPA) published a Reregistration Eligibility Document that would impose stringent new controls on the use of phosphine gas as a grain fumigant. With EPA already enforcing the phase-out of methyl bromide by the year 2003, phosphine is the only remaining fumigant available to protect raw grains, oilseeds, feedstuffs and processed commodities in on-farm and commercial grain operations in Kansas and across the United States.

Specifically, EPA's proposal would:

- Reduce the exposure standard for phosphine gas from .3 parts per million to .03 parts per million without any clear scientific justification that any reduction is warranted or feasible. *cannot allow*
- Prohibit fumigation and aeration of grain storage facilities within 500 feet of residential areas, which would make use of phosphine impractical at most country and terminal elevators and other grain handling and processing operations in Kansas. *buffer zone*
- Require notification of local residents adjoining commercial and industrial sites, as well as local authorities (police and fire departments) prior to fumigation.

If EPA's efforts to impose these new restrictions are not curtailed by Congress, we will lose the use of phosphine based grain fumigants and that loss will compound the grain storage crisis we are currently experiencing in Kansas. I'm sure you are aware that during the past two years, record production of wheat and feed grains coupled with weak foreign demand has led to shortages of commercial grain storage capacity in high yield areas of Kansas. These shortages led to over 32 million bushels of grain being piled on the ground in 1997 and over 78 million bushels of grain on the ground in 1998.

While considerable efforts have been made by the commercial grain industry to address the lack of grain storage space experienced the past two years, carryover grain stocks in

Kansas, as indicated on the fact sheet attached to my written testimony, have increased dramatically over the past two years. As of December 1, 1998, 760,567,000 bushels of cereal and feed grains were being stored in our state. With a total grain storage capacity of 1.25 billion bushels, that simply means that as of December 1st, 60% of our available storage space in Kansas was already being utilized. With no immediate change in export demand of our commodities expected, these stocks will continue to increase and the need for phosphine based grain fumigants to maintain the quality of our stored grains will become even more paramount.

In addition to supporting House Concurrent Resolution 5017, the Kansas Grain and Feed Association and Kansas Fertilizer and Chemical Association also support amending the components of Senate Concurrent Resolution 1609 into this measure. We support this amendment in light of the fact that S.C.R. 1609 appears stalled in the House and will likely not be considered further unless acted upon today. I realize it has been some time since this committee initially considered S.C.R. 1609, therefore, I have attached the testimony our organizations originally presented on that resolution along with my comments today.

I would like to point out that S.C.R. 1609 is very similar to H.C.R. 5017 as it calls for Congress to intervene with EPA's implementation of the Food Quality Protection Act. Language contained in S.C.R. 1609 simply urges Congress to ensure that EPA utilizes sound science and reliable pesticide use data when implementing the Food Quality Protection Act. If Congress does not intervene, the food production industry will lose valuable crop protection tools. Again, we strongly encourage your adoption of an amendment to include the components of S.C.R. 1609 into the resolution you are considering today.

I appreciate the opportunity to testify in support of H.C.R. 5017 and ask that you consider this resolution and our suggested amendment favorably. I would be happy to answer any questions at this time.

Kansas Grain Stocks as of December 1st

December 1, 1998 - 760,567,000 bu.

December 1, 1997 - 714,627,000 bu.

December 1, 1996 - 635,490,000 bu.

Source: Ag Statistics NASS USDA

A Reregistration Process...Just the FAQs (Frequently-Asked Questions)

(EDITOR'S NOTE: See related article on previous page.)

1. What action is EPA announcing regarding aluminum and magnesium phosphide?

EPA has reviewed aluminum and magnesium phosphide under the agency's Pesticide Reregistration Program and completed review of the human health effects of aluminum and magnesium phosphide, including their potential for causing adverse effects in fish, wildlife and the environment. The agency has identified risks that must be reduced in order for these pesticides to become eligible for reregistration.

The agency is inviting stakeholders and the public to comment on EPA's proposed risk mitigation measures. EPA recognizes that aluminum and magnesium phosphide offer significant benefits in stored commodity and public health pest control, and that alternative pesticides are not available for most of their uses. Stakeholders and the public are encouraged, therefore, to identify measures that will reduce the risks from the use of aluminum and magnesium phosphide.

2. How can grain fumigators, aluminum and magnesium phosphide registrants, and the public participate in EPA's decision about the future use of these pesticides?

