

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairman Dan Johnson at 3:30 p.m. on January 10, 2001, in Room 423-S of the Capitol.

All members were present except: Representative Miller - excused

Committee staff present: Raney Gilliland, Legislative Research Department
Gordon Self, Revisor of Statutes Office
Kay Scarlett, Committee Secretary

Conferees appearing before the committee:

Doug Wareham, Kansas Grain and Feed Association
Jamie Clover Adams, Secretary, Kansas Department of Agriculture
Dr. Marc Johnson, Dean, College of Agriculture, Kansas State University
Dr. Elizabeth Boyle, Associate Professor and Extension Specialist, Meats, Kansas State University
Mitch Tuinstra, Department of Agronomy, Kansas State University
Dr. William Hargrove, Director, Kansas Center for Ag Resources and the Environment, K-State
Jana Beckman, Coordinator, Ks Center for Sustainable Agriculture & Alternative Crops, K-State
Dan Nagengast, Kansas Rural Center

Others attending: See attached list

Chairman Johnson opened the first meeting of the House Agriculture Committee of the 2001 Legislative Session by asking all committee members to introduce themselves.

The Chairman welcomed everyone and expressed the hope that the committee would work together in an atmosphere of cooperation on agricultural issues. Committee Rules, as well as Rules for Conferees appearing before the Committee, were reviewed.

Doug Wareham, Kansas Grain and Feed Association, extended an invitation to all committee members to attend the Ag Information & Technology Tour 2001 on Thursday, January 18. ([Attachment 1](#))

Jamie Clover Adams, Secretary, Kansas Department of Agriculture, provided a copy of a letter to the United States Environmental Protection Agency dated January 2, 2001, submitted on behalf of the State of Kansas by the Kansas Department of Agriculture and the Kansas State Conservation Commission addressing cost estimates for the non-point component of TMDL implementation in Kansas. ([Attachment 2](#))

Secretary Clover Adams presented the Kansas Department of Agriculture's annual legislative report providing an overview of the department and its various programs. ([Attachment 3](#))

Dr. Marc Johnson, Dean of the College of Agriculture and Director of K-State Research and Extension at Kansas State University, reviewed recent accomplishments in the four core mission areas of Youth, Family, and Community Development; Food Nutrition, Health, and Safety; Natural Resources and Environmental Management; and Agricultural Industry Competitiveness.

Dr. Elizabeth Boyle, Associate Professor and Extension Specialist, Meats, Kansas State University, provided a summary of HACCP, food safety and value-added support programs and assistance that K-State, in cooperation with the Kansas Department of Agriculture, Kansas Department of Commerce and Housing, and USDA, has provided to small Kansas meat processing plants. She noted that in her position at K-State she works closely with small and very small state and federally inspected meat and poultry processing businesses. ([Attachment 4](#))

CONTINUATION SHEET

Mitch Tuinstra, Department of Agronomy at Kansas State University, reviewed Kansas State University's Sorghum Breeding Program. He highlighted several specific program objectives at the university to increase yield potential and market value of sorghum: Development of Food-Grade Sorghum Hybrids; Breeding for Increased Yield Potential and Feed Quality; Enhanced Seedling Vigor and Cold Tolerance; and Improved Stalk Quality and Disease Resistance. (Attachment 5)

Dr. William Hargrove, Director, Kansas Center for Ag Resources and the Environment at Kansas State University, reported on the establishment of a Kansas Center for Sustainable Agriculture & Alternative Crops at Kansas State University in response to legislation passed by the 2000 Legislature. The mission of the Center is to support small family-owned farms in Kansas through research, education and outreach focused on production, storage, processing, and marketing technologies that will boost small farm profitability, protect natural resources, and enhance rural communities. (Attachment 6)

Jana Beckman started work on January 2, 2001, as Coordinator of the Kansas Center for Sustainable Agriculture & Alternative Crops. She outlined the role of the Center and highlighted several current projects. (Attachment 7)

Dan Nagengast, Kansas Rural Center, spoke of the cooperation between K-State Research and Extension and the Kansas Rural Center in addressing small family farm concerns. He would like to see more state money made available for small family farm issues.

Dean Marc Johnson reviewed the Sericea Lespedeza Management and Control Project at Kansas State University. He reported that Kansas State University, in cooperation with the Kansas Department of Agriculture, other state and federal agencies, and producer and environmental groups, organized the Multi-State Sericea Lespedeza Work Group in July, 2000. The Work Group includes similar groups in Missouri, Nebraska, and Oklahoma to coordinate research and educational efforts. (Attachment 8)

On motion of Representative Dahl, the committee voted unanimously to send a letter to ConAgra encouraging them to reconstruct their processing facility in Finney County that was destroyed by fire last month. (Attachment 9)

Jamie Clover Adams, Secretary, Kansas Department of Agriculture, requested the introduction of three committee bills. Her first bill request would address several areas in the weights and measures law that need to be cleaned up for more effective and efficient administration of the program. (Attachment 3, page 26) The second bill request would establish a permanent laboratory equipment fee fund. (Attachment 3, page 28) The Secretary's third request would establish a plant pest emergency response fund. (Attachment 3, page 30) Representative Freeborn moved to introduce three committee bills addressing these issues. Seconded by Representative Hutchins, the motion passed.

Representative Schwartz moved to introduce a committee bill to extend and modify the Ag Production Loan Program also known as the "linked deposit" low interest loan program. Seconded by Representative Light, the motion carried.

Representative Dahl moved to introduce as a committee bill the Governor's Vision 21st Century Initiative water policy proposal. Seconded by Representative Schwartz, the motion carried.

Representative Dahl moved to introduce as a committee bill the Governor's Vision 21st Century Initiative recommendation to establish a value-added research and development center at Kansas State University. Seconded by Representative Compton, the motion carried.

The meeting adjourned at 5:45 p.m. The next meeting is scheduled for January 17, 2001.

HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: JANUARY 10, 2001

NAME	REPRESENTING
Andy Shaw	Kearney Law Office
Cleta Rempert	
Ronald Dittel	High Plains Farm Credit
David Miller	DOB
Rex Carmichael	Audale Farmers CO-OP
Doug Trumbull	AUDALE FARMERS COOP
Dan Newcast	Kansas Rural Center
Bill Hargrove	KCARE / K-State
Jimmie Clover Adams	KS Dept of Agriculture
Dag Wareham	KGFA / KFCA
Edd Johnson	KLA
Paul Johnson	PACK
Larry Kepley	Farm Credit - Ulysses
Rodney Biesenthal	Pott Co.
Kelena Reed	KDA
Greg A. Foley	KDA
Pon Braun	Farm Credit Hays
M. Jim	K-State
Liz Boyle	KSCU

HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: JANUARY 10, 2001

NAME	REPRESENTING
JANA BECKMAN	KSU / KCSAAC
Matt Walters	Rep Schwartz Intern
XXXXXXXXXXXX	
Steven Graham	KSU College of Ag
Marc Johnson	K-State Research + Extension



Information & Technology Tour

2001

—MARK YOUR CALENDAR—

**An Invitation to
Senate and House Leadership
Senate Agriculture Committee
Senate Natural Resources Committee
House Agriculture Committee
House Environment Committee**

to attend the

AG INFORMATION & TECHNOLOGY TOUR 2001

Thursday, January 18, 2001

**Bus Departs Capitol Building at 7:30 a.m.
and returns at 5:30 p.m.**

**Stops on the tour include:
Roger Pine Farm, Lawrence
Kansas City Board of Trade, Kansas City
Farmland Industries, Kansas City**

Breakfast and Lunch Included

**Sponsored by the following:
Kansas Association of Wheat Growers
Kansas Cooperative Council
Kansas Corn Growers Association
Kansas Farm Bureau
Kansas Fertilizer and Chemical Association
Kansas Grain and Feed Association
Kansas Grain Sorghum Producers Association
Kansas Livestock Association
Kansas Pork Association
Farmland Industries, Inc.**

RSVP to Julie

House Agriculture Committee
January 10, 2001
Attachment 1

Thursday, January 18, 2001

Itinerary

- 7:00 a.m. Board Bus at State Capitol**
- 7:30 a.m. Bus Departs for Roger Pine Farm
--Welcome and Agenda Overview**
- 8:15 a.m. Arrive at Roger Pine Farm
--Breakfast**
- 8:45 - 9:15 Kansans for Common Sense Water Policy, Jere White, Ks Corn Growers Assn**
- 9:15 - 10:00 Stakeholders Panel Discussion, Allie Devine, Ks Livestock Assn, Moderator**
♦ Roger Pine, Kansas Corn Growers Association
♦ Alan Hess, Kansas Livestock Association
♦ Stan Ahlerich, Kansas Farm Bureau
♦ Tracy Streeter, State Conservation Commission
- 10:00 -10:15 Break**
- 10:15 Bus Departs for Kansas City Board of Trade**
♦ Natural Resource Protection....Who Pays? Bill Fuller, Ks Farm Bureau
♦ State or Local Environmental Regulations? Mike Beam, Ks Livestock Assn
- 11:00 Arrive Kansas City Board of Trade**
- 11:00 - 11:15 Break**
- 11:15 - 12:15 Robert Petersen, KC Board of Trade President
KCBOT Overview/ Video Presentation/Trade Floor Viewing and Q & A**
- 12:15 Walk or Bus to KC Masterpiece for Lunch**
- 12:15 - 1:00 Lunch at KC Masterpiece**
- 1:00 - 1:45 Board Bus and Travel to Farmland Industries**
♦ Agricultural Biotechnology....Friend or Foe? Doug Wareham, KGFA/KFCA
- 1:45 Arrive at Farmland Industries**
- 1:45 - 2:45 Marketing Alliances & New Opportunities for the Ag Producer
Panel Discussion Moderator: Patty Clark, Ks Farm Bureau**
♦ Bill Becker, Director of Marketing for AgriMark
♦ Tracy Thomas, Director of Marketing, U.S. Premium Beef
- 2:45 - 3:00 Refreshment Break**
- 3:00 - 4:30 Farmland's New Product Innovations & Identity Preservation Programs**
- 4:30 p.m. Board Bus and Return to State Capitol**
♦ Committee Chairs Comments - Joe Lieber, Ks Co-op Council
- 5:30 p.m. Arrive at State Capitol**

Ag Information and Technology Tour 2001
Thursday, January 18, 2001

Cost Breakdown

Breakfast	\$ 7.50
Lunch	\$14.94
Bus Ride	\$ 9.27
Total Per Person	<u>\$ 31.71</u>

Legislators who wish to pay for the Ag Tour Meals and Bus Ride can simply make payment to the Kansas Grain & Feed Association.

STATE OF KANSAS

Bill Graves, Governor

Jamie Clover Adams, Secretary of Agriculture
109 SW 9th Street
Topeka, Kansas 66612-1280
(785) 296-3556



Tracy Streeter, Executive Director
State Conservation Commission
109 SW 9th Street
Topeka, Kansas 66612-1280
(785) 296-3600

January 2, 2001

W-00-31 Comment Clerk
Water Docket (MC 4101)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RE: Docket Number W-00-31

The following comments and cost estimates, which specifically address the nonpoint component of TMDL implementation in Kansas, are submitted on behalf of the State of Kansas by the Kansas Department of Agriculture and the Kansas State Conservation Commission.

The cost estimates are premised on the Kansas experience that illustrates voluntary, incentive-based approaches are the appropriate mechanisms to address nonpoint source pollution and to improve water quality. Kansas has spent a decade developing, implementing and perfecting this approach. Success hinges on three key areas: (1) implementing an effective water quality monitoring program; (2) researching effective on-farm management practices; and, (3) providing information and outreach to farmers and other property owners. The biggest lesson we have learned, however, has more to do with human nature than any policy or program – the only way to address nonpoint source pollution, and effectively improve water quality, is to encourage cooperation, obtain buy-in, and change habits and attitudes. The TMDL process should not substitute the judgement of the federal government for the judgement of Kansas by prescribing rigid processes. EPA should set the goal – improved water quality – and allow states, including Kansas, to use the mechanisms we know will work to achieve the goal.

The following information provides cost estimates associated with state agency work on nonpoint source TMDLs, as well as cost estimates to the private sector – particularly agriculture – to implement TMDLs. No comment or information is provided regarding the theory put forward by EPA that TMDLs will reduce costs. We believe that Kansas' experience over the last decade shows that our approach, upon which the cost estimates are based, is the most efficient and effective manner to address nonpoint source pollution.

House Agriculture Committee
January 10, 2001
Attachment 2

Costs to the State of Kansas – Three Categories

Personnel. The Kansas Department of Health and Environment (KDHE), the Kansas lead agency, will need five more FTEs to develop TMDLs under the regiment outlined in the July 2000 rule, as opposed to the regiment already developed and implemented by Kansas. The estimated annual cost for these five FTEs is \$260,000. The Kansas State Conservation Commission (SCC), the agency primarily responsible for Best Management Practice (BMP) implementation in high-priority TMDL areas, will require two more FTEs to handle enhanced administrative tasks associated with targeting resources to multiple watersheds and to track program accomplishments relative to TMDL implementation. The additional cost to the SCC is estimated at \$161,150 annually.

Finally, Kansas State University (KSU) has been intimately involved in the implementation of current voluntary, incentive-based programs to address nonpoint source pollution in Kansas. Kansas' experience in implementing the voluntary, incentive-based approach for the past decade clearly shows that no regulation or program can be implemented on the ground without technical experts available to help landowners with the details of best management practices. Their help will also be necessary to implement the added burdens of the July 2000 rule. Currently, through funding from a 319 grant, the SCC and the Kansas Department of Agriculture, five watershed specialists have been deployed to the three Kansas river basins where TMDLs have been developed. The need for on-the-ground technical specialists is expected to increase substantially under the requirements of the July 2000 rule. We estimate Kansas will need between four and eight more watershed specialists, which will cost from \$300,000 to \$600,000 annually.

Data Collection. The second component to implementing TMDLs that improve water quality is good water quality and quantity data. Currently, Kansas operates an extensive water quality sampling network with more than 250 sampling sites operating for more than 20 years. However, during implementation of the Delaware Pesticide Management Area (PMA), the Big Blue Basin project coordinated with the State of Nebraska and the Governor's Water Quality Initiative, Kansas discovered that more water quality sampling was necessary to effectively deploy resources to improve water quality. For example, additional monitoring for the Delaware PMA cost \$281,500 over three years. Additional monitoring costs in the Big Blue basin are approximately \$125,000 per year and in the Kansas Lower Republican Basin, the additional cost for water quality sampling in targeted areas were approximately \$250,000 over three years. None of these figures include the start-up costs associated with automatic samplers of approximately \$7500 each. Kansas has 12 river basins, so the estimate for additional water quality start-up sampling data necessary to implement the requirements of the July 2000 rule are between \$1.6 million and \$2.35 million annually for three years.

Water quantity data, or flow data, is critical to the successful development of TMDLs. Currently, Kansas operates stream gages across the state in cooperation with the United States Geological Survey (USGS), which cost \$1.25 million annually. Cutbacks in USGS budgets in recent years has caused nearly one-third of the burden to be shifted to the State where at one time USGS paid the entire cost. There is no reason to believe this shifting will not continue. TMDL development will require Kansas to find the additional funds – possibly \$500,000 annually – to pay for this important activity.

Development of Best Management Practices. The state of Kansas will also bear the burden of additional BMP development. Without providing the tools to address nonpoint source pollution, all the TMDLs in the world are worthless. Much of this burden falls to the SCC, KDA and KSU. To date, Kansas has provided the necessary resources to develop BMPs as part of our water quality improvement efforts. For example, the SCC and KDA spent \$345,399 on fecal coliform BMP research over the past

two years. However, Kansas' experience during the past decade illustrates a need to refine BMPs for the region of the state where they will be used. For example, KSU developed and instrumented a field site to evaluate land management practices and agricultural techniques in relation herbicide movement, and to mitigating or promoting runoff. This site, which came to be known as the Foster Farm Site, was the first of a group of on-farm research facilities designed to screen, or field test, area-wide farming practices and to measure the effectiveness of water quality best management practices. Once in operation, the Foster Farm also became an excellent demonstration tool to educate area farmers, chemical dealers and extension personnel. KSU has created six more BMP development sites to provide refined BMPs for those in other parts of Kansas. Currently, funding is from a hodgepodge of temporary sources. The annual cost is approximately \$300,000.

Costs to the Private Sector – Nonpoint Source Pollution

The SCC completed an inventory of the implementation needs for the Kansas Lower Republican River Basin (KLR), the first river basin for which TMDLs have been developed. Located in northeast Kansas, the KLR encompasses approximately 10,500 square miles. Watersheds designated high-priority for TMDL implementation encompassed 4,575 square miles. The map in attachment A illustrates the high-priority TMDL areas.

The inventory is a standard process for quantifying the cost of Best Management Practices (BMP) and technical assistance. The inventory addresses fecal coliform bacteria, nutrients, pesticides, sediment and dissolved oxygen impairments in TMDL high-priority watersheds. It uses data from the following sources: Natural Resources Conservation Service (NRCS); National Resources Inventory (NRI); Kansas Riparian Inventory; Input from local NRCS, Conservation District and KSU Research & Extension Personnel; Input from Local Environmental Protection Program Personnel; County Appraisers Office; KDHE Livestock Census & Confined Animal Feeding Operation Data; Historical Cost Data - SCC Programs; and, NRCS Workload Analysis. The inventory captures only costs associated with nonpoint source contributions and does not include TMDL-designated watersheds identified as medium or low priority. The methodology is outlined in attachment B.

The total cost to implement high-priority TMDLs in the KLR, including technical assistance, is slightly more than \$87 million. It is also important to point out that in the KLR the 1997 average market value of agricultural products sold per farm – the individuals who will pay for practices to improve water quality – was a little more than \$71,000. If the July 2000 rule requires more priority areas, this cost will increase accordingly. Following is a table illustrating the costs associated with TMDL implementation in the KLR.

Summary of Implementation Costs for the KLR:

RESOURCE NEED	UNITS	AMOUNT
Cropland Treatment (Acres)	195,715.00	\$ 30,169,260
Grassland Treatment (Acres)	502,354.00	12,558,860
Failing Septic Systems (Number of)	5,165.00	23,598,885
Livestock Waste Systems (Number of)	1,671.00	10,817,800
Riparian Area/Stream Buffer Restoration (Miles)	2,691.00	2,299,576
Technical Assistance - On-Site Wastewater @ \$228/System	5,165.00	1,177,620
Technical Assistance - All Other Practices (Staff Years)	13.22	6,612,466
TOTAL		\$ 87,234,467

While it is difficult to extrapolate the cost to the private sector for TMDL implementation in the remaining eleven river basins, the \$87 million provides a good starting point. It is also important to put this cost into perspective. Kansas is a state with 2.7 million people, 10 percent of which are responsible for land stewardship. We cannot expect 250,000 individuals to shoulder the entire burden of implementing TMDLs. Money, in the form of cost-share, must be available to ensure BMPs are installed and implemented. Kansas cannot do this alone.

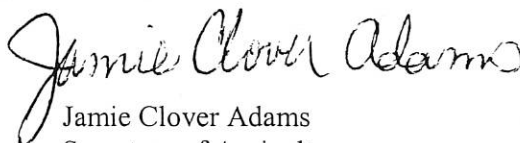
The SCC has started the needs inventory for the Cimarron and Arkansas river basins, which will be complete early in 2001.

Conclusion

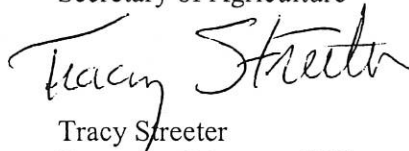
Kansas will need between \$1.6 million and \$2.35 million annually over three years to collect the necessary baseline data in all river basins except the Kansas Lower Republican to effectively target cost-share resources and educational efforts. The total annual cost to the state of Kansas to effectively develop and implement TMDLs is between \$1.5 and \$1.8 million annually. The cost to the private sector – primarily agriculture – will clearly exceed \$87 million.

As outlined above, these cost estimates are premised on the Kansas experience which illustrates that voluntary, incentive-based approaches are the appropriate mechanisms to address nonpoint source pollution and to improve water quality. Kansas will need to continue to marshal the resources necessary to implement TMDLs. The SCC needs assessment for the KLR clearly illustrates that Kansas currently does not have the necessary resources to fully implement TMDLs. Further, the current state of the farm economy clearly illustrates that Kansas producers aren't likely to have the necessary resources either.

