

Approved: January 29, 2002
Date

MINUTES OF THE SENATE AGRICULTURE COMMITTEE.

The meeting was called to order by Chairperson Derek Schmidt at 8:30 a.m. on January 22, 2002 in Room 423-S of the Capitol.

All members were present except:

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

Conferees appearing before the committee:

Jamie Clover Adams, Secretary, Department of Agriculture
Kyle Smith, Office of the Attorney General and KBI
Todd Johnson, Kansas Livestock Association
Doug Wareham, Kansas Grain & Feed Association and the Kansas
Agribusiness Retailers Association
Janet McPherson, Assistant Director, Kansas Farm Bureau

Others attending: See attached list

SB 395 - State of emergency disaster and unlawful acts involving contagious or infectious diseases of plants or animals

Gordon Self, Revisor of Statutes, presented an overview of **SB 395**. The legislation raises the penalty from a Class A misdemeanor to a severity level 3 nonperson felony for exposing any animal to any contagious or infectious disease; makes it unlawful for any persons to knowingly bring into the state any plant which is affected with any contagious or infectious disease, and makes the penalty a severity level 3, nonperson felony.

Jamie Clover Adams, Secretary, Kansas Department of Agriculture (KDA), stated that **SB 395**, in new section 1 (a) as drafted, could impede commerce in the green house and nursery industry and have an impact on grain markets. Further section 1 (b) could be construed to prevent any public or private research from being performed on plant diseases by prohibiting field inoculations.

In view of these concerns, Ms. Adams submitted a proposed amendment which makes clear that activities allowed under the Plant Pest Act would not be subject to the penalty as defined in **SB 395**. The proposed legislation further allows the current system of certification for public and private research to continue.

KDA supports the inclusion of plant disease on the list of issues for which the Governor may declare a state of disaster emergency. (Attachment 1)

Kyle Smith, Office of the Attorney General and the KBI, stated the Attorney General's office is in favor of **SB 395**, as it does plug some holes in the criminal code, and the legislation provides the KBI with investigative authority. There is some concern relating to the application of the severity level. A written response will be submitted at a later time.

Todd Johnson, Kansas Livestock Association (KLA), testified in support of **SB 395**, stating that since the terrorist attacks of September 22, 2001, the introduction of infectious animal or plant diseases is viewed differently than in the past. The possibility of an inadvertent introduction has changed to the threat of an intentional terrorist attack on the agricultural industry. **SB 395** protects the integrity of the Kansas agriculture industry and by increasing the penalty, brings greater awareness of and punishment of the crime. The KLA supports the passage of **SB 395**. (Attachment 2)

CONTINUATION SHEET

Doug Wareham, Kansas Grain and Feed Association (KGFA) and the Kansas Agribusiness Retailers Association (KARA) support **SB 395**, stating the proposed legislation makes it unlawful for any person to knowingly bring into this state a plant that is infected with a contagious or infectious disease or to expose plants grown in Kansas to contagious or infectious diseases. **SB 395** gives notice to all terrorist organizations that the price for knowingly harming crops in Kansas through the introduction of infectious or contagious diseases will be very high. (Attachment 3)

Janet McPherson, Assistant Director, Public Policy Division, Kansas Farm Bureau (KFB), testified in support of **SB 395**. The KFB supports the greatest penalty provisions provided by law be applied to individuals convicted of bioterrorist or ecoterrorist activities. **SB 395** ensures the Governor of Kansas has the authority to take action to address a disease outbreak that could jeopardize the agriculture sector; ensures that those who knowingly commit a crime against agricultural operators and their enterprises are subject to appropriate remedies. (Attachment 4)

The Committee asked Thomas Sim, Program Manager, Plant Protection & Weed Control Program, Department of Agriculture, whether there are any plants that could cause such a catastrophic event as addressed in **SB 395**. Mr. Sim replied that there are molds and by-products of plants that can cause severe problems in plants and crops.

Upon motion by Senator Huelskamp, seconded by Senator Umbarger, the minutes of the January 16, 2002 meeting were unanimously approved.

The meeting concluded at 9:25 a.m.

The next meeting is January 23, 2002.

SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: January 22, 2002

NAME	REPRESENTING
Jim Allen	Seaboard
Judd Johnson	Kansas Livestock Association
Mike Jensen	Ks Pork Assn.
Tom Tunnell	Kansas Grain and Feed Assn.
Janet McPherson	Ks Farm Bureau
Tom Elono	Farm Credit Council
Karla Maccharat	Gov's Office
Doug W. Dole	Kansas Dept. of Agriculture
Tom Sym	Kansas Dept. of Agriculture
Keith Broadshaw	Dir. of the Budget
Amie Clover Adams	KS Dept of Agriculture
Doug Wareham	Kansas Grain & Feed Assn. Ks. Agribusiness Retailers Assn.
Matt Bertholf	Ks. Coop Council
George Teagarden	Ks Animal Health Dept
Mike Beam	Ks. Livestock Assn.
Sue Peterson	K-STATE
Kyle Smith	KBI
Carolyn Muddindoo	Ks St No Assn

STATE OF KANSAS

BILL GRAVES, GOVERNOR
Jamie Clover Adams, Secretary of Agriculture
109 SW 9th Street
Topeka, Kansas 66612-1280
(785) 296-3556
FAX: (785) 296-8389



KANSAS DEPARTMENT OF AGRICULTURE

Senate Agriculture Committee

January 22, 2002

**Testimony Regarding
Plant Disease Prevention and Penalties**

Jamie Clover Adams, Secretary of Agriculture

Chairman Schmidt and members of the Senate Agriculture Committee, I am Jamie Clover Adams, Kansas Secretary of Agriculture. I appear today to discuss Senate Bill 395. I am supportive of the concept but propose rewording New Section 1 to better reflect what I understand is the intent of the legislation. As it is currently drafted, New Section 1 could seriously impact the movement of plants and grains in Kansas and prohibit public and private research on plant diseases.

Background

At the November, 2001 meeting of the interim Special Committee on Agriculture, I discussed the vulnerability of our plant disease infrastructure in Kansas. Experts on bioterrorism tell us that the terrorists' goal is not always to kill but to create domestic dislocation or economic havoc. The impact of an intentional introduction of a plant disease would be devastating to the Kansas economy. Overall, Kansas agriculture industry sales impact the Kansas economy by \$34 billion with the value of the wheat industry alone calculated at \$1 billion.

As a way to safeguard Kansas plant resources, the KDA Plant Protection and Weed Control program works closely with APHIS-PPQ. The Plant Protection and Weed Control program has 11 employees, eight of whom work regularly in the field. These men and women work to ensure that Kansas' agricultural commodities can be exported around the globe.

As I related to the Special Committee, I read materials on emerging bioterrorist threats from a hearing two years ago before Senator Roberts' Emerging Threats Subcommittee. The experts pointed out that the Russians worked on wheat rust as a weapon of the cold war. Upon investigation, I learned that wheat rust or something like it, would be as devastating to our wheat industry as FMD would be to our beef industry.

Senate Agriculture Committee
Date 1-22-02

Senate Bill 395

As drafted, I believe that new section 1 (a) could impede commerce in the green house and nursery industry and have a potential impact on grain markets. Further, Section 1 (b) could be construed to prevent any public or private research from being performed on plant diseases by prohibiting field inoculations. Consequently, I offer the attached balloon for your consideration.

I believe the intent of Senate Bill 395 was to make sure any act to intentionally cause serious harm to our plant resources would be subject to a stiff penalty. The balloon makes clear that activities allowed under the Plant Pest Act would not be subject to this penalty. Further, it would allow the current system of certification for public and private research to continue. For your information, plant pest is defined in K.S.A. 2-2113 (a) as "Plant pests" shall include any state of development of any insect, nematode, arachnid, or any other invertebrate animal, or any bacteria, fungus, virus, weed, or any other parasitic plant or microorganism, which can injure plants or plant products.

Further, I support inclusion of plant disease on the list of issues for which the Governor may declare a state of disaster emergency. Should any situation of this severity occur, all resources of state government will be needed.

I thank you for this opportunity to discuss Senate Bill 395. Tom Sim, manager of the KDA Plant Protection and Weed Control program is here with me today. We would be glad to answer any questions the Committee might have.