To identify the best ways to reduce the risks associated with aluminum and magnesium phosphide, EPA is initiating an extensive public and stakeholder involvement process, including: (1) publishing the agency's risk mitigation proposals in a *Federal Register* notice with a 90-day public comment period; (2) holding two or more open stakeholder meetings in different locations around the country; and (3) consulting with the Phosphine Task Force, a group of scientists assembled by the US Department of Agriculture (USDA).

Aluminum and magnesium phosphide fumigators, registrants, stakeholders and the general public are encouraged to participate in the agency's decision-making process for these pesticides. Interested parties are invited to submit written comments on EPA's risk mitigation proposals and suggestions regarding other possible risk management approaches during the 90-day comment period following publication of the *Federal Register* notice. After the public comment period, EPA will revise its risk mitigation measures accordingly and will discuss the revised measures during stakeholder meetings to be held in Kansas City, MO, and Sacramento, CA within nine months, probably in June and July 1999. Stakeholders who would like to participate in these meetings or who wish to request additional meetings in other locations are asked to send letters of interest to EPA.

At the conclusion of this process, EPA will make final decisions on any regulatory changes necessary to protect human health and the environment regarding the continued use of aluminum and magnesium phosphide and any required label changes that help reduce the risk from the use of products containing these pesticides.

3. What is the Phosphine Task Force and what is its role?

The US Department of Agriculture (USDA), through its Office of Pest Management Policy (OPMP), has convened a Phosphine Task Force to develop possible alternative risk mitigation measures and to consult with EPA on matters regarding the reregistration of aluminum and magnesium phosphide. The Phosphine Task Force is composed of experts from land grant universities and USDA Agricultural Research Service scientists with expertise in commodity storage pest management systems. EPA will work closely with the Phosphine Task Force throughout the public comment period and stakeholder participation process described above.

4. What are the uses of aluminum and magnesium phosphide?

Aluminum and magnesium phosphide are pesticides registered for fumigation of stored food, feed and other agricultural commodities, such as grain (for export and domestic use), peanuts, tobacco, dried fruit, walnuts and almonds to protect them from damage by insects and rodents. They are primarily used indoors in sealed containers or structures like grain silos or elevators, railroad cars, shipholds and warehouses. Few, if any, viable alternative fumigants are available for these uses. Aluminum and magnesium phosphide also are used outdoors for fumigation of burrows to control rodents and moles in agricultural and other non-domestic areas, and for fumigation of windrowed raw agricultural commodities sealed under tarp covers. Both chemicals are classified as restricted use pesticides and may be applied only by or under the direct supervision of certified pesticide applicators.

Both aluminum and magnesium phosphide react with moisture in the atmosphere to produce phosphine gas, the substance which is active as a pesticide. Because of their common mode of action, similar use sites and same methods of application, EPA is considering these two pesticides together for purposes of risk assessment and reregistration.

5. What are the risks of aluminum and magnesium phosphide to humans?

Aluminum and magnesium phosphide are highly toxic when inhaled. They pose risks to pesticide handlers who are not wearing respiratory protection. EPA also is concerned about potential risks to occupational and residential bystanders near treated containers and structures, since these people are not likely to be wearing the necessary respiratory protection. A number of incidents have been reported that are of concern to the agency, although most reported incidents result from product misuse.

6. What are the risks of aluminum and magnesium phosphide to fish, wildlife and the environment?

Given their use patterns and characteristics, these pesticides generally are not expected to pose a significant ecological risk to non-target organisms or water resources. A notable exception is that they do pose risks to some endangered

species that may be found in rodent burrows being treated with these pesticides. In the environment, aluminum and magnesium phosphide degrade rapidly to aluminum and magnesium hydroxide and phosphine, which degrade within days and pose low risks to ground and surface water.

7. What actions is EPA proposing to take to mitigate these risks?

EPA has developed a number of proposals to reduce the potential risk of inhalation toxicity to handlers and bystanders that may be posed by current uses of aluminum and magnesium phosphide. EPA's risk mitigation proposals can be summarized as follows:

i. Applicators would be required to notify local authorities at least 24 hours in advance of the date, time and location of planned fumigation activities.

ii. All fumigation activities would have to be conducted by a certified applicator or within 50 feet and in clear sight of a certified applicator.

iii. Aeration of fumigated railcars and other vehicles while in transit would be prohibited.

iv. Placarding fumigated structures, containers and vehicles would be required.

v. Registrants would be required to establish an incident reporting program.

vi. All persons involved in fumigation/aeration activities would be required to wear respiratory protection during those operations, unless monitoring shows that phosphine concentrations are at or below the established standard of 0.03 ppm.

vii. A two-person operation would be required for any activity that involved entry into a fumigated structure.

viii. A 500-foot buffer zone and restricted area would be required around all fumigated structures to prevent exposure to residential bystanders. Placarding around the perimeter and monitoring prior to reentry also would be required.

ix. More thorough, stringent monitoring of fumigated commodities would be required.

x. Prior to fumigation, structures would be required to undergo seal/leak testing. Leaks would have to be repaired prior to fumigation.

