

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1158

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Deanna G. Ballantyne
Operator's Signature

10/2/03
Date

2003 HOUSE AGRICULTURE

HB 1158

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1158

House Agriculture Committee

☐ Conference Committee

Hearing Date 1-17-03

Tape Number	Side A	Side B	Meter #
ONE	A		40.1 TO 32.0
Committee Clerk Signature <i>Edward D. Elfrson</i>			

Minutes:

CHAIRMAN NICHOLAS : We will open the hearing on HB 1158. We will take testimony from those in favor of the Bill first.

JIM GRAY: Good morning Chairman Nicholas and Agriculture Committee. My name is Jim Gray, Pesticide Registration Coordinator with the North Dakota Department of Agriculture. I am here to provide testimony in support of HB 1158. {{{(PLEASE SEE ATTACHED TESTIMONY OF JIM GRAY)}}} One of the more important part of the Bill deals with the pesticide registration period. Up until recently, pesticide registrations were issued annually. We had a little over eight thousand registrants in the state, and so our staff was forced to reissue these licenses annually. Several years ago the legislators change 1918 to allow that to occur every other year. The way the language reads now the registration is good from January one to December thirty one of the following year. The problem with that it dose not designate a start and end of that period. The language has been amended to clarify

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Donna Hall
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1/21/03
Date

Page 2
House Agriculture Committee
Bill/Resolution Number HB 1158
Hearing Date 1-17-03

REP. BELTER : I want to question you on time tables of registration. You say all chemicals are registered or reregistered by the same day. All eight thousand registrants expired the 31st of last year. All registrations are going to be brought one time., We only have to process registrations at one time. The re-registration process consists of the department receiving the upcoming registration fee's It is mostly a processing . It is much more efficient and easier for the department to process all registrations under a short period of time. Our renewal period usually starts around November prior to expiration so we have about two and a half months to process those registrants. It is much easier to do it at one time.

CHAIRMAN NICHOLAS : Any other questions committee members.

Ok thanks Jim. Anyone else wishing to offer comments on HB1158?

MERLIN LEITHOLD: I represent the NORTH DAKOTA WEED CONTROL ASSOCIATION.

I am before you this morning in favor of HB 1158. {{{{{{Please see printed testimony}}}}}}

CHAIRMAN NICHOLAS : Any other testimony? Anyone here in opposition to HB 1158?

CHAIRMAN NICHOLAS : We will consider a motion on HB 1158.

ACTION TAKEN WAS A DO PASS.....MOTION WAS MADE BY REPRESENTATIVE
KELSCH AND WAS SECONDED BY REPRESENTATIVE MUELLER.

VOTE WAS 13 YES

VOTE WAS 0 NO

VOTE WAS 0 ABSENT

BILL WAS CARRIED BY REPRESENTATIVE UGLEM

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Donna Bell
Operator's Signature

1/2/03
Date

FISCAL NOTE

Requested by Legislative Council
03/21/2003

Amendment to: HB 1158

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

The amendment which removes the penalty results in no fiscal impact for this bill.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

No additional appropriations expected.

Name:	Jeff Welspfenning	Agency:	Agriculture
Phone Number:	701.328.2231	Date Prepared:	03/21/2003

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Date

FISCAL NOTE
Requested by Legislative Council
01/03/2003

Bill/Resolution No.: HB 1158

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$500	\$0	\$500
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

The fiscal impact is expected to be approximately \$500 per biennium. The Department does not often request pesticide use reports from registrants and has only been refused once in the past four years by a registrant requested to provide the information. The present statute does not establish a reasonable timeline for providing the requested data, and there are no penalties for not supplying the data.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Additional revenue to the Environmental and Rangeland Protection Fund would be approximately \$500 per biennium.

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*


No additional expenditures expected.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

No additional appropriations expected.

Name:	Jeff K. Weispfenning	Agency:	Agriculture Department
Phone Number:	328-4758	Date Prepared:	01/07/2003

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Operator's Signature

1/2/03
Date

HB 1158

Date:
Roll Call Vote #:

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House AGRICULTURE COMMITTEE

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Kelch Seconded By Mueller

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN NICHOLAS	✓				
VICE CHAIRMAN POLLERT	✓				
REPRESENTATIVE BELTER	✓				
REPRESENTATIVE BOEHNING	✓				
REPRESENTATIVE KELSCH	✓				
REPRESENTATIVE KINGSBURY	✓				
REPRESENTATIVE KREIDT	✓				
REPRESENTATIVE UGLEM	✓				
REPRESENTATIVE WRANGHAM	✓				
REPRESENTATIVE BOE	✓				
REPRESENTATIVE FROELICH	✓				
REPRESENTATIVE MUELLER	✓				
REPRESENTATIVE ONSTAD	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment UGLEM

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10/2/03
Date

REPORT OF STANDING COMMITTEE (410)
January 17, 2003 12:24 p.m.

Module No: HR-09-0720
Carrier: Uplem
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1158: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS**
(13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1158 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-09-0720

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Diana H. H. H.
Operator's Signature

10/2/03
Date

2003 SENATE AGRICULTURE

HB 1158

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10/2/03
Date


2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1158

Senate Agriculture Committee

☐ Conference Committee

Hearing Date 03/13/03

Tape Number	Side A	Side B	Meter #
1	x		4205 - end
1		x	0 - 11
2	x		3430 - 4200
Committee Clerk Signature 			

Minutes:

Chairman Flakoll opened the hearing on HB 1158. All members were present.

Jim Gray, Pesticide Registration Coordinator for the North Dakota Department of Agriculture, testified in favor of the bill. (written testimony)

Senator Seymour asked who is checking on this, do they go into the field? (meter # 4877)

Mr. Gray said yes they do inspections of retail sites.

Senator Klein asked when you talk about registered pesticides, you include Off, Raid, a lot of products sold in grocery and hardware stores and they all fall into the Agriculture Department registration?

Mr. Gray said yes, any products are included that repels, kills or mitigates pests. It includes agricultural pesticides as well as mosquito repellent, dog repellent and deer repellent and a variety of products.

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10/2/03
Date

Page 2
Senate Agriculture Committee
Bill/Resolution Number HB 1158
Hearing Date 03/13/03

Senator Klein confirmed they are asking companies to provide information about how much of a product is sold in the state, for example how much Off was sold?

Mr. Gray said if a risk assessment is needed, this information is usually readily available. Most companies maintain a sales spread sheet. So far, the instances where they would need this information would involve a handful of products in areas of the state where the Agriculture Department needed to assess the risk of the products moving into ground water. He doesn't envision the need for asking for the data for household products but it would authorize them to do so.

Senator Flakoll said who refused?

Mr. Gray said he believes it was one of the 5 products covered under the groundwater program but he doesn't know which one.

Senator Urlacher asked if those products in relationship to ground water program, aren't they already proven to be safe?

Mr. Gray said the EPD provides risk assessments for pesticides. They also allow states to set additional use restrictions that may be specific to that state. For example, in Wisconsin, along the Wisconsin River, they have a very sandy river bottom so in that area, there is a greater risk of ground water contamination. EPA's risk assessments usually include a model loam soil or silty loam soil or clay soil and they are taking a benchmark risk assessment. If there was an area of a state with high water tables or specific soils that were highly conducive, that state could do a subsequent risk assessment.

Senator Klein asked if we assess a registration fee for every product? (meter # 5526)

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10/2/03
Date

Page 3
Senate Agriculture Committee
Bill/Resolution Number HB 1158
Hearing Date 03/13/03

Mr. Gray said there are 8300 pesticides registered in North Dakota and each pays a \$350 registration fee.

Senator Klein asked if it was previously \$300 and we went to \$350 for crop harmonization board and now the extra \$50 will go for saltcedar control.

Mr. Gray said that is correct.

Senator Klein asked regarding household products, is there a two year window when the product can be on the shelf?

Mr. Gray said for old and discontinued products, the state requires a mandatory two years of registration for a discontinued product to allow it to clear the shelves. When the registration is canceled the product can no longer be sold or distributed and the extra two year period is to allow retail inventory to be sold.

Senator Klein said for the committee's information, the company will take the product back from the merchant.

Merlin Leithold, North Dakota Weed Control Association, testified in favor of the bill. They supports the changes and don't feel they will affect the dollars generated.

