

MINUTES OF THE MEETING  
AGRICULTURE, LIVESTOCK AND IRRIGATION  
MONTANA STATE SENATE

March 9, 1983

The Agriculture, Livestock and Irrigation Committee meeting was called to order on the above date, in Room 415 of the State Capitol Building, at 1:00 p.m., by Chairman Galt.

ROLL CALL: All members present.

CONSIDERATION OF HOUSE BILL 802: Representative Dave Brown, HD 83, explained that the bill had a lot of housekeeping amendments. Some of the changes in the bill include allowing the Department of Agriculture to consult with outsiders regarding education programs. He thought maybe an amendment should be added to include industry and others to be consulted. He didn't have the specific language for this. It also requires the Department of Agriculture to send a list of pesticides to the Department of Health & Environmental Sciences and Department of Fish Wildlife & Parks and opened it to public review. The amendment at the bottom of page 6 cleared up concerns in the House Committee that applications on nontarget species was too broad. It is especially appropriate because of the endrin issue and is more restrictive. Pages 11 and 12, lines 7 through 22 sets up a 2 year cancellation provision which attempts to discourage stock piling of chemicals. Page 13, line 4 increased commercial applicators' fees. Several other amendments also address fees. They put in a provision eliminating illiterates the ability to obtain a license. The committee felt that, with the chemicals used now, that language should not stay in the statute. First and second offenses are included. The biggest concerns in the House were the bill be accomodating to all parties involved. They tried to come up with some reasonable solution and to upgrade the state's concerns about pesticide uses without hindering that use.

Keith Kelly, Director Department of Agriculture said the Department supports HB 802 with certain sections deleted or amended. He was opposed to it as written and said it would have to be amended. Full testimony attached as Exhibit #1.

Jim Flynn, Department of Fish Wildlife and Parks said they generally support the bill. Exhibit #2.

Ken Knudsen, Montana Wildlife Federation, supported the bill, but he disagreed somewhat with Mr. Kelly's testimony. Exhibit #3.

Tom Daubert, Montana Environmental Services, was certain the 1300 families who are members, supported the bill. He said it is important that everyone acknowledge agriculture as the state's number one industry. Wildlife has similar importance. Hunting and wildlife resources must find a balance where wildlife and pesticides are concerned. He thinks HB 802 is a responsible bill.

There is a great deal of room for improvement. It will not interfere with operations of farmers and ranchers in the state. Referring to people that can't read being excluded, he said it makes little sense allowing people who couldn't understand the labels to be certified applicants. We are talking about large quantities of chemicals, many of which are deadly. He said we need to remember that very few chemicals that are used in Montana meet all three criteria. Tri agency review sets up a mechanism and if the need allows, Montana would have a way of responding. It is important to keep in mind that chemicals that have affected wildlife now won't be gone next year. They will be increased. Montana needs to find a better balance to protect wildlife and public health.

Joan Miles, Lewis and County Health Department, was interested in seeing the state get a better handle on pesticides in general. She thought HB 802 would provide the means. She said there are instances where the tri agency review is important and would rather see the issue addressed now than in two years when there might be more radical problems.

Linda Lake, Women's Lobbyist Fund, was a proponent. Exhibit #5.

Lucy Ann Greeber, Montana Conservation Congress, Exhibit #6.

#### OPPONENTS:

Will Brooke, Montana Stockgrowers, Montana Wool Growers and State Grazing Districts, supported SB 238 but not HB 802. He was not in favor of the tri agency review and said there were problems with this review. He said it is now being done voluntarily. The way the bill is now he wondered if maybe the Department of Livestock should have authority over big game in the state. He knows of someone who lost \$5000 worth of hay to elk. At a recent conference of farm groups, Dr. James Witt talked about pesticides and their effects. With the given enderlin levels, a six year old would have to eat a 16 oz. duck a day and he still would not be above the danger levels. Dr. Witt said that two cups of coffee a day is more injurious.

Lowell Darrington, Montana Agricultural Business Association, opposed the bill. Exhibit #7. He would support it if amended.

Terry Murphy, Montana Farmers Union, opposed the tri agency review. It was not wise to make state standards stricter than federal, but he did agree it could be stricter. HB 802 should be held in committee and SB 238 resurrected and we work with that, he suggested. They came up with the original bill under a mandate with minimum standards. If we do not upgrade he thought we may find ourselves with a court order that standards be brought up to date.