Sincerely,



Jamie Clover Adams
Secretary of Agriculture

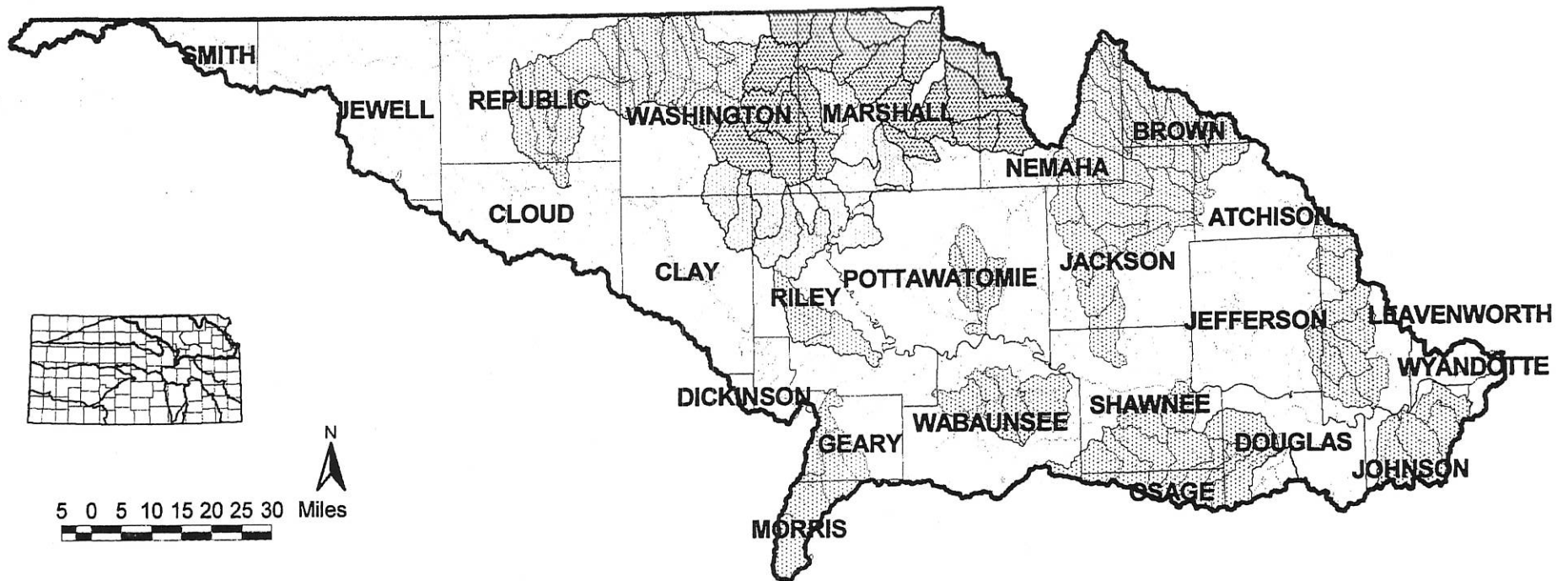


Tracy Streeter
Executive Director, SCC

cc: Tom Stiles, KDHE

Attachments

HIGH PRIORITY TMDLS IN KLR



- county boundary
- ▨ hydrology
- ▭ basin boundary

Attachment B

Kansas Lower Republican Needs Inventory Data Sources and Methodolgy

Inventory Data Sources:

- Natural Resources Conservation Service (NRCS), National Resources Inventory (NRI)
- Kansas Riparian Inventory
- Input from local NRCS, Conservation District and KS State University Research & Extension Personnel
- County Appraisers Office
- Input from Local Environmental Protection Personnel
- KDHE Livestock Census & Confined Animal Feeding Operation Data
- Historical Cost data - SCC Programs
- NRCS Workload Analysis

How the Data Was Used:

Eutrophication & Pesticides

The 1992 NRI was used to provide percent of cropland needing treatment, by county. The data was updated through 1999 by the local conservation district and NRCS office. The percent of cropland needing treatment was applied to the total acres of cropland in the high priority TMDL watershed to arrive at the number of acres needing treatment in the watershed. The local conservation district and NRCS office provided the cost per acre to treat cropland to arrive at the total cost.

The Riparian Inventory is completed in the nine of the 20 counties having high priority TMDL watersheds. In those counties, the Inventory measured, on a per mile basis, the different land uses within 100 feet of both sides of all perennial and intermittent streams. The streams with cropland only or a mix of cropland and permanent vegetation was measured to arrive at the miles of riparian areas in need of permanent vegetation. 11 digit hydrologic unit boundaries were added to this GIS database to calculate the need by watershed. These miles were multiplied by an average cost to establish different types of vegetation likely to be used in that county to arrive at the total cost. This cost does not include any costs to state or federal government should these areas be enrolled in the Conservation Reserve Program and the Kansas Water Quality Buffer Initiative. NOTE: Some of the TMDL high priority watersheds are mapped on a 14-digit hydrologic unit basis. As a result, some of the riparian inventory data does not accurately reflect the actual TMDL watershed.

Fecal Coliform Bacteria & Dissolved Oxygen

Livestock Waste

Livestock operations ranging from cow/calf to confined animals under 1,000 animal units were evaluated to determine the operations in need of some form of BMP. Those BMP's range from removing cattle from streams and proper grazing management to total containment of confined livestock waste.

The NRI was utilized to determine the percent of the grassland needing treatment, by county. The grassland costs were established using the same process as that used to determine cropland needs

Local input was used to determine the confined livestock operations in need of BMP's. This includes wintering areas; temporary background feeding operations, permanent confined feeding facilities and dairies. These operations were placed in two groups; those under and those over \$5,000 in BMP costs. The local NRCS, conservation district and Extension agent jointly determined the number and type of operations falling into these two categories. This local group also determined the average cost for BMP's in their county for small and large operations, and dairies. KDHE Registered and Permitted sites were reviewed to determine if adequate pollution control measures existed and to ensure facilities with adequate pollution controls were not included in the inventory.

The Riparian Inventory in the same method described above in watersheds impaired by fecal coliform bacteria and dissolved oxygen.

Human Waste

The inventory quantified the number of failing or non-existent onsite wastewater (septic) systems to determine the costs resulting from human wastes. The county appraiser identified all rural households in the high priority TMDL watersheds. The county sanitarian utilized existing data and sampling techniques to determine the percent of total households with failing or no septic systems. The sanitarians also sampled to determine the number of systems adjacent to receiving water bodies (100 meters). The estimated number of failing systems were multiplied by the average system installation cost obtained from SCC cost-share data to determine the total cost.

Technical Assistance (All impairments)

The technical assistance needs for agricultural BMP's was obtained from the 1999 Kansas Workload Analysis, conducted by NRCS. This analysis determined the number of staff years needed, by county, to address the natural resource needs identified in the NRI described earlier. The analysis subtracted the number of existing staff in each

county to arrive at the additional staffing need or gap. To arrive at the number of staff needed for TMDL implementation, the gap for the entire county was multiplied by the percent of the county acres in a high priority TMDL watershed. For example, if the Workload Analysis indicated a county gap of 4 staff years and 40 percent of the county is in a TMDL watershed, the TMDL technical need is 1.6 staff years ($4 * .4$). NRCS costs per staff year of \$50,000 were used to establish the inventory's technical assistance costs.

The Local Environmental Protection Program personnel estimated the technical assistance costs per failing onsite wastewater system to equal 5 percent of the system's cost. Based upon the SCC average cost per system of \$4,569, the technical assistance cost per system is \$228. The cost per system was multiplied by the total number of failing systems to arrive at the total inventory cost for this BMP.

Summary of Implementation Costs:

RESOURCE NEED	UNITS	AMOUNT
Cropland treatment (Acres)	195,715.00	\$ 30,169,260
Grassland treatment (Acres)	502,354.00	\$ 12,558,860
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Livestock Waste Systems (Number of)	1,671.00	\$ 10,817,800
Riparian Area/Stream Buffer Restoration (Miles)	2,691.00	\$ 2,299,576
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Kansas Department of Agriculture Annual Legislative Briefing

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Kansas Department of Agriculture

Vision and Mission

The Kansas Department of Agriculture must strive to establish itself as the premier food safety, consumer protection, and natural resource protection agency in Kansas. This strong foundation will enable the Secretary to effectively advocate and educate on behalf of Kansas agriculture. All of this can be accomplished by administering the laws and programs assigned to the Department for the benefit of the people of Kansas. KDA will administer its programs in an effective and efficient manner which, if challenged, will be proven credible.

Programs

The Kansas Department of Agriculture is, first and foremost, a regulatory agency. It is charged by law with ensuring the safety of the meat, milk and egg supply; ensuring the responsible and judicious use of pesticides and nutrients; ensuring the integrity of weighing and measuring devices in commerce; and ensuring that the waters of the state are put to beneficial use. The Secretary of Agriculture also has a role in education and advocacy for agriculture.

Administration and Support

Under the direction of the Secretary of Agriculture, the administration and support section provides the general policy, outreach, coordination and management functions for the department. This includes the Office of the Secretary, central fiscal and records center, personnel, legal, automation and telecommunications, research, and information and education. Beginning in FY 1997, fiscal, legal and personnel functions, which were spread across the different programs, were consolidated into central office. This resulted in the reallocation of five vacant positions through the agency. A year earlier, departmental automation and telecommunications functions had been consolidated.

Also within this administrative grouping is the statistical services and support subprogram, also known as the Kansas Agricultural Statistics Service (KASS), a cooperative federal-state program. Through KASS, data about the many segments of Kansas agriculture are collected, analyzed and disseminated.

Program Management

Kansas Secretary of Agriculture Jamie Clover Adams provides leadership for the department and the administrative section. The office of the secretary can be reached by telephone at (785) 296-3556, or by email at ksag@kda.state.ks.us.

Budget and Staffing Information

The administrative subprograms have 40.5 positions and a budget of \$3.859 million – 51.9 percent state general fund, 38.3 percent fees and 9.8 percent federal funds.

Food Safety and Consumer Protection Programs

These programs provide food safety and consumer protection functions through regulation of the production and sale of meat, poultry, dairy products, eggs, agricultural seeds and feeding stuffs. Through these activities, the department seeks to protect the consumer; at the same time, these activities benefit the agricultural industry by maintaining a climate of consistency and confidence in the marketplace.

Dairy Inspection Program

This program's activities ensure that milk and dairy products are produced, processed and distributed to reach consumers in a safe, clean, wholesome and unadulterated form. To accomplish these goals, the dairy program conducts inspections, collects samples for analysis, issues licenses and permits, and conducts educational activities.

Program employees work with dairy producers on the farm, milk transport haulers and samplers, at milk processing facilities where milk is bottled or dairy products produced, and at food establishments where dairy desserts are sold. Although the number of individual dairies continues to decrease, the actual number of dairy cows and production is increasing.

Program Management

George Blush is the manager of this program and can be reached at (785) 296-7020, or by email at gblush@kda.state.ks.us.

Budget and Staffing Information

Nine full-time employees conduct the duties of the dairy program, with inspectors located across the state. The program budget of approximately \$510,000 is split equally between state fee funds and the state general fund.

Other Government Partners

The dairy program works closely with the United States Food and Drug Administration (FDA) cooperative programs and interstate milk shippers program. Within Kansas, program staff also work with the Kansas Department of Health and Environment's livestock waste permitting program.

Commonly Used Terms

Grade A Milk: Sanitary conditions on these dairy facilities are maintained at a level to allow the milk to be sold for fluid (beverage) consumption. This milk is regulated under federal milk marketing orders.

Manufacturing Grade Milk: This milk does not meet Grade A standards, so it can be used only in the manufacture of processed dairy products.

Grade A Pasteurized Milk Ordinance: FDA publishes the minimum standards and requirements for Grade A milk production and processing. The Kansas dairy program adopts the PMO standards for the Kansas industry so they can sell their milk outside the borders of the state.

Meat & Poultry Inspection Program

The state licenses small, local meat processors, often referred to as locker plants, in Kansas communities. Licensing entails inspection on slaughter days and on a patrol basis of ongoing processing of meat products for sale to consumers. Most of the large slaughter plants in the state are federally inspected.

The state meat inspection program is equal to federal inspection, adopting federal standards for inspection designed to result in safe and sanitary meat and poultry products. Program staff provide antemortem and postmortem inspections of cattle, sheep, swine, American bison, rabbits, goats, horses, mules, other equine, and poultry slaughtered for human consumption. They also inspect establishments to ensure sanitary conditions are maintained in meat processing facilities, assist with providing sanitary and labeling information, and investigate complaints about the sale of meat and poultry in Kansas.

In recent years, the inspection program and the state's small meat processors have been challenged to improve sanitation in the plants to maintain the state's "equal to" federal status and approval from the USDA. The most recent review earned the program plaudits from federal reviewers and a laudable category II (acceptable with minor variations) rating. The state's fully inspected plants have developed and put into effect new HACCP plans as of January 2000. Department staff and plants alike have been watching federal legislation which would allow interstate shipment of state-inspected meat and poultry in 2001. However, no action has been taken by Congress.

Program Management

Dr. Lyman "Butch" Kruckenberg is the manager of this program. He can be reached at (785) 296-3511, or by email at lkruckenberg@kda.ks.us.

Budget and Staffing Information

The inspection program has 63 full-time employees, many of whom are inspectors and/or veterinarians based at different locations across the state to service meat and poultry processing facilities. Meat and poultry inspections operate on a budget of \$2.838 million, divided nearly equally between federal and state general funds (49.4 percent state general funds, 48.7 percent federal funds and 1.9 percent state fee funds from licensing of facilities).

Other Government Partners

As a state program equal to the federal program, the state adopts federal law on meat and poultry inspections. The program works closely with, and is partly funded by, the United States Department of Agriculture's food safety inspection service. Other food safety regulatory efforts in Kansas are taken by the Kansas Department of Health and Environment's food and lodging inspection staff. They inspect restaurants and retail grocery stores.

Commonly Used Terms

Fully Inspected Meat Processing Plant: These licensed plants slaughter animals and prepare products for retail sale. They were required to adopt Hazard Analysis at Critical Control Point (HACCP) plans in January 2000. The HACCP requirement applies to all state and federally licensed facilities, and it is intended to provide improved food safety for American consumers.

Custom Processing Plant: These plants slaughter and prepare products only for the owners of animals, their families, employees and guests. Despite the lack of retail conditions, sanitary conditions must still be maintained in these facilities.

Interstate Shipment: Although state inspection programs must maintain the same high food safety and sanitation standards as do the federal program, products from state-inspected plants cannot be sold outside the state. Both the state's meat processing industry and the Kansas Department of Agriculture support interstate shipment. Senate Bill 1988, New Markets for State Inspected Meat, was introduced in Congress by Senators Daschle and Hatch in 2000. To date, no action has been taken.

HACCP: The Hazard Analysis at Critical Control Point (HACCP) system originated in the space program. It requires food processing operations to analyze their systems to determine at which points critical problems tend to occur, then to institute processes and plans to mitigate those problems and avoid health safety dangers.

Agricultural Commodities Assurance Program (ACAP)

Through inspections, registrations, and sampling and testing, this program contributes to food safety and consumer protection. It ensures that products used by farmers and agribusinesses are safe and high quality, and are sold without misrepresentation to consumers. These products

include: **Seeds**, to ensure that seed purchased meets label guarantees and contains no noxious weed or restricted weed seeds exceeding allowed quantities; **Livestock Remedies**, which must meet label claims; **Commercial Feeding Stuffs**, including pet foods, which are analyzed and registered to prevent contaminants and adulterants from entering the human and animal food chain; **Eggs**, regulated to ensure safe and properly identified products for human consumption; **FDA Medicated Feeds**, monitored for good manufacturing practices and compliance at feed mills to prevent adulterated, misbranded or unhealthy animal feeds from entering the animal and human food chain; and **FDA tissue residue tests**, to protect consumers of beef and pork products by investigating reported cases of misuse of federally regulated livestock medications.

Program Management

Constantine Cotsoradis manages the ACAP program. The telephone number is (785) 862-0108 or email to ccotsoradis@kda.state.ks.us.

Budget and Staffing Information

There are seven full-time employees in the ACAP program. It operates on an annual budget of \$380,000, 89 percent of which is generated from state fees and 10.6 percent from federal funds.

Other Government Partners

The ACAP program works with the federal Food and Drug Administration on two consumer protection programs: the medicated feed program, the goal of which is to keep unhealthy animal feeds from entering the human food chain, and tissue residue tests, which ensure that federally regulated livestock medications do not remain in beef and pork for human consumption.

Commonly Used Terms

Animal Drugs: The state ACAP program works with FDA, which has a mandate to assure the safety and effectiveness of drugs used for farm animals. "Safe and effective" animal drugs must have testing data providing a way to detect and measure any residue in edible animal products and showing that ready-to-eat products do not contain unsafe residues. Persons treating farm animals must follow restrictions about withdrawal times and other use constraints contained on drug labels. Tissue residue and medicated feed testing help ensure these facts.

Grain Warehouse Program

This program operates to assure the quantity and quality of all stored commodities to all producers of grain in Kansas, and to provide grain producers assurance of solvent, licensed warehouses. Staff examine all licensed warehouses in Kansas at least once every 12 months, as required by law, and examine warehouses that meet only minimum financial requirements more than once a year, to protect the depositors of grain stored in those warehouses. It is a program

goal to conduct examinations of licensed facilities in the state of Kansas as accurately as possible.

Program Management

Ron White is the manager of this program. He can be reached at (785) 296-3455, or by email at rwhite@kda.state.ks.us.

Budget and Staffing Information

This program employs eight full-time employees. Totally funded by state fees, its budget is \$509,000 in the current fiscal year.

Other Government Partners

The Kansas Public Warehouse Law requires that all public warehouses be licensed and bonded to store grain for the public. They are allowed to be licensed either under the state grain warehouse program or under the federal system. There are 202 state-licensed grain elevators and 90 federally licensed facilities in the state. In the federal program, licensing, bonding and supervision of the warehouses is provided by the licensing and warehouse program under USDA's Grain Inspection, Packers and Stockyards Administration (GIPSA). The two programs are completely separate.

Before the program was split and partially privatized in September 1997, grain grading services were provided by the Kansas State Grain Inspection Department. Today, Kansas grain is inspected by employees of the Kansas Grain Inspection Service, Inc., headquartered in Topeka, telephone (785) 233-7063.

Commonly Used Terms

Grain Warehouse: This is what is commonly known as a grain elevator.

Grain Inspection, Packers and Stockyards Administration (GIPSA): In 1994, this agency combined the Federal Grain Inspection Service (FGIS) and the Packers and Stockyards Administration (PSA). For federally inspected grain warehouses, FGIS provides grain marketing standards and an official inspection system.

Licensed Public Warehouse in Kansas: This is the only place that can legally store grain for the public. Individuals who want to operate a public warehouse must complete a written application and have a minimum net worth of at least 25 cents per bushel of storage capacity of the facility. The minimum net worth is \$25,000. The company must have a surety bond payable to the state of Kansas based on licensed capacity, minimum of \$10,000 and maximum of \$500,000. In Kansas, a warehouse facility may be licensed and regulated under Kansas law, or licensed and regulated under federal law.

Liability Grain: This is customer-owned grain which is stored in a licensed warehouse.

Deferred Payment Contracts and Deferred Pricing Contracts: Instances in which grain is sold to the warehouse, and title to the grain has passed to the warehouse, but payment is deferred to a later date.

State Receivership: When there is an elevator failure in the state of Kansas, the courts appoint a receiver to oversee operation of the elevator, and movement of grain in and out of the facility stops. KDA's grain warehouse program inventories grain and conducts a audits to determine the grain liability. Usually the grain is sold and put into accounts to pay the depositors on a pro rata basis for their grain.

Weights and Measures Program

This program provides a consumer protection function through the inspection and certification of large and small scales, scanners, gasoline pumps, fuel quality testing and the laboratory calibration of weights. It also provides oversight and training of private service companies and their technicians. During the 1996 Kansas Legislative Session, this program underwent significant reforms to its statutory and management structures. The program was separated from the Division of Inspections into its own program beginning in FY 1997 to reflect its unique consumer protection function.

Weights and measures reaches into most facilities and businesses where commerce takes place. It provides consumer protection to ensure items purchased are of the amount the consumer expects and are properly priced.

Program Management

Constantine Cotsoradis is the manager of this program and can be reached at (785) 862-2415, or by email at ccotsoradis@kda.state.ks.us.

Budget and Staffing Information

Twenty-one full-time employees perform weights and measures duties. The program budget is about \$1.37 million, with 53.7 percent from state fee funds and 46.3 percent from the state general fund.

Other Government Partners

The weights and measures program cooperates with the National Institute of Standards and Technology (NIST), a non-regulatory agency that provides guidance and assistance on weights and measures law and test measurements, to assure consistency and equity in the states.

Commonly Used Terms

NCWM: National Conference on Weights and Measures.

NIST: National Institute of Standards and Technology, formerly National Bureau of Standards.

Weighing and measuring device: Any scale, meter, gas pump, or scanner.

Tolerances: The amount of error a device may have and still be considered correct.

Large Scales: Scales with a capacity greater than 2000 pounds. They may be vehicle, hopper or platform scales.

Vehicle scales: Scales used to weigh trucks.

Headhouse scales: Hopper scales used in grain elevators.

Small scales: Small-capacity scales, generally 30 pounds or less, used in supermarkets, delis, shipping companies, etc.

Retail motor-fuel dispenser: Gas pump.

VTM: Ameter on the back of a truck. These trucks deliver home heating oil, gasoline and other bulk products.

LPG: Liquefied petroleum gas.

Licensed Service Company: Scale, meter, or gas pump service company that has completed an application, paid a fee and has licensed service technicians. Only licensed service companies may operate in Kansas.

Licensed service technician: A scale, meter, or gas pump service technician employed by a licensed service company who has taken four hours of continuing education and passed an examination.

Water Resource Programs

The water resource programs provide both natural resource protection and a public safety function through the management of the quantity of the state's scarce water resources and the inspection of water structures.

Water Appropriations Program

This program manages the state's water supplies through a system of permits, reviews and inspections. It issues water rights, maintains data about water usage and administers water rights during times of shortage. Kansas natural resources are protected through management of the quantity of the state's scarce water resources.

Program Management

Tom Huntzinger is the manager of this program. He can be contacted at (785) 296-3717 or by email at thuntzinger@kda.state.ks.us.

Budget and Staffing Information

Fifty-one full-time employees staff this program. The budget of about \$2.75 million is divided between the state general fund, at 87.6 percent, and state fee funds, at 12.4 percent.

