

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairman Dan Johnson at 3:30 p.m. on January 16, 2002, in Room 423-S of the Capitol.

All members were present except: Representative Flora - absent
Representative Hayzlett - absent
Representative O'Brien - excused

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

Conferees appearing before the committee:
Alan Alderson, Western Association
Jamie Clover Adams, Secretary, Kansas Department of Agriculture

Others attending: See attached list

Chairman Johnson welcomed everyone back to the first House Agriculture Committee meeting of the 2002 Legislative Session. Representative Thimesch reported on the health of Representative O'Brien following an accident last summer.

Alan Alderson, Legislative Counsel for Western Association, requested introduction of a committee bill that would amend the buy-back laws which regulate the obligations of manufacturers of farm equipment, outdoor power equipment, and lawn and garden equipment to repurchase equipment and parts when a dealership contract has been terminated. (Attachment 1) Representative Dahl moved to introduce this legislation as a committee bill. Seconded by Representative Freeborn, the motion carried.

Representative Thimesch reported that the State of Ohio has requested a USDA pilot program to allow their state inspected meat processors to sell their products across state lines. Representative Thimesch requested introduction of a resolution to encourage passage of this pilot program and to ultimately allow interstate marketing of state inspected meat. Seconded by Representative Dahl, the motion carried.

Jamie Clover Adams, Secretary, Kansas Department of Agriculture, presented an overview of the department's Fiscal Year 2001 Annual Report including their food safety, consumer protection, environmental protection, and water resource management programs. (Attachment 2)

The Secretary briefed the committee on the various regulatory programs administered by the department. She reviewed the agency's budget and discussed proposed 2002 legislative initiatives, including new fees the department is proposing as well as existing fee increases. The repeal of several statutes was also proposed. (Attachment 3)

Proposed New Fees:

- Annual Nutrient Utilization Plan Inspection Fee
- Annual Weights and Measures Facility Authorization Fee
- Meat and Poultry Wholesaler/Broker Registration Fee
- Annual Live Plant Dealer License Fee
- Water Appropriations – Ownership Changes; Filing Water Use Reports; Failure to File Accurate Reports
- Water Structures – Steam Obstruction or Channel Change Application; Dam Construction Permit; Dam Inspections; Fills and Levee Permits

CONTINUATION SHEET

Proposed Existing Fee Increases:

- Dairy Inspection and Licenses
- Meat and Poultry Licenses and Registration; Overtime Charges
- Pesticide Product Registration
- Pesticide Applicator Certification
- Pesticide Business License
- Chemigation Certification and Permits
- Seed Wholesaler/Dealer Registration
- Agricultural Lime Inspection Fees and Production Registration
- Soil Amendment Inspection Fees and Product Registration
- Live Plant and Plant Product Inspection, Certification and Licensing
- Phytosanitary Inspection and Certificates
- Water Appropriation Permits, Changes and Inspections
- Weights and Measures Licenses
- Weights and Measures Metrology Lab Calibration and Tolerance Testing.

Statute Repeal Proposals:

- Livestock Remedy Registration Repeal
- Frozen Dairy Dessert Inspection Repeal
- Apiary Inspection, Registration and Permit Repeal

Representative Freeborn moved to introduce the necessary committee bills to encompass the Secretary's proposed legislative requests. The motion was seconded by Representative Dahl. Motion carried.

The meeting adjourned at 5:00 p.m. The next meeting is scheduled for January 23.

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LL.M., TAXATION
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KANSAS AND MISSOURI

MEMORANDUM

TO: Members, House Agriculture Committee
FROM: Alan F. Alderson, Legislative Counsel, Western
Association
DATE: January 16, 2002
RE: Proposed Amendments to State Buy-Back Laws

Mr. Chairman and members of the House Agriculture Committee I thank you for the opportunity to allow me to appear to request some simple amendments to the so-called buy-back laws which regulate the obligations of manufacturers of farm equipment, outdoor power equipment, and lawn and garden equipment to repurchase equipment and parts when a dealership contract has been terminated. I appear today on behalf of Western Association, an association which manages several different associations and represents dealers of farm machinery and equipment, construction equipment and lawn and garden equipment dealers in several midwestern states.

Over the past few years, the association has become aware that a number of small manufacturers have taken the position that, when a dealership contract is terminated, they are not obligated by Kansas law to repurchase parts and equipment which have been purchased from other than the manufacturer or distributor. A strict reading of the three (3) laws which regulate repurchases of parts and equipment excludes from the repurchase requirement any equipment, attachment or repair parts which were acquired by the retailer from any source other than the wholesaler, manufacturer or distributor.

However, there are instances in which the dealer has acquired the parts from other sources at the direction or by the authorization of the manufacturer or distributor and other instances in which the manufacturer or distributor arranges for the equipment or parts to be acquired and drop shipped from another source arranged for by the manufacturer or distributor. It is under these circumstances that we believe the manufacturer or distributor should be required to repurchase these pieces of equipment and parts on the same

House Agriculture Committee
January 16, 2002
Attachment 1

terms as are required if the dealer had obtained the equipment or parts directly from the manufacturer or distributor.

Our proposed amendments to the three (3) applicable Kansas statutes simply make an exception to the provisions which do not require repurchase of these parts or equipment.

I have provided you with a proposed bill draft which shows where the amendments would be made and the language that we are asking to have inserted.

We will present additional information at the time of the hearing on this bill. We are simply asking for you to agree to introduce the bill at this time. However, I would be glad to try to answer any questions you might have regarding our proposed legislation.

Sincerely,

Alan F. Alderson
ALDERSON, ALDERSON, WEILER,
CONKLIN, BURGHART & CROW, L.L.C.

AFA:tmm\tla

Attachment

HOUSE BILL NO. _____

BY HOUSE AGRICULTURE COMMITTEE

AN ACT concerning dealership franchise agreements; relating to the repurchase of machinery, equipment and parts upon termination; amending K.S.A. 2000 Supp. 16-1003, 16-1304 and 16-1404, and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2000 Supp. 16-1003 is hereby amended to read as follows: (a) The provisions of this act shall not require the repurchase from a retailer of:

- (1) Any repair part which is in a broken or damaged package;
- (2) any single repair part which is priced as a set of two or more items;
- (3) any repair part which because of its condition is not resalable as a new part without repackaging or reconditioning;
- (4) any farm implements, machinery, attachments or repair parts for which the retailer is unable to furnish evidence, satisfactory to the wholesaler, manufacturer or distributor, of clear title, free and clear of all claims, liens and encumbrances;
- (5) any farm implements, machinery, attachments or repair parts which the retailer desires to keep, provided the retailer has a contractual right to do so;
- (6) any farm implements, machinery and attachments which are not current models or which are not in new, unused, undamaged, complete condition;
- (7) any repair parts which are not in new, unused, undamaged condition;
- (8) any farm implements, machinery, attachments which were purchased prior to the beginning of the 24-month period immediately preceding the date of notification of termination;
- (9) any farm implements, machinery, attachments or repair parts which were ordered by retailer on or after the date of notification of termination; or

- (10) any farm implements, machinery, attachments or repair parts which were acquired by the retailer from any source other than the wholesaler, manufacturer, distributor or transferee of such wholesaler, manufacturer or distributor unless such inventory was acquired from any source authorized or arranged for by the wholesaler, manufacturer or distributor.

(b) Any repair part which is not excluded from the repurchase obligations established under K.S.A. 16-1002 and 16-1005, and amendments thereto, by this section, as amended by this act, and the repurchase of which is in dispute on the effective date of this act shall be subject to the repurchase obligations established under K.S.A. 16-1002 and 16-1005, and amendments thereto.

Sec. 2. K.S.A. 2000 Supp. 16-1304 is hereby amended to read as follows: The provisions of K.S.A. 16-1303 shall not require the repurchase from a retailer of any:

- (a) Repair part which is in a broken or damaged package;
- (b) single repair part which is priced as a set of two or more items;
- (c) repair part which, because of its condition, is not resalable as a new part;
- (d) inventory for which the retailer is unable to furnish evidence, satisfactory to the supplier, of title, free and clear of all claims, liens and encumbrances;
- (e) inventory which the retailer desires to keep, and for which the retailer has a contractual right to do so;
- (f) machines, equipment, and attachments which are not in new, unused, undamaged, or complete condition;
- (g) repair parts which are not in new, unused, or undamaged condition;
- (h) machines, equipment or attachments which were purchased 24 months or more prior to notice of termination of the contract;
- (i) inventory which was ordered by the retailer on or after the date of notification of termination of the contract;
- (j) inventory which was acquired by the retailer from any source other than the supplier or transferee of such supplier unless such inventory was acquired from any source authorized or arranged for by the wholesaler, manufacturer or distributor; or
- (k) part that has been removed from an engine or short block or pieced of equipment or any part purchased separately that has been mounted or installed by the retailer on an engine or on equipment.

Sec. 3. K.S.A. 2000 Supp. 16-1404 is hereby amended to read as follows: The provisions of K.S.A. 16-1403, and amendments thereto, shall not require the repurchase from a retailer of any:

- (a) Repair part which is in a broken or damaged package;
- (b) single repair part which is priced as a set of two or more items;

- (c) repair part which, because of its condition, is not resalable as a new part;
- (d) inventory for which the retailer is unable to furnish evidence, satisfactory to the supplier, of title, free and clear of all claims, liens and encumbrances;
- (e) inventory which the retailer desires to keep, and for which the retailer has a contractual right to do so;
- (f) machines, equipment, and attachments which are not in new, unused, undamaged, or complete condition;
- (g) repair parts which are not in new, unused, or undamaged condition;
- (h) machines, equipment or attachments which were purchased 24 months or more prior to notice of termination of the contract;
- (i) inventory which was ordered by the retailer on or after the date of notification of termination of the contract;
- (j) inventory which was acquired by the retailer from any source other than the supplier or transferee of such supplier unless such inventory was acquired from any source authorized or arranged for by the wholesaler, manufacturer or distributor; or
- (k) part that has been removed from an engine or short block or piece of equipment or any part purchased separately that has been mounted or installed by the retailer on an engine or on equipment.

Sec. 4. K.S.A. 2000 Supp. 16-1003, 16-1304 and 16-1404 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

Kansas' premier

- Food Safety
- Consumer Protection
- Environmental Protection
- Water Resource Management

agency



FISCAL YEAR 2001
ANNUAL REPORT

House Agriculture Committee
January 16, 2002
Attachment 2



FISCAL YEAR 2001

ANNUAL REPORT

Bill Graves
Governor, State of Kansas

Jamie Clover Adams
Secretary of Agriculture

Greg Foley
*Assistant Secretary
of Agriculture*

Carole Jordan
*Director of Education
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FISCAL YEAR 2001
ANNUAL REPORT

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Throughout fiscal year 2001, which ran from July 1, 2000, to June 30, 2001, the Kansas Department of Agriculture remained on course in its mission to become the state's premier food safety, consumer protection and environmental protection agency for the benefit of all Kansans. I know that the strength of our regulatory programs, and the managers who run them, will help us reach our goal. Those strengths also provide the foundation I need to effectively advocate and educate on behalf of Kansas agriculture.

The predominant issue for fiscal year 2001 was water. On July 3, 2000, the Environmental Protection Agency published in the Federal Register its proposed rule on water quality standards for Kansas, claiming that standards the state promulgated did not meet the requirements of the Clean Water Act.

I knew that Kansas had invested much time and money to identify and implement measures that would improve our water quality. I also knew that the new rule would devastate Kansas' smaller, rural communities, which simply do not have the economic base to improve their wastewater facilities. In short, the rule was cost prohibitive and it intruded on the state's right to manage its own water quality.

Before the public comment period expired, I submitted a 47-page document detailing why EPA should not proceed with its proposed rule. I supplemented my comments with an 8-inch stack of supporting materials documenting many measures the state had taken to improve water quality.

EPA had not reviewed my comments when the Supreme Court issued a decision that reinforced that states have the right to regulate their own water quality. Also, the Kansas Legislature passed a law that outlines how streams may be classified, and Kansas successfully negotiated with EPA to allow the state more time to analyze and designate its streams.

All Kansans are concerned about our state's water quality, especially agricultural producers. Many are trying to meet higher public expectations, increased regulation and a growing list of environmental challenges. Knowing this, I opted to serve on the natural resources committee of the National Association of State Departments of Agriculture. As part of my work on that committee, I appeared before the U.S. House Agriculture subcommittee on Conservation, Credit, Rural Development and Research to promote a block grant to states as part of the conservation title of the farm bill. The block grant would fill gaps left by the current farm bill's conservation programs, and it would provide resources to state departments of agriculture for cost-share activities that enhance the protection of land, water, air and wildlife.

To find out which conservation initiatives are most important to Kansas, the Kansas Department of Agriculture teamed with the Kansas Department of Wildlife and Parks and the State Conservation Commission to bring together a wide range of agricultural, landowner, wildlife, conservation and agribusiness interests. The group, the Kansas Farm Bill Conservation Coalition, met several times during the summer of

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Jamie Clover Adams
Secretary of Agriculture

FY 2001 Summary

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Jamie Clover Adams
Secretary of Agriculture

FY 2001 Summary

2001 to develop recommendations for the conservation title of the next farm bill.

To educate Kansas policymakers and agricultural and industrial leaders about the positive aspects of environmental protection partnerships, KDA hosted its second annual Ag Earth Day Tour in and around Wichita. The tour highlighted urban and rural initiatives to improve water quality. Participants included Kansas legislators, Wichita city and Sedgwick County officials, agricultural leaders and industry leaders from the Wichita area.

Another water concern for Kansas during fiscal year 2001 was the unusually dry weather we were experiencing for much of year. To try to maintain minimum desirable streamflows in the Republican and Delaware rivers, junior water right holders were restricted from diverting water, off and on, from June 2000 to March 2001. Later, USDA's Farm Service Administration allowed emergency grazing of Conservation Reserve Program land because of a loss in hay and pasture production. Hardest hit were soybean growers, many of whom left their crop unharvested due to its extremely poor quality. Soybean production for the year was down by 38 percent. This spring, wheat growers turned under acres with poor stands so they could plant other crops. Some who left their fields intact saw them rebound after much needed rain, and some even reported a decent harvest.

To address fluctuations in water needs, the Kansas Department of Agriculture supported Senate Bill 237 during the 2001 legislative session. The bill contained provisions for water banking and five-year flex accounts, both of which allow for more flexibility in surface water and groundwater appropriations. We supported this legislation because of the flexibility it offered water users and its potential to contribute to water conservation.

When the 2001 Kansas Legislature convened in January, international news reports indicated that new cases of bovine spongiform encephalopathy (BSE, or mad cow disease) had been found in the European Union. We knew that feeding cattle bovine meat and bone meal was believed to be responsible for the spread of BSE in England, so we stepped up our inspections of rendering plants and commercial feed mills to ensure they were complying with FDA rules that prohibit feeding bovine protein to any ruminant. Also, the Agricultural Lab purchased new equipment that analyzes feed and can detect the presence of bovine protein.