Jo Brunner, WIFE, opposed the bill in this form. Exhibit #8.

William Turner, Montana Aviation Trades Association, opposed the bill, Exhibit #9.

The following testified against the bill:

Kathryn Jordan, registered nurse, Exhibit #10.

Paul Newby, Agwagons, Park County Legislative Association, Agriculture Preservation Association, Sweetgrass County Preservation Assoc., Exhibit #11.

Molly Descheemaeker, rancher and farmer from Lewistown, Exhibit #12.

John Schutter, seed potatoe farmer, Exhibit #13.

Art Mangels, farmer, opposed. He said if pesticides were not used in a safe manner, farmers would not stay in business. The worst nuisance is federal government and state agencies. Registration would cause severe problems. The state stopped a sprayer in Lake County at a critical time because someone had misplaced Lake County's application. He thought there was too much harassment in the bill. They have too much licensing now. He did not like the provision where you had to show your license on demand. He thought that was too strict. It seemed to him that the radical environmentalists are making the most noise while sitting around and smoking a cigarette. They couldn't bother to make it to Helena like the farmer has to. Farmers are concerned about the safe use of chemicals and they know there have to be regulations. Much of the state and federal land is poorly managed and seeds and weeds spread onto more farms. He said maybe we should think about getting the farmer to tell the Fish and Game to control weeds and if they don't then the farmer should tell them he is going to shut down hunting in his area.

As the committee hearing time ran short, the following asked to make their written testimony a part of the record. They were all in opposition to the bill:

Lewis Roberts, Exhibit #14.

Frank L. Redfield, Exhibit #15.

Gary J. Martin, Exhibit #16.

Philip Cadwell, Exhibit #17.

Frances Cadwell, Exhibit #18.

Michael Biggerstaff, Exhibit #19.

James P. Stroh, Exhibit #20.

Alec McIntosh, Exhibit #21.

Lowell Jacobsen, Exhibit #22.

Bob Siebrasse, Exhibit #23.

One exhibit without a name, #24.

Pat Underwood, Montana Farm Bureau, Exhibit #25.

Paul Jordan, Exhibit #26.

Frank A. Norman, Jr., APA Grain Chairman, Exhibit #27.

Fred Brown, National Farm Organization asked to be recorded as opposed.

Representative Brown closed.

Senator Boylan asked Daubert if he felt all the poisoned ducks were poisoned in Montana. Mr. Daubert answered, no. The same chemicals are used throughout the United States, not just by the State of Montana, but there are a number of species that don't

Agriculture  
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page 4

migrate out of the State.

The hearing closed on HB 801.

DISPOSITION OF HB 851: Senator Kolstad moved the Statement of Intent for HB 851. Motion carried. Statement of Intent, Exhibit #28.

Senator Conover moved HB 851 with the Statement of Intent BE CON-  
CURRED IN. Motion carried. Senator Conover will carry the bill on the floor.

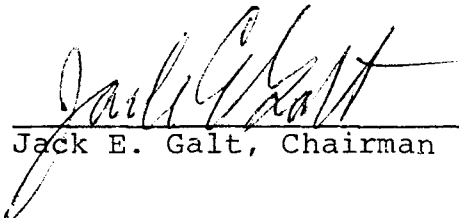
HOUSE BILL 662: Senator Lee moved HB 662 BE NOT CONCURRED IN.

Senator Kolstad was opposed to districts coming in from anywhere to run the irrigation district.

Senator Graham made a substitute motion that the committee have more time to consider the bill.

Senator Lee withdrew his motion.

There being no further business, the meeting adjourned.

  
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Jack E. Galt, Chairman

ROLL CALL

AGRICULTURE COMMITTEE

48th LEGISLATIVE SESSION - - 19 83

Date 3-7-83

NAME	PRESENT	ABSENT	EXCUSED
GALT, Jack E.	✓		
KOLSTAD, Allen C.	✓		
AKLESTAD, Gary C.	✓		
OCHSNER, J. Donald	✓		
GRAHAM, Carroll	✓		
BOYLAN, Paul F.	✓		
CONOVER, Max	✓		
LANE, Leo	✓		
LEE, Gary	✓		

Each day attach to minutes.