SENATE BILL No. 395

By Committee on Agriculture

1-16

AN ACT concerning plant and animal diseases; relating to state of disaster emergency; unlawful acts and punishment therefor; amending K.S.A. 21-3436 and K.S.A. 2001 Supp. 47-623 and 48-924 and re-pealing the existing sections.

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

New Section 1. (a) ~~It shall be unlawful for any person to knowingly:~~

~~(1) Bring into this state any plant which is affected with any contagious or infectious disease or any plant which has been exposed to any contagious or infectious disease; or~~
~~plant pest~~

Except as permitted under KSA 2-2112 et seq., it shall be unlawful for any person to knowingly bring or release into this state any

~~(2) expose any plant in this state to any contagious or infectious disease.~~

as defined in KSA 2-2113(a) or expose any plant to a plant pest.

(b) Violation of subsection (a)~~(1) or (a)(2)~~ is a severity level 3, non-person felony.

Sec. 2. K.S.A. 21-3436 is hereby amended to read as follows: 21-

3436. (a) Any of the following felonies shall be deemed an inherently dangerous felony whether or not such felony is so distinct from the homicide alleged to be a violation of subsection (b) of K.S.A. 21-3401 and amendments thereto as not to be an ingredient of the homicide alleged to be a violation of subsection (b) of K.S.A. 21-3401 and amendments thereto:

(1) Kidnapping, as defined in K.S.A. 21-3420 and amendments thereto;

(2) aggravated kidnapping, as defined in K.S.A. 21-3421 and amendments thereto;

(3) robbery, as defined in K.S.A. 21-3426 and amendments thereto;

(4) aggravated robbery, as defined in K.S.A. 21-3427 and amendments thereto;

(5) rape, as defined in K.S.A. 21-3502 and amendments thereto;

(6) aggravated criminal sodomy, as defined in K.S.A. 21-3506 and amendments thereto;

(7) abuse of a child, as defined in K.S.A. 21-3609 and amendments thereto;

(8) felony theft under subsection (a) or (c) of K.S.A. 21-3701 and amendments thereto;



Since 1894

To: The Senate Agriculture Committee
Senator Derek Schmidt, Chairman

From: Todd Johnson, Kansas Livestock Association

Subject: Testimony in support of SB 395 – Concerning Plant and Animal Diseases

Date: January 22, 2002

Nearly a year ago the Kansas Livestock Association appeared before members of the Senate and House Agriculture Committees, expressing support for a bill that clearly defined the role, and authority, of the Governor and the Kansas Animal Health Commissioner in dealing with the outbreak of an infectious animal disease in Kansas. In addition, the bill established penalties for individuals willfully introducing such diseases, and established steps to safeguard our industry from production practices that might inadvertently expose our industry with an infectious disease. Senate Bill 2468 became law.

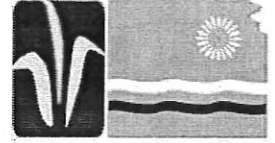
The passage of last year's legislation was spurred by the outbreak of Foot and Mouth Disease (FMD) in Europe, and the need to heighten safeguards against the introduction of such diseases in our country. The devastating impact of FMD on Europe's livestock industry affected all Kansas livestock producers. Since that time, producers have implemented biosecurity plans, KLA staff and members have worked closely with the Kansas Animal Health Department to develop disaster emergency preparedness plans and producer and consumer education is ongoing.

Since the terrorist attacks of September 11, 2001, the introduction of infectious animal or plant diseases is viewed differently. The possibility of an inadvertent introduction has changed to the threat of an intentional terrorist attack on our agricultural industry. Steps have been taken across the country to heighten awareness of these threats. SB 395 takes more steps toward protecting the integrity of the Kansas agriculture industry.

Making the introduction of plants or animals with contagious or infectious diseases, or the act of exposing plants or animals in this state to a contagious or infectious disease (including Foot and Mouth Disease), a severity level 3, nonperson felony, brings greater awareness of and punishment to this crime. In addition, broadening the Governor's quarantine authority for preventing the spread of contagious or infectious disease, to also include the protection of **plants**, furthers the safeguards for our industry.