Because we value the reputation of Kansas beef and our state's livestock industry, we asked the Kansas Legislature to adopt the most recent FDA feed rules and to give KDA civil penalty authority to address any facility not abiding by those rules. Now we can more directly address feed issues, and better protect consumers of Kansas beef and our livestock industry.

News reports about BSE were on the wane when England experienced a second outbreak of animal disease. Foot-and-mouth disease, which is highly contagious and difficult to eradicate, was widespread by the time the first diagnosis was made. KDA took

immediate, proactive steps to protect Kansas livestock. Inspectors who come into contact with animals susceptible to contagious disease were trained to spot symptoms of foot-and-mouth disease. We developed a plan of action for employees to follow if a contagious animal disease is suspected. Also, administrative staff and an agency veterinarian participated in emergency management training to help the Kansas Animal Health Department prepare its response to an outbreak of contagious animal disease.

Wheat harvest was just starting when USDA discovered Karnal bunt in north Texas. Eventually, four Texas counties were added to USDA's quarantine of Karnal bunt-infected areas. Karnal bunt is a fungal disease that affects wheat yield and quality, and flour made from infected kernels may be discolored and have a harmless but unpleasant odor and taste. The most detrimental effect of the disease is on international and domestic markets. Many countries will not import wheat from areas that have tested positive for the disease and some domestic flour mills will not accept it.

Wheat and wheat products are a \$1 billion industry for Kansas. Twenty percent of the wheat exported from the U.S. is grown in Kansas, and exports claim 24 percent of our state's annual wheat crop. To protect this important industry, we took reasonable, proactive steps to prevent the introduction of Karnal bunt into Kansas.

Our initial response was to initiate a producer awareness campaign to minimize the possibility of Karnal bunt spores being transported to Kansas on custom harvest equipment. I recorded public service announcements to air on farm radio stations statewide and fact sheets were made available to affected stakeholders and all county extension offices. We encouraged wheat growers who use custom harvesters to ask where the equipment had been and if it had been cleaned and certified by USDA.

To alleviate the risk of Karnal bunt-infected seed making it to Kansas fields, I issued an order requiring that all seed offered for sale in Kansas be tested and certified free of Karnal bunt. The order also requires that portable seed conditioning equipment be cleaned and disinfected using one of four USDA-approved treatments before it is moved into Kansas. Kansas has a history of taking proactive measures to protect the viability of its agricultural legacy and industry, and this was just another chapter in that history.

Also, as in years past, KDA worked with several Kansas agricultural associations to bring Agriland — a hands-on display that encourages kids of all ages to learn about Kansas agriculture — to the Kansas State Fair. We also arranged for Gov. Graves to proclaim March 20 Agriculture Day and for him to meet with winners in the Kansas Foundation for Agriculture in the Classroom bumper sticker contest.

Although I was kept quite busy addressing the important issues that arose throughout fiscal year 2001, I accepted as many invitations to speak as would fit my schedule. Fewer Kansans than ever have ties to the farm and agriculture, so I am always ready to spread the word that agriculture, especially Kansas agriculture, touches all of us.

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Jamie Clover Adams
Secretary of Agriculture

FY 2001 Summary

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Agency Overview

The Kansas Department of Agriculture budget for fiscal year 2001 was \$18,084,295. 55 percent came from the state general fund and 45 percent came from fees, grants and federal funds.

The Kansas Department of Agriculture had 302 full-time and 19 unclassified, temporary employees in fiscal year 2001.

Agency Mission and Secretary's Role

The Kansas Department of Agriculture is, first and foremost, a regulatory agency serving all Kansans. It is charged by law to ensure: a safe meat, milk and egg supply; the responsible and judicious use of pesticides and nutrients; the integrity of weighing and measuring devices in commerce; and, that the state's waters are put to beneficial use.

The strong foundation provided by the agency's regulatory programs allows the secretary of agriculture to effectively advocate and educate on behalf of Kansas agriculture.

Administrative Services and Support

Under the direction of the secretary of agriculture, the administrative services 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, information and education.

Within the administrative services grouping is the statistical services and support program, also known as Kansas Agricultural Statistics Service, a cooperative federal-state program involving the Kansas Department of Agriculture and the U.S. Department of Agriculture. Through KASS, data about the many segments of Kansas agriculture are collected, analyzed and disseminated.

Food Safety and Consumer Protection Programs

These programs guarantee public safety and consumer protection by regulating the production and sale of meat, poultry, dairy products, eggs, agricultural seeds and feeding stuffs. These activities also benefit the agricultural industry by maintaining a climate of consistency and confidence in the marketplace.

The **Dairy Inspection** program conducts inspections, collects samples for analysis, and issues permits and licenses to ensure that milk and dairy products are produced, processed and distributed to reach consumers in a safe, wholesome and unadulterated form.

The **Meat and Poultry Inspection** program provides services "equal to" federal inspection, and has adopted federal standards for safe, sanitary meat and poultry products. Program staff provide antemortem and postmortem inspection of cattle, sheep, swine, American bison, rabbits, goats, horses, mules, other equine, and poultry slaughtered for human consumption. They also inspect sanitary conditions in meat processing facilities, assist with sanitary and labeling

information, and investigate complaints about the sale of meat and poultry.

The **Agricultural Commodities Assurance** program (ACAP) contributes to food safety by ensuring that agricultural inputs are safe, quality products that are not misrepresented to their consumers. These products include: *seeds*, which must meet label guarantees and contain no noxious or restricted weed seeds exceeding the quantity allowed; *livestock remedies*, which must meet label claims; *commercial feeding stuffs*, including pet foods, are analyzed and registered to prevent contaminants and adulterants from entering the human and animal food chain; *eggs* are regulated to ensure safe and properly identified products for human consumption; *FDA medicated feeds* are monitored for good manufacturing practices and compliance at feed mills to prevent adulterated, misbranded or unhealthy animal feeds from entering the human food chain; and, *FDA tissue residue tests* are performed on beef and pork products when cases of misuse of federally regulated livestock medications are reported.

The **Grain Warehouse Inspections** program operates to ensure 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 licensed warehouses at least once a year as required by law, and examine warehouses that meet only minimum financial requirements more than once a year, to protect each warehouse's depositors of grain. It is a program goal to examine licensed facilities as accurately as possible.

The **Weights and Measures** program provides a consumer protection function through inspection and certification of large and small scales, scanners, gasoline pumps, fuel quality testing and laboratory calibration of weights.

Water Resources Programs

The **Water Resources** programs provide a public safety function through management of the quantity of the state's scarce water resources and inspection of water structures.

The **Water Appropriation** program manages the state's water supplies through a system of permits, reviews and inspections. It issues water rights, maintains data about water use and administers water rights during times of shortage.

The **Water Structures** program inspects and regulates the safety of dams which, if they failed, could endanger lives and property. The program also monitors activities affecting the flow of rivers and streams to ensure these activities are properly planned, constructed, operated and maintained.

The **Water Management Services** program administers the four interstate river compacts and the subbasin resource management plan, which is developed in conjunction with local agencies working toward a long-term, statewide water use plan.

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Agency Overview

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Agency Overview

The **State Water Plan** program encompasses activities from other programs, including interstate water, and basin and floodplain management.

Environmental Protection Programs

These programs focus on protecting the health of the state's natural and cultivated plant resources and the environment through preventive actions and activities designed to ensure the safe and proper use of nutrients and agricultural chemicals.

The **Plant Protection and Weed Control** program protects the agricultural industry from the introduction of foreign plant pests. It also works with county noxious weed departments to help control or eradicate destructive weeds in Kansas.

The **Pesticide and Fertilizer** program protects public health by promoting the safe use of pesticides and fertilizers. This program was formed in April 2000, when inspection functions for fertilizer, fertilizer containment, anhydrous ammonia safety, agricultural lime and soil amendments were moved under the organizational structure of the pesticide program. This program's realignment followed the national trend for improved water quality, control of non-point source pollution, and integration of agricultural chemicals with other agronomic and crop protection tools. Regulated under the fertilizer and pesticide program are: *pesticides*, by licensing and certifying pesticides and pesticide applicators; *commercial fertilizer*, by ensuring fertilizer products are labeled accurately, and by allowing program staff to issue stop sale/stop use orders to prohibit further sale of a 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*, the sale of which is monitored, and the storage, handling and transportation of which is inspected, and for which staff try to prevent, and reduce the impact of, accidental releases of anhydrous ammonia through a strong industry training program; *agricultural lime*, compounds that contain calcium or magnesium for neutralizing soil, are monitored for effectiveness and accuracy in labeling.

The **Agricultural Laboratory** program establishes, maintains and improves analytical laboratory services for Meat and Poultry Inspection, Dairy Inspection, ACAP and the Pesticide and Fertilizer programs. It ensures that samples are subjected to the highest possible testing standards of accuracy and precision. This is done to protect the health and safety of Kansans and to facilitate accuracy in labeling of products offered for sale.

Dairy Inspection

The goal of the Dairy Inspection program is to ensure consumers safe, wholesome milk and dairy products by inspecting and/or sampling all areas of the dairy industry. The department regulates the dairy industry at the following levels: farm production, raw product transportation, processing, packaged product distribution, and wholesale and retail sale.

The Dairy Inspection program is divided into general subprograms: Grade A farm and Grade A milk plant inspections; manufacturing-grade farm and manufacturing milk plant inspections; milk hauler licensing/evaluations; milk tank truck/equipment; and counter freezer inspections.

Grade A farms are inspected at least four times a year. Inspectors look at the general sanitation and cleanliness of the milking barn, tank room and milking equipment. Actual milking practices are observed to ensure that a safe, wholesome raw product is being delivered to the pasteurization plants, where it will undergo more processing. Each farm bulk milk supply is sampled monthly to confirm that it complies with standards for temperature, bacterial limits, drug residue, somatic cell limits, pesticide residues and added water.

There were 559 Grade A dairy farms permitted as of June 30, 2001. During fiscal year 2001, these farms underwent 3,073 inspections and 6,850 samples were collected for official regulatory testing.

Grade A processing plants, and transfer/receiving stations, are inspected at least four times a year. Inspectors make sure they comply with cleaning and sanitation requirements. Pasteurization equipment is a primary focus of a plant inspection. It is tested quarterly to ensure that the raw milk is processed in a way that destroys all pathogens. Also, all products processed by the plant are sampled monthly to make sure they comply with standards for bacterial limits, drug residues, coliform bacteria limits, phosphatase testing and vitamin addition, and to make sure they are correctly labeled according to butterfat. Single-service dairy container manufacturers are also inspected. These facilities produce cartons, containers and closures for packaging dairy products.

In fiscal year 2001, there were eight Grade A processing plants and transfer/receiving stations permitted. A total of 199 processing plant inspections (both Grade A and manufacturing) were performed to determine overall sanitation and to test the pasteurization equipment. The department's dairy laboratory tested 540 Grade A pasteurized, packaged milk samples collected by dairy inspectors throughout the year.

The manufacturing-grade milk program is enforced under guidelines developed by USDA. Raw manufacturing-grade milk is inspected under slightly less stringent standards than Grade A. It is used to manufacture products such as cheese, processed cheese, butter and ice cream.

Each manufacturing-grade farm is inspected at least three times a year for general sanitation requirements and equipment cleaning. Monthly

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Food Safety and Consumer Protection Programs

The Dairy Inspection program

budget for fiscal year 2001

was \$501,425. 50 percent

came from the state general

fund and

50 percent came from fees.

The Dairy Inspection program

had nine full-time employees in

fiscal year 2001.

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Food Safety and Consumer Protection Programs

samples are also taken and each undergoes lab testing similar to that for Grade A milk.

As of June 30, 2001, there were 42 manufacturing-grade dairy farms permitted. During fiscal year 2001, 209 inspections were completed on these farms and 676 samples were collected for testing by the lab.

Each manufacturing-grade plant is inspected at least four times a year, and sanitation requirements are similar to pasteurization requirements and testing.

Milk haulers in Kansas are licensed to sample, collect and transport raw milk from the farm to the processing plants. New milk haulers must complete a training exercise and a written test before they are licensed by the Kansas Department of Agriculture. Each year an inspector evaluates the hauler's sampling and measuring practices. The hauler's truck tank, pump, hose and sampling equipment are inspected at least yearly for construction, cleaning and sanitation. Licenses are renewed annually, and refresher training is required every three years.

In fiscal year 2001, there were 157 milk haulers licensed by the department. Dairy Inspection staff conducted 83 milk hauler training sessions and 307 on-farm sampling procedure evaluations and in-plant truck tanker sanitation inspections.

All establishments that freeze a frozen dairy dessert mix for retail sale must be licensed and inspected by the Kansas Department of Agriculture. Establishments are inspected at least annually and samples are taken at each inspection. These samples verify that the freezer is being cleaned and sanitized correctly by determining the bacteria and coliform bacteria counts. If the lab detects that a sample exceeds limits, the business is revisited by the inspector who helps the operator correct any cleaning or sanitizing problems.

In fiscal year 2001 there were 1,076 establishments permitted to sell soft serve frozen dairy desserts. Dairy inspectors conducted 2,488 inspections and collected 3,768 samples for bacteriological testing in the laboratory.

A direct relationship exists between compliance rates and the overall safety of milk and dairy products produced in Kansas. The Dairy Inspection program measures its effectiveness by determining the rate of compliance in a given category. For example, to determine compliance for Grade A farm inspections, the number of warnings and/or suspensions given is computed as a percentage of the total number of inspections made. Sample compliance is expressed as the percentage of all samples that meet the established standards. Compliance rates can then be compared with previous data to determine any trends and to allocate resources where they are needed.

The dairy industry is changing. While the number of individual dairy farms and processing plants continues to decline, their size is growing rapidly. On the other end of the spectrum, the smaller producer

— often goat or sheep producers — are looking for ways to maximize returns. Many are considering starting small-scale processing plants to make products for niche markets such as health food stores. This presents new challenges for the Dairy Inspection program:

- Larger dairy production and processing facilities are using more automated equipment, which will require ongoing training for inspection staff.
- Small-scale processing facilities are required to maintain public health standards for sanitation and food safety. However, many of the standards are viewed as limiting by small producers.
- Milk must be hauled farther, sometimes 500 miles or more, to reach larger processing facilities.
- We will need to be able to collect producer samples at central locations for shipment to the Agricultural Laboratory for official testing.
- When milk quality/adulteration violations are found today, it affects a larger quantity of milk than it did in the past.