DATE

3-9-83

COMMITTEE ON

## AGRICULTURE

HB 802

## VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Harry Johnson	Farmer	802		✓
James P. Stroh	HENSLEY Flying Service	802		✓
Alec McIntosh	Farmer	802		✓
Wayne C. Turner	Montana Auction Trad. Assn.	802		✓
Steven C. Moe	Farmer	802		✓
Gary Sample	Farmer	802		✓
Michael Biggerstaff	MABA, MATA	802		✓
Lowell R. Rasmussen	MABA	802		✓
GARY F. MARTIN	MATA-SELF	802		✓
Lequell Jacobson	NAAA MATA Self	802		✓
Mark Redfield	MATA NAAA & SELF	802		✓
BOB SIEBRASSE	MEGA-SELF	802		✓
Dwaine Goodwell	Farmer	802		✓
Phil Caldwell	Valley Flying Serv. APP	802		✓
Angie Dickman	Rancher - Farmers - Cannons	802		✓
Richard J. ...	Self	802		✓
Frank ...	Self	802		✓
Lewis H. Roberts	Self	802		✓
W. J. ...	Self	802		✓
Paul ...	self	802		✓
Paul H. Newby	PPA, PCLA, SCPA	802		✓
Ed ...	Self	802		✓
Janet Ellis	MT Audubon Council	802	✓	
PAT Underwood	MT. Forum Bureau			✓
Karl Knudson	MT Wildlife Fed	802	✓	
Roger Stradley	Self			✓

DATE \_\_\_\_\_

3-9-83

COMMITTEE ON

802

## VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Will Brooke	Mt Stockgraders	HB 802		X
Will Brooke	Mt Woolgraders	HB 802		X
Dave Braun	Spruce-Dist. 83 Reg.	802	X	
Darryl Meyer	Cascade County	HB 802	X	
Tom Dumbell	Helena	802	✓	
Art Menzies	Helena	802	✓	
Charles Lake	Helena	802		✓
Tom Dumbell	Helena	802	✓	
R.A. Ellis	Helena	802		X
Richard R. Brown	East Bend Dillon	802		X
Barb Olson	WETA	802		X
Fred Braun	Natl Farmer's Org			X

Ex #1  
agricul.

Montana Department of Agriculture

Keith Kelly, Director  
March 9, 1983

Testimony on HB 802

This department supports House Bill 802 if certain sections are deleted and other sections are amended. Our objections primarily relate to the amendments to Section 80-8-201 (Registration) of the Montana Pesticides Act beginning on page 6 and identified as Section 3 in House Bill 802.

The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) administered by the Environmental Protection Agency (EPA) prevents any state from registering a pesticide not already registered by EPA. In fact, states are only allowed to be more restrictive, not less restrictive, on registrations than EPA. Montana Legislature, in 1971, adopted the position that we would accept the registration of any pesticide if it was approved and registered by EPA. The primary reasons for this position were:

1. Montana could not afford the personnel or monies necessary to properly and adequately review each and every pesticide petition for registration.
2. Montana's primary problems with pesticides relate to the improper use and/or sale of the pesticide itself, rather than the actual registration of the pesticide by EPA.
3. The Montana Pesticide Act would have the necessary provisions to monitor and enforce the use and sale of pesticides in the state and to protect agriculture, health and the environment.
4. This act would allow the state to address local issues related to problems caused by pesticides through use or misuse. For example, section 80-8-105 (3) (a) allows the Department of Agriculture to prohibit the use of any pesticide or to restrict its use by time, place, location, registration, application or sale, whenever, agriculture, wildlife, human health or the environment have or may be affected adversely. The Department is allowed by Section 80-8-201 (6) to cancel or suspend any pesticide not complying with the Act's requirements.

The Department of Agriculture has recently cancelled the use of paraquat on one crop and restricted the use of aquatic herbicides and endrin. Presently, studies in cooperation with EPA, Brigham Young University and the Department of Fish, Wildlife and Parks have been initiated on endrin and strychnine to determine if further restriction of these products is necessary to protect the environment. The Department is also investigating more



acceptable pesticides that may be able to be substituted for endrin and strychnine.

This department is opposed to mandating systems in which various departments have interlocking decision making powers. It is recognized that while one department has the legal authority to administer a law that other departments may have responsibilities and duties that are affected by the law administered by the responsible agency. The executive branch, through the elected governor, is obligated to insure multidepartment issues are evaluated and resolved. If one department director does not enter into a spirit of cooperation, evaluation and resolution of a particular issue then the governor can insure through various executive procedures that the issue is resolved.