Chairman Flakoll closed the hearing on HB 1158. (meter # 6119)

Senator Klein said he would like to wait until this afternoon to act on the bill.

In the afternoon session, Senator Klein referred to the penalty provisions on page 6, section 3, he is not sure how necessary it is to include this.

Senator Flakoll asked if he is concerned about the \$50 fee.

Senator Klein wants to find out if it's been a problem. Are they struggling? Why do we need it?

Senator Flakoll asked if this would be more intimidating for the registrants?

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Date

Page 4
Senate Agriculture Committee
Bill/Resolution Number HB 1158
Hearing Date 03/13/03

Senator Klein said this would deal with a request from the Agriculture Commissioner for the amount of a particular product sold in North Dakota. If the manufacturer did not reply to the request within 30 days, the penalty would apply. He is thinking of striking the penalty portion, lines 22 to 24.

Senator Flakoll asked what would the ramifications be if they did not comply?

Senator Klein said the same as it is now.

Senator Urlacher said then it would be pretty empty.

Senator Klein said he is trying to find the good things in the bill. Page 7, number 4 in section 18 would allow someone who is distributing unregistered pesticides who is allowed an emergency exemption, would they need this?

Senator Nichols said he thought that had more to do with experimental use.

Senator Klein said why is this bill necessary?

Senator Nichols said he will check with Jim to see if this important.

Senator Klein will check with Paul Germolis on the section 18 issue.

Chairman Flakoll closed the discussion on HB 1158.

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10/2/03
Date

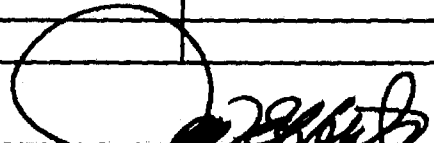
2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1158

Senate Agriculture Committee

☐ Conference Committee

Hearing Date 03/14/03

Tape Number	Side A	Side B	Meter #
1	x		4663 - 4990
Committee Clerk Signature 			

Minutes:

Chairman Flakoll opened the discussion on HB 1158. All members were present.

Senator Klein said he was still doing some checking on the bill. Paul Germolis was out yesterday.

Senator Nichols said he talked to Mr. Gray and asked him about several aspects of the bill and he would like to come down and talk to the committee before the bill is acted on. Senator Nichols told him there were some concerns about the penalty phase.

Senator Flakoll confirmed we do not need to send the bill to appropriations.

Senator Klein said regarding the late fees and the fiscal note of \$500, that would mean 10 of 8400 registrants were late.

Chairman Flakoll closed the discussion on HB 1158.

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10/2/03
Date

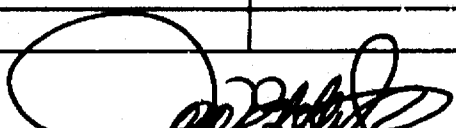
2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1158

Senate Agriculture Committee

☐ Conference Committee

Hearing Date 03/20/03

Tape Number	Side A	Side B	Meter #
1	x		4766 - 5163
Committee Clerk Signature 			

Minutes:

Chairman Flakoll opened the discussion on HB 1158. All members were present.

Senator Klein distributed amendment .0101 which removes the penalty provisions on page 6. He visited with Paul Germolis regarding whether or not we needed the bill but apparently it is necessary to clear up some issues with chemicals related to section 18.

It was moved by Senator Klein, seconded by Senator Nichols and passed on a roll call vote that the Senate Agriculture Committee adopt amendment .0101. Voting yes were Senator Flakoll, Senator Erbele, Senator Klein, Senator Urlacher, Senator Nichols and Senator Seymour. There were no negative votes cast.

It was moved by Senator Klein, seconded by Senator Nichols and passed on a roll call vote that the Senate Agriculture Committee take a Do Pass As Amended action on HB 1158. Voting yes were Senator Flakoll, Senator Erbele, Senator Klein, Senator Urlacher, Senator Nichols and Senator Seymour. Senator Klein will carry the bill to the floor.

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Operator's Signature

10/2/03
Date

38136.0101
Title.0200

Prepared by the Legislative Council staff for
Senator Klein

March 19, 2003

JB
3-20-03

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1158

Page 1, line 4, remove "to provide a penalty;"

Page 6, line 16, remove "- Penalty"

Page 6, line 22, remove "Notwithstanding the civil penalty provided in section 19-18-08, a person who violates"

Page 6, remove lines 23 and 24

Renumber accordingly

Page No. 1

38136.0101

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Danina Hall
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10/2/03
Date

Date: 3/20/03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1158

Senate Agriculture Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken More amendments, 0101

Motion Made By Sen Kleier Seconded By Sen Nichols

Senators	Yes	No	Senators	Yes	No
Senator Flakoll, Chairman	✓		Senator Nichols	✓	
Senator Erbele, Vice Chairman	✓		Senator Seymour	✓	
Senator Klein	✓				
Senator Urlacher	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

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Donna Ballarín
Operator's Signature

10/2/03
Date

Date: 3/20/13
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1153

Senate Agriculture Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38136.0101

Action Taken

Do Pass As Amended

Motion Made By

Sen Klein

Seconded By

Sen R Nichols

Senators	Yes	No	Senators	Yes	No
Senator Flakoll, Chairman	✓		Senator Nichols	✓	
Senator Erbele, Vice Chairman	✓		Senator Seymour	✓	
Senator Klein	✓				
Senator Uriacher	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment

Sen Klein

If the vote is on an amendment, briefly indicate intent:

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Operator's Signature

10/2/03
Date

REPORT OF STANDING COMMITTEE (410)
March 20, 2003 3:20 p.m.

Module No: SR-50-5373
Carrier: Klein
Insert LC: 36136.0101 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1158: Agriculture Committee (Sen. Flakoll, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1158 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "to provide a penalty;"

Page 6, line 16, remove "- Penalty"

Page 6, line 22, remove "Notwithstanding the civil penalty provided in section 19-18-08, a person who violates"

Page 6, remove lines 23 and 24

Renumber accordingly

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Dan Hall
Operator's signature

10/2/03
Date

2003 HOUSE AGRICULTURE

CONFERENCE COMMITTEE

HB 1158

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Operator's Signature

10/2/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1158

House Agriculture Committee

☒ Conference Committee

Hearing Date 4---08---03

Tape Number	Side A	Side B	Meter #
ONE	A		00 TO END
Committee Clerk Signature <i>Edward D. Elson</i>			

Minutes:

CHAIRMAN BELTER: Chairman called the Conference Committee to order. The roll was taken and all six members were present. Ok gentlemen we have HB 1158. I have a set of amendments.

SENATOR KLEIN: You don't have any problem with our amendments. To remove the penalty provision.

REPRESENTATIVE BELTER: No

SENATOR KLEIN: The amendment is on page six of the bill. Line twenty two. Just removing the penalty provision. There is a small fiscal note attached to it.

REP. BELTER : I don't have a problem with you taking the penalty out.

SENATOR KLEIN: Mr. Chairman, we would be excited then to see your amendments.

REP. BELTER : What these amendments do is adds to the selection of the membership.

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Diana Hallmark
Operator's Signature

10/2/03
Date

Page 2

House Agriculture Committee

Bill/Resolution Number HB 1158

Hearing Date 4----08-----03

It add the president of North Dakota Grain Growers Association to the selection committee as well as an individual who is a resident of this state and a member of the US Durum Growers Association. These are the amendments I have. Any discussion on the amendments.

REP. FROELICH: Mr. Chairman, I don't have a problem with your amendments but isn't The board getting kind of large.

REP. BELTER: I am open to that as to a motion.

SENATOR KLEIN: Mr. Chairman, we have Agriculture Commissioner, The president of the North Dakota Crop Improvement Association, director of the experiment station--extension service, Farm Bureau, Grain Dealers and so now we make it nine. Obviously maybe someone Could, the president of the North Dakota Crop Improvement Association, who is that where do Fall into the picture?

REP. BELTER: The president of the North Dakota Crop Association is: every county had there crop improvement association. I believe they do. And apparently when they meet they elect a state president. I think I am correct in that.

SENATOR KLEIN: The Agriculture Commissioner. Where dose he fall in. Is he a viable part of it?

REPRESENTATIVE BELTER: I am not sure. I am assuming that he attends.