The Kansas Livestock Association supports efforts to protect the agricultural interests of Kansas and we hope you will pass SB 395. Thank you for your time this morning. I will be happy to respond to questions or comments at the appropriate

Senate Agriculture Committee
Date 1-22-02



STATEMENT OF THE
KANSAS GRAIN & FEED ASSOCIATION
AND THE
KANSAS AGRIBUSINESS RETAILERS ASSOCIATION
SUBMITTED TO THE
SENATE AGRICULTURE COMMITTEE
REGARDING S.B. 395
SEN. DEREK SCHMIDT, CHAIR
JANUARY 22, 2001

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

816 SW Tyler, Topeka KS 66612 – 785-234-0461 - Fax

Senate Agriculture Committee

Date 1-22-02

Attachment # 3-1 thru 3-4

Chairman Schmidt and members of the committee, I am Doug Wareham appearing today on behalf of both the Kansas Grain and Feed Association (KGFA) and the Kansas Agribusiness Retailers Association (KARA). KGFA is comprised of more than 1100 member firms including country elevators -- both independent and cooperative -- terminal elevators, grain merchandisers, feed manufacturers and associated businesses. KGFA's membership represents 98% of the over 860 million bushels of commercially licensed grain storage space in the state of Kansas. KARA's over 550 members are primarily retail agribusiness operations that provide fertilizer, crop protection chemicals, seed, fuel and propane products and services to Kansas producers. In addition to serving the interests of retail agribusiness, KARA also represents crop input distribution firms, ag chemical manufacturing firms, application equipment manufacturers and other businesses related to the crop production industry.

I want to express our support for Senate Bill 395, which will make it unlawful for any person to knowingly bring into this state a plant that is infected with a contagious or infectious disease or to expose plants grown in Kansas to contagious or infectious diseases. Kansas and other agricultural states that collectively provide the safest and most abundant food supply in the world must take steps to protect and deter criminal acts against our food production and distribution system. Last year, the Kansas Legislature adopted Substitute for Senate Bill 36, which prescribed tougher penalties for criminals that physically damage or destroy crop production research test plots. The legislation you are considering today will further strengthen Kansas laws by deterring enemies, both foreign and domestic, that might consider exposing crops grown in Kansas to a contagious or infectious disease.

The criminal acts described in Senate Bill 395 are simply "Acts of Terrorism", and while we tend to look abroad when we hear the word terrorism, history has proven that we face a much greater risk of this type of activity being carried out by special interest extremists presently operating in the United States. Attached with my testimony, is a listing of terrorist acts, many of which are agricultural-related, which were carried out in the U.S. and Great Britain during the past few years. While the events of September 11th have given us a new sense of awareness concerning our adversaries abroad, it is somewhat troubling that terrorist acts performed by organizations such as the Animal Liberation Front, the Environmental Liberation Front, the Bioengineering Action Network and Reclaim the Seeds often go virtually unnoticed by the general public. Senate Bill 395 will give notice to all terrorist organizations that the price for knowingly harming crops in Kansas through the introduction of infectious or contagious diseases will be very high.

In conclusion, I simply want to restate our support for this measure and on behalf of KGFA and KARA I ask that you look favorably upon this bill. Thank you for the opportunity to testify and I would be happy to respond to any questions you might have.

Animal Rights & Eco-Terrorism : The Price We Pay

Sept. 20, 2001: Arson at primate facility

The Coulston Foundation, a research facility in New Mexico, is burned down. Damage is put at over \$1 million. Animal Liberation Front (ALF) claims guilt.

Sept. 8, 2001: McDonald's torched in Arizona

A McDonald's franchise in Tucson is set ablaze, causing \$500,000 in damage. ALF claims guilt.

Aug. 23, 2001: Mink farm raided

Netherlands: 16,800 mink are released from a farm near Eindhoven. Hundreds are squashed on roads.

Aug. 21, 2001: Vandalism at New York lab

Nassau County facility of Cold Spring Harbor Laboratory trashed. Damage: \$15,000. Earth Liberation Front (ELF) wrongly believes lab does genetic engineering.

June 11-12, 2001: Arizona luxury homes set ablaze

Four homes outside Tucson, worth a combined \$5 million, are torched because they were being built near mountain preserves.