The executive branch expects the department directors to attempt to resolve interdepartmental issues through complete discussions and evaluations. If the directors can not reach agreement then the issue will be resolved by the governor. Many examples of interdepartmental concerns exist in the state now, how many of these should require that each concerned department has legal approval authority are enormous. It is the obligation and duty of the governor to insure that the laws administered by the executive branch are properly administered by each department director for all of the citizens of the state. Assignment to one department of the responsibility to administer a law approval by legislature is good management. It is the obligation and responsibility of the other agencies to inform the administering department of their concerns in an effort to reconcile all the responsibilities and obligations of the executive branch. This department requests that your committee delete from HB 802 the multidepartment decision making provisions. Presently a system exists within the executive branch, in which the Departments of Agriculture, Fish Wildlife and Parks, Health and environmental Sciences, Livestock and other departments, meet to resolve pesticide issues. This system works and adequately addresses the concerns of all departments.

The current registration system used in the state has a number of benefits:

1. The state maintains control of all pesticides sold or used in the state by requiring their federal and state registration.
2. The pesticide product labels are utilized almost daily for the department's integrated pest management program and other technical service programs. These registered labels are utilized for pesticide educational programs. They are also one of the essential elements of the enforcement program.
3. The monies generated from these product registrations assist in supporting the pesticide program.

The present system allows the Departments of Fish, Wildlife and Parks, Health and Environmental Sciences, other state agencies, the university system and citizens to raise issues and request action on any pesticide with the Department of Agriculture. This process can be informal through normal governmental processes or formal through the Montana Administrative Procedures Act. These same processes exist not only for pesticides, but in any state agency for the programs they are responsible for administering. This process works and is adequate and proper whether one is concerned with pesticides, fish and wildlife laws and rules, subdivisions, water quality, etc.

Should this bill be approved by legislature, mandating an interdepartment review and approval of pesticide registrations then the Department of Livestock needs to be included. Livestock is responsible for administering various laws dealing with the health of domestic animals, milk and animal by products. The potential for pesticides adversely affecting livestock forage, feeds and livestock exists, therefore, the expertise of that department is required to insure pesticides do not adversely affect livestock and the consumption or use of meats, milk and by products by consumers. Once again this department and the other two set forth in this bill, presently can and do express their concerns to the Department of Agriculture. Agriculture is obligated to consider these concerns in its administration of the Pesticides Act.

The state will have to adopt the federal registration rules and guidelines thus affording the pesticide registrants knowledge of the minimum requirements prior to the state issuing a registration. These requirements must also set forth the specific reasons a registration could be denied or revoked. Potentially, the state's requirements for registration could even be more restrictive than EPA. The word "shall" allows the state to accept EPA's registration system of approval or denial of pesticides, which, since 1972, has had a good record of reviewing registration petitions from companies. Today it costs chemical companies 7 to 13 million dollars and may take up to 10 years before receiving an approval or denial from EPA. The costs incurred by the chemical companies result from the generation of data required by EPA as part of the information needed for registration.

We believe strongly that Montana should accept EPA's registration process because adequate provisions exist in the current law to handle local problems caused by a pesticide.

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On page 7, line 5 through 10 this department has no major objection providing the list of registered pesticides to the Department's of Fish, Wildlife and Parks and Health and Environmental Sciences or other agencies. Nor do we have a problem providing the list to any person desiring it with two conditions: 1) the actual cost for the list would be paid by the requesting party and: 2) Section 2-6-109 MCA, which deals

with agencies providing lists must be complied with. In fact, this list is available now to the two agencies at no cost and to the public if the above conditions are met.

The proposed amendment of Section 80-8-201 subsection (8) (a) creates an unique situation. The Department of Agriculture would approve each petition for registration because federal registrations must be automatically accepted by the state. In turn, after the registration is issued then the three Departments; Fish, Wildlife and Parks, Health and Environmental Sciences and Agriculture would begin the review process over again if either Fish, Wildlife and Parks or Health and Environmental Sciences requests the review. Should this review result in two of the three agencies disapproving the registration of a pesticide which had been registered several situations may occur:

1. The person or company adversely affected may request a three agency administrative hearing which must be granted.
2. The Department may have to implement rule making procedures if the intent is to modify the registration, following the Administrative Procedures Act.
3. The Department of Agriculture or the three departments jointly may have to prepare an Environmental Impact Statement in compliance with MEPA. Who pays for the EIS?
4. If two of the three department heads still disapprove of the registration (after the administrative hearing) then an advisory council has to be appointed to review and rule upon the registration. The advisory council will make the final administrative decision for the state.
5. If the company desires, it may then petition the district court for resolution.