SENATOR KLEIN: More of a ceremonial position.

REP. BELTER : Could be. He could designate someone.

SENATOR KLEIN: Chairman, what I am getting at if people who are actively important to the wheat industry. Really members who we think should be, I am just sorting through that.

Experiment Stations of Course they have a direct interest in the research side. As would the

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Deanna Hallmark
Operator's Signature

10/2/03
Date

Page 3

House Agriculture Committee

Bill/Resolution Number HB 1158

Hearing Date 4----08-----03

extension service, correct? Farm Bureau and Farmers Union, I am assuming would represent producers. So where do the grain dealers. They are the ones have the opportunity to move the grain on. What are the grain dealers on the board for?

REP. BELTER: I am assuming they are in the marketing industry.

SPEAKER FROM AGRICULTURE DEPARTMENT. Mr. Chairman the grain growers are also representatives of there industry. Just following up on Rep. Froelichs question is there someone That you would like to take off the board.

REP. FROELICH : Mr. Chairman, if we put the grain growers and the durum growers on there I don't see a lot of need for the grain dealers.

REP. BELTER: The only difficulty if you remove one then you have a eight member committee. You could end up with a tie situation.

SENATOR KLEIN: I see a value to adding two association members. I think they should be on there. The question that I would ask the committee is do we need to eliminate anyone.

REP. BELTER: What are the committees wishes. Is there a majority that we should eliminate anyone? I am sensing that there is a majority would support adding the two members. What about removing any members?

SENATOR KLEIN: I wan to leave it the way it is. Nine.

REP. BELTER : Any other discussion?

SENATOR ERBELE: Who is the appointed chair of the nominated committee then?

How do they go about conducting there organization, who heads it and who calls for the vote?

REPRESENTATIVE FROM THE AGRICULTURE COMMITTEE: The committee chooses the chairman every time they convene. Rotates, on and off. I think in the past it has always been

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10/2/03
Date

Page 4

House Agriculture Committee

Bill/Resolution Number HB 1158

Hearing Date 4---08---03

The Agriculture Commissioner.

REPRESENTATIVE BELTHER: Any other questions. Any other discussion. If not

All those in favor of proposed amendment to remove the individual who is representing the grain dealers signify by saying yes.

REPRESENTATIVE FROELICH: I make a motion to accept the 103 amendment.

SENATOR KLEIN: SECONDED THE MOTION.

REP. BELTER: Will the clerk read the roll?

THE ROLL WAS TAKEN. THERE WERE 6 YES 0 NO 0 ABSENT

REP. BELTER: The adoption of the amendments 103 to HB 1158

REPRESENTATIVE BELTER: WILL CARRY THE BILL.

REPRESENTATIVE BELTER: CLOSED THE MEETING ON HB 1158

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Deanna H. H. H.
Operator's Signature

10/2/03
Date

38136.0103
Title.0300

Prepared by the Legislative Council staff for
Representative Belter
April 4, 2003

Conference Committee Amendments to HB 1158 - 04/08/2003

That the House accede to the Senate amendments as printed on page 1012 of the House Journal and page 851 of the Senate Journal and that House Bill No. 1158 be further amended as follows:

Page 1, line 1, after "reenact" insert "section 4-28-03," and after "19-18-02" insert a comma

Page 1, line 4, after the first "to" insert "wheat commission membership and"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Section 4-28-03 of the North Dakota Century Code is amended and reenacted as follows:

4-28-03. Wheat commission - Members. There is hereby created the North Dakota state wheat commission which consists of seven members. One member must be appointed or elected from each of the districts of the state established by the provisions of this chapter and one member must be appointed or elected from the state at large. Each member, except the member from the state at large, must be a bona fide resident of and a qualified elector in the district the member represents, must have farming operations in such district, and must have been actually engaged in the production of wheat and have derived a substantial portion of the member's income therefrom for at least five years next preceding the member's appointment or election. The member from the state at large must have similar qualifications except as limited by district lines.

Not more than sixty days prior to expiration of the term of the member from the state at large, a nominating committee consisting of the agriculture commissioner, the president of the North Dakota crop improvement association, the director of the North Dakota agricultural experiment station, the director of the North Dakota state university extension service, the president of the North Dakota farm bureau, the president of the North Dakota farmers union, and the president of the North Dakota grain dealers association, the president of the North Dakota grain growers association, and an individual who is a resident of this state and a member of the United States durum growers association, or their duly authorized representatives, shall submit to the governor a list of three names and within sixty days after expiration of the term the governor shall appoint, from the nominees so named, the member at large to the commission.

Each member of the commission shall hold office for a term of four years and until the member's successor has been selected and has qualified except that the commissioners elected and serving from the first and fourth districts shall hold office for terms ending on June 30, 1984; the commissioners elected and serving from the second and fifth districts shall hold office for terms ending on June 30, 1985; and the commissioners elected and serving from the third and sixth districts shall hold office for terms ending on June 30, 1982; and the commissioner appointed and serving as the state at large member shall hold office for a term ending on June 30, 1983. No producer is entitled to serve more than three terms.

At least sixty days prior to the expiration of the term of office of a commissioner representing any district, a meeting of producers must be held in each county in the district for the purpose of electing a county representative. The county agent shall call such meeting by publishing notice in the official newspaper of the county for two successive weeks, the last publication to be not less than five nor more than ten days prior to the meeting. The meeting must be held at a central location within the county

and must be called to order by the county agent. The county agent, in cooperation with the cooperative extension service, shall conduct all elections under this section in each county in the manner the county agent deems fair and reasonable. Votes must be canvassed by the county agent and certified by the county agent with the name and post-office address of the elected county representative to the director of the North Dakota state university extension service who shall thereupon, as expeditiously as possible, call a meeting of the county representatives of the district. Notice of such meeting must be sent to each county representative by registered or certified mail not less than five days prior to the meeting which must be held at a central location within the district. At such district meeting, the county representatives shall elect one of their number as the district member of the commission. The ballots at such meeting must be canvassed by the North Dakota state university extension service and the result of election certified to the governor by the director. Additional meetings of county representatives may be called by the state wheat commission for the purpose of promoting its programs. All expenses of all such meetings and elections must be paid from commission funds. County representatives must be reimbursed for expenses necessarily incurred in attending meetings and performing other official duties on the same basis as other state officers. Any vacancy occurring on the commission other than by expiration of term of office must be filled by the county representatives who shall elect one of their number as the district member of the commission for the remainder of the unexpired term. If the vacancy is from the state at large, appointment must be made from three nominations submitted by the nominating committee as in the case of the original appointment."

Conference Committee Amendments to HB 1158 - 04/08/2003

Page 7, line 21, replace "Section 3" with "Sections 1 and 4" and replace "is" with "are"

Renumber accordingly

Doreen Ball
Operator's Signature

10/2/03
Date

HB 1158
4-8-03

Date:
Roll Call Vote #

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House _____ Committee _____

☐ Subcommittee on _____
or
☒ Conference Committee

Legislative Council Amendment Number 103 - Adopt SEN. AMENDMENTS

Action Taken DO ADOPT

Motion Made By FRUELICH Seconded By KLEIN

Representatives	Yes	No	SENATORS	Yes	No
REP. BELTER	<u>L</u>		SEN. KLEIN	<u>L</u>	
REP. KREIDT	<u>L</u>		SEN. ERBELE	<u>L</u>	
REP. FRUELICH	<u>L</u>		SEN. SEYMOUR	<u>L</u>	

Total (Yes) 6 No 0

Absent 0

Floor Assignment REP. BELTER

If the vote is on an amendment, briefly indicate intent:

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Donna Holbrook 10/2/03
Operator's Signature Date

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number HB 1158 (, as (re)engrossed):

Your Conference Committee HOUSE AGRICULTURE

For the Senate:

For the House:

SENATOR KLEIN	REPRESENTATIVE BELTER
SENATOR ERBELE	REPRESENTATIVE KREIDT
SENATOR SEYMOUR	REPRESENTATIVE FROELICH

recommends that the (SENATE/HOUSE) (~~ACCEDE~~ to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) 1012 --