Other Government Partners

Several regulatory entities deal with all aspects of water in Kansas — quantity, quality and planning. State government partners include the Kansas Water Office, the Kansas Water Authority and the Kansas Department of Health and Environment. Interaction is also with the Kansas Department of Wildlife and Parks and the localized Groundwater Management Districts (GMDs). Involvement in water related issues also comes from the Kansas Geological Survey, the State Conservation Commission, the Kansas Corporation Commission and the KSU Extension Service and Experiment Stations. The USDA's Natural Resources Conservation Service (NRCS) is involved with many small watershed projects in partnership with local interests.

Commonly Used Terms

Water Right: A water right is required for all uses of water except domestic uses. This program administers the application for, and development and perfection of, the right to use water.

Water Appropriation Doctrine: As in Western Water Law, "All water within the state of Kansas is dedicated to the use of the people of the state, subject to the control and regulation of the state..." Under this doctrine, the first in time has the first right to water undiminished by junior appropriations.

Watershed: The total land area, regardless of size, above a given point on a waterway that contributes runoff water to the flow at that point.

Acre Foot: A measurement of water usage; the amount of water which would cover one acre of land to a depth of one foot.

Minimum Desirable Streamflow (MDS): MDS is a streamflow management program outlined in statute, which is designed to balance the uses of water among competing quality, quantity, recreation and wildlife needs when water is short. Under a memorandum of understanding with the chief engineer, the Kansas Water Office monitors 23 Kansas streams which have individual MDS levels set. When the statutory level is reached, the chief engineer must notify junior water right holders to cease water use until streamflows return to higher levels.

Groundwater: Water stored in underground natural reservoirs. The Ogallala Aquifer, which underlies much of the western third of Kansas, provides water for that part of the state.

Surface water: Water from streams, rivers, lakes and reservoirs. Most water used in the eastern part of Kansas comes from surface water.

Water Structures Program

The job of this program is to inspect and regulate the safety of dams which, if failed, could endanger lives and property. If a high-hazard dam fails, it would cause significant property damage and/or loss of life. The program also monitors activities affecting the flow of rivers and streams to ensure these activities are properly planned, constructed, operated and maintained. These activities include such structures as dams, levees and other projects which change the flow of streams.

Program Management

Sam Sunderraj manages the water structures program. His telephone number is (785) 296-3717, and his email address is ssunderaj@kda.state.ks.us.

Budget and Staffing Information

There are 14.5 full-time employees housed in this program. Funding of \$1.138 million comes from the state general fund (53.3 percent), state fees (8.1 percent) and federal funds (38.6 percent).

Other Government Partners

The structures program is involved in implementing of the Environmental Coordination Act review of newly proposed structures. Seven state agencies coordinate to permit projects, including the structures program. They are the Kansas Corporation Commission, Department of Health and Environment, Wildlife and Parks, Forestry Service, Biological Survey, Historical Society and State Conservation Commission. The program also works with the U.S. Corps of Engineers, NRCS, and, in flood events, the Federal Emergency Management Administration (FEMA) as the National Flood Insurance Program coordinating agency.

Commonly Used Terms

Dam: A structure that is subject to inspection by the structures program because it impounds 30-acre feet or more of water as measured at the top of the dam.

High-Hazard Dam: A dam which, if it failed, could cause extensive loss of life.

Fill: Material used to build a water structure — rubble, dirt, concrete or other materials.

Floodplain Fill: Any fill greater than one foot above the existing ground placed in the 100-year floodplain.

Levee: Any floodplain fill which repels floodwaters

Channel Change: Any project that changes the course, current or cross section of a stream.

Water Management Services Program

This program's activities include staff management and training for the water resources programs; representing Kansas in interstate river basin compacts; management of the Water Rights Information System (WRIS); and, representing Kansas in four interstate river basin compacts.

Program Management

Steve Stankiewicz currently manages this program. He can be reached at (785) 296-3717 or by email at sstankiewicz@kda.state.ks.us.

Budget and Staffing Information

Fourteen full-time employees are authorized in this program. Total funding is \$837,000, with 99.4 percent from the state general fund and the remainder from state fees.

Other Government Partners

This program works to protect the interests of the state of Kansas with the neighboring states involved with the Republican River Compact; the Arkansas River Compact; the Arkansas River Basin Compact, Kansas-Oklahoma; and the Kansas-Nebraska Big Blue River Compact.

Commonly Used Terms

Interstate River Compact: Neighboring states that share rivers have entered into agreements to assure the waters of those rivers are shared fairly between the states.

State Water Plan Implementation

This program encompasses activities from other subprograms, but lists them separately in the budget due to their funding source. These are interstate water, the basin management teams and flood plain management. Housed in this program are 12.7 full-time employee positions with 100-percent funding from the State Water Plan.

Subbasin Water Resource Management Program

This group works to address water quantity issues identified in the State Water Plan. This approach encompasses related water resources in a specific hydrologic basin to develop long-term water management strategies, combining good technical information and expertise with the input of local citizens and agencies, state and federal government agencies

Environmental Protection Programs

These programs work to ensure the protection and health of the state's natural and cultivated plant resources and the environment through preventive activities and actions designed to ensure the safe and proper use of pesticides.

Plant Protection Program

This program protects the agricultural industry from the introduction of foreign plant pests. It works with noxious weed departments in the counties to help with the control or eradication of these destructive weeds in Kansas. Program staff provide phytosanitary certification to ensure exports of agricultural crops meet the requirements of other nations. They also inspect nursery stock to ensure new pests are not introduced through the state's horticultural industry.

Program Management

Program manager Tom Sim can be reached at (785) 862-2180, or by email at tsim@kda.state.ks.us.

Budget and Staffing Information

The total budget for this program of 12 full-time employees is \$942,000. The funding split is 62.9 percent state general fund, 26.3 percent state fee funds and 10.8 percent federal funds.

Other Government Partners

The plant protection program works closely with USDA's animal and plant health inspection service, with the mission of protecting animal and plant health and working to prevent

or eradicate new pests. They also certify that U.S. exports meet importing countries' animal and plant health standards.

This program also is a resource for the state's county weed directors who work to eradicate and control noxious weeds.

Commonly Used Terms

Phytosanitary certificates: Shipments of grain for export are inspected and certified free of pests banned by importing nations.

Noxious Weeds: Currently the Kansas legislature designates certain very damaging weeds as noxious weeds by law. Landowners are obliged to control these weeds. County weed departments survey for the presence of uncontrolled noxious weeds and sell cost-discounted pesticides to help landowners in achieve control.

Fertilizer and Pesticide Program

Employees of this program protect the public health by ensuring safe use of pesticides and fertilizers. This program was formed in April 2000 under a realignment that moved staff and inspection functions for fertilizer, fertilizer containment, anhydrous ammonia safety, agricultural lime and soil amendments under the pesticide program. This realignment follows the national trend for improved water quality, control of non-point source pollution, and the integration of agricultural chemicals with other agronomic and crop protection tools. Products regulated under the fertilizer and pesticide program are: **pesticides**, by providing licensing, certification and services for pesticides and pesticide applicators; **commercial fertilizer**, to protect the environment from accidental fertilizer contamination and to assure accurately labeled fertilizer products. Program staff can issue stop sale/stop use orders to prohibit further sale of fertilizer or further use of facilities or equipment used in the transport, handling, distribution, dispensing, selling, storage, or disposal of fertilizer; **soil amendments**, for which proof of product efficacy must be provided before products are offered for sale; **anhydrous ammonia**, benefits human and environmental safety by monitoring and inspecting the storage, handling, transportation and sale of anhydrous ammonia. Staff also work to prevent and reduce the impact of any accidental releases of anhydrous ammonia through a strong industry training program; **agricultural lime**, compounds containing calcium or magnesium for neutralizing soil are monitored for effectiveness and accuracy in labeling.

Program Management

Gary Meyer is the program manager. He can be reached by telephone at (785) 296-3786, or by email at gmeyer@kda.state.ks.us.

Budget and Staffing Information

This program has 28 full-time employees. Funding of \$1.79 million comes from a mix of 9.4 percent state general fund, 57.9 percent state fees and 32.7 percent federal funds.

Other Government Partners

This program works closely with several other government agencies, including the U.S. Environmental Protection Agency through the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), and the Kansas Department of Health and Environment's Waste Management and Spill Response sections. Training and testing of pesticide applicators is done cooperatively with Kansas State University.

Commonly Used Terms

Fertilizer Fee Fund: A portion of the fees paid for sales of fertilizers is dedicated to environmental protection and improvement. Some monies are directed into the State Water Fund and used for water quality and quantity projects. Other dollars go into a remediation fund to clean up problems if they should occur.

Chemigation Safety Law: This requires Kansans who apply pesticides, fertilizers or other chemicals, or animal wastes through irrigation equipment, to install appropriate antipollution devices and to obtain an annual permit. Staff in this program inspect chemigation operations.

Nutrient Utilization Plan: In 1998 the Kansas Legislature amended the Chemigation law to require that existing and new confined swine feeding facilities with more than 1,000 animal units have an approved nutrient utilization plan to apply swine waste to lands at rates no greater than the agronomic application rate. These plans are approved within the pesticide and fertilizer program.

Fertilizer Containment: This program is authorized to issue and enforce stop sale or stop use orders when fertilizer containment facilities are not designed and built to appropriate safety standards. Building preventive features into fertilizer containment facilities can benefit the environment by minimizing damage in the case of a spill or structural failure.

RUPs: An abbreviation for restricted use pesticides, or those pesticides that bear a label indicating special training and registration is necessary for their use and application.

Commercial Applicators/Private Applicators: The Kansas Pesticide Law contains a mechanism to certify the competence of individuals who apply pesticides. Individuals who work in commercial businesses, and farmers or others who apply pesticides to their own property, receive training and are certified through this program with the cooperation of Kansas State University.

Laboratory Program

This program establishes, maintains and improves analytical laboratory services for the meat and poultry program, the dairy program, ACAP and pesticide and fertilizer programs in the Kansas Department of Agriculture. It ensures that submitted samples are subjected to the highest possible standards of accuracy and precision. This is done to protect the health and safety of Kansans and to ensure accurate labeling of products offered for sale.

Program Management

Constantine Cotsoradis manages the laboratory program. He can be reached at (785) 862-0108, or by email at ccotsoradis@kda.state.ks.us.

Budget and Staffing

This program has 19 employees and is funded in the amount of \$955,000. Of this amount, 37 percent is from the state general fund, 57 percent from state fees and six percent from federal funds.

Other Government Partners

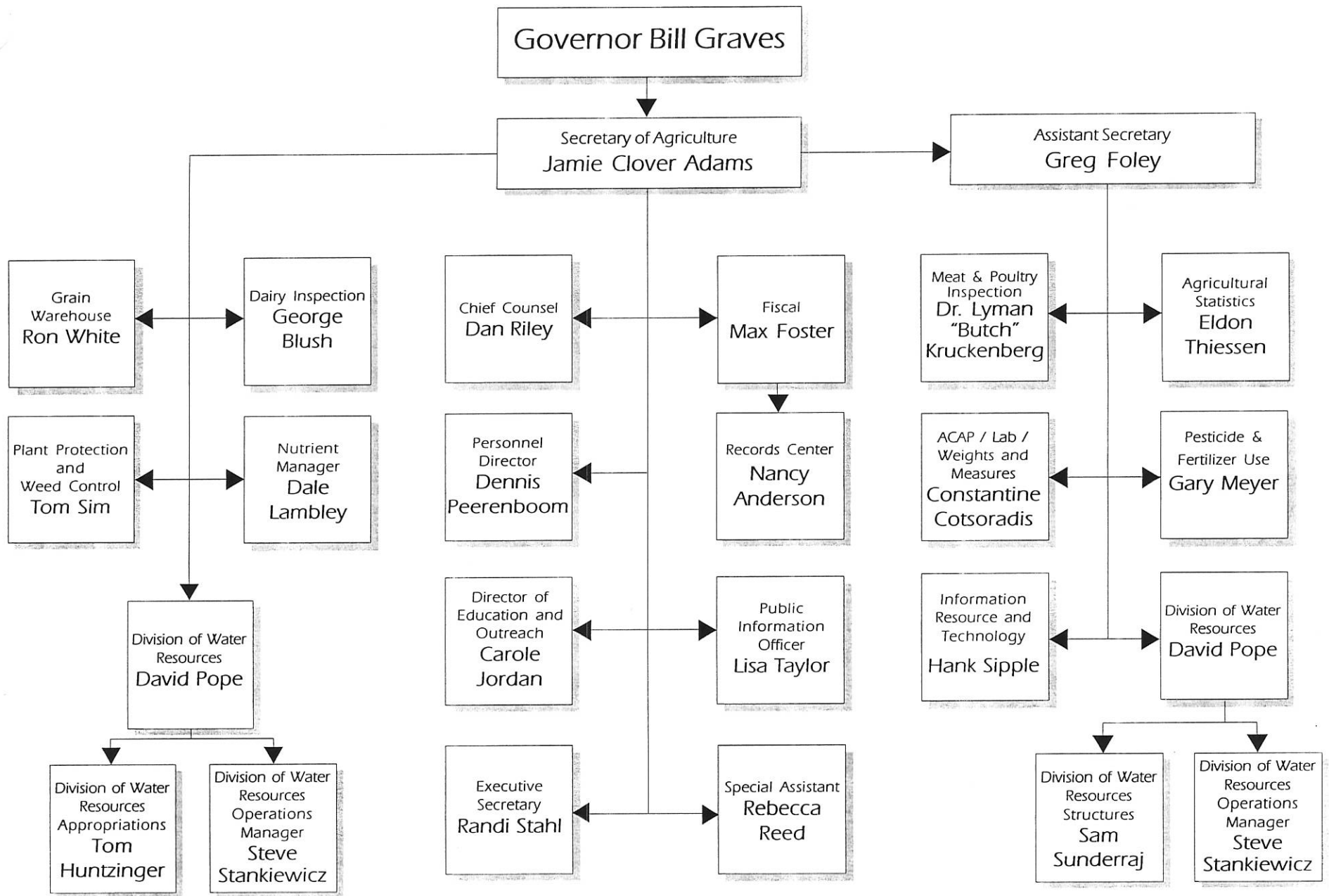
The laboratory program supports the other KDA programs and inspectors in the field who investigate or take samples of meat, milk, eggs, possible pesticide contamination, seeds, feeds, fertilizers or other products. The Kansas Department of Health and Environment and the Kansas Bureau of Investigation operate separate laboratories.

The Governor's Agricultural Advisory Board

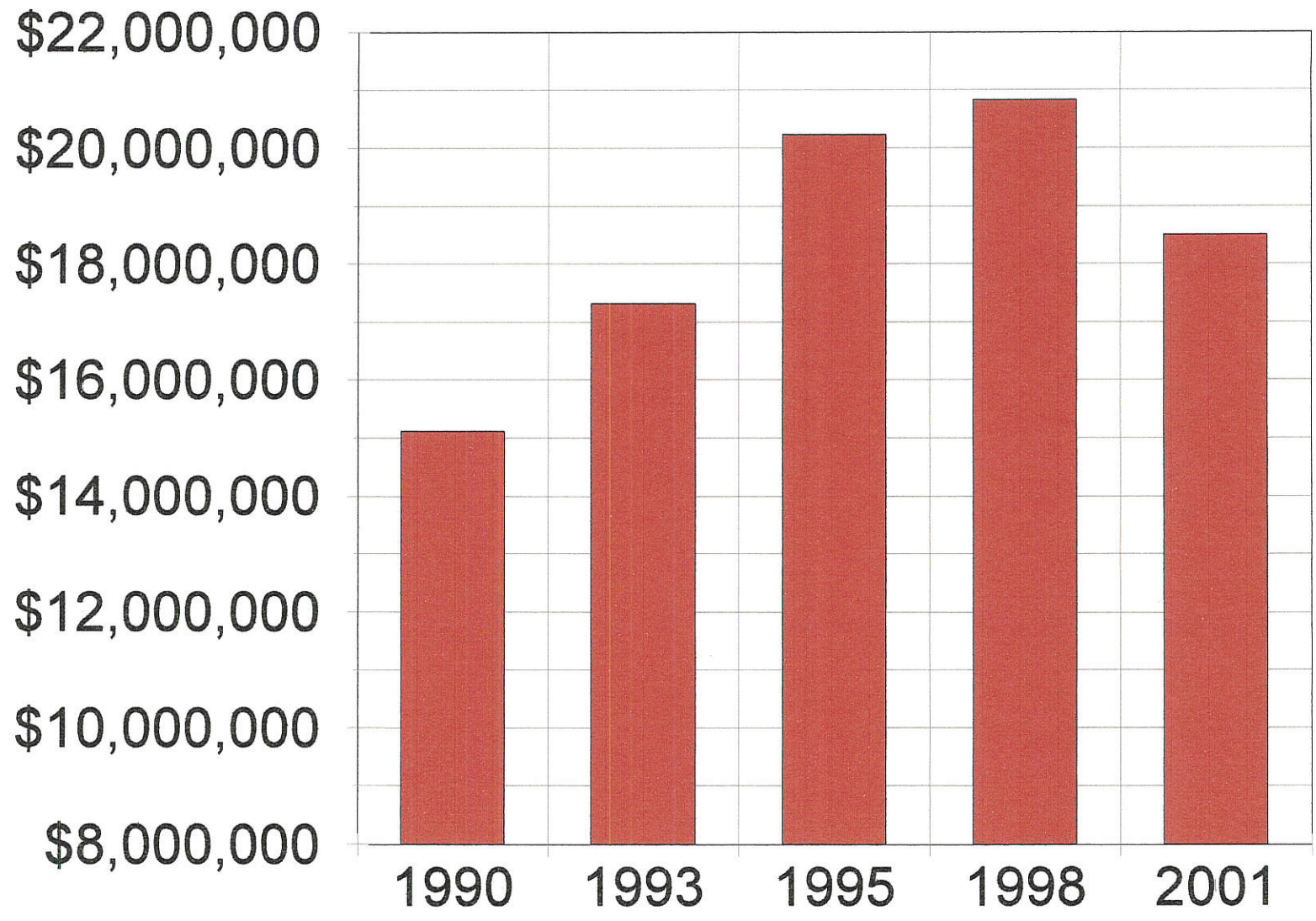
Stephen L. Mangan, Chair	Tribune
Ann M. Peuser, Vice Chair	Baldwin
Galen Swenson	Salina
Elizabeth Hendricks	Howard
Patrick J. Maloney	Kingman
Betty Corbin	Towanda
Roland L. Rhodes	Gardner
Gary Beachner	Parsons
Dr. Wade Taylor	Oakley

Budget Base Fiscal Year 2001

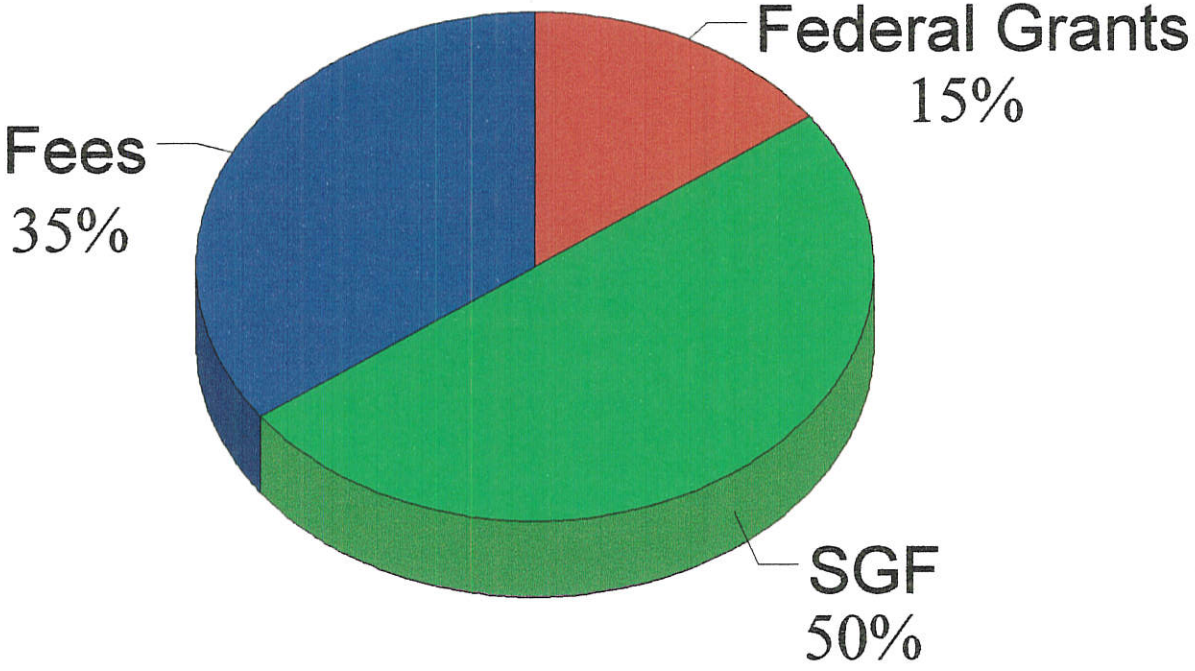
Total Budget is \$19,788,428
Federal Grants— 15 percent
State General Fund—50 percent
Fees—35 percent