The Dairy Inspection program has responded to changes within the dairy industry:

- We developed new producer information packets that detail minimum construction standards, water quality requirements and phone numbers of contacts within the industry. Meeting and educating prospective permit holders at the planning stage through construction and start-up can eliminate potential problems.
- Information packets have been developed for small-scale producers and other individuals who want to pasteurize and process their own milk at the farm.
- Milk haulers and samplers have been trained and tested by the Kansas Department of Agriculture since 1987, when it was common to hold group training sessions. As the industry changed, it was difficult to train all of the hauler/samplers in this fashion. A short, packaged training course was developed and given to each area inspector so that individual training could be given to new milk haulers as needed. We just completed producing a new training video and study materials. Due to an increasing number of Spanish-speaking persons employed in the dairy industry, KDA is producing a Spanish language version of these training materials.
- Kansas dairy statutes were reorganized and updated during the last legislative session. Obsolete laws were removed and the remaining laws were organized into sections for easier reference by the user.

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Food Safety and Consumer Protection Programs

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Food Safety and Consumer Protection Programs

The Meat and Poultry

Inspection budget for fiscal year 2001 was \$2,811,139.

50 percent came from the state general fund, 48 percent came from federal funds and 2 percent came from fees.

The program has one unclassified, temporary employee and 62 full-time employees.

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Meat and Poultry Inspection

The Meat and Poultry Inspection program ensures the safety and wholesomeness of meat and poultry items produced by Kansas slaughter and processing plants that are not under federal inspection. Its mission is to detect, and eliminate from commerce, meat and poultry items that pose a health threat, are improperly labeled, or serve as a source of economic fraud to the consumer.

The program provides on-site inspections at slaughter and processing plants, and out-of-plant enforcement through personnel who review products in commerce. Kansans who depend on the Meat and Poultry Inspection program include consumers who obtain meat and poultry products through commerce and plant owners who offer those products for sale. The services provided by this program are not duplicated by any other state, federal or private agency.

The Kansas Meat and Poultry Inspection Act (KMPIA) requires that anyone engaged in the business of slaughtering, processing, dressing, packing, manufacturing, distributing, brokering, wholesaling, or storing meat and poultry food products in Kansas be registered with, and in some cases pay a fee to, the Kansas Department of Agriculture. In fiscal year 2001, there were 335 such businesses registered.

The Meat and Poultry Inspection program has three objectives: food safety, consumer protection, and education and outreach. The food safety objective is approached by ensuring that only meat and poultry products that do not pose a food safety hazard are allowed to enter the human food supply. The consumer protection objective is accomplished by reviewing meat and poultry products involved in intrastate commerce to ensure that they comply with established standards of identity and labeling, which minimizes the opportunity for product adulteration and economic fraud. The education and outreach objective is met by supplying Meat and Poultry Inspection personnel with educational meetings, continuing education exercises and training materials, and by helping owners and operators of state-inspected facilities understand state and federal laws and regulations.

The Kansas program is modeled after the federal program. The Kansas Meat and Poultry regulations, the program's compliance section and the KDA laboratory, which performs chemical and microbiological analyses, have been rated "equal to" their federal counterparts by USDA Food Safety and Inspection Service reviewers. Plant owners under state inspection face the same sanitation and facility standards as their federal competitors. However, they are not allowed to ship products out of state. These plants provide a valuable service to Kansas' smaller communities and they contribute to their local economic base by providing jobs and an outlet for livestock producers.

During fiscal year 2001, the Kansas Department of Agriculture twice teamed with the Kansas Department of Commerce and Housing to bring to producers and meat and poultry processors a seminar on direct marketing. The goal was to provide producers and processors with practical information they could use to expand their markets and, hopefully, secure a greater share of the consumer dollar. Presenters with a

wide variety of hands-on experience with direct marketing techniques and value-added strategies told seminar attendees what they needed to know to launch their own direct meat marketing ventures. KDA's Meat and Poultry Inspection staff explained the most up-to-date requirements for labeling and marketing meat and poultry products.

KDA took a proactive stance to protect Kansas' livestock from contagious animal illnesses like foot-and-mouth disease. The Meat and Poultry Inspection program prepared its plan for response to contagious animal disease. Many inspectors come into contact with animals susceptible to contagious disease and they are trained to spot signs of illness and know which steps to take to contain them. Staff also participated in an emergency management training session to help the Kansas Animal Health Department develop its response to an outbreak of contagious animal disease.

Agricultural Commodities Assurance Program

The Agricultural Commodities Assurance program regulates the quality of eggs, feed, pet food and seed. Inspectors routinely visit supermarkets, feed mills, pet stores and other retail and wholesale outlets to verify that products are properly labeled and to take samples to send to our Agricultural Laboratory for analysis. These inspections ensure that food products consumed by the public are safe.

More than 50,000 eggs are inspected each year by ACAP personnel. Inspections ensure that the eggs are stored at 45° F or lower, since storing them at a higher temperature may cause salmonella to grow, which poses a human health threat. Unfortunately, at 58 percent, the compliance rate for eggs is very low. This percentage includes compliance with all requirements, not just temperature. More egg inspections will be conducted this fiscal year in an effort to improve the compliance rate.

ACAP staff visit approximately 1,200 state and federally licensed feed mills to conduct Good Manufacturing Practices inspections. Inspectors verify that these feed mills follow established good manufacturing practices to ensure that they produce feed that is safe and in compliance with state and federal rules.

During feed mill inspections, ACAP staff pay extra attention to materials that include bovine (cow) protein. In Europe, bovine protein has been identified as the vehicle responsible for spreading bovine spongiform encephalopathy, or mad cow disease, a disease that has not been found in the United States. Inspectors verify that any product containing bovine protein is labeled with a cautionary statement indicating that it must not be fed to cattle or other ruminants. Approximately 500 feed samples will be analyzed by the Agricultural Laboratory during this fiscal year.

The compliance rate for feed samples checked for prohibited materials was 99 percent. While this number is very high, it is not acceptable for this program. Because compliance with the prohibited

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Food Safety and Consumer Protection Programs

The ACAP budget for fiscal year 2001 was \$361,212.

90 percent came from fees, 8 percent came from a grant and 2 percent came from federal funds.

ACAP had seven full-time employees in fiscal year 2001.

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Food Safety and Consumer Protection Programs

materials regulations is so important to human health and the livestock industry, our goal is to reach 100 percent compliance.

ACAP also helps the federal government investigate tissue residue cases, where antibiotics and other drugs have been detected in animals destined for the human food supply. When a carcass is examined by a federal inspector and antibiotic or another drug residue is found, ACAP investigates the cause and source of the problem. Last year, 13 tissue residue cases were referred to ACAP for investigation and the number is likely to increase this year.

Generally, the problem can be traced to a dairy producer or rancher who medicated a sick animal and did not wait long enough for the drugs to be expelled by the animal's body before marketing it. The ACAP inspector provides information regarding the importance of following label instructions and federal rules, and conveys the consequences of improperly medicating animals.

Most consumers look at the nutrition labels on the food they consume. Some also look at the nutritional labels on their pet's food. ACAP inspectors make sure that the food we feed our pets contains what is identified on its label.

Seed inspections are important to the agricultural industry and to consumers. Farmers use the germination and purity guarantees to determine crop yield. If seed does not meet those guarantees, the crop will be less than expected and the farmer may suffer economically. Poor crop yields may ultimately raise the price of food for consumers.

Each year, the ACAP staff sends approximately 200 seed samples to the Agricultural Laboratory to be checked for purity and germination. They also make sure that only seed that has been tested is sold. Last year, 87 percent of the seed analyzed was in compliance.

Great emphasis is being placed on egg and prohibited material inspections. The goal is to shift resources to these areas while maintaining adequate inspections in other areas. This will be accomplished by carefully examining what we do and why we do it. For example, it has been routine to sample all types of seed each spring and fall. We will still conduct seed inspections during these critical times, but we will reduce the number of samples taken for seeds that traditionally have had a high compliance rate.

The ACAP program had to shift gears several times in the past year due to changing marketplace conditions. Inspectors had to stop routine inspections to conduct prohibited material inspections at feed mills and to verify that wheat seed being sold in Kansas had been tested for Karnal bunt. We anticipate similar changes in course in the future as we encounter unforeseen issues that affect food safety and consumer protection.

Grain Warehouse Inspections

The Grain Warehouse Inspections program administers and enforces the Kansas Public Warehouse Law relating to grain storage. It requires

that any entity that stores grain for the public to be licensed. It ensures that Kansas grain producers have safe, solvent warehouses where they may store their commodities. To achieve this, the program examines state-licensed facilities at least once each year. More examinations are made on licensed facilities that meet only the minimum financial requirements.

During fiscal year 2001, the Grain Warehouse Inspections program had 205 licensed elevators and 300 additional locations. The program performed 250 random examinations on the 205 licensed facilities. Facilities meeting only the minimum financial requirements, or facilities with serious compliance problems, were examined more than once.

Examinations help:

- Eliminate fraud in the grain industry.
- Ensure the quantity and quality of stored commodities in Kansas-licensed warehouses.
- Maintain the percentage of loss to producers at zero.

The number of state-licensed elevators has been declining. However, the total number of licensed locations has remained fairly constant. The decline in state-licensed facilities can be attributed to grain companies merging, being sold to another federally licensed or state-licensed facility, or elevators going out of business. When companies merge, it is to reduce operating costs and to increase productivity.

The Grain Warehouse Inspections program has a new statute that allows grain companies to furnish an irrevocable letter of credit along with a bond to obtain a license. The licensed elevator, with the approval of the Grain Warehouse Program, is allowed to move warehouse-receipted grain to another licensed, bonded terminal elevator. This allows smaller facilities to free up bin space for the next harvest. Also, with approval of the program, licensed facilities may use emergency or conditional storage space during harvest when storage space is in short supply. This allows the elevator to better serve Kansas crop producers.

Weights and Measures

Weights and measures is one of the oldest government functions. It is specifically mentioned in the Articles of Confederation and the United States Constitution. The global and United States economies depend on uniform standards of mass, volume and length. Thus, the Weights and Measures program serves a very important role in consumer protection and facilitating trade.

Weights and measures inspectors test all kinds of commercial weighing and measuring devices. Inspectors test scales used in grocery stores, grain elevators, livestock sale barns, pawn shops and other locations. They test gas pumps and meters used to sell chemicals or to sell propane to home owners. The weights and measures inspectors check packages containing edible and inedible products to ensure that the consumer receives the quantity stated on the label. They even verify that

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Food Safety and Consumer Protection Programs

The Grain Warehouse budget for fiscal year 2001 was \$463,973. The program is entirely fee funded.

The program had eight full-time employees in fiscal year 2001.

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Food Safety and Consumer Protection Programs

The Weights and Measures budget for fiscal year 2001 was \$1,334,171. 48 percent came from the state general fund and 52 percent came from fees.

The Weights and Measures program had 18 full-time and three unclassified, temporary employees in fiscal year 2001.

scanners scan the correct price. Essentially, all consumer goods are subject, in one way or another, to the weights and measures law.

Functions of the Weights and Measures program fall into five categories:

- Small scales.
- Scanners and packages.
- Large scales.
- Gas pumps and fuel quality.
- Meters and metrology.

The metrology function provides traceability services, both internally and externally. In addition to certifying the mass and volume standards for our own inspectors, the metrology function provides certification for service companies and industry.

Each year, the metrology program certifies nearly 10,000 standards. These standards include weights, test measures and provers. The certification provides traceability of those standards to those at the National Institute of Standards and Technology. Most of these standards are used to calibrate weighing and measuring devices, but a small portion are used by local industry in their quality control programs.

The metrology program participates in round-robin tests of standards and regional metrology meetings to ensure that the results of their laboratory are consistent with other metrology laboratories throughout the world. Because of the strict guidelines the metrology laboratories follow, one can be confident that a pound in New York is the same as a pound in Topeka and is the same as a pound in Los Angeles.

Kansas requires every commercial weighing or measuring device, excluding gas pumps, to be tested by a licensed service company each year. The Weights and Measures program licenses service companies and their technicians. These companies are authorized to repair, install and certify commercial weighing and measuring devices. Kansas is believed to be the only state that allows its service technicians to actually certify commercial weighing and measuring devices.

The Weights and Measures program provides oversight to these service companies and service technicians. Computer generated lists of scales recently tested by service companies are provided to the small-scale and large-scale inspectors. The inspectors retest the devices and compare results to ensure that the device was properly tested. Commercial scales found to be not tested properly by the service company are required to be retested and the service company may be fined.

Compared to some other states, the number of devices tested by the Weights and Measures program is lower, but our compliance rate for accuracy of these devices tends to be higher. The goal of any weights and measures program should not be how many devices you can test, but ensuring accurate devices. Thus, focusing on outcomes and not outputs has served us well.

During the last fiscal year, the Weights and Measures program found that 92 percent of the small scales in the state were accurate. This past year the compliance rate for large scales jumped to 91 percent.

Unlike small scales, which are used in a controlled environment, vehicle-tank meters and liquefied petroleum meters are used on the backs of trucks. They are subject to harsh environmental conditions (rain, snow, ice, heat, dust, vibrations, etc.) and are harder to maintain in an accurate condition.

Once emphasis was placed on follow-up inspections, the compliance rate began to improve. The compliance rate for meters in fiscal year 2001 was 73 percent. While this number may not appear very high, it is approaching an acceptable level considering the type of devices being inspected. It also is an improvement over the compliance rate of 67 percent for fiscal year 2000. The target compliance rate is 80 percent or better.

Weights and Measures inspectors also conduct price verification inspections at facilities using scanners. Unfortunately, 35 percent of facilities inspected did not pass the initial inspection last fiscal year. The Weights and Measures program has worked with the Kansas Attorney General's office and local district attorneys' offices to prosecute serious repeat offenders. While this has been effective at bringing those repeat offenders into compliance, the overall compliance rate has not improved. It appears that more inspections are necessary if the compliance rate is going to get better.

Inspectors who conduct small scale and scanner inspections also verify the net contents of consumer packages. Last fiscal year, inspectors sampled lots containing more than 100,000 packages to ensure that they contained the correct net quantity. In other words, they made sure that the consumer was receiving the amount of product for which they had paid. In an effort to use resources effectively, inspectors target packages which they suspect do not contain the correct net quantity and do not inspect packages that have a high probability of passing inspection. This is important to understand when looking at the compliance rate for packages. Only 58 percent of the packages passed inspection, but this does not mean that only 58 percent of the packages sold in the state are correct. One cannot draw any conclusions about all packages sold throughout the state since results apply only to those packages actually inspected.

The gas pump program tests more than 20,000 gas pumps each year to ensure that the consumer is getting all the fuel for which he or she has paid. This program has been very successful since changes were made to it in 1996. Prior to 1996, service companies were responsible for the annual gas pump tests. An increase in the petroleum inspection fee fund allowed the Weights and Measures program to assume responsibility for testing gas pumps. The compliance rate for gas pumps in fiscal year 1997 was 88 percent. This last fiscal year, gas pump inspectors found 95 percent of gas pumps tested accurate.