_____ and place _____ on the Seventh order.

☒ , adopt (further) amendments as follows, and place 1158 on the Seventh order:

having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: 4/4/03

CARRIER: REP. BELTER

LC NO. of amendment	<u>38136.0103</u>
LC NO. of engrossment	
Emergency clause added or deleted	
Statement of purpose of amendment	

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Deanna Baller
Operator's Signature

10/2/03
Date

REPORT OF CONFERENCE COMMITTEE

HB 1158: Your conference committee (Sens. Klein, Seymour, Erbele and Reps. Belter, Kreidt, Froelich) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1012, adopt further amendments as follows, and place HB 1158 on the Seventh order:

That the House accede to the Senate amendments as printed on page 1012 of the House Journal and page 851 of the Senate Journal and that House Bill No. 1158 be further amended as follows:

Page 1, line 1, after "reenact" insert "section 4-28-03," and after "19-18-02" insert a comma

Page 1, line 4, after the first "to" insert "wheat commission membership and"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Section 4-28-03 of the North Dakota Century Code is amended and reenacted as follows:

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Not more than sixty days prior to expiration of the term of the member from the state at large, a nominating committee consisting of the agriculture commissioner, the president of the North Dakota crop improvement association, the director of the North Dakota agricultural experiment station, the director of the North Dakota state university extension service, the president of the North Dakota farm bureau, the president of the North Dakota farmers union, and the president of the North Dakota grain dealers association, the president of the North Dakota grain growers association, and an individual who is a resident of this state and a member of the United States durum growers association, or their duly authorized representatives, shall submit to the governor a list of three names and within sixty days after expiration of the term the governor shall appoint, from the nominees so named, the member at large to the commission.

Each member of the commission shall hold office for a term of four years and until the member's successor has been selected and has qualified except that the commissioners elected and serving from the first and fourth districts shall hold office for terms ending on June 30, 1984; the commissioners elected and serving from the second and fifth districts shall hold office for terms ending on June 30, 1985; and the commissioners elected and serving from the third and sixth districts shall hold office for terms ending on June 30, 1982; and the commissioner appointed and serving as the state at large member shall hold office for a term ending on June 30, 1983. No producer is entitled to serve more than three terms.

At least sixty days prior to the expiration of the term of office of a commissioner representing any district, a meeting of producers must be held in each county in the district for the purpose of electing a county representative. The county agent shall call

REPORT OF CONFERENCE COMMITTEE (420)
April 9, 2003 9:00 a.m.

Module No: HR-94-7152

Insert LC: 35136.0103

such meeting by publishing notice in the official newspaper of the county for two successive weeks, the last publication to be not less than five nor more than ten days prior to the meeting. The meeting must be held at a central location within the county and must be called to order by the county agent. The county agent, in cooperation with the cooperative extension service, shall conduct all elections under this section in each county in the manner the county agent deems fair and reasonable. Votes must be canvassed by the county agent and certified by the county agent with the name and post-office address of the elected county representative to the director of the North Dakota state university extension service who shall thereupon, as expeditiously as possible, call a meeting of the county representatives of the district. Notice of such meeting must be sent to each county representative by registered or certified mail not less than five days prior to the meeting which must be held at a central location within the district. At such district meeting, the county representatives shall elect one of their number as the district member of the commission. The ballots at such meeting must be canvassed by the North Dakota state university extension service and the result of election certified to the governor by the director. Additional meetings of county representatives may be called by the state wheat commission for the purpose of promoting its programs. All expenses of all such meetings and elections must be paid from commission funds. County representatives must be reimbursed for expenses necessarily incurred in attending meetings and performing other official duties on the same basis as other state officers. Any vacancy occurring on the commission other than by expiration of term of office must be filled by the county representatives who shall elect one of their number as the district member of the commission for the remainder of the unexpired term. If the vacancy is from the state at large, appointment must be made from three nominations submitted by the nominating committee as in the case of the original appointment."

Page 7, line 21, replace "Section 3" with "Sections 1 and 4" and replace "is" with "are"

Renumber accordingly

HB 1158 was placed on the Seventh order of business on the calendar.

2003 TESTIMONY

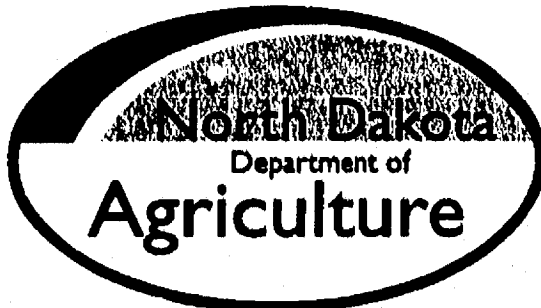
HB 1158

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Deanna Holladay
Operator's Signature

10/2/03
Date

Roger Johnson
Agriculture Commissioner
www.agdepartment.com



Phone (701) 328-2231
Toll Free (800) 242-7535
Fax (701) 328-4567

600 E Boulevard Ave., Dept. 602
Bismarck, ND 58505-0020

**NORTH DAKOTA DEPARTMENT OF AGRICULTURE
LEGISLATIVE TESTIMONY**

Testimony of Jim Gray
Pesticide Registration Coordinator
House Bill 1158
January 17, 2003
9:00 a.m.
House Agriculture Committee
Peace Garden Room

Chairman Nicholas and members of the committee, I am Jim Gray, Pesticide Registration Coordinator with the North Dakota Department of Agriculture. I am here to provide testimony in support of HB 1158, a bill that amends Chapter 19-18 of the North Dakota Century Code (N.D.C.C.). This is mostly a housekeeping bill to clean up language throughout the chapter, some of which was outdated and conflicted with other sections of the Century Code. For brevity, I will not discuss each specific recommended change included in this bill, but I would like to add some general comments.

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Section 1 amends several definitions of terms found in N.D.C.C. 19-18-02. These changes are recommended for clarification and to eliminate conflicting language. For instance, the statement found in N.D.C.C. 19-18-02.19(7) states that a pesticide label is "misbranded" unless it contains a registration number assigned by the Agriculture Commissioner as a result of state registration. However, this directly conflicts with N.D.C.C. 19-18-02.19(2), which prohibits any statement on labeling referencing state registration under this chapter.

Section 2 of the bill amends the section of N.D.C.C. 19-18 that describes the process of pesticide registrations, including the registration period and the information required from applicants prior to the Commissioner granting a registration. This amendment will clarify the pesticide registration period. The change would establish a registration period of two years but all registrations expire on December 31st of "every odd number year". This has been the interpretation of the law by our staff for many years, but a recent request from a registrant and discussions with the assistant attorney general assigned to our office suggested that the current law is unclear. Clarification of a two year period for pesticide registration allows the department to maintain a registration process that is more cost effective and time efficient. This allows the department to coordinate registration renewals.

It is most efficient to make this biennial registration period a designated two-year period, beginning in a certain year and expiring at the end of the subsequent year. For

Deanna G. Ball
Operator's Signature

10/2/03
Date

Instance, our current registrations were renewed on January 1, 2002, meaning that they will expire on December 31, 2003. In a system of designated registration periods, all registrations would expire at the same time, allowing staff to process renewals for all products at one time. This would allow for a more cost effective and simplified process of monitoring pesticide registrations. However, according to the current language in N.D.C.C. 19-18-04, "[E]ach registration covers a two-year period beginning January first and expiring December thirty-first of the following year." An example is, a company could be granted a registration for a new product in the summer of 2001, but that registration would not expire until "December thirty-first of the following year", meaning that it would expire on December 31, 2002. This would put the registration expiration one year out of synch with all the other registrations. The bill language clearly defines a designated registration period, coordinating registration renewals.

Section 3 of the bill clarifies authority for the Commissioner to request the amount of a registered pesticide sold or offered for sale in the state. This information is sometimes useful when it is needed to assess how much of a product is being used in the state. For instance, it is sometimes necessary to place use restrictions on certain pesticides to reduce the risk of adverse effects to endangered species or groundwater. To perform an accurate risk assessment to determine whether use restrictions are needed, it is necessary to quantify pesticide exposure, and exposure is directly linked to use. Under the current language, the Commissioner can request this information from registrants,

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but there is no penalty for non-compliance, and mandatory timelines for reporting are vague. The suggested changes correct this.