Total Departmental Budget

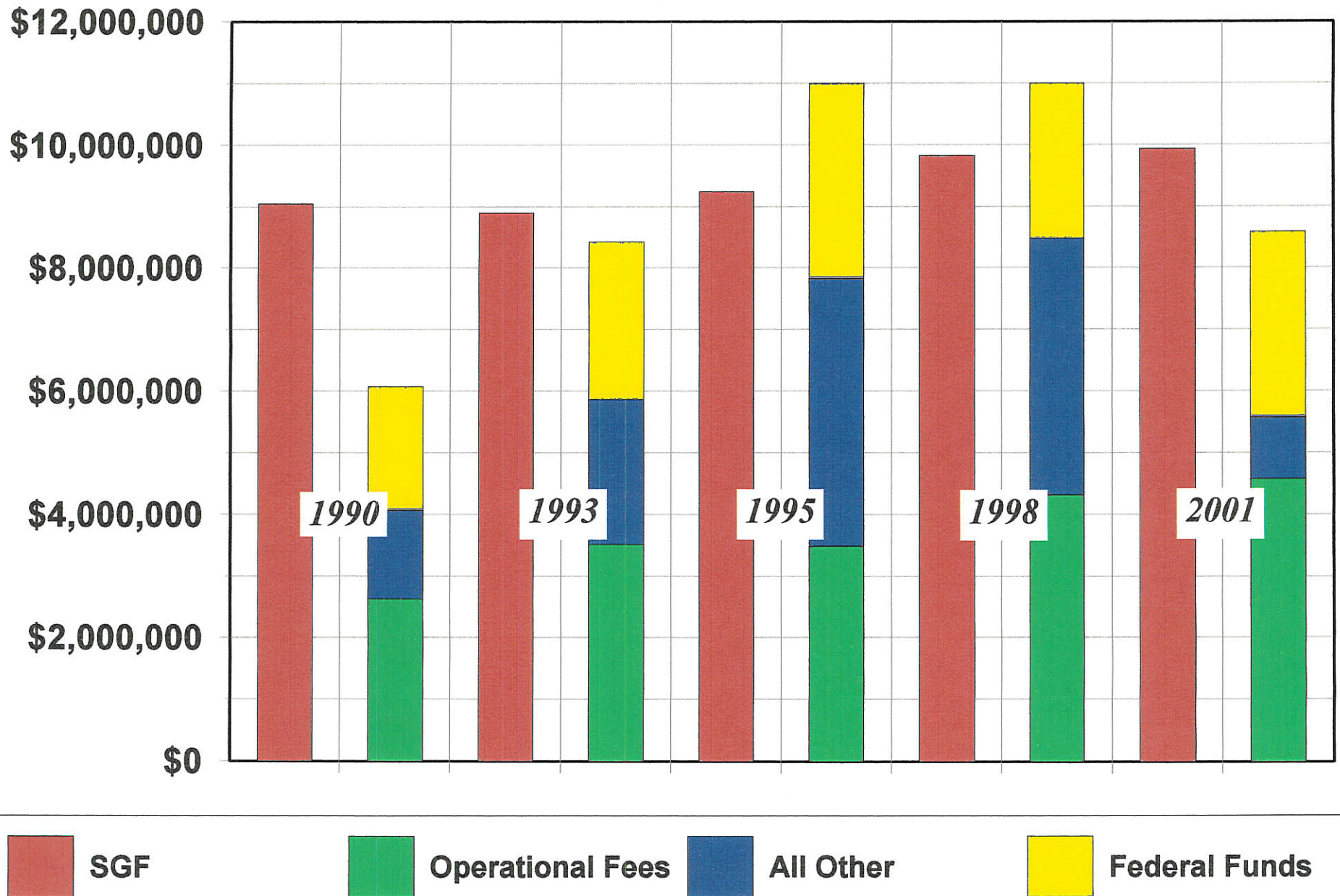


KDA Budget by Source

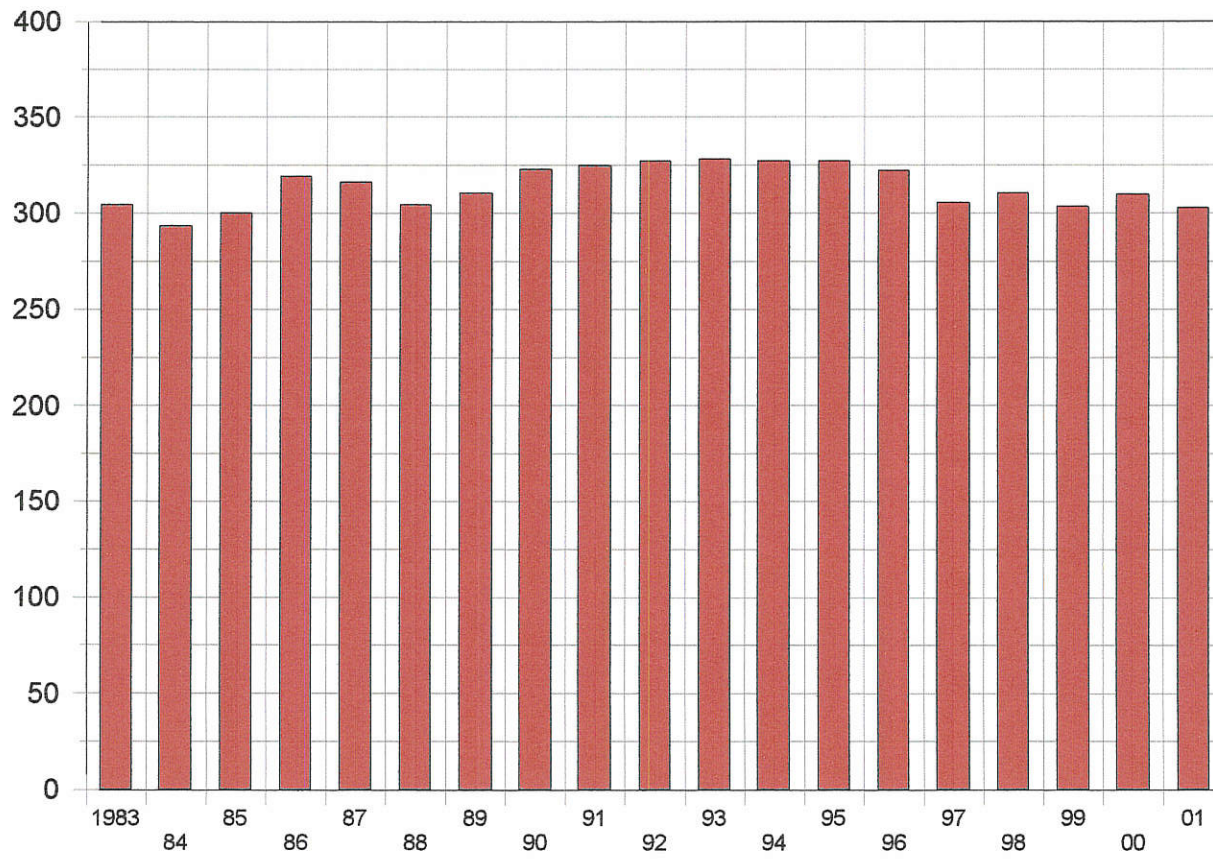


Kansas Department of Agriculture Funding Comparison

3-20



Number of FTEs by Year



Update, Clarify and Streamline the Kansas Dairy Law

Issue: Currently, the Kansas Dairy Law is a patchwork of amendments added over the past 70 years that make the law confusing and difficult to understand. The regulated industry has difficulty determining what is required of them because requirements are scattered throughout various places within the law. Therefore, the department proposes to update, clarify and streamline the law to benefit the regulated industry, as well as the agency, and to ensure the safety of the Kansas milk supply.

Major Components of the Proposed Changes

The changes proposed by the Department of Agriculture fall into the following general areas:

- Remove obsolete statutes
- Reorganize the statutes into general categories pertaining to ungraded milk, Grade A milk, manufacturing milk and frozen dairy desserts
- Consolidate the two dairy fee funds into one dairy fee fund
- Eliminate discrepancies in statutes pertaining to penalties for late remittance of fees
- Create more uniform penalties across general categories with the statute

Kansas Meat and Poultry Inspection Act Technical Amendments

Issue: Day-to-day operation of the Meat and Poultry Inspection Program has highlighted several deficiencies within the statute. Clarification in these areas is needed.

Major Components of the Proposed Changes

The changes proposed by the department fall into the following general areas:

- Create definitions of a wholesaler, distributor and public warehouseman to expedite and provide clarification for registrants
- Restore registration fees for distributors, wholesalers and warehouses that register under the Act which were inadvertently deleted during the last update of the Act
- Allow the use of electronic signatures

Repeal of the Statistics Division Requirement to Aid County Census

Issue: K.S.A. 74-504d currently requires Statistics Division of the Kansas Department of Agriculture to work with county appraisers statewide to collect agricultural data from all producers within each county. Due to changes in the state property tax code, this method of data collection is now ineffective. Also, the original goal was to identify new producers, and this can no longer be accomplished with this method. Therefore, the requirements of K.S.A. 74-504d should be repealed.

Background

When originally drafted in 1978, K.S.A. 75-504d required that producers provide, for tax purposes, information on all agricultural machinery, livestock and production on hand. Many of these property taxes have since been eliminated, so the data collection requirement has become an unnecessary burden to county appraisers.

Current Process

Under the current process, the Statistics Division supplies each appraiser with labels of all known producers within that appraiser's county, as well as forms on which to collect the information. The appraiser mails the forms to producers identified by the Statistics Division, missing any new producers not on the current mailing list.

Once the appraisers believe they have received all forms that will be returned, they forward them to the Statistics Division to be processed. The information is used to update the Kansas agriculture producer database and to provide county-level data for Kansas Farm Facts, an annual publication of the Statistics Division. Of the 50,000 to 60,000 farmers in Kansas, this method garners only 16,000 responses.

Data Gathering

To date, about 6,000 to 7,000 end-of-year surveys are mailed to producers and other agriculture-related businesses. To offset the loss of data by a repeal of K.S.A. 74-504d, the Statistics Division will expand some of its end-of-year mailings to around 10,000 to 12,000. This will increase the sample size and the amount of data collected, and more resources will be allocated to provide for follow-up telephone calls on surveys not returned.

Data collected during the end-of-year surveys will be supplemented by information the Statistics Division now collects for the five-year US Census of Agriculture, which it is responsible for conducting since being designated the state office of the National Agricultural Statistics Service in 1997. Therefore, where appropriate, federal funds may be used to enhance state funding to pay for the expanded mailing and follow-up.

Budgeting

In the current (FY 2002) budget, funding for county census data collection and help with follow-up telephone calls is increased by \$1,500. About 1,000 state staff hours a year are spent printing questionnaires, keying, editing data, and making name and address changes, and these hours will be reallocated to the Acreage and Production surveys. The increased acreage and production sample size will actually allow the Statistics Division to improve the estimating program that produces the county-level statistics included in the Kansas Farm Facts. The end-of-year surveys will increase the amount of funding needed for postage and interviews, but federal money may be used to offset the increased cost.

Cleanup of the Weights and Measures Law

Issue: The Kansas Weights and Measures Law received a major overhaul in 1996. Since that time, day-to-day operations have highlighted several areas that need to be addressed for more effective and efficient administration of the program.

Major Components of the Proposed Changes

The proposed changes fall into the following general areas:

- Standardize repair time for all measuring devices
- Provide necessary statutory authority for the program to effectively implement the law
- Exempt volumetric provers from annual testing if capacity exceeds that of the state metrology laboratory or if design (e.g., stationary provers, compact provers) does not permit testing by the state metrology laboratory
- Remove the 12 calendar month requirement for inspection of gas pumps.

Details of the Proposed Changes

Standard Repair Time. Currently, for all devices except scales or meters used to measure LPG, the weights and measures program uses professional judgement in cases where devices are inaccurate. Depending on the circumstances, an immediate cessation of a scale or meter may create a hardship on a business or a consumer. Consequently, it is prudent to allow a period of time for repairs instead of removing an inaccurate device from service. Most inaccuracies will not significantly impact an individual sale and most likely will not be detectable by the consumer. In determining whether or not to remove a device (other than one used to measure LPG) from service, the program considers the harm of allowing the device to remain in service versus the harm of immediately removing it. However, the law does not permit consideration of these factors for LPG measuring devices. It must be removed from service. The proposed amendment would remove this requirement and allow the program to treat devices used to measure LPG the same as all other devices.

Volumetric Provers. Current statute requires all test equipment used by service companies to have been tested within the last 365 days. The meters at oil terminals require the use of large capacity provers or small volume compact provers. The large capacity provers generally are stationary and cannot be transported to a metrology laboratory to be tested. Small volume compact provers are mobile, but their design requires special test equipment which KDA's metrology laboratory does not have. Consequently, these provers are not tested annually by KDA's metrology laboratory and, thus, are not to be used to calibrate terminal meters. The provers have been tested by a private company that has mobile equipment. The private company is not certified by the National Institute of Standards and Technology, as required by statute, and

they do not follow the national procedures for testing this type of equipment. However, their test should be reliable and is certainly better than no test. The proposed amendment would not change the current practice, but the meter owner/operators would no longer be in violation of the law.

Gas Pump Inspection. The purpose of this amendment is to remove the reference to annual test and to strike the provision requiring the secretary to remove from service devices not tested within the last 12 calendar months. Current law made sense when gas pumps were required to be tested annually by licensed service companies. However, now that KDA is responsible for conducting the annual tests, the requirement creates potential problems. With six inspectors for the entire state, and with the need to investigate consumer complaints quickly, it is not possible to schedule tests on the approximately 24,000 gas pumps on an annual basis. This means that gas pumps are not going to be tested within 12 calendar months of their last test and, thus, they will be in violation of the statute. Additionally, by statute, any such gas pump is then to be removed from service by KDA.

While the weights and measures program strives to test every gas pump annually, it is not practical to test each gas pump within 12 calendar months of the last test. Consumer complaints, special projects and vacancies interrupt the testing schedules and cause gas pumps to go beyond 12 months between tests. Also, a set schedule is not the best way to conduct inspections. Inspections conducted at the same time each year will not reveal some operating problems and may even provide an opportunity for an unscrupulous gas station owner or operator to rig the pumps to short the customer. Unscheduled and varied inspections are conducive to revealing the true operating characteristics of any weighing or measuring device. Removing the reference to annual test will not affect the high compliance rate of gas pumps, but it will remove the unnecessary burden of testing gas pumps every 12 calendar months.

Establish a Permanent Laboratory Equipment Fee Fund

Issue: The Kansas Department of Agriculture's laboratory is an integral part of the department's enforcement program because without accurate testing, enforcement cases cannot move forward. For example, new products mandate the use of new technologies to analyze samples submitted to the laboratory by KDA's regulatory programs. However, KDA does not have a systematic way to update and/or obtain necessary equipment. Additionally, all equipment eventually requires repair or replacement. KDA proposes to establish a fee fund to purchase, rebuild and repair equipment for the Laboratory. The fee fund will be established by increasing and redistributing fees currently charged in the following funds: Feeding Stuffs, Livestock Remedy, Dairy, Pesticide and Chemigation Safety. (This fee fund, with identical funding sources, was authorized on a temporary basis from FY 1995-1999.) The establishment of a laboratory fee fund will permit the laboratory to better plan and budget for new equipment and, thus, keep pace with changes in the agricultural industry.

Fiscal Implications

KDA estimates \$70,000 will be generated annually. This will be accomplished by amending fee funds as follows: increase the Livestock Remedy fee \$2 – from \$10 per year to \$12 per year per product; increase the Dairy Inspection fee ten percent – from \$.01 per hundred to \$.011 per hundred; increase the Pesticide Applicator Business License fee \$12 – from \$100 per license category to \$112 per license category; increase the Chemigation permit fee \$5 – from \$50 to \$55; and redistribute the Feeding Stuffs Inspection fee – \$0.095 per ton to run the program and \$0.005 per ton for the Laboratory fee fund.

Policy Implications

The laboratory supports KDA's regulatory programs. These regulatory programs (ACAP, Dairy, Meat & Poultry and Pesticide & Fertilizer) are responsible for protecting the Kansas environment and the food consumed by Kansas citizens. Dairy and meat products are tested daily for harmful pathogens that could lead to food-borne illnesses or death. Animal feed samples are monitored for adulterants which could result in unsafe food products. Pesticide samples are analyzed to detect minute quantities of pesticides that may cause illnesses or inadvertently destroy crops. These activities are essential to the health and well-being of Kansas citizens. However, none of these programs can function effectively if the laboratory does not have the proper equipment to conduct analyses of samples.

The Kansas Performance Review Board (KPRB) conducted a review of KDA's laboratory and reported that the elimination of the original Laboratory Equipment Fee Fund "will likely have an adverse effect on the replacement of old and obsolete instruments." They went on to report, "...the laboratories will not be able to take full advantage of the introduction of new technologies without the infusion of additional state general funds." This is especially important

in light of the fact that KPRB reported that "in Kansas there are no private laboratories that test agricultural products."

The establishment of a stable funding source for the purchase and repair of laboratory equipment is essential to the effective and efficient operation of KDA's regulatory programs and ultimately to the protection of Kansas' citizens and the environment.

Establish a Plant Pest Emergency Response Fund

Issue: The movement of nursery stock shipped in commerce is one of the highest risk pathways of new pest introduction. Kansas is a net importer of nursery stock and each year imports plant materials from over 30 states to satisfy consumer demand. Each state supplying nursery stock to the Kansas nursery industry has unique pest problems that do not occur in Kansas. Regulatory pest exclusion authority and techniques provided in the Kansas Plant Pest Act, such as quarantines, host plant inspection and pest detection, are utilized by the department to direct activities toward regulation of high-risk pests. However, the department's ability to mitigate new pest introductions is limited. Establishment of a plant pest emergency response fund will allow the Kansas Department of Agriculture to more effectively fulfill its responsibility to protect the state's natural and cultivated plant resources from plant pests by providing the capability to rapidly respond to the introduction of harmful plant pests (insects, plant disease and weeds) into the state.

Fiscal Impact

A surcharge of \$5 for each nursery dealer license and certificate of nursery inspection issued by the department to generate emergency response funds is proposed. The current annual fees for a nursery dealer license and a certificate of nursery inspection are \$40 and \$30, respectively. The surcharge would generate approximately \$7,000 annually. The surcharge would be suspended when the fund accumulates \$15,000 and would be reinstated when the balance was less. Funds would be expended only to mitigate pests that have been identified as high-risk; e.g., those with the potential to damage Kansas agriculture, horticulture, or the environment. Similar surcharges have been implemented in some states. For example, Wisconsin has implemented surcharges to combat the gypsy moth and Oregon has established a surcharge to fund research nursery stock pest control techniques.

Policy Implications

Currently, these issues are addressed on an ad hoc basis depending on savings and year-end fund availability, as well as our participation in the Interstate Pest Control Compact**. However, with the rapidly increasing amount of nursery stock entering the state and therefore increased risk, a more methodical approach should be used. No federal funds are available for this purpose.

** Kansas is a member of the Interstate Pest Control Compact. This organization remains a potential source for pest mitigation funds. However, not all plant pest control applications are approved and the length of time to prepare and process an application seldom takes less than four to six months.

Education and Advocacy

Practical Work and Real Results for Agriculture

The Kansas Secretary of Agriculture works to serve the agriculture industry in the halls and offices of the Kansas Statehouse, in discussions with the Governor, with other government offices and officials in Topeka, neighboring states and Washington, D.C. Often these activities are done quietly and without fanfare.

The examples of Graves administration actions below are representative of daily actions taken to assist Kansas agriculture with the numerous challenges and changes which it is confronted.

Protecting and Expanding Markets

- The department's proactive and innovative response to the Karnal bunt wheat threat continues to protect export markets for Kansas wheat. The structure used to develop detection data was also used to respond to the Khapra beetle, another pest highly regulated by most foreign countries that import Kansas commodities.
- Governor Graves served as chairman of the Governor's Ethanol Coalition. KDA promoted ethanol before the California Energy Board and has worked with the Kansas Department of Commerce and Housing to develop an ethanol template for use by firms exploring ethanol production opportunities in Kansas. During 1999, Governor Graves led 23 state governors in promoting the use of ethanol as an alternative fuel. All this benefits Kansas grain producers. The department continues as an advocate of ethanol use.
- Earlier in the Graves administration, agricultural marketing functions were transferred to the Kansas Department of Commerce and Housing, saving \$500,000. In 1998 and 1999, the Agricultural Value Added Center provided almost \$840,000 in loans to 19 Kansas companies who use agricultural commodities to make their products. This \$840,000 leveraged more than \$9 million in other investments. In the last four years, other Department of Commerce and Housing programs have funded more than 60 agricultural-related projects, which generated, at minimum, \$8 million in additional investment.
- Secretary Jamie Clover Adams actively supported a wheat export initiative for funding by the Kansas Wheat Commission to open markets for high quality Kansas wheat in Mexico.
- The department has worked closely with USDA on a wide range of issues including federal state relations, interstate shipment of state-inspected meat and poultry, food safety issues, exports, open markets and subsidies.

- The March 1998 Governor's Conference on Agriculture coordinated by KDA provided a forum to discuss how Kansas agriculture is responding to changing markets, regulations and financial issues.
- With the agricultural products program and the Kansas Department of Commerce and Industry, has sponsored workshops for producers on direct marketing of meat and poultry products.