Several additional problems exist with these amendments: What standards do the other two agencies use to approve or disapprove registrations under the procedures of 80-8-201 (8)? Some may argue that this situation exists presently with 24(c) registrations for special local needs. However, the conditions of approval or denial of 24(c)'s has been established by EPA rules and EPA has accepted Montana's plan (1976) to issue 24(c) registrations. This committee needs to know that the 24(c) process involves the state approval of additional uses of pesticides already registered by EPA. In fact, these 24(c) or special local need use registrations, within 90 days of their state approval, becomes federally registered uses. No specific standards for regular registration of pesticides have been established for either the Department's of Fish, Wildlife and Parks or Health and Environmental Sciences.

Another major problem with the amendments to 80-8-201 deals with the confidentiality of some types of data. Under the federal registration system some types of data; financial, marketing information, quality control, inert ingredients, etc., are protected. This same type of protective system would have to be incorporated into Montana law. In the state referred to earlier as having its own review system, many of the court cases have been on the confidentiality provisions. Because of this and other related problems, some federal pesticide labels now state: "Not for sale or use in the State of California". It is recommended that this committee review Section 10 of FIFRA and incorporate its provisions into law if it does recommend passage of this bill or the Uniform Trade Secrets Act proposed by the Council of State Governments.

In reference to page 10 lines 14 through 18 of HB 802, the three conditions listed would have to be met prior to the Department's of Fish, Wildlife and Parks and Health and Environmental Sciences initiating a review. These conditions imply that the number and type of pesticides subject to review would be limited. In fact these conditions illustrate a basic misunderstanding of pesticides and the pesticide registration process.

For example the condition "a half life in the environment is greater than seven days" creates several problems. Would this condition apply to on target or off target situations, or both? Some pesticides are registered and used intentionally to provide residues longer than seven days to protect a crop or animal from pests. If this standard only applies to off target situations then a violation under state or federal law has occurred and would be prosecuted.

The condition dealing with "accumulation" has similar problems. Accumulation of residues in vegetation, soil, etc. must be within the acceptable limits of EPA. This differs from bioaccumulation through the natural food chain.

The third condition is interesting in that it portrays the thought that EPA does not consider cancer, mutagenic or teratogenic problems associated with some pesticides. In fact for the last number of years this is one area in which EPA spends considerable time and demands a multitude of tests from the registrants prior to granting a new registrations or when a pesticide is subject to reregistration or a special EPA review. Does this condition mean any suspicion would trigger a review or would it be based upon some federal agency, the National Cancer Institute or World Health Organization determining that the particular pesticide is suspect? If in fact it was a federal agency, then EPA automatically would be required to review the data and take action against the pesticide if the data was substantiated. This proposed condition implies that Montana would have to develop a cancer, mutagenic and teratogenic policy.

These three conditions singularly or in combination are poorly considered and illustrate a lack of understanding of the federal registration process. If local conditions or situations occur in Montana requiring action against a pesticide the state pesticide act allows the department to take affirmative action against a pesticide

Some individuals testifying may imply that the tri-agency review would not be time consuming and would require very limited monies supporting the review and approval. The Department of Agriculture now spends on the average at least two week reviewing and processing a 24(c) registration. The department did partial reviews of 2,4-D, 2,4,5-T and Pentachlorophenol and each of these required 5 to 6 weeks review time.

The state is obligated to do complete and thorough reviews of pesticides whether one is concerned with all or one aspect of the pesticide. A two hour review, as proposed by some parties, basically illustrates an agency will have made a decision prior to doing a complete and scientific review of the issue(s). In fairness to the companies and the public thorough reviews should be expected and demanded; incomplete reviews would be a waste of everyone's time and monies.

Now let's assess the costs of these amendments. There are approximately 600 active ingredients and 4,000 product labels registered in Montana. Lets assume that the three agencies would review up to 10 registered active ingredients, and that 2 or 3 reviews would result in administrative hearings and that one would result in an advisory council review and decision. Remember there are no limitations in the bill on the number of products that may have to be reviewed.