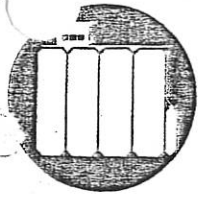
xi. Treatment of burrows for rodent control would be prohibited within 100 feet of a residence (instead of the current 15 feet). This would eliminate residential rodenticide uses of aluminum and magnesium phosphide, but would allow rodent control under other circumstances to continue. Exceptions could be made for public health reasons.

xii. The certified applicator would be required to notify all local residents and bystanders within 750 feet of the structure to be fumigated.

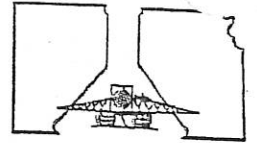
xiii. Registrants would be required to work with EPA and the states to develop a fumigator-specific certification program.

xiv. Additional monitoring would be required around fumigated structures to reduce occupational and residential bystander exposure. No fumigated structure could be reentered until phosphine concentrations declined to 0.03 ppm or less, unless appropriate personal protective equipment (PPE) was worn.

xv. All applicable safety standards would be required to appear on product labels.



**KANSAS GRAIN & FEED ASSOCIATION
KANSAS FERTILIZER & CHEMICAL ASSOCIATION**



**Statement of the
Kansas Fertilizer and Chemical Association
and the
Kansas Grain and Feed Association**

Regarding

S.C.R. 1609

to the

Senate Agriculture Committee

Senator Steve Morris, Chairman

February 4, 1999

KGFA & KFCA MEMBERS ADVOCATE PUBLIC POLICIES THAT ADVANCE A SOUND ECONOMIC CLIMATE FOR AGRIBUSINESS TO GROW AND PROSPER SO THEY MAY CONTINUE THEIR INTREGAL ROLE IN PROVIDING KANSANS AND THE WORLD THE SAFEST, MOST ABUNDANT FOOD SUPPLY.

Mr. Chairman and members of the committee, I am Doug Wareham appearing today on behalf of both the Kansas Fertilizer and Chemical Association (KFCA) and the Kansas Grain and Feed Association (KGFA). KFCA's nearly 500 members are primarily plant nutrient and crop protection retail dealers with a proven record of supporting Kansas producers by providing the latest crop protection products and services available in today's rapidly changing agricultural industry. KGFA is comprised of 1150 member firms including country elevators -- both independent and cooperative -- terminal elevators, grain merchandisers and feed manufacturers all of which rely on the production of Kansas producers for the vital raw ingredients which make our grain and feed industry the envy of the world.

I appreciate the opportunity to appear today in support of S.C.R. 1609 and respectfully request positive action on this resolution. S.C.R. 1609 will send a direct message to the members of the Kansas Congressional Delegation and members of the Executive Branch in Washington D.C. regarding the U.S. Environmental Protection Agency's (EPA) implementation of the Food Quality Protection Act. The Kansas agribusiness industry is very concerned about the way the 1996 Food Quality Protection Act (FQPA) is being implemented. If not curtailed, new EPA regulations will have a major, lasting impact on Kansas and American agriculture and our ability to continue producing the world's most abundant, affordable and safest supplies of food and fiber.

Passed by Congress in 1996, the Food Quality Protection Act (FQPA) revamps existing U.S. pesticide regulations by requiring EPA to reassess risk assessments for all pesticides within 10 years. Therefore, EPA has the task of re-evaluating more than 9,000 pesticide uses for safety, with the first 3,000, including most organophosphate and carbamate insecticides, subject to an August 1999 deadline. Simply put, EPA is currently deciding which pesticides and pesticide uses will remain available and which won't.

Unfortunately, arguing that it must meet the short deadlines imposed by FQPA, it appears EPA is using unrealistic, theoretical assumptions, rather than real world data from farmers, businesses, public health officials and others about how pesticides are actually used to protect crops and in turn, protect us. If FQPA implementation continues in this manner, without intervention from Congress, virtually all pesticide and pesticide uses will be jeopardized. Whether its insect damage to Kansas grown crops, wormy apples in Washington State, cockroaches in kitchens, Americans in every walk of life will be deprived the benefits of effective pest control.