June 1, 2001: Oregon logging camp torched

A logging site and trucks belonging to Ray A. Schoppert Logging Inc. are set ablaze near Mount Hood. Total damage is put at \$150,000.

May 21, 2001: Arsons in Oregon, Washington

Jefferson Poplar Farm, near Clatskanie, and Univ. of Washington's Center for Urban Horticulture burned. Facilities collaborated in research. Farm damage: \$500,000; university damage: \$2.5 million.

Apr. 22, 2001: Mink farm burned down

Germany: Living quarters, feed houses, mink sheds destroyed at farm near Dresden. Spiked roads stop fire trucks arriving in time.

Apr. 20, 2001: Washington mink farm raided

300 mink released in Snohomish County, mostly pregnant. Breeding cards destroyed. Damage: \$35,000.

Apr. 15, 2001: Oregon arsonists burn 3 trucks

Cement trucks of Ross Island Sand & Gravel, Portland, burned. Damage: \$210,000. ELF claims guilt.

Mar. 30, 2001: Arson at Oregon truck store

Chevrolet dealership in Eugene burned. Damage: \$1 million. Guilt claimed by anonymous group in statement released by ELF.

Mar. 25, 2001: Slaughterhouse torched

Netherlands: Slaughterhouse near Eindhoven burned down. Damage is put at \$4 million. ALF claims guilt.

Mar. 17, 2001: Research trees killed in Oregon

More than 700 poplars are cut down by vandals apparently targeting genetically engineered trees.

Early March, 2001: Trees spiked in Virginia

Steel spikes driven into trees on Westmoreland timber tract. Lumber company says it will spend \$30,000 on safety precautions when running timber through mill.

ELF claims guilt.

Feb. 23, 2001: Animal research chief brutalized

UK: Huntingdon Life Sciences chief attacked by masked thugs with axe handles.

Feb. 21, 2001: Arrests follow bomb campaign

UK: Arrests made in connection with 11 letter bombs sent to businesses with ties to animal use since December. Five explode, injuring two adults and a child.

Jan. 2, 2001: Oregon lumber company torched

Damage of \$400,000 caused to offices of Superior Lumber in Glendale. ELF claims guilt.

Dec. 9-29, 2000: Arsonists attack NY homes

Three waves of attacks cause \$410,000 damage to four luxury homes, one condo on Long Island. ELF claims guilt.

Dec. 11, 2000: Vancouver meat truck wrecked

Canada: Incendiary device wrecks \$60,000 truck at a meat market. ALF claims guilt.

Dec. 7, 2000: McDonald's NY offices trashed

Windows smashed, anti-meat slogans painted at McDonald's offices in Long Island. ALF claims guilt.

Nov. 27, 2000: Mansion torched in Colorado

Arson causes \$500,000 in damage to a Longmont mansion. ELF claims guilt.

Oct. 18, 2000: Logging gear trashed in Indiana

Vandals cause \$55,000 in damage to logging equipment in Martin County. ELF claims guilt.

Sept. 25-26, 2000: Three mink farms raided

Denmark: 12,000 mink are released from three farms near Copenhagen. ALF claims guilt.

Sept. 9, 2000: Republican Party HQ torched

Fire at HQ of Monroe County Republican Party Committee in Bloomington, IN. ELF claims guilt.

Sept. 7, 2000: Iowa mink farm raided

14,000 mink released in New Hampton, largest animal release ever in US. Most die on roads, from dog attacks, etc. ALF claims guilt.

July 2, 2000: Arson at Indiana chicken farm

Arson at Rose Acre farm in North Vernon causes \$100,000 in damage. ALF claims guilt.

June 4, 2000: Oregon seed research vandalized

\$300-500,000 damage caused to plots at Pure-Seed Testing. Anarchist Golfing Association claims guilt.

May 21, 2000: Firebomb at meat processor

UK: Nine incendiary devices defused at Oxfordshire meat plant. A tenth destroys an £80,000 truck.



May 7, 2000: Washington timber company torched
Fire guts Holbrook Inc., near Olympia. Damage: \$150,000. Revenge of the Trees claims guilt.

Apr. 30, 2000: Construction site sabotaged
Vandals cause \$500,000 in damage at highway site near Indianapolis. ELF claims guilt.