Tax Reductions

- The state inheritance tax was eliminated. This greatly benefits Kansas farmers and ranchers.
- The statewide school mill levy was significantly reduced, greatly benefitting Kansas farmers and ranchers.
- KDA actively supported a sales tax exemption which was enacted on materials and services associated with the construction or expansion of both commercial and on-farm grain storage. This relieved problems with grain-on-the-ground storage which reduces the value of Kansas commodities. The action also provided Kansas producers with a reduced-cost option to build on-farm storage. This will gain in value as identity preservation of commodities continues to gain importance for producers.
- Passage of a proposal to allow farmers to carry back net operating losses when calculating their state income tax has real affects on dollars on hand.
- Reduction of state fees assessed on fertilizer sales due to efficiency gains within KDA is a savings for industry at no loss to the environment.
- KDA actively supports use value appraisal of agricultural land in Kansas. KDA supported proposals to adjust the land use value assessment to minimize the impact of increased farmland valuation. KDA also supported treatment of wetlands enrolled in USDA programs similar to the treatment of land enrolled in the Conservation Reserve Program.

Reasonable, Customer-Friendly Laws and Regulations

- KDA acted swiftly to reduce the effects of a grain storage problem by directing KDA to issue temporary licenses for on-the-ground grain storage during a railcar shortage in October 1997. In July 1998, it declared a grain storage emergency to allow for temporary, privately held storage. The administration then provided targeted tax relief for construction of new grain storage capacity.

- Developed and made available a computer program that aids creation of nutrient plans for fields as part of the KDA responsibility to regulate nutrient management planning for swine facilities. Although originally developed to assist swine producers under HB 2950, the program has been made available to any producer utilizing any other fertilizer source.
- In the 2000 legislative session, it supported amending the grain warehouse law to allow irrevocable letters of credit, giving grain storage facilities greater flexibility to meet their producers' needs.
- Proposed amendments to anhydrous ammonia regulations to allow farmer cooperatives and fertilizer dealerships the opportunity to use new technology to meet the needs of producers.
- Provided funding for training and on-site evaluation of small meat plants to reduce their costs to come into compliance with new USDA rules.

**Ensuring Availability of Pesticides -
and Other Innovative Pest Management Practices**

- Funded FQPA assessments of pesticides needed by farmers for on-farm stored grain, cattle production, post-harvest grain sorghum stored in elevators and apple and peach production. This effort precluded EPA from using worst case "default assumptions" to determine agricultural pesticide use and hazards. KDA is also funding "profiles" for a number of Kansas crops. These profiles are used by EPA to make pesticide registration decisions. Kansas has been the only state to use tax dollars--rather than producer dollars alone--to fund these studies and profiles.
- The Kansas Secretary of Agriculture sits as a member of the USDA-EPA Committee to Advise on Reassessment and Transition (CARAT), the successor to the Tolerance Reassessment Advisory Committee (TRAC), which was formed to assist implementation of the Food Quality Protection Act. Secretary Clover Adams is the only secretary of any state agricultural agency to sit on the committee. She serves to protect Kansas producers in the implementation of new safety standards for evaluating pesticide active ingredients used in food, while not stepping on the interests of other states.
- Worked to provide agricultural producers access to pesticides needed for crop protection in the face of severe weather and pest challenges. KDA approved 20 special pesticide use permits in 1998 and 1999, one of which saved a grain sorghum producer \$1.5 million worth of seed and a certain and significant loss of income.
- Examining and using biocontrol methods for combating noxious weeds (Musk Thistle, Canada Thistle, Multiflora Rose, Purple Loosestrife) and pests (Japanese Beetle, Pine

Sawfly, Alfalfa Weevil), which is a benefit to both agriculture and the environment. Biocontrol methods allow producers to achieve some level of control over pests without using pesticides, which is especially important in environmentally sensitive areas.

- Funded research into the control of the damaging weed, sericea lespedezia.

Natural Resource Protection

- Hosted KDA's first Agriculture Earth Day in April 2000. This event will rotate across the state to reach more individuals and reinforce the message of agricultural stewardship in Kansas
- Through encouragement, KDA convinced ARS to include common Kansas wheat varieties (hard red and white) in screening tests that determine tolerances of these varieties to reduced air quality and elevated ozone levels. Prior tests were limited to east and west coast crop varieties.
- Supported the Agriculture and Specialty Chemical Remediation Act which provides financial aid to property owners faced with clean-up costs associated with soil and groundwater contamination caused by agricultural and speciality chemicals (fertilizers and pesticides).
- Governor Graves directed a salt contamination study in the Ogallala Aquifer to protect this valuable resource for western Kansas and agriculture.
- Governor Graves funded a comprehensive, five-year study of Hugoton Field by the Kansas Geological Survey to provide research on how to best explore, produce and regulate gas and oil in the Hugoton field. This will greatly benefit Kansas producers in western Kansas because of the importance of natural gas to cost-effective irrigation.

Water Quality Improvements

- Encouraged—and committed resources—to intervene in the TMDL lawsuit to ensure that our state's rights are protected.
- Joined the State Conservation Commission in funding a study to determine primary sources of coliform bacteria in Kansas surface waters and to test the effectiveness of farm Best Management Practices to reduce bacterial contamination of streams, lakes and rivers.
- KDA actively supports voluntary, incentive-based approaches to achieve water quality improvements. In that vein, KDA cooperated in funding for Extension watershed

specialists and an NRCS field conservationist who will provide full-time educational and technical assistance to farmers and ranchers in high priority TMDL watersheds.

- KDA is a supporter of the Governor's Water Quality Buffer Initiative providing financial incentives to producers who restore streambank vegetation to improve water quality.
- Actively opposed EPA rulemaking to substitute federal water quality standards for state water quality standards. Focused efforts on promoting progress made by Kansas agriculture in doing their part to improve Kansas water quality and ensuring that our state right to address nonpoint source pollution is protected.

Enhancing Food Safety

- The administration strongly believes that Kansas farmers and ranchers benefit from consumer confidence in the Kansas meat, milk and egg supply. To that end, KDA has aggressively improved the state meat and poultry inspection program and updated the Kansas egg law to comply with federal regulations that were enacted to improve the safety of this food product.
- Shared with Kansas Department of Commerce and Housing the cost of conducting a statistical survey to determine Kansans' attitudes about agriculture.
- Received a grant from FDA to develop Spanish language training materials for milk haulers in Western Kansas where more persons with Spanish as a first language are working in the dairy industry.

Moving Government to the Private Sector to Benefit Agriculture

- Supported legislation to restructure Kansas' four grain commodity commissions. The new structure privatizes the commissions' operations, allows each commission to elect its own leadership from registered producers and returns control of checkoff funds to each commission. This is money in producers' pockets, not the state treasury.
- Supported privatization of grain inspection services in May 1997. Kansas was one of very few states where inspections were done in the public sector.

Protecting Agricultural Producers

- Actively supported legislation to update the antiquated Kansas Restraint of Trade Act to bring Kansas anti-trust laws into the 21st century. It provides consumers, businesses and commodity producers with an effective avenue of recourse against market-distorting practices of unscrupulous businesses.

- Restored integrity and credibility to the weights and measures program, which becomes even more important to Kansas producers in times of low prices. In Kansas, a pound of beef is a pound of beef.
- Increased the credibility and viability of the state meat inspection program, which protects consumers and provides job opportunities in rural communities.
- Researched agriculture's contributions to the total economy so we can convey that message to urban citizens and spread the message of what agriculture means to our state.
- Committed office of the secretary staff members to participate in transition for the grain commodity commission, efforts to increase ethanol production and use, agricultural and environmental education programs, and the Kansas State Fair.

Providing Emergency Assistance

- Supported legislation to establish low-interest agricultural production loans to help farmers through periods of limited cash flow.
- Worked for flexibility of CRP provisions for Kansas ranchers in April 1996 and for Kansas producers in 2000.
- Actively supported a fire relief fund in April 1996 to assist local fire departments struggling with grass and range fires.
- In Oct. 1997, Governor Graves directed the Kansas National Guard to conduct a haylift for livestock stranded by a blizzard in northwest Kansas.

StarLink in Kansas and Biotechnology in Agriculture

Issue: Kansas, like many corn-producing states, had a number of acres planted with StarLink, a variety of biotech corn approved by EPA for non-food industrial use and animal feed, but not for human consumption. When StarLink was found in taco shells taken from supermarket shelves, it prompted concern about the overall safety of biotech crops and raised questions about how they are stored and transported.

StarLink in Kansas

Kansas farmers planted less than one percent — 21,390 acres — of its corn acres to StarLink. Most of it was grown in southwest Kansas where the annual corn crop typically is used for animal feed. Kansas Department of Agriculture inspectors surveyed counties where most of the StarLink was grown, after which they estimated that as many as 4.6 million bushels of corn in state-licensed elevators could contain traces of StarLink. However, with a market ready to accept it as animal feed, it did not pose the disposal problem it did to corn-exporting states.

Biotechnology in Agriculture

In a broad sense, biotechnology includes genetic engineering, human and veterinary medicine, crop and animal breeding, diagnostics, pharmaceuticals, forensics and other disciplines. Narrowly defined, biotechnology is genetic engineering, or the process of manipulating the genetic material (DNA) of organisms.

For tens of thousands of years, humans have used selective breeding, a rather crude form of biotechnology, to encourage the development of plants and animals with specific desirable characteristics. For the past few decades, universities and seed companies have studied plant genetics to determine how biology may be used to isolate specific traits to incorporate them into agricultural plants to improve farming methods and increase yields.

So far, biotechnology has led to crop varieties that resist widely used herbicides, saving the agricultural industry about \$200 million a year, and breeds that naturally resist pests, including corn that repels the corn borer, a pest that costs more than \$1 billion annually in control measures and yield losses. Since 1996, the percentage of U.S. crops planted to biotech varieties has grown to about a fourth for corn and more than half for soybeans.

On the horizon are agricultural plants that produce greater yields, produce foods with a longer shelf life, produce foods with increased nutritional value, and plants that are amenable to a wider range of climatic conditions. All of these qualities are important to an agricultural system that must expand production to meet the needs of a growing world population.

StarLink in the Spotlight

Types of Declarations

Presidential Declaration: At the request of the governor, the president can declare a county a major disaster area under the terms of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Under a presidential declaration, emergency loans can be made available to eligible farmers and ranchers.

Secretarial Declaration: At the request of the governor or Indian tribal council, the USDA secretary can designate counties as disaster areas and provide emergency loans.

FSA Administrator Physical Loss Designations: The FSA state director can ask the national FSA administrator to designate counties as disaster areas, which allows loan assistance only for physical losses (buildings, machinery, fences, etc.).

What Does a Disaster Declaration Get You?

A disaster declaration qualifies an area for emergency loans to cover up to 80 percent of actual production loss (crops, milk, etc.) or 100 percent of the actual physical loss up to \$500,000, at an interest rate of 3.75 percent. Also, some economic injury loans from the Small Business Administration automatically kick in for small businesses in these counties. Sometimes there are IRS benefits, as when an individual is forced to sell his or her cow herd because of drought. Some future benefits will also be tied to a past disaster declaration.

Other Assistance

Noninsured Assistance Program: Producers growing a crop currently not eligible for crop insurance may be eligible for a direct payment from FSA under this program.

Emergency Conservation Program: Under this program, FSA shares the cost of rehabilitating farmland damaged in a disaster.

Emergency Haying and/or Grazing Assistance: Emergency haying or grazing of CRP land may be allowed in disaster areas. This was allowed on much of the drought acreage during the summer of 2000.

State Assistance

Governor's Proclamation of a State of Disaster Emergency for Drought: A governor's proclamation comes about when a community or area is unable to independently address a water shortage. County commissioners ask for the proclamation, and the governor works with the division of emergency management to verify the crisis. After the proclamation is made, different agencies work together to haul water, locate water, protect water quality, etc. This type of aid does not include a direct payment or loan program.

Governor's Drought Task Force: The secretary of agriculture and other staff serve on the Governor's Drought Task Force.

Assistance Provided by the Kansas Department of Agriculture

Division of Water Resources: The Kansas Department of Agriculture, Division of Water Resources, is prepared to offer help in times of short water supply.

- The division processes long- and short-term permits for water use. In times of emergency, division staff work with cities, rural water districts, industries and irrigators to help them find out if alternate sources of water are available. They can approve emergency and term applications, when possible, and will work in any way they can to help find other sources of water.
- If an irrigator has another source of water, like a large farm pond that could be used in times of drought, DWR will determine if that use can be authorized.
- The field office water commissioners have a standing delegation of authority to quickly approve replacement wells if an irrigator is hit with a cave-in or other problem with a well.
- Under the provisions of a memorandum of understanding, the Kansas Water Office notifies DWR when **Minimum Desirable Streamflow (MDS)** has been reached. The law requires DWR to notify junior water right holders to stop water use until the MDS is met. Field staff monitor compliance. Penalties for non-compliance could include restraining orders, injunctions or possibly criminal prosecution through county attorneys. In 2000, about 150 water rights on the Republican River (Republic, Clay, Cloud and Jewell counties), and two rights on the Delaware River near Muscotah, were suspended to protect MDS.
- In an MDS situation, DWR will work with water right holders within the parameters of current rules and regulations. For example, someone with a junior right may be able to change the use of a senior right to use a different well as long as it doesn't result in more overall water use.

State Hazard Mitigation Team: DWR water structures is a part of this group, which advises the Kansas Department of Emergency Management about the need for Hazard Mitigation Grants from the Federal Emergency Management Administration (FEMA). Drought is a component of this determination.

Kansas Agricultural Statistics: Staff compile information to quantify the extent of drought statewide, which is reflected in weekly crop weather reports. They also will provide information to coordinate hay supplies and needs. The Hay Directory is updated regularly and posted on the Internet at www.nass.usda.gov/ks/hay. It may also be accessed through the Kansas Department of Agriculture web site at www.ink.org/public/kda.

Plant Protection and Weed Control: Staff regularly conduct surveys of plant pests and diseases that may be attacking Kansas crops, which keeps farmers alert to problems that can be treated. The agency may even ask for approval to use a particular pesticide to address unusual circumstances. For instance, a low-input pesticide may be needed to combat grasshoppers on rangeland if drought conditions permit the pest to become established. Survey reports are available online at www.ink.org/public/kda/phealth/phprot/pltpro.html.

Renewal of the Kansas Ethanol Incentive

Issue: The Kansas ethanol incentive is a producer-based incentive of up to 20 cents per gallon, with a funding cap of \$2.5 million. The current program will expire July 1, 2001.

Background

The Kansas ethanol incentive fund was established with \$625,000 in 1987. The incentive, which was not to be more than 20 cents per gallon, was paid quarterly to the producer. The fund initially was set to expire July 1, 1990, but it was extended to 2001 during the 1997 legislative session.

Federal Incentives

- The Blenders Income Tax Credit provides 54 cents per gallon to gasoline marketers for every gallon of ethanol they purchase for later blending. The guidelines for the Blenders Income Tax Credit stipulate that the credit can be taken only on 10% ethanol blends, and that the marketer cannot claim an ethanol credit greater than the total tax liability.
- The Excise Tax Credit allows gasoline marketers to claim a credit of 54 cents per blended gallon of ethanol fuel. Unlike the Blenders Income Tax Credit, this credit can be taken on lower level blends of ethanol and it can be used at the time of purchase. This incentive recently was extended through 2007.
- The Small Producers Tax Credit, initiated in 1990, is geared toward ethanol plants with production of 30 million gallons or less. This credit allows for a 10 cent per gallon credit on the first 15 million gallons of ethanol produced.

Kansas Program

Kansas has four ethanol plants: High Plains Corp., Colwich; ESE Alcohol, Leoti; Reeve Agri Energy, Garden City; and, Midwest Grain Products, Atchinson. Together, these plants annually consume nearly 18 million bushels of grain and produce more than 40 million gallons of ethanol. The average incentive works out to approximately 4 cents per gallon produced.

KDA provided technical support to the Agriculture Products Development Division of the Kansas Department of Commerce and Housing to develop a template for Kansas communities to use to analyze the feasibility of new ethanol plants for their area. This project also received funding from the Kansas Corn and the Kansas Grain Sorghum commissions. The template includes a worksheet that interested groups or individuals can use to identify and rank potential locations, feedstocks and resources needed for the construction and operation of an ethanol plant. If the analysis proves positive, the group or individual may then complete a feasibility study. At least five Kansas communities are currently using this tool to investigate new ethanol plant opportunities.

Value Added Opportunity

The production of ethanol involves processing the very grains cultivated by our Kansas farmers. In fact, nearly 7% of the U.S. corn crop is used to make ethanol. The US Department of Agriculture estimates that a 100 million gallon ethanol production facility will create 2,250 jobs within its community. Ethanol industry growth offers a tremendous opportunity for economic growth and employment to our smaller, rural communities.

According to a report prepared for the Midwestern Governor's Conference, the economic impact of the demand for ethanol nationwide:

- adds \$4.5 billion to farm revenue annually
- boosts total employment by 195,200 jobs
- increases state tax receipts by \$450 million
- improves the balance of trade by \$2 billion
- results in \$3.6 billion in net savings to the federal treasury

Environmental Aspects

Studies conducted during the 1980s identified ways in which gasoline could be reformulated to help achieve certain air quality goals. Studies of older vehicles revealed that adding oxygenated organic compounds, such as alcohols and ethers, to conventional gasoline resulted in reduced emissions of carbon monoxide and other byproducts of incomplete combustion. Subsequent studies identified several ways in which gasoline could be reformulated. Compared to conventional gasoline, Federal Reformulated Gasoline (RFG) has reduced vapor pressure, reduced sulfur content, and reduced aromatic and benzene content.

To meet the requirements of the RFG, most refiners have chosen to use methyl tertiary-butyl ether (MTBE) as an oxygenate. There are significant risks and costs associated with water contamination due to MTBE use, since it is highly soluble in water and will transfer readily to groundwater from gasoline leaking from underground storage tanks, pipelines and other components of the gasoline distribution system. Currently, the risk that the general population will be exposed to MTBE through ingestion of MTBE-contaminated water is low. However, the cost of treating MTBE-contaminated water is very high. Since ethanol is a naturally occurring intermediate, it is expected to biodegrade quickly because nearly every environment has microorganisms capable of metabolizing it. In essence, "ethanol is a short-lived compound in surface water and subsurface aquifers." (The Fate and Transport of Ethanol-Blended Gasoline in the Environment, Governor's Ethanol Coalition, October 1999).

Even a low 10% ethanol blend can reduce carbon monoxide better than any other RFG blend — by more than 25%. Ethanol has shown to be low in reactivity and high in oxygen content, which makes it an effective tool to reduce ozone pollution. Ethanol is a safe replacement for toxic octane enhancers in gasoline such as benzene, toluene and xylene.

EPA Trying to Usurp State Authority on Water Quality Standards

Issue: On July 3, 2000, the Environmental Protection Agency proposed water quality standards for the State of Kansas in six areas. The proposal appears to be a blatant attempt to impose the will of federal bureaucrats on Kansas, since the entire proposal is a classic case of process over substance. The proposal would divert scarce resources away from Kansas programs to improve water quality to paper pushing activities. In each area of the proposed rule, EPA has overstepped its jurisdiction, pushing the envelope of the Clean Water Act to expand the power of the federal government.

Background

The original EPA proposal was issued over a holiday weekend and it included notice of a public hearing on July 27, 2000, in Topeka. The proposal addressed issues from the 1994 Kansas Water Quality Standards, and it was issued despite concessions by Kansas to settle many other outstanding issues. Secretary Clyde Graeber and Secretary Jamie Clover Adams immediately wrote to EPA to ask for more than one public hearing, one of which would be scheduled in western Kansas, and to ask EPA to follow its own rules with regard to the public hearing process. This request was granted. Two hearings held in mid-September in Topeka and Dodge City were attended by more than 1,500 Kansans. Secretary Clover Adams testified at the Dodge City hearing. The department also submitted 50 pages of comments and three, five-inch-capacity binders full of supporting documentation.

Contents of the EPA Proposal

The EPA proposed rule contained five issues important to Kansas agriculture and our rural communities.

Anti-degradation. The EPA proposal is a backdoor attempt to regulate nonpoint source pollution by forcing the state to consider nonpoint source pollution in permitting decisions. EPA has acknowledged on many occasions that the Clean Water Act gives them no authority over nonpoint source pollution. So, they are attempting to force the state to regulate nonpoint source pollution instead of continuing the voluntary, incentive-based programs Kansas prefers.

Designated Uses. The Clean Water Act requires states to establish uses for every classified stream. The EPA proposal requires Kansas to designate all streams for swimming, despite the fact that Kansas has determined the streams in question only warrant a secondary recreation designation — wading, etc. EPA relies on the theory of “rebuttable presumption,” which has been tested in only one district court in the 9th Circuit; Kansas is part of the 10th Circuit. States are given the authority to establish designated uses under the Clean Water Act. Every classified Kansas stream has been given the secondary recreation designation if primary recreation is not appropriate since 1972.

Assumed Low Flow. Since 1975, Kansas has assumed a water flow of one cubic foot per second when drafting permits for municipalities on streams without actual flow data. EPA has approved Kansas regulations and permits with this assumption. In 1998, however, EPA decided to disapprove the regulations and require permits for small communities on streams without actual flow data to assume zero flow. The upshot of this requirement is that small, rural communities will have to meet water quality standards at the end of the pipe. EPA has not documented any water quality impairment resulting from this permitting parameter, only that, in their opinion, the process was not appropriate.

Effluent-Created Flows. EPA disagreed with the Kansas method of requiring secondary treatment for municipalities on streams with no flow. Instead, EPA proposed that these small communities meet swimming and aquatic standards at the end of the pipe, despite the fact that these streams would have no water if it weren't for the effluent. Further, anti-backsliding provisions of the Clean Water Act would trap small communities into stringent permits, even if the effluent-created flow was addressed by the process EPA has required.