The effort to raise awareness of the possible negative effects of FQPA implementation without sound science and reliable use data, is not only a cause of our organization, but of numerous agricultural organizations, states and even governmental associations. Last year, three states passed resolutions similar to the resolution before you today. Those states were Idaho, Michigan & Pennsylvania. Today, there are six additional states considering similar resolutions calling for Congress to intervene and ensure FQPA is implemented in a manner that protects our ability to produce abundant, safe and affordable food. Those states are North Carolina, North Dakota, Wyoming, Ohio, Georgia and Iowa. We have been informed that Governors in the states of New York, Florida and Washington have drafted letters to EPA calling for fair implementation of FQPA to ensure that valuable pesticides are not lost, threatening farm production, business operations and public services. And finally, both the National Governor's Association and National Association of State Departments of Agriculture have adopted policy positions similar to the components contained in Senate Concurrent Resolution 1609.

The Kansas agribusiness industry supports reasonable, science based regulations that protect food safety in addition to its availability and affordability. What we cannot support and hope Congress will not allow is the Environmental Protection Agency to rush to judgement without all the facts. This committee has already heard testimony on Senate Bill 65 that would enable the Kansas Secretary of Agriculture to initiate a much needed pesticide use survey to gather those facts. We support the use of real world data and hope the adoption of this resolution will send a clear message to Congress and the Executive Branch in Washington, D.C. that Kansans will accept nothing less.

I do at this time Mr. Chairman wish to request an amendment to S.C.R. 1609. It has been suggested by our affiliate national organization, the American Crop Protection Association, that S.C.R. 1609 be forwarded to the Office of the President, Office of the Vice President and Administrator of the Environmental Protection Agency. We respectfully request that amendment at this time.

Thank you for the opportunity to appear in support of S.C.R. 1609 and I would be happy to respond to any questions at this time.



TESTIMONY

TO: Kansas Senate Committee on Agriculture
FROM: Jere White, Executive Director
DATE: 18 March 1999
SUBJECT: HCR 5017

Chairman Morris, members of the committee, my name is Jere White and I am the executive director of the Kansas Corn Growers Association and the Kansas Grain Sorghum Producers Association. In combination, these two grains are planted to over six million acres of Kansas farmland. Last year we produced over 650 million bushels of high quality grain. A few days ago, our associations distributed copies of our 1998 Kansas Grain Sorghum and Corn Quality Reports to the legislature. A quick review will indicate that not only do Kansas farmers do a superb job of growing their crops, but that our grain handling entities also do a fine job of maintaining quality prior to export, feeding, or other end use. That quality has been maintained in spite of huge amounts of grain that were stored on the ground during harvest the past few years. The ability of Kansas to deliver quality grains into the supply channels is directly linked to the technology and products allowing it to maintain that quality after harvest. Grain fumigants are a necessary tool in preserving grain quality. We are here today seeking approval for HCR 5017.

Phosphine gas from aluminum and magnesium phosphide is one of the few remaining fumigants available to protect corn, grain sorghum, and other Kansas commodities in on-farm and commercial storage. US EPA proposals to impose severe new controls will limit the real world availability of this important tool. With record grain stocks on hand in Kansas, the importance of maintaining high quality grain stocks and our states reputation for delivering these stocks into the supply channel has never been greater. HCR 5017 will be a message of importance on behalf of all segments of our grain industry and we urge favorable action by this committee.

In as much as SCR 1609, a resolution previously passed by this committee, the full Senate, and the House Agriculture Committee, appears to be unlikely to get approval without non-related amendments on the floor of the House, we support any amendments to HCR 5017 that would include the language and message of SCR 1609. Both resolutions are targeted to the US EPA, Congress, and the Administration. Thank you.

P.O. BOX 446, GARNETT, KS 66032-0446 • PHONE (785) 448-6922 • FAX: (785) 448-6932
www.ksgains.com/corn • jwhite@kanza.net



PRINTED ON RECYCLED PAPER •



PRINTED WITH CORN-BASED INKS

Senate Agriculture
3-18-99
Attachment 2



PUBLIC POLICY STATEMENT

SENATE COMMITTEE ON AGRICULTURE

Re: HCR 5017 - Urging Congress to direct EPA to cease implementation of new restrictions on aluminum and magnesium phosphide based grain fumigants.