Section 4 of the bill amends N.D.C.C. 19-18-07, the section of the chapter that describes exemptions to pesticide registrations. The most important change to this section is the addition of an exemption to persons distributing, selling, or offering for sale unregistered pesticides allowed under Section 18 exemptions. For background, Section 18 exemptions are unregistered pesticide uses granted by the U.S.

Environmental Protection Agency to address emergency pest problems. North Dakota leads the region in the number of emergency exemptions requested and granted every year, and they are critically important for our growers and ranchers. Some of the pesticides used under these emergency exemptions are not EPA registered products. For example, a Section 18 exemption has been granted in recent years to allow sugarbeet growers to use Eminent® fungicide to control Cercospora. This product is an unregistered pesticide, but the EPA allowed its use due to the severity of the disease problem. Without the Section 18 exemption, sugarbeet growers would have suffered devastating losses. However, unless a change is made to N.D.C.C. 19-18-07, sale or use of unregistered pesticides allowed under Section 18 exemptions would be illegal in North Dakota.

Thank you for your consideration of HB 1158. I would be happy to answer any questions.

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10/2/03
Date

NORTH DAKOTA WEED CONTROL ASSOCIATION

TESTIMONY ON HB 1158

HOUSE AGRICULTURE COMMITTEE

JANUARY 17, 2003

Good Morning, Mr. Chairman, members of the committee. My name is Merlin Leithold. I am the area director for the ND Weed Control association. I am before you this morning in favor of HB 1158.

The Environmental and Rangeland Protection Fund was first created in 1991, by the 52nd Legislative Assembly, SB 2451. It was the brainchild of our association, as monies to fund noxious weed control in North Dakota. It also provided funding to the Health Dept. for groundwater testing. It began, what is now a very successful program, Project Safe Send. EARP has evolved into funding other areas as well.

The success it has given weed control has been enormous. Without it, weed control would be quite small.

Thank-you

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10/2/03
Date

**North Dakota Department
of Agriculture**

Report to the 2003 Legislature

**Project Safe Send and Recycling of Pesticide
Containers**



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Danina Hallmark
Operator's Signature

10/2/03
Date

INTRODUCTION

During the past decade, more than 3,700 participants have used Project Safe Send to safely dispose of more than 1.3 million pounds of dangerous, unusable pesticides, such as DDT, chlordane, arsenic and mercury.

In just the past biennium, 739 people, mostly farmers, pesticide dealers and applicators, brought in 338,616 pounds of unusable pesticides to Project Safe Send collection sites.

The need for the program continues. The North Dakota Department of Agriculture (NDDA) continues to receive calls asking when and where the next collection will take place. Participants have overwhelmingly said the program should be continued.

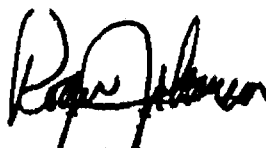
This support is understandable – the program is simple, effective and free. Participants bring their unusable pesticides to a scheduled, local collection site. They are asked to complete a voluntary survey and inventory form. A contractor unloads the wastes for the participants and collects any paperwork. The whole process usually takes just a few minutes.

The contractor properly packs the waste pesticides for shipment to out-of-state incinerators and prepares the necessary shipping manifests and bills of lading. The contractor accepts most of the program liability. NDDA carefully monitors the collection events and documentation, withholding a substantial portion of the payment to the contractor until final certificates of disposal are received.

Thanks to the foresight of the 1991 Legislature, what would be a difficult, dangerous and expensive undertaking for individual producers has become easy and affordable and a model of sound public policy for dealing with complex environmental issues.

I encourage the 2003 Legislature to continue Project Safe Send.

Sincerely,



Roger Johnson
Agriculture Commissioner

- 1 -

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10/2/03
Date

2001 Collections

<u>Site</u>	<u>Participants</u>	<u>Pounds</u>
Garrison	16	5,030
Napoleon	20	2,870
Watford City	4	288
Carson	6	732
Crosby	14	1,780
New England	6	1,269
New Town	4	1,098
Beach	9	2,436
Fessenden	17	3,057
Richardton	8	1,707
Minot	18	13,397
LaMoure	20	2,088
Bottineau	13	5,219
Wyndmere	23	5,218
Langdon	46	8,494
Pekin	15	6,065
Drayton	12	4,730
Larimore	26	12,493
Mayville	28	24,578
Valley City	25	5,764
Casselton	39	39,536
TOTALS	369	147,857

- 2 -

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2002 Collections

<u>Site</u>	<u>Participants</u>	<u>Pounds</u>
Selfridge	3	426
Bismarck	28	4,686
Hettinger	12	1,456
Medina	19	5,699
Dickinson	23	7,492
Ellendale	17	3,343
Stanley	12	3,386
Lisbon	21	4,209
Velva	26	17,202
Wahpeton	25	4,056
Cando	20	3,845
Maddock	17	8,742
Grafton	42	24,436
Grand Forks	32	26,972
Finley	28	28,065
<u>West Fargo</u>	<u>45</u>	<u>46,744</u>
TOTALS	370	190,759

- 3 -

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10/2/03
Date

Project Safe Send Summary 1992-2000

Year	Participants	Pounds
1992	396	80,910
1994*	608	131,838
1995	145	48,222
1996	341	94,389
1997**	484	167,319
1998	367	131,709
1999	321	158,938
2000	332	166,949
2001	369	147,857
2002	370	190,759
	3,733	1,318,890

* Two series of collections were held in 1994.

** Additional collections were made in 1997 to gather pesticides damaged in the flooding of the Red River Valley.

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Diana Hall
Operator's Signature

10/2/03
Date

Pesticide Container Recycling Program

The number of empty, plastic pesticide containers collected for recycling increased more than 40 percent from 1999 to 2000.

The container collection program is conducted by a private company, UAP Northern Plains of Fargo.

The North Dakota Department of Agriculture promotes these collections through paid advertisements, news releases and personal communications with growers.

The North Dakota State University Extension Service promotes container rinsing and recycling at pesticide applicator training meetings.

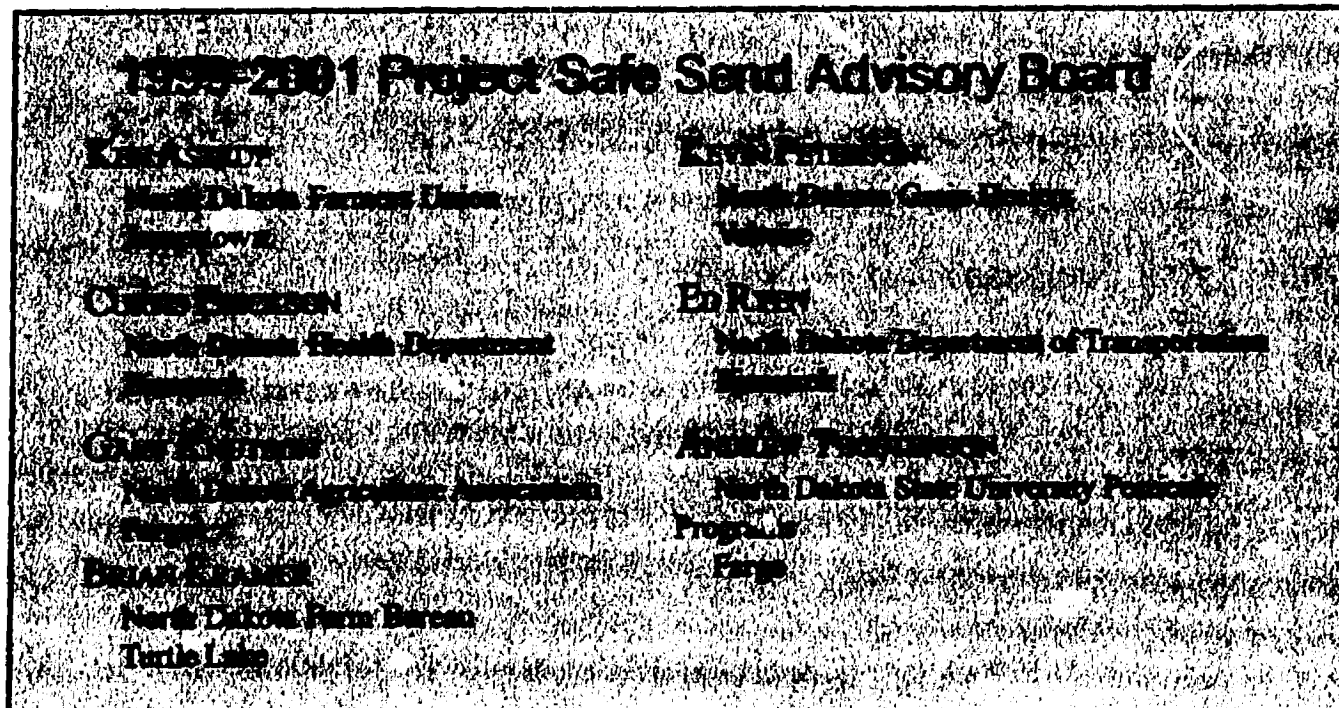
UAP reported that empty containers weighing 53,144 pounds were collected in 2001, and that 51,757 pounds were collected in 2002.