Gas pump inspectors randomly take fuel samples to send to a private laboratory for analysis. It can be said, based on the results of

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Food Safety and Consumer Protection Programs

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Food Safety and Consumer Protection Programs

these inspections, that the fuel quality in Kansas is excellent. Ninety-nine percent of the fuel samples this year passed the quality testing performed by the laboratory. The lowest the compliance rate has been for fuel in the last four years was 97 percent, with the average for the last four years being 98 percent.

A new program, wholesale meter testing, is scheduled to begin in fiscal year 2002. There are approximately 219 wholesale meters in the state used to sell gasoline and diesel fuel at the pipeline terminals.

In 1998, 1,382,779,000 gallons of gasoline went through pipelines at a tax rate of \$ 0.20 per gallon and 374,223,000 gallons of diesel went through the pipelines at a tax rate of \$0.22 per gallon. Until the new program begins, these meters will have been checked only by the companies that own them. The companies' employees participate in our service technician licensing and training program, but they still are employees of the companies that own the meters.

The Weights and Measures program has no reason to suspect that there are any problems with the accuracy of these meters. However, the quantity of product passing through the meters and the potential for significant economic error due to inaccurate meters dictate that we operate a testing program for these meters. Based on the amount of gasoline metered through the terminals in 1998, and the tax rate at that time, the loss of revenue to the state based on a 0.1 percent error could be \$276,555.

The Weights and Measures program will continue to inspect weighing and measuring devices in an effort to protect consumers and to provide equity in the marketplace. Shifting resources based on compliance rates of the various weighing and measuring devices and changing test methods will continue as a way to improve compliance rates without increasing staff size or program cost.

Water Appropriation

The Water Appropriation program is the largest and most diverse of the Water Resource Programs. It 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. Primary functions are to:

- Process applications for a permit to appropriate water for beneficial use.
- Issue Certificates of Appropriation for Beneficial Use of Water in accordance with actual use within the terms, conditions and limitations of the permit.
- Process applications for a change to an existing water right.
- Process water transfer applications.
- Maintain a reporting and accounting system of the amount of water used as reported by each water right holder.
- Process forfeitures of water rights (abandonment) for failure to use water without sufficient cause being shown for nonuse.
- Allocate water during shortages, investigate impairment, waste, illegal wells, or water use in violation of water right terms, conditions, or limitations.
- Review and approve proposed revisions to management programs of the Groundwater Management Districts.

There are about 30,000 permits and water rights in the state that authorize the beneficial use of water. About 550 new permits and 950 change applications were processed during the period from July 1, 2000, to June 30, 2001. Emphasis is now on certification of water rights that have accumulated during the last 20 years, and this effort should be realized before the end of 2003. About 1,100 water rights were certified in the last year.

The Ogallala Aquifer is the sole water source for western Kansas, and extensive pumping is depleting the supply. To address this, a project was initiated to identify users who have pumped more water than their water right allows. Technical assistance is provided to these users to help them stay within their water right. If they persist in overpumping, an enforcement action may be issued to order them to stop pumping.

Recent legislation has provided some opportunities for flexible use of water rights. A water banking law was passed that allows water users to deposit some unused water that they may use in future years, or lease it

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Water Resources Programs

The Water Appropriation budget for fiscal year 2001 was \$2,750,049. 89 percent came from the state general fund and 11 percent came from fees.

The Water Appropriation program had 51 full-time employees in fiscal year 2001.

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Water Resources Programs

The Water Structures budget for fiscal year 2001 was \$892,887. 55 percent came from the state general fund, 10 percent came from grants, 26 percent came from FEMA funds and 9 percent came from special funds.

The Water Structures program had 14 full-time employees in fiscal year 2001.

to others. The Legislature authorized establishing one bank within the next year. The area to be covered by that bank has not yet been determined. Another law recently passed allows users to pump more water than a water right allows in some years as long as use over a five-year period does not exceed 90 percent of the amount used in the past.

Water is an essential public resource, and the Water Appropriation program is committed to ensuring that all Kansans will have an adequate supply of water for the future.

Water Structures

The Water Structures program is made up of four teams:

- Administration.
- Stream obstruction, channel changes.
- Dams.
- Floodplain management.

The program regulates water resources, including impartial regulation of human activities that affect the flow of rivers and streams, to ensure that those activities are properly planned, constructed, operated and maintained for their authorized purposes without adversely affecting public health, welfare or safety, the environment, or public and private property. Water resource regulation is accomplished primarily through permitting structures constructed in a floodplain or that alter the course, current, or cross-section of a stream.

The stream obstruction, channel change team processes permits for floodplain fills, levees, stream obstructions and channel changes. The following table reflects actual team activity in fiscal year 2001 and program goals for fiscal year 2002:

	<u>FY2001</u>	<u>FY2002</u>
In calendar days:		
- Processing time for regular permit applications	116	109
- Processing time for floodplain fill approval applications	131	120
- Processing time for floodplain zoning ordinance approvals	90	90
- Process stream obstruction permits (# processed)	300	
- Process channel change permits	60	
- Process floodplain fills/levees	75	
- Permit determinations received	141	150
- Permit determinations processed	98	100

The dams team is responsible for permitting jurisdictional dams in Kansas and for the safety inspection of those structures. The dams in Kansas are categorized by three hazard classifications (high, significant and low) and four sizes (one through four). The activity of the dams team

in fiscal year 2001 and the goals for fiscal year 2002 are captured in the table below:

	<u>FY 2001</u>	<u>FY 2002</u>
- Number of dams completed in accordance with approved plans	60	
- Number of core trench inspections	37	50
- Number of final inspections	42	60
- Number of pipe inspection	20	50
- Number of site inspections	10	30
- Number of high-hazard dam inspections	22	60
- Number of significant-hazard dam inspections	12	10
- Dam permits processed	89	90

The floodplain management team provides general technical assistance regarding floodplain management issues while developing strategies for soliciting and utilizing federal grants and state resources to implement floodplain mapping and studies in the state.

	<u>FY 2001</u>	<u>FY 2002</u>
- Number of communities with new or updated flood hazard maps	8	5
- Number of studies initiated	0	5
- Number of studies completed	2	0
- Number of floodplain miles mapped in the completed studies	67	100
- Number of ordinances reviewed	2	3

The primary challenge facing the Water Structures program is recruiting and retaining qualified technical staff. We have experienced significant turnover in all of the floodplain management positions and we continue to encounter difficulty recruiting engineers. Additional challenges for the program are addressing complaints and after-the-fact projects. A number of the structures involved in the complaints and after-the-fact projects are not permitted.

Water Management Services

The Water Management Services program's primary goals and responsibilities are to:

- Provide administrative and technical assistance to the three Water Resource Program areas, including leadership, management and coordination from the chief engineer.
- Develop long-term water management programs to address interstate and intrastate issues.
- Provide staff management and training.
- Represent Kansas in interstate river basin compacts.

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Water Resources Programs

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Water Resources Programs

The Water Management

Services program budget for fiscal year 2001 was \$813,950.

99.7 percent came from the state general fund and

0.3 percent came from fees

Water Management Services

had 14 full-time employees in

fiscal year 2001.

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- Provide quality control of data in the Water Rights Information System.
- Develop and manage Geographic Information System resources
- Address water conservation issues.
- Coordinate program efforts with other water-related agencies.
- Provide hydrologic studies.

Kansas is party to many compacts: Kansas-Nebraska Big Blue River Compact; Kansas-Colorado Arkansas River Compact; Kansas-Oklahoma Arkansas River Compact; and Republican River Compact. The chief engineer, and/or his designee in the Water Management Services program, participates in compact issues to ensure that Kansas' interests are represented. The chief engineer, or his designee, also represents Kansas in the Missouri River Basin Association and the Western States Water Council.

The technical services section provides litigation support to the Kansas Attorney General's office regarding interstate compact disputes. Currently we are helping with the *Kansas v. Colorado* and *Kansas v. Nebraska* disputes.

Kansas v. Colorado: During fiscal year 2001, staff supported Kansas' litigation team in the damages phase of the trial before the Special Master. On March 19, 2001, the U.S. Supreme Court heard oral arguments on exceptions to the Third Report of the Special Master related to the damage issue. On June 11, 2001, the Supreme Court ruled that Kansas is entitled to monetary damages from Colorado for its violations of the Arkansas River Compact. The Court's holding will allow Kansas to collect millions of dollars in damages, including some prejudgment interest, from Colorado. The case will be returned to the Special Master for final calculation of damages and interest, and to finalize issues related to future compliance with the compact.

In addition to the legal support provided for trial preparation, staff continue to provide technical support to help resolve ongoing concerns about John Martin Reservoir operations and fulfilling Kansas' duties to the compact administration.

Kansas v. Nebraska: After years of trying to resolve Nebraska's overuse of its Republican River Compact allocations, Kansas filed suit in 1998 before the U.S. Supreme Court. The U.S. Supreme Court agreed to hear Kansas' case, and the following has occurred:

- After working with the parties, on October 19, 2000, the Special Master issued a case management order setting forth an aggressive, detailed trial preparation schedule that has trial commencing on March 1, 2003.
- On February 12, 2001, after briefing, the Special Master ruled on three of the issues identified at the case status conference of October 16, 2000.

- Initial disclosures by the parties and the United States were completed by April 16, 2001.
- During May 2001, the Special Master held a conference with the parties regarding scheduling of briefings related to 1959-1994 compliance, a portion of the trial he wishes to accelerate.
- As required by order of the Special Master, the parties have been working on document discovery at various federal offices. This must be completed by July 15, 2001. The parties are working on hiring a joint contractor to image these documents. Discovery among the parties is also underway.

Also during fiscal year 2001, the Water Management Services program enacted minimum desirable stream flow monitoring and administration, intensive groundwater use control area review, water assurance program administration, quality control of data in the Water Rights Information System, database management, and hydrologic studies related to water right impairments.

State Water Plan

The Subbasin Water Resources Management program addresses water quantity issues identified in the State Water Plan. It is funded by the State Water Plan Fund. Resolutions to groundwater decline, streamflow depletion and related water quality concerns are developed using a hydrologic basin approach. This holistic approach encompasses related water resources within an area to develop long-term water management strategies. The best available technical information and expertise are combined with a cooperative effort by local, state and federal governmental agencies. Input from interested parties and Kansas residents that could be affected by the program are a crucial component in the philosophy of this program.

Strategies to accomplish the subbasin team's mission:

- I. Establish a working relationship with interested members who represent all aspects of water use within the subbasin.
- II. Review technical reports, existing hydrologic data and data relevant to the subbasin.
- III. Collect additional data as needed to achieve a thorough multidisciplinary understanding of the conditions of the subbasin.
- IV. If necessary, develop a computer model(s) that simulates the hydrologic conditions of the aquifer, long term and short term.
- V. Develop a water management program that meets the approval of the chief engineer. This program must be practical and realistic, be developed within the context of the current water rights administrative system, and take into account the economic and social viability of the subbasin.

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Water Resources Programs

The Subbasin Water Resources Management program budget for fiscal year 2001 was \$925,362. It is funded entirely by State Water Plan special revenue funds.

The Subbasin Water Resources Management program had 12 unclassified, temporary employees in fiscal year 2001.

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Water Resources Programs

- VI. Implement an approved management program in coordination with water rights program staff. The effectiveness of the program will be reviewed and assessed on a periodic basis.

The following table lists the status of each basin in relationship to the strategy steps listed above.

	<u>FY 2001</u>	<u>FY 2002</u>
Rattlesnake Creek	VI	VI
Middle Arkansas River ¹	V	V
Pawnee/Buckner	V	VI
Upper Arkansas River	V	V & VI
Solomon River	III	IV
Smoky Hill River ²	—	II
Saline River ²	—	II

1 The Middle Arkansas River Subbasin team has had multiple position changes and vacancies during their five-year time span. This working group may request an extension of time into FY 2003 due to these vacancies and resulting slowed progress of the working group.

2 The subbasin program will evaluate current water rights and water usage to assess the need for future detailed characterization of the basin for development of management strategies to address water resource concerns. Phase I may be implemented upon completion of the evaluation.

The Subbasin Water Resources Management program launched its web page during fiscal year 2001, and it is used to communicate pertinent information about the individual basins and the program as a whole.

Plant Protection and Weed Control

The Plant Protection and Weed Control program goal is to ensure the health and protection of the state's natural and cultivated plant resources from high-risk invasive insects, plant diseases and weeds. Most activities occur in three functional efforts as described below.

Safeguarding. Program staff conduct activities to protect Kansas plant resources from the entry and establishment of high-risk exotic and invasive pests. Excluding pests of regulatory significance will protect native and cultivated plant resources and maintain the capability to export Kansas-produced plant commodities and products. Detection surveys for exotic invasive pests such as gypsy moth, Karnal bunt, boll weevil and khapra beetle are conducted annually. Pest exclusion activities also benefit the Kansas environment by eliminating additional pesticide use to control new pests.

Export Commodity Assurance. Program staff conduct activities to ensure that the pest freedom requirements placed on Kansas-produced commodities by domestic and foreign importers is maintained to allow expeditious movement of those commodities in international and domestic markets. Surveys for pests of concern to buyers of Kansas-produced commodities are conducted to ensure these commodities are eligible to enter the marketplace. Some of these pests include Stewart's bacterial wilt of corn, sorghum downy mildew and a number of stored grain pests. Information gathered during surveys for established pests is also useful to persons engaged in pest management activities.

Pest Management, Control and Eradication. Program staff conduct activities to manage, control or eradicate selected pests of regulatory significance that are established in the state, and provide technical expertise to program cooperators involved in pest control. Current eradication efforts are directed toward the imported fire ant in Lawrence, the Zimmerman pine moth in parts of northwest Kansas, and Grecian foxglove in southeast Kansas. Examples of current biological control efforts include Japanese beetle and several noxious weeds such as musk thistle and Canada thistle. Biological controls benefit the environment by reducing the reliance on and use of pesticides.

To meet the needs of the state's nursery, greenhouse, grain and forage industries, staff conduct many types of inspections each year. These are performed at sites such as nursery production fields, garden centers, landscape and ornamental plant retailers, grain elevators, and grain, seed and forage production fields. Some examples of these activities are listed below:

Number of sites surveyed for exotic invasive pests	1,310
Number of exotic pests found	9
Number of sites surveyed for pests of export significance	1,741
Number of Kansas-produced commodities certified for export.....	22
Number of foreign countries importing Kansas-produced commodities	38

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Environmental Protection Programs

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Environmental Protection Programs

The Plant Protection and Weed Control program budget for fiscal year 2001 was \$919,175. 71 percent came from the state general fund, 25 percent came from fees and 4 percent came from federal funds.

The Plant Protection and Weed Control program had 12 full-time employees in fiscal year 2001.