Farm Ponds. Kansas law exempts private waters from water quality standards if the waters do not seep and are not causing a public health concern. This practical method allowed Kansas to focus water quality improvement efforts on high-priority waters. Again, EPA disagreed with Kansas common sense and proposed to place all waters under the jurisdiction of the Clean Water Act and subject to water quality standards. EPA publicly acknowledged they had no intention of regulating farm ponds.

Importance to Kansas Agriculture

EPA-proposed water quality standards are extremely important to Kansas agriculture. Over the past decade, Kansas has developed and refined a successful model to address nonpoint source pollution. The EPA proposal attempts to circumvent the work of Kansas and put nonpoint source pollution efforts under the umbrella of command and control of point source solutions developed by the federal government. The EPA proposal will divert scarce resources away from Kansas programs that have shown results to paper-pushing exercises that do nothing to improve Kansas water quality.

EPA Proposed Guidelines Affecting CAFOs

Issue: The U.S. Environmental Protection Agency (EPA) is proposing regulations to reduce the amount of water pollution from “large” livestock operations. The proposed regulations define CAFOs as facilities with as few as 300 animal units. Obviously, this proposal to revise current Clean Water Act permit requirements and effluent guidelines would affect a number of confined animal feeding operations (CAFOs) in Kansas and the United States. EPA currently administers two Clean Water Act regulatory programs that affect such feedlots: the National Pollutant Discharge Elimination System (NPDES) permits and Effluent Guidelines. This is an important issue for Kansas agriculture and Kansas resources.

What to Expect

The NPDES guidelines were developed and published as “draft” that outlined EPA’s view of its current regulatory authority and directives on how the program should be implemented. The draft guidelines are currently on hold due to perceived legal challenges with respect to EPA regulatory authority.

Regional EPA inspections and follow-up enforcement have increased in the last 12 to 18 months. In addition, presentations at national conferences have projected that the number of inspections will increase in the future. This will have significant impact if or when the proposed regulations are in effect.

Proposed revisions to the NPDES regulations and effluent guidelines for CAFOs were signed December 15, 2000, and published in the Federal Register. The public comment period began on the day they were published and is open for comment for 120 days. More information is available from the CAFO Hotline at (202) 564-0766.

Current CAFO Regulations

Under current regulations, CAFOs are defined as point sources of pollution and subject to NPDES permit regulations. The definition of CAFO primarily addresses livestock facilities with 1,000 or more animal units; however, if waste is discharged ONLY during a 25-year, 24 hour storm, a facility will not be considered a CAFO. Kansas has been delegated the authority to implement the NPDES Program and requires permitting of the facilities irregardless of the discharge exemption for permitting purposes. The Kansas program recognizes chronic and/or catastrophic events as potential authorized discharges within the program. Smaller animal feeding operations (AFOs) that confine 300 to 1,000 animal units can also be designated as a CAFO if they are significant sources of pollution.

A Brief Look at Proposed Changes

The proposed EPA regulations, under a “worst-case” scenario, would:

- Remove the 25 year-24 hour exemption; this potentially removes a design threshold and could be interpreted to mean Zero discharge in any event
- Clarify the NPDES requirements pertaining to discharges to groundwater through a direct hydrological connection to surface water. (Could potentially impose groundwater quality standards for alluvial aquifers.)

EPA proposes changes in the land application of manure from “large” confined animal feeding operations which would:

- Include the land application area in the CAFO definition and the NPDES permit – thus making runoff from manure application a point source of pollution.
- Make any runoff leaving facility or land application areas possibly subject to EPA enforcement if it impairs the waters of the U.S.
- Require each CAFO to prepare and implement a site-specific permit nutrient plan (PNP) that is prepared or approved by a certified planner, that identifies the nutrients generated at the facility, determines the amount of nutrients needed by the planned crop rotation, and establishes agronomic rates of manure application.
- Clarify that the agricultural storm water exemption is applicable only in locations where CAFO manure is land-applied according to approved agronomic rates.
- Proposes two new options for recipients of CAFO manure: Recipients must certify they are land-applying at proper agronomic rates unless there is a state program for addressing excess manure; No certification is required, but the CAFO operator must maintain records of manure transfer.

Component discussed in the draft EPA Regulations, Comprehensive Nutrient Management Plans(CNMP):

- Soil testing - per field basis.
- Phosphorus-based (P-index) land application not to exceed phosphorus needs of the intended crop.
- Extensive record keeping.
- If producer is giving nutrients away, producer must keep records of who waste was given to, and perhaps a nutrient analysis. The farmer receiving effluent, as currently written, also must have CNMP.

- NRCS would be required to certify or train an individual who is willing to assume the liability of the approved plan.

National Management Measures to Control Nonpoint Source Pollution From Agriculture

Issue: On October 17, 2000, the U.S. Environmental Protection Agency formally published a draft technical guidance and reference document designed to be used by state, local and tribal managers to implement nonpoint source pollution management programs relating to agriculture. The stated purpose of the document is to: (1) provide technical assistance to state program managers and others on the best available, economically achievable means of reducing agricultural NPS pollution of surface water and groundwater; (2) provide information that can be used by government agencies, private sector groups and individuals to understand and apply measures and practices to address agricultural sources of nonpoint source pollution; (3) modify and expand technical information contained in EPA's Coastal Management Measures Guidance to reflect differing inland conditions; and, (4) provide current technical information on NPS pollution prevention technologies. Included in the draft was a request by EPA for more information on effective nutrient, pesticide, erosion control and livestock grazing management practices, as well as and a report on the economic impact of implementing these techniques.

Overview of Draft Guidance

In essence, the draft guidance is designed to serve as the technical and BMP bible for state and federal NPS programs. It focuses on nitrogen, phosphorus, sediment, bacteria, pesticides (atrazine), salts, manure management, irrigation management, stream and riparian habitat, and water temperature. It integrates surface water and groundwater protection, which is new for EPA. It also integrates the FIFRA, Clean Water Act, Safe Drinking Water Act and USDA technical and financial assistance programs, which is also new for EPA. The draft includes the FIFRA Pesticide Management Program (PMP) as if the PMP regulation were already final (for more than two years EPA has said the rule will be final at any time, although it has yet to be published). Two of the core sections of the draft describe agricultural NPS management practices and how they work.

Discussion in the draft includes NRCS code practices that emphasize management practices must be site-specific in design and used in combination with other practices to make an entire management package. It promotes manure management plans based on phosphorus holding capacity/crop phosphorus needs, which fits with KDA's swine nutrient management regulations, and emphasizes the coordination of irrigation with nutrient management. The document is more comprehensive and more practical than many EPA has produced in the past.

Information Solicited by EPA

EPA has asked that more information be provided to them regarding:

- effectiveness of individual nutrient management practices
- costs/savings of individual nutrient management practices
- effectiveness of individual pesticide management practices

- costs/economics of pesticide management practices
- costs/economics of erosion and sediment control practices
- water quality effectiveness of various grazing practice
- data on grazing management cost
- data on relationship between animal health and drinking water quality
- approximate life spans of various grazing management practices
- data on benefits of implementing various improved grazing practices

Status

KDA asked Kansas State University and the State Conservation Commission to help review the draft NPS guidance document and to help prepare comments to submit to EPA. Representatives from KDA, KSU, SCC and KDHE met January 4, 2001, to compile the final comments and submission documents. Official State of Kansas comments will be submitted by KDHE, Bureau of Water, Nonpoint Source Pollution Control Section. Public comments are due to EPA by January 15, 2001

Water Appropriation Program Update

Issue: The water appropriation program administers the provisions of the Kansas Water Appropriation Act; portions of the Kansas Groundwater Management District Act; portions of the State Water Plan Storage Act; and, is involved in the Water Transfer Act. The Kansas Water Appropriation Act provides the foundation for the acquisition and administration of water rights in the state. Currently it is working on several projects to improve efficiencies, which should allow it to address an increasing workload demand with stagnet resources.

Systems Analysis

A team of department employees spent many hours in the summer of 2000 working on a systems analysis of the water right process in the division of water resources. Team members included persons who work at each step of the process, the program manager and members of the secretary's staff.

Leadership of the analysis was provided by Ken Jensen, Honeywell Federal Manufacturing and Technologies, through an 80-hour technical assistance grant. At budget deadline, the team had completed mapping the big picture of the water rights process; a functional timeline of that process; identified inputs into each process step and outputs at each step and their effect on customers of the division of water resources; and, completed a failure mode effects analysis (FMEA) of the process. The FMEA provides data to analyze where problems consistently occur and affect customers of the division of water resources. These data and comparisons served as the basis for process improvements to enhance operations.

The FMEA process can be used later to more closely examine specific segments of the water rights process to determine where resources — money, manpower and equipment — should be used to benefit water appropriation customers. It can help management consider current trends and likely results of existing initiatives and programs; identify and mend common problems that occur; judge the effectiveness of future corrective actions; and, rank various strategies for improvement. Some common trends seen in the FMEA include problems with data received from customers, and the complexity of that information causing rework by staff at many steps of the process. Getting better first-time data from water right applicants and water users will reduce staff time spent re-working information.

Office Automation

New automated processes are being implemented to decrease processing time and eliminate opportunities for errors. An office automation specialist position was established to design and implement fundamental automated document and data interfaces within the appropriations program using existing Corel and WRIS software, and to provide assistance to personnel in applying computer skills. Workgroups are reviewing office procedures to identify areas of improvement and opportunities for automation. A study group is developing advanced

skills in compilation, retrieval and query methods for the WRIS database in order to automate frequently needed retrieval reports from the database.

Number of New Applications in Process

Application Step	Reporting Date						
	5/31	6/28	8/03	8/30	9/27	11/1	11/29
Pending in new applications unit	101	111	95	107	126	133	114
Being processed in new applications unit	62	61	65	59	75	84	116
In field offices for further processing	126	123	119	115	117	127	125
Pending action on other related water rights	40	44	43	47	45	44	47
Pending final approval	23	9	12	12	17	22	14
Subtotal waiting or in process at DWR	352	348	334	340	380	410	416
Waiting on owners or drillers response	117	105	107	104	121	133	141
Waiting on GMD, other agency, or adjoining owners response	116	114	115	119	71	66	65
Subtotal waiting on others outside division of water resources	233	219	222	223	192	199	206
Grand total	585	567	556	563	572	609	622
Weekly actions processed by DWR during these time periods							
New applications received	11	6	11	24	19	10	4
New applications approved	9	17	5	13	6	6	0
New applications dismissed prior to approval	0	5	0	4	36	1	0
Number of change applications received and processed							
Category	FY 1998	FY 1999	FY 2000	FY 2001			
Applications received	933	775	951	222			
Applications processed	927	777	881	180			

Project Zeroed Out

Increased realization of the limited availability of additional unappropriated water and the awareness of implications of depletion of groundwater in central and western Kansas is increasing the sensitivity to the water rights process. 1999 legislation required the water appropriations program to eliminate the water right certification backlog and to issue certificates for all future permits within five years after the perfection period has expired. In response to this mandate, an aggressive plan for certification of water rights is underway. A strategy has been

developed for completing a certificate for all water rights with expired perfection periods which are awaiting certificates, or putting them in status review for potential abandonment.

As of January 1999, there were approximately 3,500 water rights for which the perfection period had expired but a certificate of appropriation was not issued. A strategy was developed to complete certificates for these files, taking this accumulation to zero in five years. Goals have been set by each field office to reduce the number of files needing certificates, focusing on a defined set of files each year. About 1,770 remained to be certified or dismissed as of December 1, 2000. About 400 files will be eligible for certification each year as their perfection periods expire.

Summary of the status of project zeroed out as of September 30, 2000

Field Office	Planned No. of Files		Actual No.	Proposed Certs	Certs	Status Questions	Remaining to Process
	before 2000	after 2000					
Topeka	405		382	157	140	93	132
Stafford	591		509	279	206	32	198
Stockton	429	70	418	352	286	34	32
Garden City	550		623	510	* 368	71	42
Totals	1,975	70	1,932	1,298	1,000	230	404

* includes files voluntarily dismissed

Files remaining to certify as of:	09-27-00	12-01-00
Number of files whose perfection period has expired before Dec. 31, 1999	1,958	1,769
Number of files whose perfection period will expire Jan. 1, 2000, to Jan. 1, 2004	-----	1,586
TOTALS	-----	3,355

Rules and Regulations and Statutes

All or part of 75 of the 107 administrative procedures of the appropriations program were adopted as new rules and regulations, effective September 22, 2000. Procedures set forth in the statutes for administrative review of decisions of the chief engineer are being implemented which includes appropriate notices and orders. Recent legislation provides for a review of many decisions of the chief engineer. Administrative hearings will be conducted by the secretary or the Office of Administrative Hearings in compliance with this legislation. The proper documents and steps to proceed with this mandate are now complete.

Special Initiative to Address Blatant and Recurring Overpumping

The Department has a plan to curb the use of ground and surface water in excess of appropriated amounts. Water use data available from the WRIS identifies and ranks water users by the degree to which they have in the past exceeded their authorized quantity under their water right. This effort is focused on very large abusers and repeat offenders. It is designed as a short term precursor to a broader based compliance enforcement program. Groundwater Management Districts have decided to join in this effort. This project emphasizes public awareness and technical assistance to achieve compliance, with a compliance monitoring and an enforcement component to ensure participation and owner response.

Program personnel currently are working with 20 individuals or corporations which were determined to be persistent over-pumpers. Plans were created to bring these irrigation operations into compliance. All have either reached compliance or are taking correctional measures. Four over-pumping cases are located in GMD No. 3, six in GMD No. 5 and 10 in the area of GMD No. 4.

Kansas Natural Resource Legacy Initiative

Issue: For decades, Kansas has led its neighboring states in developing innovative, cost-effective ways to address the natural resource needs of the State. However, we are at the point where we have squeezed as much as possible from current funding allocated to address natural resource needs. To address the outstanding issues looming on the horizon — air, water, land and wildlife — Kansas policymakers must focus on the natural resource needs of the state. Stewardship of our natural resources is vital to the economic well-being of Kansas, as well as the quality of life all Kansans value and enjoy.

Background

Early this summer, the six natural resource management agencies, led by the Department of Wildlife and Parks, convened to discuss the overall air, land, water and wildlife needs in Kansas. Each agency identified current and future issues within its jurisdiction. A document outlining these needs was then presented to the 2000 interim Tax Committee and to Governor Graves. This effort continues to receive public interest, particularly from statewide agriculture and conservation organizations.

Agriculture's Part

Issues of concern to the Kansas Department of Agriculture, and Kansas agriculture, include water quantity, resources to address nonpoint sources of pollution and agriculture education.

Water quantity. The Kansas Department of Agriculture, division of water resources, regulates and allocates water quantity in Kansas under the western water law doctrine — all waters of the state belong to all people of the state and are allocated according to the first-in-time, first-in-right priority. The Kansas water resource is maturing, which moves KDA-DWR away from development actions to activities devoted to addressing water scarcity issues. With this gradual switch comes a whole set of complicated issues that will require more resources, as well as more sophisticated ways of thinking, to address the competing needs of the future. Issues looming on the horizon for KDA-DWR include: addressing blatant overpumping, increased impairment investigations, increased compliance and enforcement efforts, water banking, water rights purchase, and closing areas to further development.

Nonpoint Source Pollution. Kansas is nearly half way through developing total maximum daily loads (TMDLs), as required under the Clean Water Act. However, implementation is required to meet the goals of the TMDLs. The State Conservation Commission estimates that addressing nonpoint source pollution in high-priority TMDL areas in the Kansas Lower Republican River Basin alone will take nearly \$87 million. Kansas farmers and ranchers will need cost-share assistance and best management practices suggestions to meet their obligations. Currently, the state has nowhere near the resources necessary to meet these needs.

Agriculture Education. Information like that provided by the Foundation for Agriculture in the Classroom needs to be expanded and provided to classrooms across Kansas. Citizens, especially children, need to understand agriculture's role in providing necessary food and fiber, as well as the agricultural producer's contribution to the stewardship of the state's natural resources.

Rule and Regulation Review

Governor Bill Graves' Executive Order 00-03 directed each executive branch agency to conduct a comprehensive review of the rules and regulations within its jurisdiction and to report their results to his office. Secretary Jamie Clover Adams directed Kansas Department of Agriculture program managers to form teams to review all program regulations. Teams were made up of the program manager, a field staff member or other individual who works closely with program customers, a legal staff member, a representative from the secretary's office, and a representative of the Governor's Agricultural Advisory Board. A news release was sent to major Kansas media outlets to encourage public comment.

Each rule and regulation was evaluated for three major factors:

- Whether the regulation was authorized by statute
- How the regulation is working with respect to changes in the agricultural industry
- Whether the regulation is carrying out goals of the Department of Agriculture as it is enforced in the field

Other factors considered were whether or not regulations were duplicative, obsolete, unclear, overly broad, or affected by new technology, and whether the program has the money, manpower and equipment to effectively carry out policy articulated in the rules and regulations.

Common Findings

Some teams found that regulations are often affected by rapid changes in technology and the agricultural industry. This is particularly true for KDA food safety programs, where it seems difficult to keep rules and regulations in agreement with current codes of federal regulation (CFRs).

For all programs, some regulations still refer to the now-defunct Kansas State Board of Agriculture. Many regulations also refer to divisions of the Board of Agriculture that no longer exist. When the agency was reorganized, it was flattened to improve program accountability. The reorganization included name and structural organization changes into programs with program managers, rather than divisions with division directors and the layers of bureaucracy under each.

Early Attention Recommended

Rule and regulation review teams highlighted the changes that need attention soon.

- The review committee for the Kansas Commercial Fertilizer Law's **anhydrous ammonia regulations** strongly recommends forming a technical workgroup to assess all anhydrous ammonia regulatory policy, regulations and safety equipment

requirements. They believe this department's requirements for anhydrous ammonia need to be reviewed for consistency and interaction with regulations of OSHA, EPA, DOT and KDOT. They also suggest K.S.A. 65-4152 should have language added about approved containers for anhydrous ammonia. They also noted that increasing problems with thefts from anhydrous ammonia facilities by methamphetamine producers indicate regulations should be reviewed to determine whether other steps can be taken to address safety and security considerations. The committee also recommended that several regulations be reviewed to strengthen safety requirements.

- The **Kansas Noxious Weed Law** and its regulations are in flux. The law has been undergoing a review for 18 months, and action by the 2001 Legislature may require modifications to regulations. Some current requirements are archaic. These include approval of county weed director employment by the secretary of agriculture. Weed control technology continues to advance as new products and management practices become available. Regulations properly reflect the current law, but it is difficult to say the current law is working to the benefit of Kansas agriculture or to the environment.
- Clarifying and streamlining the **Kansas Dairy Law** will be a priority for the agency during the 2001 legislative session. This will make it necessary to update regulations immediately.
- Technical amendments to the **Meat and Poultry Inspection Act** in 2001 will require regulation changes.
- Technical amendments to the **Kansas Weights and Measures Law** in 2001 will require adjustments to regulations.

Synopsis of Recommended Changes to Food Safety and Consumer Protection Regulations

The team recommended that the **Kansas Seed Law** and its regulations be assessed for suitability and compatibility with the needs created by the new bioengineered and patented seed industry. They also recommended further analysis of the so-called "farmer exemption" to the seed law; changes in registration fees set by K.S.A.; and, addition of civil penalty authorities to the Kansas Seed Law.

Among recommendations for the **Kansas Egg Law** are that a separate egg weighing regulation be adopted; that K.A.R. 4-11-16 be amended to adopt federal temperature standards amended into the Kansas Egg Law last session; and, that federal CFRs adopted by reference should be reviewed to ensure that appropriate federal references and dates are cited.

The **Kansas Feeding Stuffs Law** governs pet foods as well as livestock feeds. Current regulations should be assessed for suitability and compatibility with the modern pet food and livestock industry.

The **Kansas Dairy Law** has many regulations that should be updated to cite more current references to federal dairy standards. The 2000 USDA Milk for Manufacturing Purposes document and the 1999 Pasturized Milk Order should be adopted as soon as possible. New regulations should be added to set enforceable bacterial and coliform organism counts for homemade ice cream; K.A.R. 4-7-1001, regarding milk testers and milk and cream cans, is outdated and should be revoked.

The **Grain Warehouse Program** team recommended revoking a number of regulations (25-1-12, 25-1-19, and others) that refer to grain quality inspection, which is no longer a function of the state and is now privatized. These revisions are underway.

The rule and regulation review team for the **Meat and Poultry Inspection Program** noted several instances in which revisions of portions of those areas incorporated from the federal meat and poultry act are recommended. Most revisions require amendments to achieve more consistency of terms between Kansas Meat Inspection regulations in Article 16 and Kansas Poultry Inspection regulations in Article 17. A conflict exists between CFR 305.5b and K.S.A. 65-6134a about whether or not a hearing is required before suspension of inspection for certain processing plant violations. K.A.R. 4-16-7a should be amended to increase the hourly rate for overtime inspection.

Synopsis of Recommended Changes to Environmental Protection Program Regulations

The **Pesticide and Fertilizer Program** recommends drafting a regulation that details requirements for experimental pesticide use permits. Problems associated with registering products with additional brand names, as provided by K.S.A. 2-2204, require drafting a new regulation. The team noted that, regarding K.A.R. 4-13-1, there is no authority to register pesticide products as Restricted Use Pesticides and suggested the term "registered" be changed to "designated" until further changes are made in the Agricultural Chemical Act. K.A.R. 4-13-8 does not successfully require pesticide licensees to be financially responsible if an incident involving the use of pesticides occurs. The amount of bond currently required is unrealistically low. The team suggested it be increased to the minimum requirements for insurance, perhaps \$25,000. Another regulation identified by the review team was K.A.R. 4-13-18, which should be revised to address both bulk and non-bulk chemical storage; disposal of pesticides, pesticide materials, pesticide rinsates and pesticide containers; as well as addressing service containers. This revision should be compatible with K.A.R. 4-13-25.