2001 COLLECTION SITES

Ambrose, Arthur, Beach, Belfield, Bentley, Berthold, Carrington, Clifford, Devils Lake, Dickinson, Drayton, Elgin, Fairdale, Golve, Grand Forks, Gwinner, Halliday, Harvey, Hebron, Hettinger, Jamestown, LaMoure, Landa, Lansford, Minot, New England, Plaza, Regent, Rolla, Rugby, Scranton, Stanley, Taylor, Tolley, Watford City, Williston, Wimbledon.

2002 COLLECTION SITES

Ambrose, Arthur, Belfield, Bentley, Berthold, Bowbells, Bowman, Carrington, Clifford, Devils, Lake, Dickinson, Drayton, Elgin, Fairdale, Golve, Grand Forks, Gwinner, Halliday, Harvey, Hebron, Hettinger, Jamestown, LaMoure, Lansford, Mapleton, Minot, New England, Plaza, Regent, Rolla, Rugby, Scranton, Stanley, Taylor, Watford City, Williston, Wimbledon.



PROJECT SAFE SEND SURVEY FOR 2002

How did you learn about Project Safe Send?

123 Newspaper 12 Television 76 Radio 45 Extension Agent
25 Poster-Cenex 3 Poster-Local Restaurant 30 Poster- Local Elevator
8 REC Magazine 9 Farm Bureau/Farmers Union newsletter
39 North Dakota Department of Agriculture
33 Other - Drove by sign, poster mailed to us, Elevator Agronomy Center, Extension Service newsletter, Safety Director, Boss, Flier, drove down road, word of mouth, called Health Dept., DTN, ND Pesticide Quarterly, co-worker, County DES Office, saw truck, NDWCA newsletter

Should Project Safe Send be continued?

275 Yes 0 No

What changes would you like to see in Project Safe Send?

OK. It is excellent as is. Don't see anything wrong with program now. Company like UAP should pay to dispose. Well organized. Notification of date collection site will be set up and where. They do a very good job. I think this is a very good program and continuing to do what you do is an excellent asset to North Dakota and its people. More pickup spots. Better advertising, should send postcard to all chemical applicators or license holders. Ads did not note location until shortly before event. Seems to be very good right now. First time. Sufficient equipment for loading/moving large & heavy items. Possible place to obtain containers/packaging for waste chemicals/granules. Make sure date and time are prominently displayed. If it's working, don't try and fix it. More promotion earlier in season with locations and times. Keep doing it every year. Maybe have it twice a year. This was my first experience; everything seems to be handled very well. Very good program, no need to change anything as I can see. Thank you. Take paint. More signs as to where to go. I like it. Very good now. Take more kinds of hazardous materials.

Should there be more or less advertising of Project Safe Send?

99 More 0 Less 160 Same as this year

What is your business?

155 Farmer/rancher 43 Pesticide Dealer 25 Pesticide applicator
75 Other - dad was a farmer, golf course. Home owner, food manufacturing facility, retired, college, bought a farm site-inherited some pesticides, grain elevator, x-farmer, UND lab technician, DOT employee lab, welder mechanic, horse owner, landowner, Farm Credit System, state agency, Fed government employee, housewife, Ag research, clean old farmstead, beekeeper, chemist, construction & DES director, Extension Agent, work at service station, diesel technician, research center, Government applicator, weed board secretary

2002 PROJECT SAFE SEND COLLECTIONS BY SITE

CHEMICAL	BERNARD	CANON	DICKINSON	ELLENDALE	FINLEY	GRAFTON	GRAND FORKS	HETTINGER	LISBON	MADDOCK	MEDINA	SELFIDGE	STANLEY	VELVA	WAMPETON	WEST FARGO	TOTAL
ACTAMASTER																2427	2427
AGSORS																3576	3576
ALUM. PHOSPHIDE	2		20	2		316	2		81	20				60	4	40	547
ALACHLORE														450			450
AMINOPURIDINE						851											851
AMINOTRIAZOLE	884			88												172	844
AMITROLE								108		358						378	843
AMMONIUM SULFATE																440	440
ARSENIC	44	4	1	90			1	19		1	12		1	1412	4	448	2036
ATRAZINE	45			55	4288	830	6		158		450			94	35	647	6277
AVERAGE		80			20	29								58		315	472
BACILLUS T.			422													130	562
BARBAN		52				131										188	371
BISON					878									120		55	1053
BLADEX			110		548	900	38			55			24		28	320	2018
BLAZER											204						204
BROMOXNYL							134							88			222
BUCTRIL		101		85			88		21						128	80	801
CALCIUM MICRO NUTRIENTS					2173											95	2288
CARBOFURAN		11				11	2750				270						3042
CARBAMATE			55				97									155	307
CARBARYL		32											48				80
CARBYNE		232	9		1247	878	50	25	146	385	45			3	286	784	3871
CAPTAN		1			40			25			150		1	585		348	1128
CHLORDANE	11		7	1				2									21
CHLOROPICRIN	5		402		46		9		40	402						90	884
CHLOROPYRIFOS	9					41	175	1	44				8		12	1810	1880
COPPER SOLUTION																630	630
COUNTER					281											580	821
CROP OIL		527		575	2181	95								547		150	4088
CYLINDER																30	30
DOT	103	5	20	15	34	173	1	2	16	20	45	181	5		89	16	885
DIAZINON	15		288													2	315
DIELDRIN					880			7					5			65	867
DIMETHOATE					22					376						118	518
DIOXINS	648	7	84					24	87	9					1	45	885
DOWPON						152										405	557
ENDRIN					107											75	182
EPTAM		202			300		51	89							27	420	1089
ERADICANE		87			453	309	75				623				113	330	1890
FARGO		281	200	232	875	180	147			1249			131			1750	4845
FIRST MATE		11			1120											181	1282
FURADAN						212	4072		22		270		28			175	4779
FUSION					105										178	115	388
GAUCHO RINSEATE														881			881
ELUX RINSEATE														2881			2881
HEPTACHLOR									88	70						215	353
HOELON		111	118			425	40				12				53	179	938
HUMIC ACK(GOLD TECH)														2240			2240