Jan. 3, 2000: Arson in California
Incendiary devices at Rancho Veal cause \$250,000 in damage. ALF claims guilt.

Dec. 31, 1999: Arson at Michigan State University
Fire causes \$900,000 in damage to research on genetically engineered plants. ELF claims guilt.

Dec. 25, 1999: Forestry company torched
Fire guts office of Boise Cascade in Oregon. Damage put at \$1 million. ELF claims guilt.

Nov. 14, 1999: Arson at feed supplier Netherlands: 9 trucks destroyed at Voedercentrale Milheeze, a slaughterhouse supplying feed to fur farms.

Oct.-Nov. 1999: Washington University vandalized
Research labs at Western Washington University struck twice. Offices and experiments destroyed, animals removed.

Oct. 1999: Dangerous mail
Letters containing razor blades, threat of violence from ALF's "Justice Department" sent to 80 primate researchers.

Aug. 12, 1999: McDonald's torched in Antwerp Belgium: Arsonists burn McDonald's outlet, causing \$1 million damages. Letters "ALF" painted at scene.



Aug. 9, 1999: Wisconsin feed supplier torched
United Feeds, supplier of feed to fur farms, burned. Damage: \$1.5 million.



Aug. 1, 1999: Arson attack at dairy UK: Incendiary devices cause £500,000 to £1 million in damage at Unigate Dairies in Oxford.

Apr. 5, 1999: Minnesota University labs vandalized
Vandals cause \$2 million in damage, destroying research on cancer vaccine, neurological diseases. ALF claims guilt.

Dec. 26, 1998: US Forest Industries torched
ELF claims guilt for attack on US Forest Industries in Oregon, causing over \$500,000 in damage.

Oct. 18, 1998: Arsonists strike ski resort
ELF claims guilt for fires at Vail ski resort, CO, which cause \$12 million in damage.

July 21, 1997: Slaughter plant firebombed
Cavel West Horse Slaughter Plant in Oregon torched, causing \$1 million in damage. ALF claims guilt.

May 30, 1997: 3,000 Mink die in Oregon
10,000 mink released of which more than 4,000 die. Cost: \$750,000.

Mar. 11, 1997: Feed plant bombed in Utah
Five pipe bombs at Fur Breeders Agricultural Coop cause \$1 million in damage.

Nov. 12, 1996: Minnesota fur store torched
Firebomb at Alaskan Furs in Bloomington causes \$2.75 million in damage.

Feb. 2, 1992: Arson at research facility
Facility conducting research on mink at Michigan State University torched. Property damage: \$100,000. ALFer Rodney Coronado serves 57 months in prison.

This flyer can be downloaded from: www.furcommission.com/resource/Resources/Terror.pdf

WEB CHRONOLOGIES OF ANIMAL RIGHTS AND ENVIRONMENTAL TERRORISM

Fur Commission USA chronology of animal rights extremist / ecoterror crimes: www.furcommission.com/attack/index.html; **Center for the Defense of Free Enterprise**, major crimes claimed by the Earth Liberation Front: www.cdfef.org/earth.htm; **National Animal Interest Alliance** chronology of animal rights and environmental terrorism: www.naiaonline.org/body/articles/archives/arterror.htm; **The Oregonian**: Earth Liberation Front attacks in the US since 1996: www.oregonlive.com/news/oregonian/index.ssf?/news/oregonian/01/01/lc_52timeline11.frame; **Animal Liberation Front World Wide Diary of Actions**: www.animalliberation.net/doa

Produced by Farmers for Safe Farms. If you want our farms to be safe again, contact: Farmers for Safe Farms, c/o Fur Commission USA, PMB 506, 826 Orange Avenue, Coronado, CA 92118-2698 USA. Tel: (619) 575-0139; Fax: (619) 575-5578; furfarmers@aol.com; www.furcommission.com



Kansas Farm Bureau

2627 KFB Plaza, Manhattan, Kansas 66503-8508 • 785.587.6000 • Fax 785.587.6914 • www.kfb.org
800 S.W. Jackson, Suite 817, Topeka, Kansas 66612 • 785.234.4535 • Fax 785.234.0278

PUBLIC POLICY STATEMENT

SENATE COMMITTEE ON AGRICULTURE

RE: SB 395 – An act concerning plant and animal diseases.