Number of rejection notices issued for infested out-of-state nursery stock	116
Number of nursery dealers licensed	1,108
Number of certified nurseries	341
Acres of Kansas-produced nursery stock inspected	3,597
Percentage of Kansas-grown nursery stock meeting pest freedom standards	100

In fiscal year 2001, program staff provided emergency response actions that benefitted urban residents and agricultural producers. Imported fire ant colonies infesting several residential properties in Lawrence were eradicated, thus protecting the health of persons in the affected neighborhood.

Staff also responded to an outbreak of Karnal bunt in northern Texas by keeping the state's wheat industry informed of the situation and developing contingency plans for use in the state. An administrative order was issued to ensure the freedom of the Karnal bunt pathogen in all commercial seed sold in the state.

Staff also worked with USDA and the state's cotton growers to establish a boll weevil trapping program. Boll weevil is not known to be established in Kansas and the extensive trapping effort should confirm this.

The export of Kansas-produced agricultural commodities has declined slowly in recent years. This decline continued in fiscal year 2001.

The Kansas nursery and greenhouse industry continues to expand. A number of new production fields were established in areas near Kansas City in fiscal year 2001. In addition, several hundred acres of sod are now being produced in western Kansas. Much of this sod is being exported to other states. The expansion of the "green" industry is expected to continue as consumer demand for landscape and ornamental plants increases.

Program staff have responded to new opportunities to support the state's hay and forage industry by providing growing season inspections to ensure the forage meets regional weed freedom standards. By certifying forage to this standard, forage producers have gained entry to new market opportunities.

Pesticide and Fertilizer

The Pesticide and Fertilizer program is responsible for enforcing the Kansas statutes and regulations governing chemicals used to control pests or to enhance plant growth. In general, we make sure that only approved pesticides and fertilizers are offered for sale or use in Kansas; that they are safely stored so they do not harm people or the environment; and that all pesticides are used safely and according to label directions.

Pesticide manufacturers are required to register their products with the Kansas Department of Agriculture before they can be sold in Kansas.

An annual fee of \$130 is charged for each product registered, \$100 of which goes to the State Water Plan Fund and \$30 to the agricultural chemical fee fund. During fiscal year 2001, we registered 9,094 pesticide products. We also performed 325 marketplace inspections to verify that pesticide products offered for sale were properly registered.

The Pesticide and Fertilizer program is also responsible for:

- Licensing pesticide businesses.
- Certifying private and commercial applicators.
- Registering pest control technicians.
- Registering pesticide dealers.
- Registering government agencies that use pesticides.

In fiscal year 2001, we licensed 1,776 businesses, certified 2,600 commercial applicators and 5,452 private applicators, registered 1,349 dealers, 1,221 technicians, 2,000 uncertified applicators and 207 government agencies.

To qualify for a three-year certification, a commercial pesticide applicator must show adequate knowledge of the type of pesticide application that he or she intends to perform. During fiscal year 2001, we administered 1,409 commercial certification examinations.

We conducted 146 investigations into complaints of pesticides not being used properly; 186 inspections of commercial applicators while they were making routine applications of pesticides; 188 inspections of dealers' records regarding restricted use pesticides; and 306 inspections of pesticide businesses to ensure applications of pesticides are being properly documented.

In addition to enforcement, we conducted the following activities to ensure pesticide applicators have the necessary knowledge to safely use pesticides in Kansas:

- Three examinations were rewritten.
- 2,999 examinations were administered.
- 78 examination opportunities were offered (this is in addition to accommodating emergency requests at the Topeka office).
- 38 recertification programs were reviewed to ensure minimum content requirements were met and 13 of these programs were monitored.
- 75 technician training programs were reviewed and approved.

Kansas law requires that persons who apply pesticides, fertilizers or other chemicals, or animal waste through irrigation equipment, to:

- Install appropriate antipollution devices.
- Obtain an annual permit.
- Be certified by examination.
- Register each well or point of diversion.

In fiscal year 2001, we issued 849 chemigation permits and 4,674 well site permits, and certified 284 individuals. We also conducted 713

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Environmental Protection Programs

The Pesticide and Fertilizer program budget for fiscal year 2001 was \$1,694,453.

7 percent came from the state general fund, 59 percent came from fees and 34 percent came from grants.

The Pesticide and Fertilizer program had one unclassified, temporary employee and 28 full-time employees in fiscal year 2001.

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Environmental Protection Programs

inspections of chemigation equipment and four use inspections while equipment was in operation.

The Pesticide and Fertilizer program also is responsible for regulating soil amendments, which are substances intended to improve the physical, chemical or another characteristic of soil or to improve agriculture crop production. Soil amendments are not widely used by Kansas farmers. In fiscal year 2001, we received no new soil amendment product applications, but we did register 16 products.

Fertilizer products offered for sale in Kansas must be stored in a manner that protects the environment and the integrity of the product, and its label must accurately reflect its contents. We also regulate anhydrous ammonia and license individuals who blend fertilizer products. In fiscal year 2001 we registered 2,749 fertilizers; issued 433 blender's licenses and collected fees on approximately 2.1 million tons of fertilizer. We also inspected 796 bulk storage facilities, collected 720 samples of fertilizer for laboratory analysis and conducted 275 inspections of retail marketplaces to ensure only registered products were offered for sale. In addition, we responded to 35 reported anhydrous ammonia releases, conducted 915 anhydrous ammonia facility inspections and inspected 44 anhydrous ammonia transports.

Liming materials, or compounds that contain calcium or magnesium for neutralizing soil pH, are also regulated by the Pesticide and Fertilizer program. During fiscal year 2001, we registered 131 quarries that produced 547,360 tons of product. We inspected all in-state quarries and collected samples for analysis from each.

Under a cooperative agreement with the Environmental Protection Agency, Kansas is responsible for enforcing the Federal Insecticide, Fungicide and Rodenticide Act. This grant allows us to leverage our state pesticide program dollars for a program well above the state investment.

A subunit of the Pesticide and Fertilizer program is the Nutrient Utilization program, formed after the 1998 Kansas Legislature decided to require a nutrient utilization plan for all swine facilities of 1,000 or more animal units (approximately 2,500 hogs). The program reviews and approves facility nutrient management plans before the facility is issued an operational permit by the Kansas Department of Health and Environment. The program also reviews plan amendments and provides regulatory oversight of swine waste application to fields. The plan and annual soil testing requirements regulate the amount of swine waste (manure and wastewater) that can be applied to fields. The main purpose of the nutrient planning requirement is to protect groundwater and surface water quality.

Used properly, animal manures are a valuable resource to recycle for plant production and to improve soil quality. The primary objectives of the swine nutrient utilization plan are to engage producers in a five-year soil fertility planning process and ensure application of nutrients at proper agronomic rates.

During fiscal year 2001, there were 122 swine facilities of sufficient size to require nutrient plans. All facilities have filed, and the agency has processed, the required nutrient plans. Since their initial filing and approval, several facilities have adjusted their nutrient plans. The most common adjustments are related to adding new application fields or changing crop rotation. The program also fields many requests from farmers seeking advice and assistance to help them update their plans, soil sampling, calculation of swine waste application rates, adjustment of field nutrient levels and related items. These activities are ongoing.

With assistance from Kansas State University, the Nutrient Utilization Program developed a user-friendly computer program to help producers develop nutrient management plans for their fields. Although developed to help permitted swine producers, the program can also be used by persons preparing nutrient plans using commercial fertilizers or other livestock wastes. The program has been very popular with producers. It is accessible on the Kansas Department of Agriculture website.

Inspections focusing on compliance with record keeping requirements will be conducted at all regulated facilities during the next two years. Also, all swine waste application fields (approximately 750) will be inspected and soil samples will be taken to test nutrient levels. Soil sampling will be done in conjunction with sampling done by the facilities and/or their consulting agronomists.

The program will continue its close cooperation with the Kansas Department of Health and Environment, including providing assistance to that agency in conducting the annual Swine Facility Operator Certification Schools.

The program also will continue its work with USDA-NRCS on coordination of USDA Comprehensive Nutrient Management Planning efforts with the existing Kansas nutrient management program and with KSU on a variety of swine and livestock waste environmental education issues.

Agricultural Laboratory

Unlike most Kansas Department of Agriculture programs, the Agricultural Laboratory does not service the public directly. Instead, our customers are the regulatory programs within KDA. The lab analyzes samples submitted by other programs and provides credible, legally defensible results. While most inspections conducted by KDA do not end up in court, those that do often rely on the testing results issued by the Agricultural Laboratory.

The Agricultural Laboratory analyzed more than 10,000 samples during fiscal year 2001. These samples included milk, dairy products, feed, fertilizer, pesticides (including soil, vegetation and water samples), meat and seed. While it does not occur very often, it is not unusual for a priority sample that may affect human health or the environment to be rushed to the pesticide laboratory for analysis. These samples may be soil, vegetation, water or even an article of clothing, and are part of an

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Environmental Protection Programs

The Agricultural Laboratory fiscal year budget for 2001 was \$929,116. 35 percent came from the state general fund, 59 percent came from fees and 6 percent came from federal funds.

The Agricultural Laboratory had 19 full-time employees in fiscal year 2001.

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Environmental Protection Programs

investigation involving pesticide misuse. The results of the analysis may determine if water is safe to drink or if medical treatment is necessary for someone who may have been exposed to a pesticide. The regulatory actions taken by the Pesticide and Fertilizer program often rely on the results reported by the laboratory.

The Agricultural Laboratory must be ready to analyze routine samples and to adapt to handle something new and different. This past year, bovine spongiform encephalopathy (BSE, or mad cow disease) outbreaks in Europe prompted ACAP to begin sampling feed for prohibited materials. The Agricultural Laboratory quickly purchased the necessary instrumentation and developed the methodology needed to analyze feed for bovine protein. The laboratory analyzed 168 feed samples, two of which tested positive for bovine protein. These results were forwarded to the ACAP program for enforcement action on the positive samples.

The success of the Agricultural Lab is due to the expertise of its staff and its precision instrumentation. Lab staff cannot support the regulatory programs without proper instrumentation. The Food and Drug Administration has provided funds to purchase new instrumentation in the pesticide laboratory, which allows lab staff to provide better service to the Pesticide and Fertilizer program.

Agricultural Statistics Service

The original powers and duties granted to the State Board of Agriculture in 1872 included biennial reporting on the status of agriculture. These duties were expanded to include statistical reporting in 1917. In 1924, a cooperative agreement was forged with the U.S. Department of Agriculture to ensure coordination of statistical reporting. As part of the agreement, the statistics division is also the state office of the National Agricultural Statistics Service of the U.S. Department of Agriculture. This joint office is known as the Kansas Agricultural Statistics Service (KASS). By joining resources with the National Agricultural Statistics Service, the statistics division is able to better serve the data needs of the Kansas agricultural community. A statistics fee fund allows KASS to serve the agricultural data needs of other public agencies.

KASS provides a wide array of agricultural data, including crop and livestock production data, that are available at the agricultural statistics district and county levels. Some reports, like the crop and cattle on feed reports, are available monthly, while others, like the hog and pig reports, are available quarterly. Cattle and sheep inventory reports are available biannually. A crop weather report is available weekly during March through November to track crop progress and condition. These reports are financed primarily by federal funds. All reports are available on the Internet at www.nass.usda.gov/ks/.

KASS provides various public agencies access to the division's statistical expertise and data collection resources to perform special surveys that are beneficial to Kansas agriculture. The following reports are funded by the Kansas Department of Agriculture or other Kansas government agencies:

The **Wheat Varieties Survey** is essential to both public and private wheat breeding programs. It takes many years to develop a new variety, so this survey allows wheat breeders to monitor acceptance of existing varieties and to assess the need for new ones. Seed dealers use the survey to ensure adequate supplies of planting seed.

The **Wheat Quality Report** is funded by the Kansas Wheat Commission through the statistics fee fund. The report includes an analysis of the current year's crop relating to the basic quality of the crop as measured by the inspection certificates issued by the Kansas Grain Inspection Service. Also included in the report is information on the milling quality of the crop by variety as determined by the Department of Grain Science and Industry at Kansas State University.

The **Custom Rates** data series is a guide for providers and users of custom services to agree on rates. Data are collected from users and providers of custom services.

Landowners and cattle producers in the important Flint Hills grazing area depend on the **Bluestem Pasture Survey** to set grazing rates and to formulate leases. Both landowners and cattle producers are included in the survey.

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Administrative Services and Support

The Kansas Agricultural Statistics Service is a collaborative federal-state program. The state portion of the KASS budget for fiscal year 2001 was \$487,027. 68 percent came from the state general fund, 30 percent came from fees and 2 percent came from federal funds.

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Administrative Services and Support

The Records Center program budget for fiscal year 2001 was \$443,534. 77 percent came from the state general fund, 19 percent came from fees and 4 percent came from a grant.

The Records Center program had 11 full-time employees in fiscal year 2001.

Agricultural land values at the agricultural statistics district level are a barometer of the health of the regional agricultural economy, which is important to producers, suppliers of inputs, financial institutions and others. **Agricultural Land Values Survey** results are used by Kansas State University's Department of Agricultural Economics to compute the use value of agricultural land as required by state statutes. Funding is provided by the Kansas Department of Revenue through the statistics fee fund.

Farm Facts, a summary of each year's statistics, is a historic record widely used by researchers, businesses interested in entering Kansas, suppliers of production inputs and services, and many others.

Grain transportation issues are vital to the economic health of Kansas agriculture. A revitalized **Grain Transportation Survey** provides current data on grain movement in Kansas. Funding is provided by Kansas' grain commissions.

Kansas Ag Statistics also has a cooperative agreement with USDA's Agricultural Marketing Service to fund the collection of agricultural marketing data not funded by the federal program. The data include price data from sales at major livestock auctions in Kansas, and market and price data on hay sales statewide.

Special projects completed during fiscal year 2001 include a grain sorghum post-harvest chemical use survey, and a special horticulture survey conducted at the request of the horticulture industry and Kansas State University. Many special chemical use surveys have been conducted in the last several years, which covered all of the major crops and the cattle industry. These special surveys were funded by Kansas State University or the Kansas Department of Agriculture.

Records Center

The Records Center serves the customers of the Kansas Department of Agriculture by issuing all appropriate licenses, permits, registrations and certifications. It also maintains accurate records and provides data to field employees, or Kansas residents and organizations who request information through the Kansas Open Records Act. The Records Center serves the Pesticide/Fertilizer, ACAP, Weights and Measures, Dairy Inspection, Meat and Poultry Inspection, Grain Warehouse, and Plant Protection and Weed Control programs. It is staffed by eleven employees.

Applications for new licenses, permits, registrations, or certifications are initiated in the Records Center. Likewise, all renewal notices are mailed from the Records Center. Once applications are received, the information is entered into the appropriate database and a license is printed and mailed. The goal of the Records Center is to process applications in an efficient and effective manner. Most applications are processed and licenses mailed within one week of receipt by the Records Center.