**March 18, 1999
Topeka, Kansas**

**Prepared by:
Leslie Kaufman, Assistant Director
Public Affairs Division**

Senator Morris and members of the Committee, thank you for the opportunity to appear before you today and share Farm Bureau's support for HCR 5017. I am Leslie Kaufman and I serve Kansas Farm Bureau as the Assistant Director of Public Affairs.

Farm Bureau members across the state are concerned with the significant shortage in grain storage capacity and problems in grain transportation. The Environmental Protection Agency's implementation of new restrictions for aluminum and magnesium phosphide based grain fumigants could exacerbate these storage and transportation challenges.

This past November, the farmer and rancher voting delegates at the 80th Annual Meeting of Kansas Farm Bureau adopted policies for 1999 regarding agriculture chemicals and environmental standards. Farm Bureau supports

*Senate Agriculture
3-18-99
Attachment 3*

uniform, safe, effective and scientifically-based regulation of agriculture chemical.

Agriculture chemical use should not be banned unless there is scientific proof that such use is detrimental to society. EPA's new reregistration requirements for aluminum and magnesium phosphide are so stringent, they could effectively curtail the use of the fumigant.

We have strong concerns that the new requirements for using aluminum and magnesium phosphide are not based on sound science. For example, the recommended exposure tolerance under the EPA's reregistration eligibility decision (RED) is one-tenth the level considered safe by the Occupational Safety and Health Administration (OSHA).

Regulation of agriculture chemicals should account for the economic impact associated with the regulation. Currently, there is only one other chemical grain fumigant alternative to aluminum and magnesium phosphide, methyl bromide. Methyl bromide has more difficult handling properties and the ability to use it in the future is also in doubt. The inability to treat grain against pest infiltration could have significant economic and food safety repercussions. Any environmental regulation of grain fumigants must be based on factual information, scientific knowledge and economic impact studies.

Farm Bureau is also concerned about the apparent lack of scientifically sound, real-world data in the US Environmental Protection Agency's strategy from implementing the Food Quality Protection Act (FQPA). American Farm Bureau's top priority issue this past year was working to ensure proper implementation of the FQPA by the Environmental Protection Agency.

Kansas Farm Bureau testified in both the Senate and House Agriculture Committees in support of SCR 1609 urging Congress to direct the EPA to use sound science and conduct oversight hearings when implementing the FQPA.

We would support an amendment to HCR 5017 to incorporate into it the language of SCR 1609.

Approval of HCR 5017 will send a message to Congress that Kansas is concerned about the apparent lack of reliable, scientific-based information used by EPA in developing the reregistration requirements for aluminum and magnesium phosphide grain fumigants. We respectfully request the Committee include provisions of SCR 1609 into HCR 5017 and report the resolution favorable as amended. Thank you.



P.O. Box 1266 • Manhattan, KS 66505-1266 • (785) 587-0007 • FAX (785) 587-0003

The following statement is submitted on behalf of the Kansas Association of Wheat Growers (KAWG). The KAWG is a nonprofit association of producers with a membership of over 3000 representing over 50% of the wheat production in the State of Kansas. KAWG supports House Concurrent Resolution No. 5017 and respectfully request positive consideration of this resolution.

As many of you know, we are in the middle of not only a farm crisis, but also a major grain storage crisis. With the stringent rules that the EPA plans to publish on phosphine, this crisis is only going to worsen. EPA's proposal would prohibit fumigation within 500 feet of a residential area. There is a lot of on farm storage that is within 500 feet of the producer's own residence. This would force producers to take this storage out of use and haul all their grain to commercial facilities expounding the problem we all ready have.

We support existing rules that protect the safety and health of producers, employees, and others. In this regard, we believe that when used in accordance with the current label requirements, phosphine gas presents no risk to the health of producers or the public. Not only is aluminum and magnesium phosphide safe to handle but there is nothing to dispose of but an aluminum canister about the size of a quart milk bottle.

The producers of Kansas take very seriously our obligation to produce food that is safe and wholesome, and to do so in a sanitary environment. Members of KAWG are very concerned that EPA's planned actions against phosphine would prevent us from making good on that commitment.

Thank you for the opportunity to submit written testimony in support of House Concurrent Resolution No. 5017. If you have any questions or require additional information please contact Brett Myers, Executive Vice President, Kansas Association of Wheat Growers at (785) 587-0007.

Senate Agriculture
3-18-99
Attachment 4