**January 22, 2002
Topeka, Kansas**

**Presented by:
Janet McPherson, Assistant Director
Public Policy Division
Kansas Farm Bureau**

Chairman Schmidt and members of the Senate Agriculture Committee, thank you for the opportunity to appear today on behalf of the farmer and rancher members of Farm Bureau. We welcome the opportunity to convey support for the intent of Senate Bill 395, which would expand existing penalties for agriterrorist activities.

Kansas Farm Bureau members have devoted time and energy over the past year to deliberate biosecurity and bioterrorism vulnerabilities within production agriculture. Concerns about Hoof and Mouth Disease, Karnal bunt, and a myriad of zoonotic diseases, which can affect both animals and humans, have prompted considerable changes in how agricultural producers think about the safety of their enterprises. It is a belief within the American Farm Bureau that individual freedom and opportunity must not be sacrificed in a quest for guaranteed "security." However, members are also keenly aware that there are significant threats that could jeopardize their freedoms and ability to produce food and fiber for the nation and world.

Farm Bureau members enacted new policy language during their 83rd annual meeting in November to relating to biosecurity concerns:

Senate Agriculture Committee
Date *1-22-02*

Attachment # *H-1 thru 4-3*

Food Safety and Biosecurity

AG-12

Kansas Farm Bureau encourages federal, state and local units of government, research institutions and the agricultural industry to make every reasonable effort to protect livestock and crop production in Kansas from the threat of bioterrorism or from introduction through accidental infestation by animal and plant pests or diseases. Crop and livestock producers are encouraged to develop voluntary biosecurity protocols to address unique needs of their operations.

We strongly support the greatest penalty provisions provided by law be applied to those individuals convicted of bioterrorist or ecoterrorist activities.

The Kansas Farm Bureau Board of Directors has initiated a pilot program to help Farm Bureau Members avoid becoming victims of crimes, including those that may be accomplished through breaches in biosecurity or agriterrorism.

Earlier this month, delegates at the American Farm Bureau Annual Meeting adopted language in a unanimous fashion to convey the importance of this issue. The following new section has been added to the American Farm Bureau policy book:

Bioterrorism

13

Protecting our nation's food and water supply should be a top priority.

We condemn acts of terrorism and support the protection of our people, resources and industry.

We pledge wholehearted support to our national leaders in efforts to punish those who carry out acts of terrorism, including those who train, support and harbor terrorists.

We encourage the U.S. government to strengthen existing capabilities to prevent and respond to acts of bioterrorism. We support emergency spending for food and agricultural security.

We support stringent enforcement of laws pertaining to bioterrorism.

We support:

- (1) State and federal legislation to strengthen civil and criminal penalties for persons or organizations that engage in acts of biological terrorism, including but not limited to the introduction of biological agents or contaminants harmful to agricultural products;*
- (2) Federal legislation to establish an indemnity program and contract relief when acts of terrorism result in production losses or the loss of marketability of agricultural products.*

We recommend necessary USDA funding to focus on the protection of our food and water supplies.

We recommend that all farmers recognize the importance of adopting biosecurity measures.

American Farm Bureau membership is comprised of producers of all sizes who are engaged in raising all varieties of commodities and farm products. The overwhelming support for this bioterrorism policy, from such a diverse membership, representing every state and Puerto Rico, speaks to the importance of this issue to the entire agricultural industry.

The amendments proposed today through Senate Bill 395 will help ensure the Governor of Kansas has the authority to take action to address a disease outbreak that could jeopardize the agricultural sector. Additionally, SB 395 will help ensure that those who would knowingly commit a crime against agricultural operators and their enterprises will be subject to appropriate remedies. As noted above, our members support stronger penalties for those convicted of agriterroristic activity. The intent of SB 395 is consistent with our policy. As such, we respectfully request the committee look favorably on this piece of legislation. The components embodied in this legislation may prove critical to protecting agricultural producers as well as our food supply. Thank you.

Kansas Farm Bureau represents grassroots agriculture. Established in 1919, this non-profit advocacy organization supports farm families who earn their living in a changing industry.