During the last fiscal year, the Records Center:

For Pesticide and Fertilizer —

During fiscal year 2001, the Records Center:

For Pesticide and Fertilizer —

- Processed 32,500 applications for pesticide/fertilizer licenses.
- Registered 12,400 pesticide products from 1,280 companies.
- Collected inspection fees from 348 companies.
- Permitted 5,400 wells for chemigation.

For ACAP —

- Processed applications for 3,400 licenses.
- Registered 6,600 products for 500 companies.
- Collected inspection fees from 760 companies.

For Dairy Inspection —

- Processed 1,350 licenses.
- Entered data from farm inspections and sample analysis for 600 producers.

For Meat and Poultry Inspection —

- Processed 330 licenses.
- Mailed 960 overtime billings.

For Weights and Measures —

- Issued licenses to 125 companies and 356 technicians.

For Grain Warehouse —

- Processed 194 licenses.

For Plant Protection and Weed Control —

- Processed 2,260 licenses.

In addition, the Records Center responded to 280 open records requests.

During the past year, the application forms used by the Records Center were made available on the Kansas Department of Agriculture website. We are also in the process of developing new software that will enable us to process applications more quickly and help ensure that records are maintained accurately.

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Administrative Services and Support

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Agency Directory

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Agency Directory

Kansas' premier

- Food Safety
- Consumer Protection
- Environmental Protection
- Water Resource Management

agency



2 0 0 2 S E S S I O N
LEGISLATIVE BRIEFING

House Agriculture Committee
January 16, 2002
Attachment 3



2 0 0 2 S E S S I O N
LEGISLATIVE BRIEFING

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Governor, State of Kansas

Jamie Clover Adams
Secretary of Agriculture

Greg Foley
*Assistant Secretary
of Agriculture*

Carole Jordan
*Director of Education
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2 0 0 2 S E S S I O N
LEGISLATIVE BRIEFING

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ORGANIZATION AND PROGRAMS

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Agency Vision and Mission

The Kansas Department of Agriculture strives to establish itself as the premier food safety, consumer protection and natural resource protection agency in Kansas. This strong foundation will enable the Secretary of Agriculture 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 administers its programs in an effective and efficient manner which, if challenged, can be proven credible.

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

The Governor's Agricultural Advisory Board

The Governor's Agricultural Advisory Board is comprised of individuals from across the state who are actively involved in agricultural production or agribusiness. They help keep the department abreast of trends in agriculture, and they review the agency's rules and regulations before they are made final. Members are appointed by the governor and serve four-year terms.

Board Members

Gary Beachner, Chair	Parsons
Roland Rhodes, Vice Chair	Gardner
Betty Corbin	Towanda
Elizabeth Hendricks	Howard
Larry Kepley	Ulysses
Steve Mangan	Tribune
John Petz	Cimarron
Ann M. Peuser	Baldwin
Galen Swenson	Salina

Administrative Services and Support

Under the direction of the Secretary of Agriculture, the administrative services 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.

Within the administrative grouping is the statistical services and support subprogram, also known as the Kansas Agricultural Statistics Service (KASS), a cooperative federal-state program involving the Kansas Department of Agriculture and the U.S. Department of

Agriculture. Through KASS, data about the many segments of Kansas agriculture are collected, analyzed and disseminated.

Administrative Services 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 to ksag@kda.state.ks.us.

Administrative Services Budget and Staffing

The administrative subprograms have 61.2 positions and a budget of \$3.687 million, 75.9 percent of which is from the state general fund, 13 percent from fees, 10.9 percent from federal funds and 0.2 percent from other sources.

Food Safety and Consumer Protection Programs

These programs guarantee public safety and consumer protection by regulating the production and sale of meat, poultry, dairy products, eggs, agricultural seeds and feeding stuffs. These activities also 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 frozen dairy desserts are sold. Although the number of individual dairies continues to decrease, the actual number of dairy cows and production is increasing. During the 2001 legislative session, the dairy law was updated and amended to make it easier to read and understand.

Dairy Inspection Management

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

Dairy Inspection Budget and Staffing

Nine full-time employees conduct the duties of the dairy program, with inspectors located across the state. The program budget of approximately \$501,425 is split equally between fees and the state general fund.

Dairy Inspection Government Partners

The dairy program works closely with the U.S. Food and Drug Administration 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.

Dairy Inspection 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 Kansas' borders.

Meat and 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, and it has adopted federal standards for inspection designed to result in safe and sanitary meat and poultry products. Program staff provide antemortem and postmortem inspection 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, they provide help with sanitary and labeling information, and they investigate complaints about the sale of meat and poultry in Kansas.

Meat and Poultry Management

Dr. Evan Sumner is the manager of this program. He can be reached at (785) 296-3511, or by email to esumner@kda.state.ks.us.

Meat and Poultry Budget and Staffing

The meat and poultry program has 62 full-time employees and one unclassified employee, many of whom are inspectors 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 \$2.811 million, divided nearly equally between federal and state general funds (50 percent state general funds, 48 percent federal funds and 2 percent fees from licensing facilities).

Meat and Poultry 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 USDA'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.

Meat and Poultry 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.

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. The state's fully inspected plants developed and put into effect new HACCP plans as of January 2000.

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 that they 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*, which are regulated to ensure safe and properly identified products for human consumption; *FDA medicated feeds*, which are 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*, which are performed on beef and pork products when cases of misuse of federally regulated livestock medications are reported.

ACAP Management

Constantine Cotsoradis manages the ACAP program. He can be reached at (785) 862-2415, or by email to ccotsora@kda.state.ks.us.

ACAP Budget and Staffing

There are seven full-time employees in the ACAP program. It operates on an annual budget of \$361,212, 90 percent of which is generated from fees, 2 percent from federal funds and 8 percent from a grant.

ACAP Government Partners

The ACAP program works with the U.S. 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 destined for human consumption.

ACAP Commonly Used Terms

Animal Drugs: ACAP works with FDA, which has a mandate to ensure the safety and effectiveness of drugs used for farm animals. Safe and effective animal drugs must have testing data to provide a way to detect and measure any residue in edible animal products and to show 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 Inspection Program

This program ensures that Kansas grain producers have safe, solvent warehouses where they may store their commodities. To protect the depositors of grain stored in those warehouses, staff examine all licensed warehouses in Kansas at least once every 12 months and examine warehouses that meet only minimum financial requirements more than once a year. These examinations are conducted as accurately as possible.

Grain Warehouse Management

Ron White manages this program. He can be reached at (785) 296-3511, or by email to rwhite@kda.state.ks.us.

Grain Warehouse Budget and Staffing

This program employs eight full-time employees. Its annual budget of \$463,973 is generated entirely by fees.

Grain Warehouse 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 205 state-licensed grain elevators and 90 federally licensed facilities in the state. In the federal program, licensing, bonding and supervision is provided by the licensing and warehouse program under USDA's Grain Inspection, Packers and Stockyards Administration. 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. Their telephone number is (785) 233-7063.

Grain Warehouse 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. For federally inspected grain warehouses, FGIS provides grain marketing standards and an official inspection system.

Licensed Public Warehouse: 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 that is stored in a licensed warehouse.

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

State Receivership: When there is an elevator failure in 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 audits to determine the grain liability. Usually, the grain is sold and put into accounts to pay the depositors for their grain on a pro rata basis.

Weights and Measures Program

This program provides consumer protection 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.

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. During the 2001 legislative session, Kansas' Weights and Measures Law was updated to standardize repair times and to allow gas pump inspections once every 18 months.

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Weights and Measures Management

Constantine Cotsoradis manages this program. He can be reached at (785) 862-2415, or by email to ccotsora@kda.state.ks.us.

Weights and Measures Budget and Staffing

Twenty-one full-time employees perform weights and measures duties. The program budget is \$1.334 million, 52 percent of which came from fees and 48 percent from the state general fund.

Weights and Measures 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.

Weights and Measures 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.

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

Large Scales: Scales with a capacity greater than 2,000 pounds. These 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: A meter 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 Resources Programs

The Water Resources 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 Appropriation 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.

During the 2001 legislative session, water users were granted more flexible use of water rights by the establishment of water banks and five-year flex accounts. Both measures have a conservation component. Also during the 2001 legislative session, KDA was granted civil penalty authority to address violators of the Kansas Water Appropriation Act.

Water Appropriation Management

Tom Huntzinger manages this program. He can be reached at (785) 296-3717, or by email to thuntzinger@kda.state.ks.us.

Water Appropriation Budget and Staffing

Fifty-one full-time employees staff this program. Its \$2.750 million budget is comprised of 89 percent state general funds and 11 percent fees.

Water Appropriation 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. 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 is involved with many small watershed projects in partnership with local interests.

Water Appropriation 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 is a streamflow management program outlined in statute that 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 eastern Kansas comes from surface water.

Water Structures Program

The job of this program is to inspect and regulate the safety of dams which could, if they failed, 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 that change the flow of streams.

Water Structures Management

Matt Scherer manages this program. He can be reached at (785) 296-3717, or by email to mscherer@kda.state.ks.us.

Water Structures Budget and Staffing

There are 14.5 full-time employees in this program. It operates on an annual budget of \$892,887, 55 percent of which comes from the state general fund, 10 percent from grants, 26 percent from federal funds and 9 percent from special funds.

Water Structures Government Partners

The structures program is involved in implementing the Environmental Coordination Act review of newly proposed structures. Seven state agencies, including the structures program,

coordinate to permit projects. 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 as the National Flood Insurance Program coordinating agency.

Water Structures 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; managing the Water Rights Information System; and, coordinating program efforts with other water-related agencies.

Water Management Services Management

David Pope, chief engineer, manages all of the Water Resources programs. He can be reached at (785) 296-3717, or by email to dpope@kda.state.ks.us. Steve Stankiewicz manages the day-to-day operations of the Water Management Services program. He can be reached at (785) 296-3717, or by email to sstankiewicz@kda.state.ks.us.

Water Management Services Budget and Staffing

Fourteen full-time employees staff this program. Its annual budget is \$813,950, with 99.7 percent coming from the state general fund and the remainder from fees.

Water Management Services Government Partners

This program protects 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.

Water Management Services Commonly Used Terms

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

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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 employees with 100-percent funding from the State Water Plan in the amount of \$925,362.

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, and state and federal government agencies.

Environmental Protection Programs

These programs focus on protecting the health of the state's natural and cultivated plant resources, and the environment, through preventive actions and activities designed to ensure the safe and proper use of pesticides and fertilizers.

Plant Protection and Weed Control 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 control or eradicate destructive weeds in Kansas. Program staff provide phytosanitary certification to ensure that exports of agricultural crops meet the requirements of importing states or nations. They also inspect nursery stock to ensure new pests are not introduced through the state's horticultural industry.

Plant Protection Management

This program is managed by Tom Sim. He can be reached at (785) 862-2180, or by email to tsim@kda.state.ks.us.

Plant Protection Budget and Staffing

This program has 12 full-time employees. Its annual budget is \$919,175, with 71 percent from the state general fund, 25 percent from fees and 4 percent federal funds.

Plant Protection 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.

Plant Protection Commonly Used Terms

Phytosanitary Certificate: 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 control them.

Pesticide and Fertilizer Program

This program protects public health by enforcing the Kansas statutes and regulations governing chemicals used to control pests or to enhance plant growth. They make sure that only approved pesticides and fertilizers are offered for sale or use in Kansas; that they are safely stored so they do not harm people or the environment; and that all pesticides are used safely and according to label directions.

This program regulates: *pesticides*, by providing licensing, certification and services for pesticides and pesticide applicators; *commercial fertilizer*, to protect the environment from accidental fertilizer contamination and to ensure 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*, by monitoring and inspecting its storage, handling, transportation and sale. 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.

Pesticide and Fertilizer Management

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

Pesticide and Fertilizer Budget and Staffing

This program has 29 full-time employees. Its annual budget is \$1.694 million, 7 percent of which comes from the state general fund, 59 percent from fees and 34 percent from federal funds.

Pesticide and Fertilizer 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.

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Pesticide and Fertilizer 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.

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 Applicator/Private Applicator: 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.

Laboratory Management

Constantine Cotsoradis manages this program. He can be reached at (785) 862-2415, or by email to ccotsora@kda.state.ks.us.

Laboratory Budget and Staffing

This program has 19 full-time employees. Its annual budget is \$929,116, 35 percent of which comes from the state general fund, 59 percent from fees and 6 percent from federal funds.

Laboratory 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.

LEGISLATIVE INITIATIVES

3-20

Repeal Apiary Inspection Statute

The Kansas Apiary Inspection Act requires beekeepers to obtain entry permits before honeybee colonies or used beekeeping equipment is brought into Kansas. The act also provides for voluntary registration of apiaries or colonies located within the state. The number of commercial beekeepers has declined significantly in the last five years, so it's difficult to justify committing resources to this program.

Background

In 1911, the State Entomological Commission was empowered to inspect honeybees and apiaries for diseases. This legislation was repealed in 1931 and replaced with the Apiary Inspection Act (K.S.A. 2-411 *et seq.*), which expanded the previous law to allow inspection of beekeeping equipment, destruction of diseased bees and certification of healthy bees for out-of-state shipment. In 1985, the Apiary Inspection Act was expanded to include authority for inspection and regulation of newly discovered pests with a potential to damage the apiary industry.

Fiscal and Policy Impacts

KDA foresees no fiscal impact from this proposal. In fact, fees collected under the act in fiscal years 2000 and 2001 amounted to \$523. The state apiarist position was cut from the KDA budget in FY 2002, so a repeal ensures that statutes reflect budget decisions of the Kansas Legislature. Interstate shipment of bees and beekeeping equipment is addressed in amendments to the Plant Pest Act.

Add Bee Inspection to Plant Pest Act

The Plant Pest Act would be amended to allow KDA to certify healthy bees and beekeeping equipment for interstate shipment when the receiving state requires such certification. Necessary definitions also would be added to the Plant Pest Act.

Background

Some states require an inspection in the state of origin before bees can be shipped to their state. Beekeepers may request that KDA perform an inspection to ensure that bees and/or beekeeping equipment is free of disease, parasites and pest bees to meet the requirements of the importing state.

Fiscal and Policy Impacts

As inspections are requested, an hourly rate and certification fee will be charged for the service. By repealing the existing apiary statute and adding the inspection provision to the Plant Pest Act, KDA customers will continue to receive essential services.

Modernization of the Kansas Plant Pest Act

Interstate and international movement of live plants, grain and other plant products has expanded greatly over the past decade. However, the regulatory scheme set out in the Plant Pest Act has not changed to meet the increasing pest risks from expanded trade. Therefore,

KDA proposes a risk-based plant pest regulatory system to achieve the desired level of plant pest prevention while maximizing the use of available resources.