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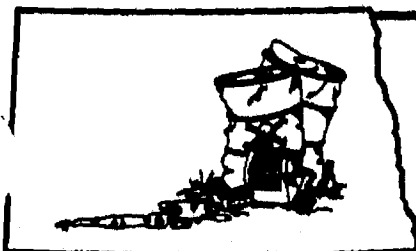
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CHEMICAL	BIRMINGHAM	CANON	DICKINSON	ELLENDALE	FINLEY	GRAFTON	GRAND FORKS	HETTINGER	LUBRON	MADDOCK	MEDINA	SELFIDGE	STANLEY	VELVA	WAINFETON	WEST FARGO	TOTAL
HYDROCHLORIC ACID							10	1		26							37
LASSO			88		46						75				34	2818	2831
LINDANE/THIRAM	341	2	688	80	3702	3372	810	70	188	667	317		488	1386	83	2887	13710
MANCOZEB						772										48	830
MALATHION	185	7	218			1018	148	8	748	218			888	354	17	617	4388
MANEB	27	18	47			772	8448	30					288	800	88	1088	11388
MCPA			80		84	188	33			80					8	30	381
MERCURY-ORGANIC	18	11				205	2		25		18						281
METHOXYCHLOR	2			2		180	10	11								80	288
NAPHTHALENE					283											284	617
NEWTONE					1827											108	1132
PARATHION			2							2						178	178
PHOSPHORIC ACID								4	308								313
PHENOL MERCURY						70											70
POAST		18	70				100				828					228	843
POTASSIUM PYRIDAZINONE						1183											1183
PRANTOL											41					318	368
PRINCEP		22	25	100	130											380	687
PROWL						48			27						81	178	312
RYNOS		12						5								85	102
UP					8	36	4678	27						33	30	410	8222
SEVIN	247	32	27					284		187		8	48	33		13	880
SHAMAZINE				88		183										18	283
SODIUM CYANIDE														101			101
SODIUM HYDROXIDE										188							188
SODIUM TCA						840										1107	1747
SONALAN	51		14	328	4488	2451	582		880	287	128				111	2048	11441
SPRAY ADJUVANT		173	20				130	182			488					40	1011
STAMPEDE						250								780		380	1380
STRYCHNINE	10		1						1		128		11	40	5		188
TOXAPHENE	33		5	8		108		48		17			83	47	108		421
TRILIN			200				380										580
TREFLAN	148	200	400	114	1361	5324	288		182	1736	388	50	21	288	401	8080	18848
THIRAM						1017			130					488	28		1874
THIMET																318	318
UREABOR	328																328
VITAVAX		58	488		878		880			388	187		308	2178	80	1008	8048
WARFARIN		4		15			14									8	41
2,4-D	1488	878	3070	1071	1728	778	1717	200	374	2082	230	188	187	1183	1808	7228	24313
OTHER	358	888	540	448	80	858	1418	308	544	0	1104	41	870	304	308	1808	8278
TOTAL	4888	3848	7482	3343	28888	24438	28872	1488	4288	8742	8888	428	3388	17282	4888	48744	188788

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Project Safe Send Survey Results North Dakota, 2000

Survey Results

Seven out of 10 (70 percent) of producers contacted said they were familiar with Project Safe Send. Using 1997 Census of Agriculture data as a base, this leaves just 9,105 North Dakota producers unaware of the project. The last time this survey was conducted in 1995, 74 percent of the producers were familiar with Project Safe Send.

When asked if they had any unusable pesticides for disposal, nearly 1 in 10 (8 percent) said yes. The same number (8 percent) was reported in 1995. Again using Census data as a base, this translates to about 2,333 producers who could benefit from the program. Of this number, 21 percent had some dry chemical and 89 percent had some liquid. Dry quantity on hand ranged from 1 to 400 pounds, averaged 60 pounds, and expands to a total of 24,927 pounds in the state, compared to 23,676 pounds in 1995. Liquid quantity ranged from 1 to 500 gallons, averaged 13 gallons, and expands to a 25,940 gallon state total, compared with 21,171 gallons in 1995.

Holders of unusable pesticides reported that they were willing to travel an average of 33 miles to an official collection site. The shortest distance producers were willing to travel was 1 mile, the longest distance was 100 miles. In 1995, producers

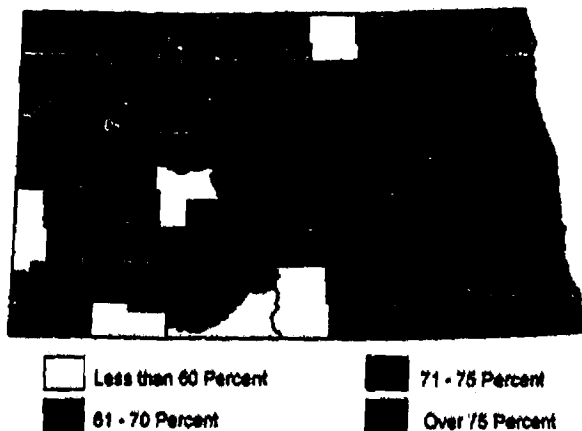
were willing to travel an average of 38 miles. When asked if there should be more local announcements of Project Safe Send collection dates and sites, 82 percent of respondents with unusable pesticides said yes.

Background

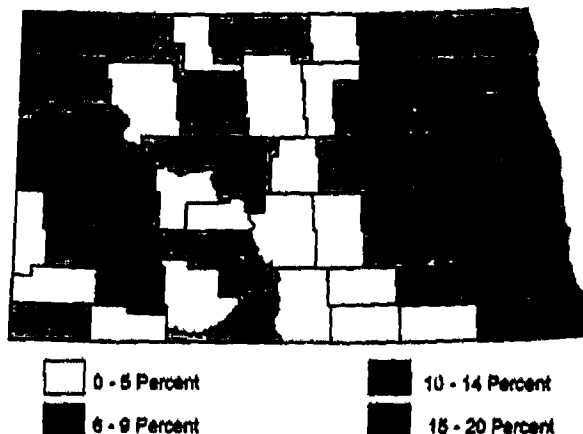
This report is the result of a phone survey conducted in November and December by the USDA's North Dakota Agricultural Statistics Service. The survey results are based on reports from approximately 3,800 North Dakota farming and ranching operations. It was undertaken to determine familiarity with Project Safe Send, quantity of unusable pesticides on hand, distances producers would travel to collection sites and whether or not more local announcements should be made with respect to collection dates and sites. Data has been aggregated to the county, district, and state levels. It was also summarized by selected farm type strata. Details are listed in accompanying tables.

The survey was requested by the North Dakota Department of Agriculture who provided supporting funds. They also provided the original data items for the inquiry. This is the second time this survey has been conducted. The first was in 1995.

Familiar With Safe Send
Percent of Producers, North Dakota, 2000



Have Unusable Pesticides
Percent of Producers, North Dakota, 2000



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Project Safe Send Survey Results

Producer Familiarity with Project Safe Send, by County and District, North Dakota, 2000

District and County	Number of Farms		Producers Familiar with Project Safe Send		Producers with Pesticides to Dispose	
	1997 Census	Reporting	Pct.	Expanded	Pct.	Exp. No.
Burke	479	54	74	355	6	27
Divide	535	70	80	428	10	34
Mountrail	755	75	67	503	3	20
Renville	390	37	78	306	3	11
Ward	1,172	105	70	815	9	100
Williams	850	89	67	573	7	57
Northwest	4,181	430	71	2,980	6	269
Benson	604	77	77	463	8	47
Bottineau	808	86	69	554	6	47
McHenry	905	141	67	603	5	45
Pierce	491	90	75	366	4	22
Rolette	511	62	52	264	5	25
North Central	3,319	456	68	2,250	6	186
Cavaller	682	83	77	526	6	41
Grand Forks	768	149	83	639	15	113
Nelson	471	58	74	349	10	49
Pembina	615	99	66	404	9	56
Ramsey	525	90	87	455	7	35
Towner	428	48	79	339	13	54
Walsh	755	129	71	533	8	64
Northeast	4,244	656	76	3,245	10	412
Dunn	618	53	68	420	8	47
McKenzie	668	59	64	430	14	91
McLean	969	126	74	715	9	85
Mercer	473	26	58	273	4	18
Oliver	327	30	77	251	1/	1/
West Central	3,055	294	68	2,089	8	241
Adair	288	42	62	178	12	34
Boer	282	41	78	220	15	41
Golden	513	73	71	365	4	21
Sheridan	380	38	71	270	3	10
Stutsman	979	99	67	653	9	89
Wells	593	93	74	440	6	38
Central	3,035	386	70	2,126	8	233
Barnes	772	103	75	577	10	75
Cass	919	145	78	716	10	89
Griggs	357	50	80	286	10	36
Steele	290	85	79	229	20	58
Traill	471	94	72	341	19	90
East Central	2,809	477	77	2,149	12	348
Adams	367	31	58	213	3	12
Billings	237	11	64	151	9	22
Bowman	358	31	65	231	6	23
Golden Valley	244	15	47	114	1/	1/
Hettinger	436	47	85	371	8	37
Slope	263	21	71	188	5	13
Stark	802	41	68	548	12	98
Southwest	2,707	197	67	1,816	8	205
Burleigh	867	81	64	557	5	43
Emmons	744	88	58	431	3	25
Grant	596	61	61	362	1/	1/
Morton	907	113	70	634	6	56
Sioux	193	13	38	74	8	15
South Central	3,307	356	62	2,058	4	139
Dickey	517	82	62	322	5	25
LaMoure	616	88	74	455	15	91
Logan	401	41	73	293	2	10
McIntosh	505	48	67	337	1/	1/
Ransom	485	88	67	325	9	44
Richland	874	135	71	622	10	91
Roanoke	449	69	74	332	9	39
East	3,847	551	70	2,686	8	300
TOTAL	30,504	3,803	70	21,399	8	2,333

1/ Insufficient data.