Synopsis of Recommended Changes to Water Program Regulations

In the **Water Structures Subprogram**, the team recommended exploring fees for services such as permit processing and safety inspections. They also proposed regulations to deal with after-the-fact projects; a regulation outlining the complaint process; and, updates of recommendations to accommodate electronic submission of applications and advances in analytical software

Update on Information Resources Technology

Issue: Computerization and information management were major concerns for the department six years ago. To address those concerns, KDA formulated a plan for computerization under a client-server environment, and that plan has been implemented. The goal has been to provide both external and internal customers improved access to public information. Although the department is still working under the parameters of its 1997 architectural information plan, new technology and staffing challenges have caused some detours and changes. It is worth remembering that KDA has made significant progress in the last four years through its move from 8088 computers and mainframe terminals at limited locations to a complete client-server environment with Internet access for all employees statewide.

Challenges

In 1997, Passport was chosen as a middleware product to move the department from multiple platforms and incompatible data bases with the intent of gaining immediate access to data and to buy time for converting the underlying systems to a single application — Oracle. This approach solved some immediate problems but, for many reasons, KDA decided to migrate directly to Oracle and to eliminate the use of Passport, and that conversion process is underway. Yet to be converted are pesticide program systems: private business licensing, commercial certification, private certification, government agency registration and registered technicians. Completing this conversion will save the agency about \$50,000 per year for licenses and support services.

Hiring and retaining trained personnel remains a problem. In the fall of 2000, progress was slowed when three of the five department programmers resigned, leaving the department without sufficient staff to complete the in-house project and putting us further behind our estimated completion date.

Possible Solutions

KDA has explored several courses of action to correct personnel problems. These could include: 1) filling current vacancies with FTEs, although training individuals to deal with agency-specific needs is a slow and expensive proposition; 2) hire contract employees who are already trained; 3) borrow qualified personnel from other agencies; or, 4) hire a consulting firm to complete the project. The department currently is exploring the consulting firm option as possibly the most cost- and time-effective way to meet its goal of providing accessible information to internal and external customers of KDA.

Funding any of the alternatives mentioned above, and remain current with updated hardware and software, remains a serious challenge. The department has no base funding for information resources. Progress made in the past few years has been made through the judicious and careful use of savings. Under current budget realities, however, this is no longer possible. We must make an effort to identify funding sources that will not be at the expense of our core programs.

**Testimony before the Senate Agriculture Committee and
the House Agriculture Committee
on
Assistance to Small Kansas Meat Processing Plants**

**Prepared by
Elizabeth Boyle, Ph.D.
Associate Professor and Extension Specialist, Meats
Kansas State University**

January 10, 2001

Members of the committee, I am Liz Boyle, Associate Professor and Extension Specialist in Meats at Kansas State University. In my position at K-State I work closely with small and very small state and federally inspected meat and poultry processing businesses. I am here today to provide a summary describing HACCP, food safety and value-added support programs and assistance that K-State, in cooperation with the Kansas Department of Agriculture, Kansas Department of Commerce and Housing, and USDA, have provided to the Kansas meat and poultry industry so they may adapt and comply with required changes in government regulations.

First, I will begin with a brief summary of the events that led to the pathogen reduction rule. In January 1993, more than 500 persons were sickened and four children died from an outbreak of *E. coli* 0157:H7 in the Pacific Northwest. It was determined that this outbreak was caused by undercooked ground beef that had been fully inspected and approved by USDA's Food Safety and Inspection Service. In Congressional Testimony following the outbreak, then Secretary of Agriculture, Mike Espy, pledged to reform the federal meat inspection system, changing its focus from animal disease detection to one that address the risks posed by foodborne pathogens, thereby better protecting public health.

This led USDA to propose the implementation of new food safety programs in all federally inspected establishments. Following the comment period to the proposed rule, the USDA FSIS published its Final rule on Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems on July 25, 1996. The rule mandated requirements in efforts to reduce the occurrence and numbers of pathogens on meat and poultry products, reduce the incidence of foodborne illness associated with consuming these products, and provide a framework for modernization of the meat and poultry inspection system.

The new regulations required establishment of four new programs. The first program required that each establishment develop and implement written sanitation standard operating procedures (SSOP's). Secondly, regular microbial testing was required for slaughter establishments to verify the adequacy of a plants' process controls for the prevention and removal of fecal contamination and associated bacteria. All slaughter plants and plants producing raw ground products must meet pathogen reduction performance standards for *Salmonella* for the third program. Lastly, all meat and poultry plants had to develop and implement Hazard Analysis and Critical Control Point (HACCP) programs. These programs were phased in over several years. They have now been implemented in all large, small and very small federally and state inspected meat and poultry establishments.

HACCP and Food Safety Programs and Assistance:

◆ Getting a Jump Start on HACCP workshops

Offered in Wichita, Manhattan, Hays, Salina, Overland Park, February/March 1996
31 meat and poultry processors representing 11 plants from 11 counties

◆ Sanitation Standard Operating Procedures workshops

Offered in Manhattan, October 1996

59 meat and poultry processors representing 35 plants from 29 counties
2 KDA inspectors and 1 USDA/FSIS personnel

Offered in Manhattan, January 1997

15 meat and poultry processors representing 10 plants from 9 counties

◆ *E. coli* Carcass Sampling Training workshops

Offered in Manhattan, July 1997

43 meat and poultry processors representing 35 plants from 31 counties
50 KDA inspectors and 1 other

◆ Sanitation Training Seminar: The "Why" Behind Sanitation

Offered in Manhattan, February 1998

46 meat and poultry processors representing 31 plants from 25 counties
51 KDA inspectors

◆ K-State sponsored a USDA FSIS HACCP Demonstration workshop

Offered in Manhattan, April 1998

30 meat and poultry processors representing 24 plants from 20 counties
1 KDA inspector

◆ One-Day HACCP Update Workshop

Offered in Manhattan, November 1998

10 meat and poultry processors representing 6 plants from 6 counties

◆ International HACCP Alliance accredited three-day HACCP workshops. In cooperation with the Kansas Department of Agriculture, and the Kansas Department of Commerce and Housing, funding was obtained to support one-half the registration fee for Kansas processors to attend HACCP training workshops in an effort to offset expenses incurred by processors.

Offered in Manhattan, May 1997

20 meat and poultry processors representing 12 plants from 11 counties

Offered in Manhattan, January 1998

17 meat and poultry processors representing 15 plants from 13 counties
9 KDA inspectors

Offered in Dodge City, March 1998

19 meat and poultry processors representing 15 plants from 15 counties
1 KDA inspector and 1 KDA vet

Offered in Manhattan, August 1998

39 meat and poultry processors representing 24 plants from 20 counties

Offered in Parsons, September 1998

17 meat and poultry processors representing 10 plants from 9 counties

Offered in Manhattan, January 1999

24 meat and poultry processors representing 19 plants from 16 counties

1 KDA inspector

Offered in Manhattan, May 1999

39 meat and poultry processors representing 24 plants

Offered in Manhattan, August 1999

24 meat and poultry processors representing 17 plants

◆ Funding from the Kansas Department of Agriculture and Kansas Department of Commerce and Housing provided support for an Extension Associate who was available for on-site assistance with HACCP plan development and implementation, and served as a liaison between meat and poultry processors and inspectors. Highlights include:

Assisted 80 plants, many more than once, including on-site assistance

Reviewed 63 HACCP plans for 17 plants

Participated in HACCP and food safety training workshops

Conducted 7-4½ day HACCP compliance training workshops for KDA meat and poultry inspection personnel

Conducted a 1½ day HACCP training program for KDA meat and poultry inspection supervisors and veterinarians

Participated in meat and poultry inspection supervisors meetings, annual meetings

◆ An Extension Assistant was hired with funding from a USDA Fund for Rural America project to work on HACCP related projects. One of these projects involves developing a distance learning HACCP course. The purpose of this course will be to provide HACCP education and training to meat plant employees after the “rush” of HACCP training is completed to comply with implementation by January 2000. Other highlights:

Fact sheet and video on developing lotting and coding systems for meat and poultry facilities. This type of system is essential in the event of a recall. To expand the educational value of this information, the Kansas Department of Commerce and Housing provided \$6,000 in funding which allowed for the development of the video on lotting and coding.

Fact sheet on thermometer calibration and an accompanying laminated guide in English and Spanish to assist processors with setting up a standard operating procedure for calibration which is essential to a functioning HACCP program.

◆ A newsletter entitled Meat Processing News is distributed, on a quarterly basis, to Kansas meat and poultry processors. Provides information about processing meat products, current changes in government regulations, meat safety, especially HACCP, and other topics.

◆K-State has entered into a cooperative project with the University of Nebraska, University of Missouri and South Dakota State University to develop and provide audit and recall training and assistance to facilitate the success of maintaining HACCP programs in small and very small meat and poultry processing establishments. A brochure describing this program is attached.

Value-Added Assistance:

This K-State Research and Extension program in the Department of Animal Sciences and Industry assists Kansas meat processors and entrepreneurs in developing value-added meat products and improving the quality and safety of existing products. Funds have been provided by the Kansas Department of Commerce and Housing, Agricultural Products Development Division to support value-added activities. Services, programs, and assistance include product development and reformulation; quality and safety evaluation and testing; shelf-life studies; nutritional labeling assistance; development of documentation programs to meet government requirement; HACCP and other food safety training; labeling assistance; plant design review; assistance in selecting and locating ingredients; packaging and equipment suppliers; and product compliance evaluation. Recipients of this program are primarily small businesses, often with fewer than 10 employees, and most likely not able to afford such services through commercial sources. Highlights of the past two years include:

Processors and entrepreneurs realized a savings of \$150,000 while enhancing the quality and safety of meat and meat products for Kansas consumers through assistance with shelf life studies, chemical, microbial and physical analyses, and technical and on-site assistance

Nearly 900 phone contacts were made responding to questions posed by Kansas meat and poultry processors and entrepreneurs

Nearly 140 nutrition facts labels were developed and provided to Kansas meat and poultry processors

Resources for More HACCP Information

- Code of Federal Regulations
www.access.gpo.gov/nara/cfr
- FDA Food Code
www.vm.cfsan.fda.gov
- FSIS web site
www.fsis.usda.gov
- FSIS Technical Service Center Hotline:
(800) 233-3935 ext. 2 or (402) 221-7400
Fax: (402) 221-7438
E-mail: haccp.hotline@usda.gov
- USDA Meat and Poultry Hotline:
(800) 535-4555
- National Agricultural Library/USDA
(301) 504-6365 Fax: (301) 504-6490
www.nal.usda.gov/fnic/foodborne/foodborn.htm
- USDA/FDA HACCP Training Programs and Resources Database
www.nalusda.gov/fnic/foodborne/haccp/index.shtml

Toll-Free Contact Numbers

Kansas/Missouri
(877) 205-8345

Nebraska/South Dakota
(888) 688-4346

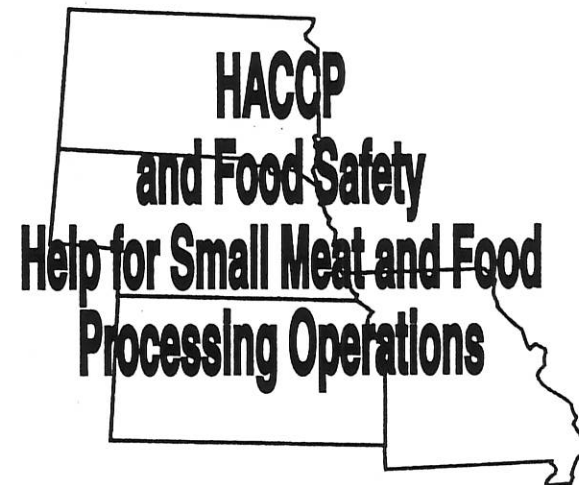
Internet Bulletin Board
www.HACCP.unl.edu



Kansas State University Agricultural Experiment Station and Cooperative Extension Service

It is the policy of Kansas State University Agricultural Experiment Station and Cooperative Extension Service, University of Nebraska Institute of Agriculture and Natural Resources, County Extension Councils, that all persons shall have equal opportunity and access to its educational programs, services, activities, and materials without regard to race, color, religion, national origin, sex, age or disability. Kansas State University is an equal opportunity organization. Issued in furtherance of Cooperative Extension Work, Acts of May 8 and June 30, 1914, as amended. Kansas State University, County Extension Councils, Extension Districts, and United States Department of Agriculture Cooperating, Marc A. Johnson, Director.

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Providing assistance and training for processors in
Kansas, Missouri,
Nebraska,
and South Dakota

HACCP Assistance and Services Available

A joint university Extension and USDA project has been created to assist food processors with HACCP and food safety problems in Kansas, Missouri, Nebraska, and South Dakota.

Contact us for help with:

- Food safety and HACCP education
- Accredited HACCP training
- Food safety training
- HACCP development/implementation
- Development of verification and recall procedures to support HACCP plans

Assistance Provided

Workshops

- International HACCP Alliance accredited HACCP workshops
- Introductory HACCP, sanitation, and good manufacturing practices workshops
- HACCP verification, validation, recall, and auditing workshops

Materials

- Reference book library
- Video library
- Fact sheets

Free consultation

- Toll-free phone service
- One-on-one meetings
- Group meetings
- Onsite visits

Internet bulletin board

- Post your questions and comments on timely issues

For Scheduling and Information

Kansas and Missouri Processors Contact

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Extension Assistant, HACCP
Kansas State University
Department of Animal Sciences and Industry
214 Weber Hall
Manhattan, KS 66506-0201
Toll-free (877) 205-8345
(785) 532-0191
Fax: (785) 532-7059
mdmurphy@oznet.ksu.edu

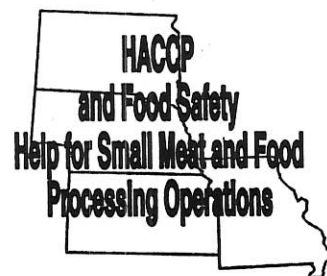
Nebraska and South Dakota Processors Contact

Jason Mann

HACCP Specialist
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A213 Animal Science
Lincoln, NE 68583-0908
Toll-free (888) 688-4346
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Internet Bulletin Board

www.HACCP.unl.edu



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South Dakota State University

PROJECT SUMMARY

**Title: HACCP IMPLEMENTATION AND EVALUATION IN
SMALL AND VERY SMALL MEAT/POULTRY PLANTS**

Primary Project Directors:

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Sandra A. Flores
Daniel Y.C. Fung
Melvin C. Hunt

Linda J. Henderson
Curtis L. Kastner
Sue C. Maes

James L. Marsden
Richard D. Oberst
Randall K. Phebus

Applicant Organization: Kansas State University

Goals

Our goals are to assess HACCP-related educational needs of small and very small processing plants and develop educational materials and delivery systems that will meet those needs. Additionally, we will implement and evaluate existing processing technologies to enhance meat safety in cooperating processors' plants. Specifically, we will initiate testing of the validated steam pasteurization technology in small and mid-sized plants. Concurrently, we will adapt and evaluate microbiological monitoring technologies for use by personnel of small plants.

Relevance

This one project addresses all requested activities/areas for small and very small meat processing plants.

Kansas State University Expertise

Kansas State University is well positioned to address the goals of this study because:

- A recently completed survey at Kansas State University evaluated HACCP-related educational needs for Kansas' small and very small processors.
- Existing Kansas State University courses for HACCP training will be adapted for distance education using innovative delivery methods as needed for processors from small and very small facilities.
- For the past 20 years researchers at Kansas State University have evaluated intervention technologies, processing strategies, and microbiological testing procedures focused on meat safety.
- Exclusive Kansas State University research has demonstrated the antimicrobial effectiveness and commercial practicality of steam pasteurization in plant settings.

This expertise will be used to significantly supplement the survey and educational efforts, and the in-plant validation and monitoring strategies.

Industry Support

Significant industry partners include the Kansas Meat Processors Association, the North American Meat Processors Association, American Association of Meat Processors and Frigoscandia Food Process Systems.

Revised Objectives

Objective 1: To develop training materials targeted for small and very small meat and poultry processing operations on monitoring protocols and record keeping to trace product back to its source.

Objective 2: To create a series of independent training modules to assist the educational needs of small and very small plants to achieve HACCP implementation.

Objective 3: To create an innovative distance learning Principles of HACCP course that will meet the requirements for training as specified by the United States Department of Agriculture, Food Safety and Inspection Service.

Objective 4: To create a food science course offered via distance learning, which will further train meat plant employees to analyze, critique, and to evaluate policies and programs to enable them to make sound decisions regarding their plants and food safety.

Objective 5: To identify three small and three very small beef slaughter companies to participate in a pilot beef safety enhancement program.

Objective 6: To determine the current microbiological baselines of each category and identify present operational programs and technologies relating to beef safety.

Objective 7: To re-establish microbiological baselines for the participating companies following implementation of programs and technologies to quantitatively demonstrate their effectiveness and efficacy, and use this comparison as a documented blueprint for improving the operations of small and very small beef processing facilities nationwide.

Objective 8: To work with each company to implement workable HACCP and sanitation programs, and train company employees to administer these programs.

Objective 9: To work with Frigoscandia Food Process Systems to develop, install, and verify the antibacterial effectiveness and commercial efficacy of a steam pasteurization systems (SPS 30) for small processing facilities.

Non-Technical Summary

To facilitate the implementation of the recently mandated approach to meat inspection by USDA, Kansas State University will work closely with small and very small plants to meet their educational and training needs. The new approach to inspection, which is known as the Hazard Analysis Critical Control Point (HACCP) System requires that small and very small plants implement HACCP by January 1999 and 2000, respectively. Therefore, the timeline for preparation and training is short and demands immediate action. This grant will allow Kansas State University to help insure that plants are prepared to meet the deadline.

Specifically, Kansas State University education and training specialists, in conjunction with food safety research and extension faculty, will develop and deliver training materials for small meat and poultry processing plants. Training modules that demonstrate, for example, microbiological sampling techniques, in the meat industry will be created as stand-alone units and will also be incorporated into full courses offered through distance learning.

HACCP implementation mandates that microbiological regulatory requirements be met by meat and poultry processors. The impact of HACCP training and implementation will be assessed based on the impact on microbiological samples taken before and after HACCP is implemented. The steam pasteurization process developed by Kansas State University and industry partners has been shown to insure that large processors meet the mandated microbiological standards. To help insure the competitiveness of small plants the steam pasteurization process will be adapted and evaluated for their operations.

Review of the Kansas State University Sorghum Breeding Program

*Provided to the Senate Agriculture Committee and the House Agriculture Committee
January 10, 2001*

Mitch Tuinstra
Kansas State University
Department of Agronomy

Introduction

Grain sorghum is a major feed grain crop in the United States and other areas of the world where environmental conditions, particularly low and erratic rainfall and high temperature, limit the production of other summer crops. Kansas generally ranks first in sorghum production in the U.S. and accounts for about thirty percent of the total U.S. production.

The K-State sorghum breeding program is primarily supported by state and federal funding and through funds made available from the Kansas Grain Sorghum Commission. The objectives of the breeding program are driven by the needs of the sorghum producers in Kansas. The general objective of the breeding program is to increase yield potential and market value of sorghum. This research requires development of high-yielding sorghum hybrids with superior stress tolerance. Several specific program objectives are highlighted below.

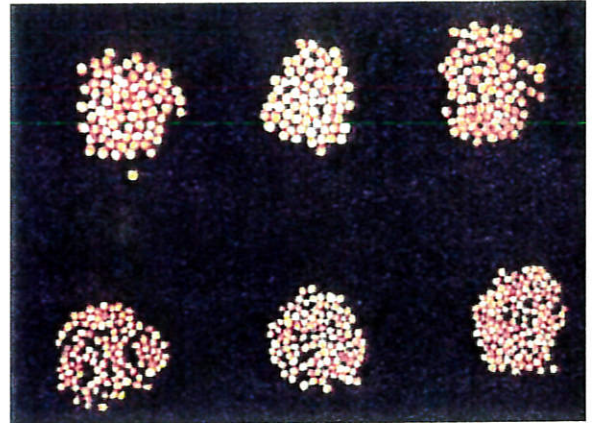
Development of Food-Grade Sorghum Hybrids

The Kansas grain sorghum crop is utilized primarily for cattle and swine feed and for industrial purposes. Most of the commercial hybrids grown in the U.S. produce purple plant pigments. The grain from these hybrids has limited use in food markets and the U.S. poultry industry. Sorghum researchers have known that adopting tan-plant sorghum hybrids will improve overall sorghum grain quality. Grain from tan plant hybrids can be utilized in the food industry and in all phases of U.S. poultry and animal production industries. Depending on market conditions, producers may receive a premium for grain from tan-plant hybrids. The development of food-grade sorghum hybrids with improved lodging resistance, high yield potential and excellent grain weathering resistance promises improved marketing opportunities and greater profit potential.