Background

To update the Kansas Plant Pest Act, KDA convened a nursery and greenhouse industry stakeholder group during 2001. The group supports adopting a risk-based plant pest regulatory system that includes broadening the regulated industry base while maintaining the capability to provide appropriate inspection and certification. This is the foundation for the orderly marketing of plant materials, and it is necessary to meet pest-freedom standards of other states and foreign countries.

Fiscal and Policy Impacts

The proposed changes broaden the scope of the regulated industry to include all of the "green" industry, not just nurseries. It includes an exclusion for persons offering only Kansas-produced plants who have annual live plant retail sales of less than \$5,000. The per-hour inspection charge will more accurately reflect the current cost of inspections. The changes will increase revenue to the program by approximately 20 percent and allow inspectors to focus on outcomes rather than outputs.

Repeal Livestock Remedy Statute

Over-the-counter animal medicines are sold in cooperatives, feed stores and veterinary clinics that must be licensed and pay an annual \$10-per-product fee. Currently, the expiration date is the only inspection criterion. Repealing this statute will permit the sale of these items without licensing.

Background

The Livestock Remedy Law (K.S.A. 47-501 *et seq.*) passed in 1913 provides for labeling, registration and inspection of livestock remedy products. This law initially was administered by the Kansas State Agricultural College and Experiment Station. In 1923, its administration was transferred to the Kansas Department of Agriculture. It was modified in 1925 and given greater enforcement latitude in 1931. The 1945 Legislature allowed for expanding drug and medicinal combinations. Fees were amended and other aspects of the law were adjusted.

Fiscal and Policy Impacts

This program is entirely fee funded, and it generates about \$16,000 annually. Staff currently conducting these inspections will be assigned to other, higher priority inspections. KDA believes consumers can verify the information now checked by an inspector. Repeal of this statute will allow us to focus on higher priority food safety issues.

Repeal Counter Freezer Subprogram

Dairy inspectors must inspect at least annually each facility that freezes dairy desserts, which are dispensed at food establishments like McDonald's and Dairy Queen. Inspectors collect samples to verify equipment is being cleaned and to check bacteria counts. Authority to

inspect these establishments and this product is also vested with the Kansas Department of Health and Environment. Repeal of this subprogram will allow KDA to focus its limited state general funds on other dairy program needs, and it will eliminate inspection duplication.

Background

The 1989 Legislature required licensed food service establishments preparing ice cream for sale to customers to meet additional food safety requirements, including bacteria and coliform quality standards. In 1990, a counter freezer license fee was added to the Kansas Dairy Law.

Fiscal and Policy Impacts

KDA currently charges \$50 for each license, which generates approximately \$58,000 annually. In FY 2000, the program expended more than \$100,000 for staff, travel, samples and lab analyses. To make this program economically viable, we would have to raise the license fee to at least \$100. Since there is an overlap in jurisdiction between KDA and KDHE, these machines could be inspected by KDHE.

Amend the Obstruction of Streams Act

Current law requires the Water Structures program to inspect both new and existing dams in Kansas. This program has never been able to keep pace with the demands of this statute. Staff are further challenged by our agency's inability to compete for engineers. The backlogs are significant, which could create a liability for the state. This proposal shifts the burden for significant- and high-hazard dam inspections to the dam owner. Depending on a dam's hazard classification, a periodic inspection could be conducted by a licensed professional engineer. This would allow the program to focus on dams that have been deemed unsafe because they pose a public health and/or safety concern.

Background

The Obstruction in Streams Act was enacted in 1929, making Kansas one of the first states in the nation to have a dam safety program. This function was enhanced by revisions to the act in 1978 and regulations established in 1984. Throughout the program's history, KDA's Division of Water Resources has struggled to implement the broad provisions of the act.

Fiscal and Policy Impacts

There are 481 dams in the significant- and high-hazard category. Requiring dam owners to inspect these classes of dams would free up limited resources to focus on unsafe dams. Program staff would inspect unsafe dams, charge a fee for those inspections and work with dam owners to achieve compliance. In addition, the program would provide oversight by following up on a portion of the significant- and high-hazard dam inspections, much like KDA's Weights and Measures program does to ensure weighing and measuring devices are accurate. Finally, surveillance methods would be used to monitor low-hazard dams that may need to be reclassified if circumstances change.

Agencywide Fee Fund Proposal

KDA's budget has not kept pace with the ever-changing economy. Since 1990, the state general fund portion of the budget has increased 9.8 percent. Also since 1990, general inflation has increased approximately 30 percent, health care costs have spiraled 25 percent and day-to-day business expenses like utilities and employee step increases have continued to rise. In an effort to maintain the agency's mission, an agencywide fee fund package is proposed.

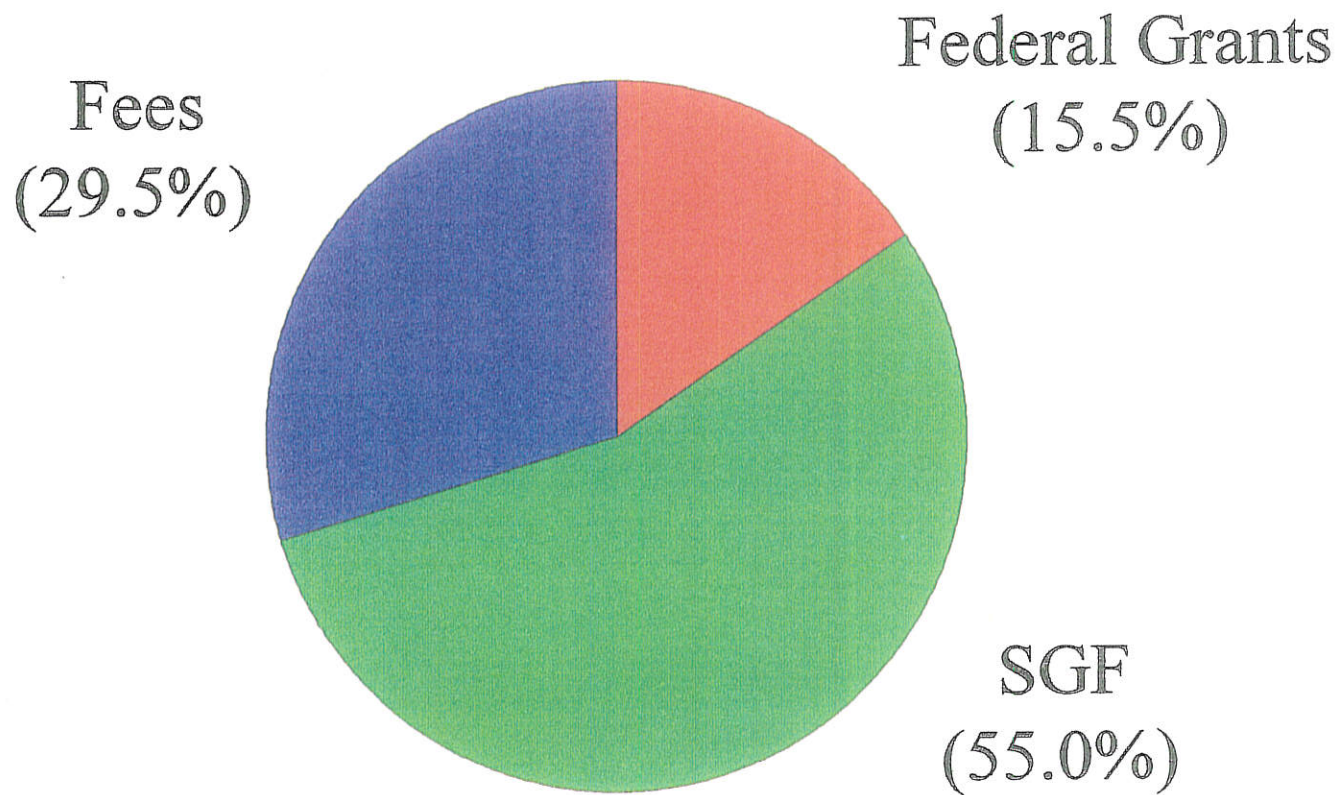
Fiscal and Policy Impacts

We strive to fulfill our statutory requirements to the best of our ability with the limited resources at hand. To continue to fulfill these requirements, increased funds are crucial. This proposal would generate approximately \$900,000 by increasing some existing fees and approximately \$1 million by establishing new fees. Increasing our funding will help us address agency needs we estimate will cost us more than \$3.5 million annually. We shared our funding concerns with the groups affected by the new and increased fees we propose, and we believe we have established a collaborative attitude with them. We must work together if KDA is to continue its regulatory mission of maintaining the integrity of the food supply, and protecting consumers and our environment.

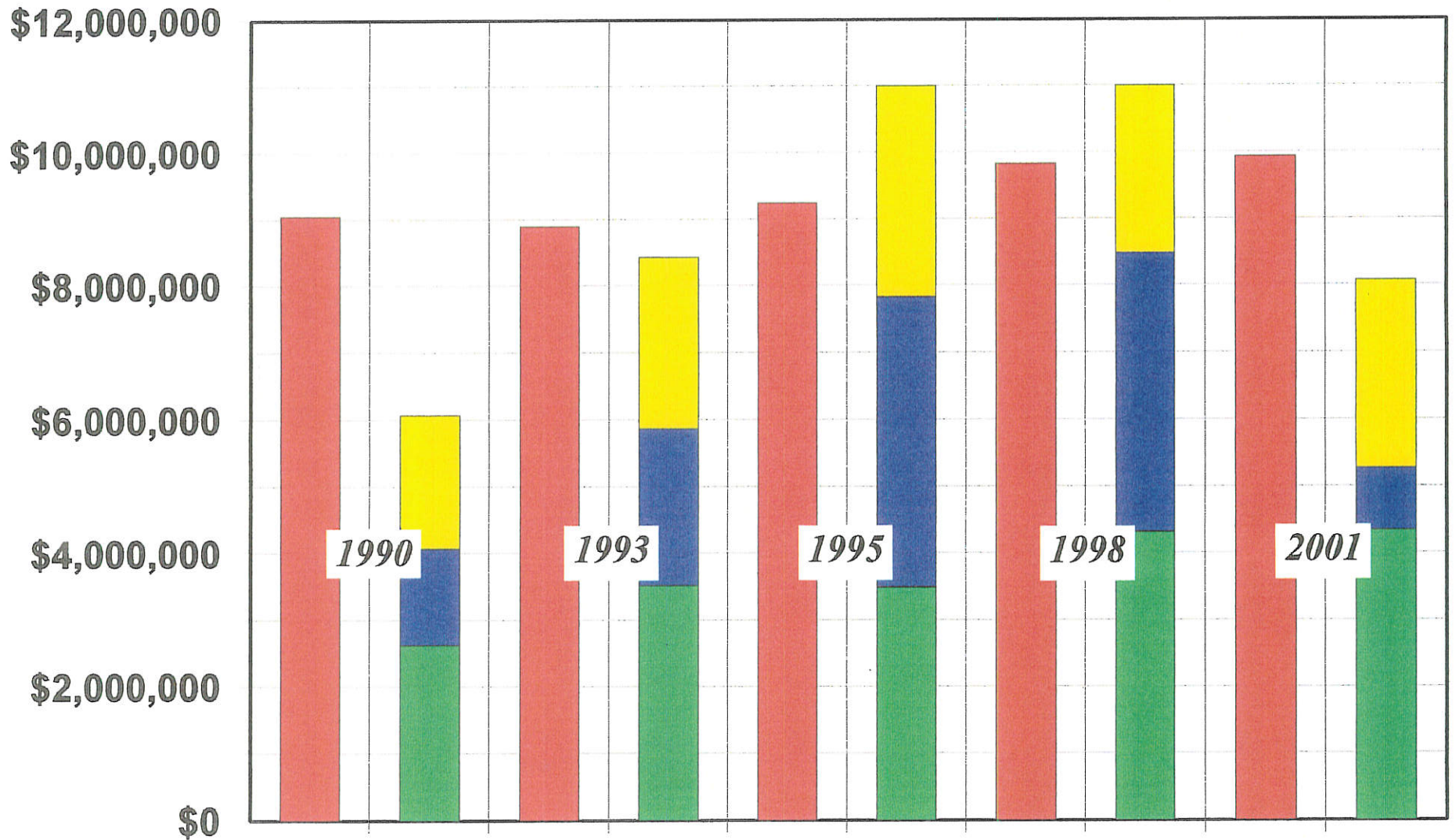
AGENCY BUDGET

3-25

FISCAL 2001 ACTUAL



Kansas Department of Agriculture Funding Comparison



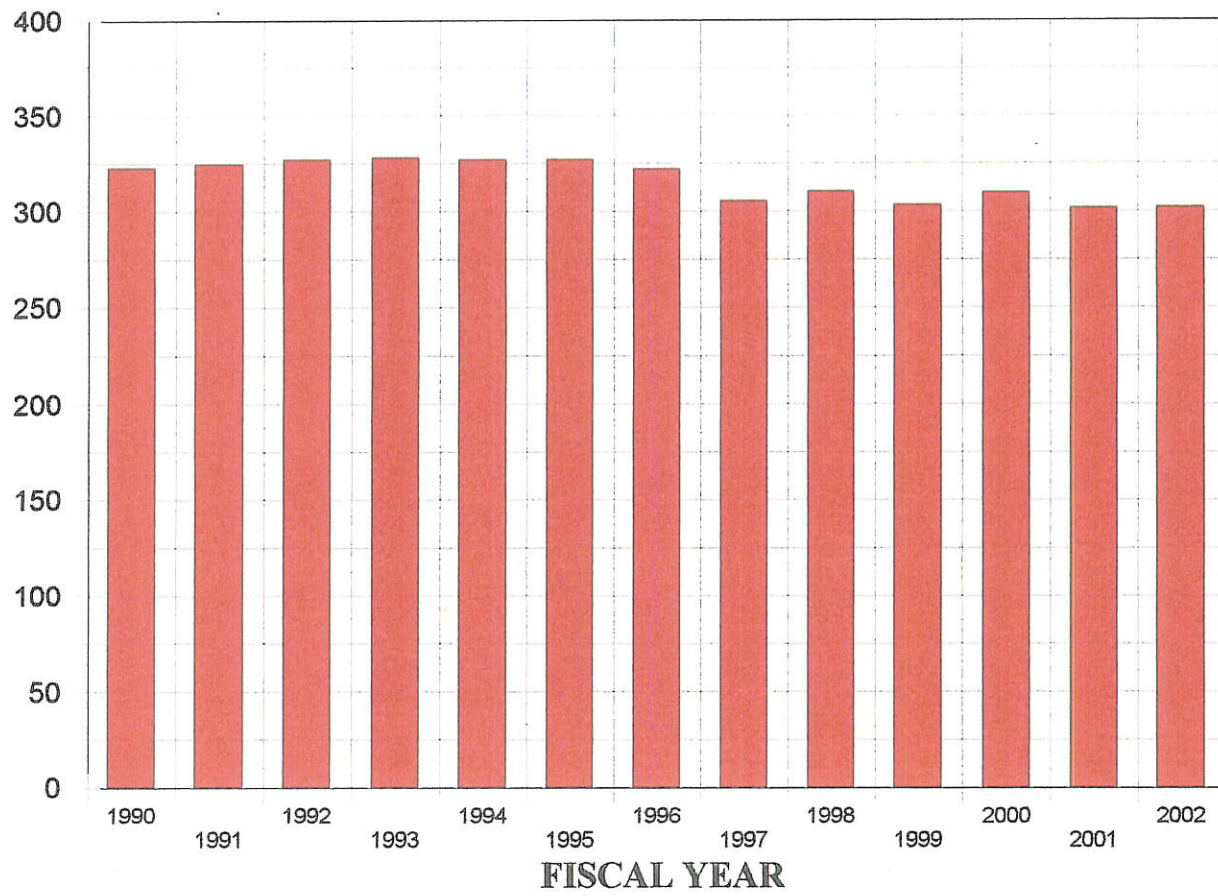
 SGF

 Operational Fees

 All Other

 Federal Funds

Number of FTEs by Year



Fiscal Year 2001 Actual Budget by Source

State General Funds	\$ 9,927,923
State Fees	4,350,539
State Water Plan	925,362
Federal Grants	2,798,206
Other (remediation funds)	<u>82,265</u>
Total All Funds	\$18,084,295