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Project Safe Send Survey Results

Unusable Pesticides by District, North Dakota, 2000

District	Unusable Pesticides									
	Dry					Liquid				
	Pct. %	Quantity (Pounds)				Pct. %	Quantity (Gallons)			
		Range Reported		Average	Exp. Total		Range Reported		Average	Exp. Total
Min.		Max.	Min.				Max.			
Northwest	14	1	300	105	3,077	93	1	30	7	1,946
North Central	24	1	100	31	1,368	88	1	60	10	1,510
Northeast	15	1	350	112	4,895	94	1	100	14	4,923
West Central	17	10	200	78	2,116	92	1	35	10	2,318
Central	17	7	25	14	509	90	1	30	8	2,025
East Central	23	1	400	89	5,654	86	1	150	15	4,640
Southwest	14	2	2	2	44	86	1	90	22	2,246
South Central	27	4	200	42	2,393	87	1	25	9	1,101
Southeast	30	2	150	42	4,871	87	1	500	19	5,231
STATE	21	1	400	60	24,927	89	1	500	13	25,940

// Refers only to those producers who indicated they had unusable pesticides to dispose of.

Producers' Willingness to Travel to Collection Sites, by District, North Dakota, 2000 //

District and County	Miles Willing to Travel to Collection Site		
	Range Reported		Average
	Min.	Max.	
Northwest	10	100	36
North Central	10	80	36
Northeast	1	100	35
West Central	10	100	36
Central	10	100	28
East Central	8	100	31
Southwest	6	50	28
South Central	3	65	33
Southeast	5	100	32
STATE	1	100	33

// Refers only to those producers who indicated they had unusable pesticides to dispose of.

Need for More Publicity on Dates and Sites, by District, North Dakota, 2000 //

District and County	More Local Publicity for Dates and Sites	
	Number	Percent
Northwest	25	86
North Central	20	77
Northeast	55	81
West Central	17	65
Central	22	71
East Central	57	89
Southwest	11	85
South Central	11	69
Southeast	44	92
STATE	262	82

// Refers only to those producers who indicated they had unusable pesticides to dispose of.

Project Safe Send Survey Results

Producer Familiarity and Unusable Pesticides, North Dakota, 2000

Operation Type	Number of Reports	Producers Familiar with Project Safe Send (Percent)	Has Pesticide to Dispose (Percent)
Potato	20	70	15
Oilseed	348	83	11
Dry Bean	81	84	16
Small to Medium	229	71	7
Large	158	84	11

Willingness to Travel to Collection Sites by Operation, North Dakota, 2000 ^{1/}

Operation Type	Miles Willing to Travel to Collection Sites		
	Range Reported		Average
	Min.	Max.	
	--- Miles ---		
Potato	25	75	50
Oilseed	8	100	31
Dry Bean	1	50	34
Small to Medium	3	100	24
Large	10	100	31

^{1/} Refers only to those producers who indicated they had unusable pesticides to dispose of.

Need for More Publicity on Dates and Sites by Operation, North Dakota, 2000 ^{1/}

Operation Type	More Local Publicity on Dates and Sites	
	Number	Percent
Potato	3	100
Oilseed	32	80
Dry Bean	12	86
Small to Medium	11	65
Large	16	89

^{1/} Refers only to those producers who indicated they had unusable pesticides to dispose of.

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Deanna Holbrook
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10/2/03
Date

Roger Johnson
Agriculture Commissioner
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Fax (701) 328-4567

600 E Boulevard Ave., Dept. 602
Bismarck, ND 58505-0020

**NORTH DAKOTA DEPARTMENT OF AGRICULTURE
LEGISLATIVE TESTIMONY**

Testimony of Jim Gray
Pesticide Registration Coordinator
House Bill 1158
March 13, 2003
10:15 a.m.
Senate Agriculture Committee
Roosevelt Park Room

Chairman Flakoll and members of the committee, I am Jim Gray, Pesticide Registration Coordinator with the North Dakota Department of Agriculture. I am here to provide testimony in support of HB 1158, a bill that amends Chapter 19-18 of the North Dakota Century Code (N.D.C.C.). This is mostly a housekeeping bill to clean up language throughout the chapter, some of which was outdated and conflicted with other sections of the Century Code. For brevity, I will not discuss each specific recommended change included in this bill, but I would like to add some general comments.

Section 1 amends several definitions of terms found in N.D.C.C. 19-18-02. These changes are recommended for clarification and to eliminate conflicting language. For instance, the statement found in N.D.C.C. 19-18-02.19(7) states that a pesticide label is

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"misbranded" unless it contains a registration number assigned by the Agriculture Commissioner as a result of state registration. However, this directly conflicts with N.D.C.C. 19-18-02.19(2), which prohibits any statement on labeling referencing state registration under this chapter.

Section 2 of the bill amends the section of N.D.C.C. 19-18 that describes the process of pesticide registrations, including the registration period and the information required from applicants prior to the Commissioner granting a registration. This amendment will clarify the pesticide registration period. The change would establish a registration period of two years but all registrations expire on December 31st of "every odd number year". This has been the interpretation of the law by our staff for many years, but a recent request from a registrant and discussions with the assistant attorney general assigned to our office suggested that the current law is unclear. Clarification of a two year period for pesticide registration allows the department to maintain a registration process that is more cost effective and time efficient. This allows the department to coordinate registration renewals.

It is most efficient to make this biennial registration period a designated two-year period, beginning in a certain year and expiring at the end of the subsequent year. For instance, our current registrations were renewed on January 1, 2002, meaning that they will expire on December 31, 2003. In a system of designated registration periods, all registrations would expire at the same time, allowing staff to process renewals for all products at one time. This would allow for a more cost effective and simplified process

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of monitoring pesticide registrations. However, according to the current language in N.D.C.C. 19-18-04, "[E]ach registration covers a two-year period beginning January first and expiring December thirty-first of the following year." For example, a company could be granted a registration for a new product in the summer of 2001, but that registration would not expire until "December thirty-first of the following year", meaning that it would expire on December 31, 2002. This would put the registration expiration one year out of synch with all the other registrations. The bill language clearly defines a designated registration period, coordinating registration renewals.

Section 3 of the bill clarifies authority for the Commissioner to request the amount of a registered pesticide sold or offered for sale in the state. This information is sometimes useful when it is needed to assess how much of a product is being used in the state. For instance, it is sometimes necessary to place use restrictions on certain pesticides to reduce the risk of adverse effects to endangered species or groundwater. To perform an accurate risk assessment to determine whether use restrictions are needed, it is necessary to quantify pesticide exposure, and exposure is directly linked to use. Under the current language, the Commissioner can request this information from registrants, but there is no penalty for non-compliance, and mandatory timelines for reporting are vague. The suggested changes correct this.

Section 4 of the bill amends N.D.C.C. 19-18-07, the section of the chapter that describes exemptions to pesticide registrations. The most important change to this section is the addition of an exemption to persons distributing, selling, or offering for

sale unregistered pesticides allowed under Section 18 exemptions. For background, Section 18 exemptions are unregistered pesticide uses granted by the U.S. Environmental Protection Agency to address emergency pest problems. North Dakota leads the region in the number of emergency exemptions requested and granted every year, and they are critically important for our growers and ranchers. Some of the pesticides used under these emergency exemptions are not EPA registered products. For example, a Section 18 exemption has been granted in recent years to allow sugarbeet growers to use Eminent® fungicide to control Cercospora. This product is an unregistered pesticide, but the EPA allowed its use due to the severity of the disease problem. Without the Section 18 exemption, sugarbeet growers would have suffered devastating losses. However, unless a change is made to N.D.C.C. 19-18-07, sale or use of unregistered pesticides allowed under Section 18 exemptions would be illegal in North Dakota.

Thank you for your consideration of HB 1158. I would be happy to answer any questions.

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Deanna Hall
Operator's Signature

10/2/03
Date