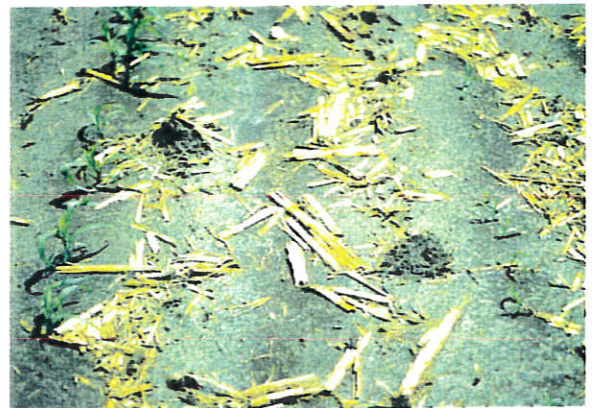
Breeding for Increased Yield Potential and Feed Quality

Sorghum parent lines and hybrids with longer grain filling periods are being developed to enhance yield potential and grain quality of sorghum produced in Kansas. Genetically diverse sorghum lines from East Africa have been identified that fill grain for more than 45 days, one third longer than standard U.S. hybrids. Hybrids that express long grain fill duration produce much larger seeds than commercial U.S. hybrids. The grain samples shown at the top of the picture are produced on long grain fill duration hybrids. These hybrids are higher yielding and have greater crude protein content. Breeding efforts are focused on incorporating these traits into elite U.S. parent lines and hybrids, particularly food-grade sorghum hybrids.



Enhanced Seedling Vigor and Cold Tolerance

In recent years, farmers and agronomists have emphasized earlier planting dates for grain sorghum. Early planting should contribute to a longer growing season, more effective utilization of late spring and early summer rainfall, and enhanced yield potential. Sorghum originated in the semi-arid tropics and expresses excellent heat and drought stress tolerance but generally is susceptible to cold stress. Germplasm sources for cold tolerance have been identified and are being incorporated into elite U.S. sorghum parent lines and hybrids. The cold-tolerant hybrid shown on the left side of this picture develops much more quickly under early planting conditions than the conventional sorghum hybrid at the right.



Improved Stalk Quality and Disease Resistance

Stalk lodging results in loss of yield potential and is a major constraint to dryland sorghum production in Kansas. Lodging problems in Kansas are usually associated with fusarium stalk rot infections. Genetic sources of fusarium stalk rot resistance are being identified in landrace accessions from Africa and India as shown in the sorghum stalk on the left. These genes for resistance are being incorporated into elite hybrids adapted for production in Kansas. The development of sorghum hybrids with high levels of resistance should provide farmers with a means for controlling this chronic problem.





Kansas Center for Sustainable Agriculture & Alternative Crops

"Farming for Profit, Stewardship and Community"

Testimony before the Kansas Senate and House Agriculture Committees - January 10, 2001

Activities and Accomplishments in Addressing the Needs of Small Family Farms in Kansas

Implementation of the Kansas Center for Sustainable Agriculture and Alternative Crops

In response to SB534 of the 2000 Legislature, the Kansas Center for Sustainable Agriculture and Alternative Crops (KCSAAC) was established at Kansas State University.

- A full-time Coordinator for the center, Ms. Jana Beckman, was hired last fall and started work on January 2, 2001.
- A Stakeholder Listening Session was held in August to get stakeholder input into the programs of the Center. Another Stakeholder Listening Session is planned during the Sustainable Ag Roundup in February 2001.
- A website has been created with information about the center, its programs, and technical information on sustainable farming practices and alternative crops; the address is: www.oznet.ksu.edu/kcsaac.
- An informational brochure has been designed and will be available for distribution in February (draft attached).

Sustainable Agriculture Heartland Roundup

An annual conference on sustainable agriculture is hosted each year at K-State and co-sponsored with the Kansas Rural Center. The target audience for the conference is farmers, professionals working with farmers, and university and agency personnel. Attendance varies from 100-200. The conference this year will be held February 16-17, 2001.

River Friendly Farms Training

We received a grant from the USDA-Sustainable Agriculture Research and Education Professional Development Program to conduct training for extension agents, NRCS field staff, and state agency personnel in a whole farm assessment and planning method called the "River Friendly Farm Plan". This on-farm assessment and planning tool was developed collaboratively by K-State and the Kansas Rural Center with cooperation and support from several other farm groups and agencies for the purpose of providing an easy-to-use, comprehensive, farmer-led and directed, self assessment. The trainings were held on five family farms in eastern and central Kansas. This self assessment tool is a key step in a voluntary compliance process, such as we are using in Kansas.

House Agriculture Committee
January 10, 2001
Attachment 6

Green Labeling

K-State in collaboration with the Kansas Rural Center has been investigating the feasibility of "green labeling" for small groups of environmentally responsible farmers like the Cheney Reservoir Watershed group and others. We hosted a visit by an extension specialist from Pennsylvania who had experience with green labeling and met with officials from the City of Wichita, a small group of Amish dairymen, and several individuals from the Cheney Citizens' Management Committee to discuss options. With the help of the City of Wichita, we hope to pilot test a green label.

Alternative Crops

KCSAAC personnel are in the process of developing several Fact Sheets on alternative crops for Kansas. Four are under development: sweet corn, canola, cotton, and cover crops. A list of twenty other crops offer possibilities for future Fact Sheets.

Initial Assistance Grants

The Kansas Cooperative Development Center manages a small grants program for financial, legal, and technical assistance to producer groups and associations who have business venture ideas aimed at value-added marketing of agricultural products. Last year, several of their grants went to groups who represent small farms:

- The Nicodemus Flour Cooperative is examining an ethnic-based wheat product.
- The Kansas Organic Producers are looking into organic dairy production.
- The Great Plains Herb Growers Association has contracted with a consultant to do a business plan for marketing herbs.
- Valley Vegetables Cooperative is building a processing plant for frozen sweet corn.
- The Kansas National Farmers Organization plans to establish a marketing and bargaining cooperative.

In 2001, a total of \$50,000 in grant funds are available.

*"Knowledge
for Life"*

COOPERATORS

National Farmers Organization

Kansas Rural Center

Kansas Farm Bureau

Kansas Farmers Union

Kansas Catholic Conference

Kansas Department of Agriculture

Kansas Department of Commerce and Housing's
Agricultural Products Development Division

Kansas Department of Health and Environment

Kansas Ecumenical Ministries

Kansas Organic Producers



KCSAAC

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3602 Throckmorton Hall
Manhattan, KS 66506-4002
Phone: 785-532-1440
Fax: 785-532-5780
<http://www.oznet.ksu.edu/kcsaac>
kcsaac@oznet.ksu.edu

*Support Staff at Ks.Center for Ag. Resources
and the Environment*

William L. Hargrove, Director

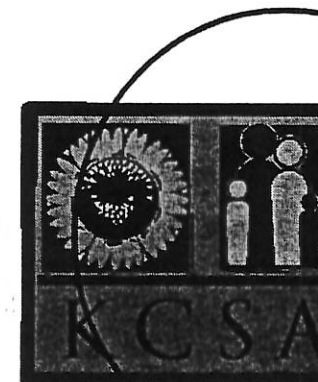
Ginny Claycomb, Accountant

Tawnya Ernst, Information Specialist

*“Knowledge
for Life”*

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**Kansas State University Agricultural
Experiment Station and Cooperative
Extension Service**



House Agriculture Committee
January 10, 2001
Attachment 7

GETTING INVOLVED

If you'd like to become actively involved please contact:

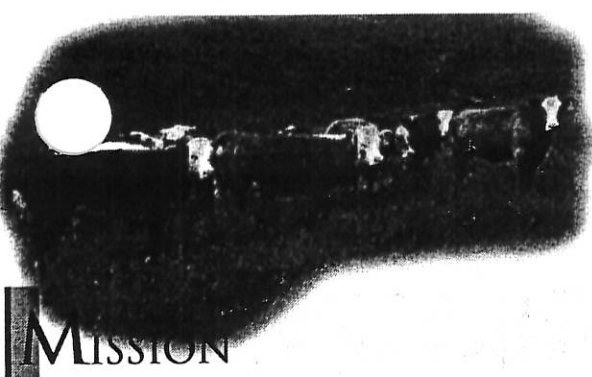
Jana Beckman,
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3602 Throckmorton Hall
Manhattan, KS 66506-4002
Phone: 785-532-1440
Fax: 785-532-5780
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**KANSAS CENTER FOR
SUSTAINABLE AGRICULTURE
& ALTERNATIVE CROPS**

*“Farming for Profit, Stewardship
and Community”*

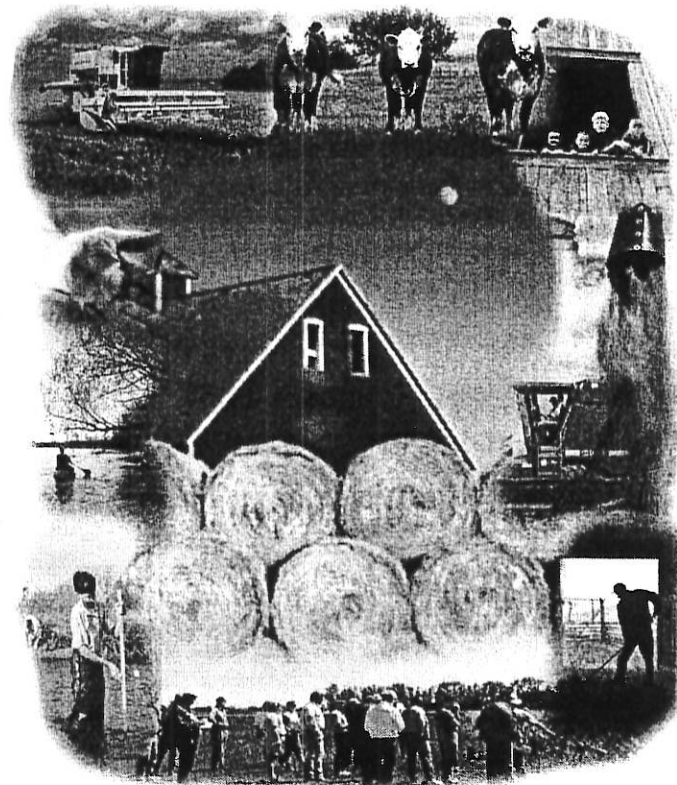
K-State Research and Extension



MISSION

Support small family-owned farms in Kansas through research, education and outreach focused on production, storage, processing, and marketing technologies that will boost small farm profitability, protect natural resources, and enhance rural communities.

- ❑ Facilitate marketing assistance to promote products produced and processed in Kansas.
- ❑ Expand small farm research to include organic products, less capital intensive investments, energy-saving technology, and agricultural practices that reduce soil erosion & restore soil health.
- ❑ Develop and distribute a guide of state services for small farms and value-added agriculture.
- ❑ Assist small farmers in development & implementation of water quality protection production systems.



KCSAAC ROLES

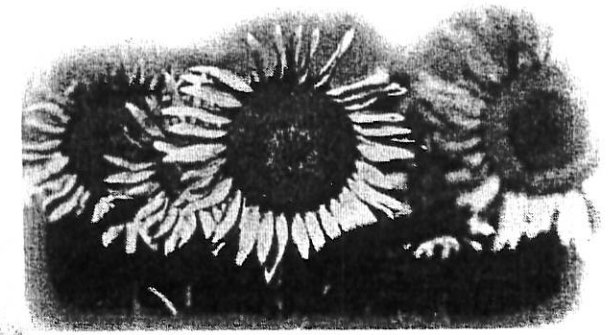
- ❑ Promote research, education, outreach, and marketing for sustainable agriculture and alternative food, fiber, and medicinal crops.
- ❑ Assist farmers to increase the farmers share of the food system dollar
- ❑ Collect and analyze basic information on the Kansas food system and opportunities for production and direct marketing
- ❑ Focus research on value-added processing and new crops that offer low-volume, high margin niche opportunities.
- ❑ Assist small farmers to lower input costs through a delivery system with expanded access to sustainable agricultural practices.

KCSAAC was established by Senate Bill 534, passed by the 2000 State Legislature, out of concern for the survival of small farms in Kansas.

CURRENT PROJECTS

7-2

- ❑ K-State Research and Extension specialists are studying more than 20 plants for their medicinal crop and profit potential, including echinacea, an herbal supplement also known as purple coneflower.
- ❑ The Kansas Cooperative Development Center at K-State helps provide education and assistance with value-added processing and marketing as well as support for Kansans interested in establishing cooperatives.
- ❑ A dozen cotton varieties are in performance tests at several K-State research sites. Date-of-planting studies are being conducted to determine the length of cotton's growing season and potential yield levels in Kansas.
- ❑ K-State recently released two canola varieties from their breeding program. Herbicide resistant canola germplasm is being tested in greenhouse and field trials.
- ❑ River Friendly Farm training provides educational and technical specialists with on-farm examples of best management practices and an opportunity to see the whole-farm planning process in action.



Testimony before the Senate and House Agriculture Committee
January 10, 2001
Sericea Lespedeza Management and Control Project
Kansas State University

Sericea lespedeza was first recognized as a problem in the mid 1980's. It was declared a county option noxious weed in 1988 and a statewide noxious weed July 1, 2000. Research began with internal funding in the mid 1980's. State funding began in 1998 and funding through the Kansas Department of Agriculture began in FY 2000.

Research Program

Sericea lespedeza is susceptible to Remedy (triclopyr) applied at 1 to 1.5 pints/acre during the vegetative or early bloom stages. Ally/Escort (metsulfuron) applied at ≥ 0.4 oz/acre during full bloom also provides control. A single mowing or late-spring burn generally increases stem density of sericea lespedeza. Application of Remedy at 0.5 pints/acre or Ally/Escort at 0.2 oz/acre 4-6 weeks after burning or mowing provides control of sericea lespedeza equivalent to higher rates of the herbicides used alone. Application of these herbicides needs to be repeated 2-4 years after initial treatment as sericea lespedeza stands recover, primarily from a seed bank in the soil. Dry weather as experienced in 1999 and 2000 greatly reduces the effectiveness of herbicides applied for sericea lespedeza control.

A total of 45 interviews have been conducted with landowners in eastern Kansas regarding the history and management of sericea lespedeza. The interviewing process is nearly complete with more detailed follow-up on selected operations scheduled to occur. Ongoing research includes:

- absorption and translocation of picloram, triclopyr, and metsulfuron
- effect of late-season herbicide application on seed viability
- effect of herbicide spray volume on control
- effect of repeated mowing on control
- integrated control using fire, mowing, and herbicides
- monitoring of sericea lespedeza seed banks following different management strategies
- herbicide screening at different stages of growth

Future research plans under current funding level include:

- ecological consequences of sericea lespedeza invasion on the tallgrass prairie
- viability of sericea lespedeza seed fed to quail

Education Program

Current status: The education effort, a combination of ongoing and special Extension programs, has grown during 2000. Statewide, the education effort has increased with many counties recognizing the potential impact and initiating local programs. Approximately half the Kansas counties have initiated or are developing programs. Coordination of the program is being done by Paul Ohlenbusch. Counties are being encouraged to develop a program to define the problem and develop an education program to fit their situation. Multi-county programs are being encouraged whenever possible.

Two symposia, *Sericea Lespedeza and the Future of Invasive Species: A Symposium With a Look to the Future*, were held February 26 (Eureka) and March 11 (Wamego) with a total attendance of 305 people. A proceedings was developed and distributed through Extension and other outlets.

A concentrated effort is under way in Southeast Kansas headed by Gary Kilgore, Southeast Area Extension Crops and Soils Specialist, and Jeff Davidson, County Extension Agent, Agriculture, in Greenwood County. Demonstrations, tours, and meetings are conducted to draw attention to the problem and to help producers identify sericea lespedeza and to understand the impacts on grazing lands.

Plans for 2001 under current funding level: The main thrust will be to continue developing and supporting county and multi-county sericea lespedeza management and control programs with presentations at meetings and tours, publications, and other materials as needed. Coordinated programming with the surrounding states will continue.

Significant Publications/Presentations:

- Fick, W.H. 2000. Alternative herbicides and mowing for sericea lespedeza control. Abstracts, Soc. Range Manage. Annual Meeting, Boise, ID, Feb. 13-18, Vol. 53:65.
- Fick, W.H. 2000. Integrated control of sericea lespedeza in Kansas. p. 15-16, In: 2000 Cattlemen's Day. Rep. of Prog. No. 850. Kansas State Univ. Agr. Exp. Sta. and Coop. Ext. Serv., Manhattan.
- Fick, W.H., R.A. Kunard, and K. Al-Khatib. Absorption and translocation of triclopyr and picloram in sericea lespedeza. Poster presented at North Central Weed Sci. Soc. Annual Meeting, Dec. 11-14, 2000, Kansas City, MO.
- Kunard, R.A., W.H. Fick, and P.D. Ohlenbusch. Survey of land managers with sericea lespedeza invading grasslands. Poster presented at North Central Weed Sci. Soc. Annual Meeting, Dec. 11-14, 2000, Kansas City, MO.
- Miller, B., W. Fick, and G. Kilgore. 2000. Herbicidal activity of triclopyr and fluxoxypyr on sericea lespedeza. Abstracts, Soc. Range Manage. Annual Meeting, Boise, ID, Feb. 13-18, Vol. 53:106.
- Ohlenbusch, P.D., and J.M. Mayo (eds.). 2000. Sericea Lespedeza and the Future of Invasive Species: A Symposium With a Look to the Future. Feb. 26, Eureka, KS and Mar. 11, Wamego, KS. K-State Research and Extension Pub. No. MF-2453.
- Scott, B., T. Bidwell, S. Clubine, M. Coffin, and P. Ohlenbusch. Multi-state sericea lespedeza work group: a team approach. Poster presented at North Central Weed Sci. Soc. Annual Meeting, Dec. 11-14, 2000, Kansas City, MO.

Cooperative Efforts

Kansas State University, in cooperation with the Kansas Department of Agriculture, other state and federal agencies, and producer and environmental groups, organized the Multi-State Sericea Lespedeza Work Group in July, 2000. The Work Group includes similar groups in Missouri, Nebraska, and Oklahoma to coordinate research and educational efforts. Currently, the Work Group is seeking funding for a Director to coordinate the research and Extension efforts and assist each state in developing an integrated management and control program.

Current Work Group efforts:

Research Coordination: Protocols have been developed and will be refined to allow all research data to be compiled and analyzed to determine the best chemical control measures throughout the region. The data set can also be used to determine if sericea lespedeza is responding differently as growing season, precipitation, and other factors change.

Education Efforts: The current major effort is to produce printed materials that are usable in all the cooperating states. Delivery of education programs within each state will be coordinated to deliver a unified and consistent message. The current publications being developed are:

Sericea Lespedeza: History, Characteristics, and Identification A cooperatively developed publication is being edited by Paul Ohlenbusch (Kansas) and Terry Bidwell (Oklahoma). The publication is a combination of the Kansas and Oklahoma publications expanded to cover all four states. Expected publication date is April, 2001.

Sericea Lespedeza: A Forage Crop and a Noxious Weed: A cooperatively developed brochure for use with general audiences. It is being designed to acquaint people with the potential that sericea lespedeza has to change the Tallgrass Prairie, reduce wildlife habitat quality, and reduce the production and profitability of grazing operations. Expected publication date is April, 2001.

Sericea Lespedeza & Herbicides: Cost effective controls: A cooperatively developed publication explaining the control methods available, their proper use including herbicide rates, timing, and requirements. Aerial, ground and spot herbicide treatments are included. Expected publication date is late March, 2001.

Posters: Two posters have been developed for use in the region.

Multi-state sericea lespedeza work group: a team approach: Designed to acquaint groups with the goals and activities of the Work Group.

Sericea Lespedeza (*Lespedeza cuneata*): A Noxious Weed: Displays the history, characteristics, and identification of sericea lespedeza.

Future Work Group Needs: The long term goal of the Work Group is to obtain funding for expanded research and education programs across the region.

Other Research and Education Needs: Future research needs includes moving research to a field scale level and incorporating grazing strategies. These efforts would be with individual producers who are willing to cooperate. Funding would be needed to conduct the research including compensating the producer for increased operating costs and lost production.

Contacts:

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Paul D. Ohlenbusch
Department of Agronomy
Kansas State University
785 532-5776

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REPRESENTATIVE, 110TH DISTRICT
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HAYS, KANSAS 67601-0247

STATE CAPITOL, ROOM 426-S
TOPEKA, KANSAS 66612-1504
785-296-7639
1-800-432-3924



TOPEKA

HOUSE OF
REPRESENTATIVES
January 10, 2001

COMMITTEE ASSIGNMENTS

CHAIRMAN: AGRICULTURE
MEMBER: BUSINESS, COMMERCE AND LABOR
ENVIRONMENT

Mr. John Simons, President
ConAgra Beef Company
P.O. Box G
Greeley, CO 80632-0350

Dear Mr. Simons:

As members of the House Agriculture Committee we would like to express our encouragement for the reconstruction of the ConAgra processing facility in Finney County that was destroyed by fire last month. The eventual return to operation of this plant is of vital interest to all Kansans.

The fire was a tragedy that affects not only ConAgra but also the agricultural economy of our state. As you know, the beef processing industry is a vital component of the Kansas economy, and ConAgra is an important participant in that industry. The permanent loss of your Finney County plant would tend to weaken the beef industry in Kansas by eliminating one marketing option for many Kansas producers. It also would cost thousands of jobs and millions of dollars in our state, particularly in our Southwestern communities.

If the State of Kansas can be of assistance in returning the Finney County plant to operation, we stand ready to work with you. We are aware the Governor's Office has expressed its willingness to assist, and we want to assure you there is significant legislative interest.

House Agriculture Committee
January 10, 2001
Attachment 9