Affected Fees by Category*New Fees*

- Annual Nutrient Utilization Plan Inspection Fee (NUP)
- Annual Weights and Measures Facility Authorization Fee
- Meat and Poultry Wholesaler/Broker Registration Fee
- Annual Live Plant Dealer License Fee
- Water Appropriations — Ownership Changes; Filing Water Use Reports; Failure to File Accurate Report
- Water Structures — Stream Obstruction or Channel Change Application; Dam Construction Permit; Dam Inspections; Fills and Levee Permits

Fees with No Increase

- Fertilizer Inspection Fee, Product Registration and Blender License
- Pet and Specialty Pet Food Registration; Feed License
- Pesticide Dealer Registration
- Plant Pest Emergency Response Fee
- Egg Inspection and Business Registration
- Petroleum Inspection Fees
- Grain Warehouse Examination Fees

Fee Reductions or Statute Repeal

- Feed Inspection Fee (20% reduction)★
- Livestock Remedy Registration Repeal
- Frozen Dairy Dessert Inspection Repeal
- Apiary Inspection, Registration and Permit Repeal

Existing Fee Increases

- Dairy Inspection and Licenses
- Meat and Poultry Licenses and Registration; Overtime Charges★
- Pesticide Product Registration
- Pesticide Applicator Certification
- Pesticide Business License
- Chemigation Certification and Permits
- Seed Wholesaler/Dealer Registration★
- Agricultural Lime Inspection Fees and Production Registration

- Soil Amendment Inspection Fees and Product Registration
- Live Plant and Plant Product Inspection, Certification and Licensing
- Phytosanitary Inspection and Certificates
- Water Appropriation Permits, Changes and Inspections
- Weights and Measures Licenses
- Weights and Measures Metrology Lab Calibration and Tolerance Testing*

*These can be accomplished under current authority.

Ensuring Adequate Statutory Compliance/Department of Agriculture Needs

- Maintain current services.
 - ✓ License and permit processing.
 - ✓ Statutory compliance.
 - ✓ Necessary enforcement efforts.
- Methodical laboratory equipment replacement.
- Increased water appropriation permit enforcement.
- Additional dairy inspector.
- Nutrient management enforcement.
- Increased pesticide enforcement.
- Increased seed law enforcement.
- Additional large scale inspector.
- Increased scanner compliance efforts.
- Competing for qualified staff.
- Computer infrastructure to enable e-business applications.

Focus of the Department of Agriculture

The Kansas Department of Agriculture strives to establish itself as the premier food safety, consumer protection and natural resource protection agency in Kansas. This strong foundation will enable the Secretary of Agriculture 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 in an effective and efficient manner which, if challenged, can be proven credible.

Specific Agency Programs

KDA administers a wide range of statutes that touch nearly every Kansan. Following is an outline of each KDA program, its objective and a description of the regulated community.

Food Safety and Consumer Protection Programs		
Program	Objective	Regulated Community
Dairy Inspection	Ensure milk and dairy products are produced, processed and distributed to reach consumers in a safe, clean, wholesome and unadulterated form.	Dairy farmers, milk processors, milk haulers, milk distributors and food service establishments.
Meat and Poultry Inspection	Ensure safe and wholesome meat and poultry products by detecting and eliminating those items that pose a health threat, are improperly labeled, or serve as a source of economic fraud to consumers.	Local locker plants and local processing facilities.
Agricultural Commodities Assurance Program (ACAP)	Ensures products used by farmers and agribusinesses are safe and high quality, and are sold without misrepresentation to consumers.	Seed wholesalers and retailers; livestock remedy manufacturers; commercial feed manufacturers and egg producers and distributors.
Grain Warehouse Inspection	Ensures grain producers have safe, solvent warehouses where they may store their commodities.	Public grain warehouses (elevators).
Weights and Measures	Provides consumer protection through inspection and certification of large and small scales, scanners, gas pumps, fuel quality testing and lab calibration of weights.	Agribusiness dealers, gas stations, grocery stores, department stores, livestock auctions, grain elevators, aggregate producers and any facility using weights for commercial sales.

Water Resources Programs		
Program	Objective	Regulated Community
Water Appropriation	Manage the state's water supply through a system of permits, reviews and inspections.	Irrigators, municipalities, industry, sand and gravel operators and any user of the state's waters.
Water Structures	Inspect and regulate the safety of dams which could, if they failed, endanger lives and property.	Owners of dams, levees, stream obstructions, and entities filling in the floodplain.
Water Management Services	Supports the water resources programs. Protects the interest of Kansas in interstate compacts.	
Subbasin Water Resource Management	Works to address water quantity issues identified in the State Water Plan. Works cooperatively with local water users to develop long-term voluntary water management strategies.	

Environmental Protection Programs		
Program	Objective	Regulated Community
Plant Protection and Weed Control	Protect agricultural industry from the introduction of foreign plant pests.	Nurseries, grain elevators and entities impacted by regulated articles.
Pesticide and Fertilizer	Protect public health and the environment by ensuring the safe and judicious use of pesticides and fertilizers.	Agribusiness retailers, chemigators, farmers using RUPs, swine producers, pesticide and fertilizer retailers, structural pest control firms and lawn care providers.

Administrative Services and Support		
Program	Objective	Regulated Community
Administrative Services	Provide general policy, outreach, coordination and management functions for department. Includes central fiscal, records center, personnel, legal, computers, and research and information.	
Kansas Agricultural Statistics Service	Serve Kansas, its agriculture and citizens by providing meaningful, accurate and objective statistical information and services.	

Advocacy Efforts on Behalf of Agriculture

Protecting and Expanding Markets

- Proactive response to 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.
- Secretary 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.
- Signed an memorandum of agreement with the North American Weed Free Forage Association to open new markets for Kansas producers who raise weed-free certified forage.
- Implemented a boll weevil trapping program to assure USDA and the United States cotton industry that Kansas was free of boll weevils. No boll weevils were found in 2001, which negated the need for a statewide boll weevil eradication program paid for by growers.

Reasonable, Customer-Friendly Laws and Regulations

- Supported SB 237, which contained provisions for water banking and five-year flex accounts, for more flexibility in surface water and groundwater appropriations. KDA supported this legislation because of the flexibility it offered water users and its potential to contribute to water conservation.
- Developed and made available a computer program that aids creation of nutrient plans for fields as part of KDA's 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 using any other fertilizer source.
- 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.
- Funded a portion of the KSU mobile irrigation laboratory to provide Kansas producers with information and education to reduce nitrate pollution of groundwater possibly caused by the application of fertilizers through irrigation equipment. The risk of pollution is greatly reduced by appropriate timing of fertilizer application.
- In 2001, the Kansas dairy statutes were reorganized and updated. Obsolete laws were removed and the remaining laws were organized into sections for easier reference by the user. Further, KDA contracted with the Kansas Dairy Commission to produce a Kansas Dairy Producer's Handbook to help producers identify legal requirements that impact their operations and by providing best management practice information on waste lagoon management and maintenance.

Ensuring Availability of Pesticides and Other Innovative Pest Management Practices

- In May 2001, secured a Section 18 emergency exemption from EPA to use Vista to control sericea lespedeza in Kansas rangeland and permanent grass pastures. The approval means ranchers and land managers now have a more cost-effective tool to battle this noxious weed.
- 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 also is funding profiles of a number of Kansas crops, which EPA will use to make pesticide registration decisions. Kansas is the only state to use tax dollars to fund these studies and profiles. In other states producers have paid for them.

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- The Kansas Secretary of Agriculture is 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 help implement the Food Quality Protection Act. Secretary Clover Adams is the only secretary of any state agricultural agency to sit on this 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.

Natural Resource Protection

- With help from the Department of Wildlife and Parks and the State Conservation Commission, KDA brought together the landowner, conservation, commodity, environmental, wildlife and agribusiness interests that formed the Kansas Farm Bill Conservation Coalition. The group met several times during the summer of 2001 to develop its recommendations to Congress for the conservation title of the next farm bill.
- Hosted KDA's second Agriculture Earth Day on May 8, 2001. This annual event rotates across the state to reach more individuals and to reinforce the message of agricultural stewardship in Kansas.
- 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).

Water Quality Improvements

- Encouraged—and committed resources—to intervene in the TMDL lawsuit to ensure that our state's rights are protected.
- Helped the State Conservation Commission fund 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.
- Actively support voluntary, incentive-based approaches to achieve water quality improvements. In that vein, KDA provided some funding for Extension watershed

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

- Actively participated in the 2000 EPA rulemaking regarding Kansas Water Quality Standards. Submitted a 47-page document detailing why EPA should not proceed with its proposed rule. These comments were supplemented with an 8-inch stack of supporting materials documenting many measures the state has taken to improve water quality. Secretary Clover Adams also appeared at the public hearing in Dodge City to oppose the proposed rule.
- Actively supported passage of SB 204 during the 2001 session. When implemented, this legislation will allow the state of Kansas and landowners to focus their limited resources on improving water quality rather than chasing paper problems. This new water quality framework allows all parties to focus on the highest priorities and improve water quality.

Enhancing Food Safety

- Strongly believe 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 enacted to improve egg safety.
- Partnered with the Kansas Public Health Association on Kansas Conference for Food Protection October 9 and 10, 2001, in Wichita, which provided an opportunity for food safety officials to discuss state and federal issues that impact public health.
- Worked closely with the Kansas Department of Health and Environment and the FDA to address misapplications of pesticide to wheat. KDA provided laboratory analysis, grain warehouse auditing to locate potentially contaminated wheat, and general administrative guidance on pesticide use and grain handling information. Partnerships like these are essential to food safety, pesticide regulation and the protection of our state's leading export commodity.
- Applied for and received an FDA grant to develop Spanish-language training materials to better meet the needs of Kansas' rapidly changing dairy industry. Spanish is the first language of many individuals now working in Kansas dairies and as milk haulers. A written training guide, test and training video were translated into Spanish for milk haulers. The materials will help ensure safe handling of Kansas milk.

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.

- Dedicated one member of the Secretary's staff to facilitate the commodity commissions' transition to privatization. This individual developed a database, informational materials and a website for the new commissioner election process, and promoted the election through media interviews, trade shows and visits to individual counties.
- 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

- Initiated producer awareness campaign to minimize the possibility of Karnal bunt being introduced to Kansas wheat when USDA expanded its Karnal bunt quarantine to include four north-Texas counties in June 2001. Secretary Clover Adams recorded public service announcements to air on farm radio stations statewide, and fact sheets were made available to affected stakeholders and all county extension offices.
- Promoted Kansas' interests in daily conference calls sponsored by USDA's Animal and Plant Health Inspection Service in response to the spread of Karnal bunt to four north-Texas counties in June 2001.
- After USDA expanded its quarantine of Karnal bunt-infected areas, Secretary Clover Adams ordered that all wheat seed must test Karnal bunt-free before it may be offered for sale in Kansas.
- KDA took a proactive stance to protect Kansas' livestock from contagious animal illnesses like foot-and-mouth disease. Inspectors who come into contact with animals susceptible to contagious disease are trained to spot signs of illness and know which steps to take to contain the disease. Also, administrative staff and an agency veterinarian participated in emergency management training to help the state prepare its response to an outbreak of contagious animal disease.
- Secured legislative approval for enhanced regulations and civil penalty authority regarding feedstuffs. This allows KDA to more effectively prevent material believed to be responsible for bovine spongiform encephalopathy, or mad cow disease, from entering the food chain through ruminants.
- Opposed EPA-proposed rules for confined animal feeding operations because of the detrimental economic impact they would have on smaller livestock producers and their overall ineffectiveness to achieve their stated goal of improved water quality.
- 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.

- Provided comments to the U.S. Fish and Wildlife Service regarding their proposed critical habitat for the Arkansas Shiner. Created an internal Endangered Species Workgroup to monitor endangered specie activities in Kansas and to identify opportunities for KDA to be involved in the listing, habitat designation and recovery process.

Measuring Public Opinion

- Shared with Kansas Department of Commerce and Housing the cost of conducting a statistical survey to determine Kansans' attitudes about agriculture, which serve as the basis for an information campaign by agricultural trade associations.

Renewable Energy to Benefit Farmers and Ranchers

- The Kansas Department of Agriculture has been a sponsor of the first and second annual Kansas Wind Energy Conferences. We support research and commercialization of technology making wind a renewable energy source and an income supplement for farmers and ranchers. Kansas is a good source of wind energy and wind turbines can provide another source of income to Kansas farmers and rural residents.

NEW AGENCY WEB SITE

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New Agency Website

Not long before the ITAB/ITASK Web Accessibility Subcommittee issued its web content and accessibility model guidelines for state agencies, KDA formed its web team to update the agency's website to more effectively harness its potential as a communication tool. Using the model guidelines, the web team was able to streamline the website to ensure that it is accessible to anyone regardless of modem or web browser capability, or by anyone with physical limitations. The team also gave the site a consistent appearance, which should help the agency with logo recognition.

The team will continue its work on the website to find ways to better explain our regulatory functions to web visitors and to find ways KDA can better serve its regulated communities.

Visit us on the web at www.accesskansas.org/kda/

KANSAS DEPARTMENT OF AGRICULTURE

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The Kansas Department of Agriculture is 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.

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