Ten reviews requiring 5 to 6 weeks would amount to 60 weeks of work. For the Department of Agriculture to handle these reviews from a scientific, administrative and legal basis would require 1 full time reviewer, grade 14 and a clerk typist to handle correspondence, reports and legal documents.

These 2 people would do most of the application and literature reviews, compilation of data and preparation of draft documents.

2 to 3 administrative hearings per year (3weeks per session) will require contracting:

- 1 Hearing Officer - (Equivalent - Grade 17)
- 1 Stenographer - (Equivalent - Grade 12)
- 1 Advisory Council review (2 weeks); Department would pay per diem and travel per member

The attached minimal budget, \$75,074 for F.Y. 84 and \$69,654 for F.Y. 85, reflects salaries and benefits plus the needed operational funds to support the reviews. Should any of the assumptions used to derive this budget be exceeded, the monies to

be appropriated in the various categories would have to be increased correspondingly.

This proposed budget does not include:

1. Costs incurred by the other departments,
2. All the costs of providing and duplicating the complete application and the enormous volume of supporting materials and tests from the applicant to the other departments,
3. Costs of contracting experts in various disciplines that may be needed to properly evaluate applications,
4. Costs of preparing any environmental and/or economic impact statements to determine risks and benefits.

Summary:

The department believes the current law and processes contain adequate safeguards to protect agriculture, health and the environment in Montana. Because of the problems outlined in the preceding testimony the department recommends either a "Do Not Pass" on House Bill 802 or a "Do Pass" if deletion of the registration amendments as discussed in this testimony is accomplished. The department has previously gone on record supporting the other provisions of HB 802 and SB 238 as amended by this committee.

Minimum Budget  
for  
HB 802

	<u>F.Y. 84</u>	<u>F.Y. 85</u>
Salaries	\$32,887	\$33,379
Benefits	<u>6,577</u>	<u>6,676</u>
Sub Total	\$39,464	\$40,055
 CS	 \$16,210	 \$15,710
SM	8,500	5,500
Communications	6,000	5,500
Travel	1,000	1,000
Rent	1,200	1,200
R & M	100	100
OE	<u>200</u>	<u>200</u>
Sub Total	\$33,210	\$29,210
 Equipment	 <u>2,400</u>	 <u>400</u>
Sub Total	\$35,610	\$29,610
 TOTAL	 \$75,074	 \$69,654

Personnel

1 Environmental Specialist - Grade 14  
1 Clerk Typist - Grade 8

<u>Contracted Services</u>	<u>F.Y. 84</u>	<u>F.Y. 85</u>
1 Hearing Officer	\$ 6,000	\$ 6,000
1 Stenographer	5,000	5,010
Copying & Data Processing	<u>5,200</u>	<u>4,700</u>
TOTAL	\$16,200	\$15,710

Equipment

2 desks and chairs	\$ 700		
typewriter	1,900		
4 files	<u>800</u>	2 files	<u>400</u>
TOTAL	\$ 2,400		\$ 400

Ex # 2  
agricul.

HB 802

Testimony presented by Jim Flynn, Department of Fish, Wildlife & Parks

March 9, 1983

The Department of Fish, Wildlife and Parks generally supports the testimony offered by Mr. Kelly, Director of the Department of Agriculture.

We feel it is incumbent upon all those involved to make a reasonable effort to address some of the present shortcomings in the governmental process relating to pesticide registration and usage. These shortcomings have become most apparent over the past two years and a number of those are addressed in HB 802 in a positive manner.

As the testimony offered thus far has indicated, it is not intended that restrictions occur to the point of hamstringing the necessary and reasonable use of pesticides in our state. Rather the intent is to assure that necessary and reasonable use for the future.

We feel that there are aspects of this bill which would give the Department of Agriculture some necessary tools for addressing the present shortcomings in the process. We would urge the Committee to provide those tools for that agency.

The use of pesticides is a longstanding and necessary practice for those in the agricultural community. This is a reality for which there is general awareness and acceptance. At the same time there is general concern that the process within which this practice occurs be as responsible as possible.

We would urge your favorable consideration of House Bill 802.



Ex #3  
agricul.

MONTANA WILDLIFE FEDERATION  
Testimony on HB 802  
Senate Agriculture Committee  
March 9, 1983

Mr. Chairman, members of the committee, my name is Ken Knudson, representing the Montana Wildlife Federation, here today in support of HB 802.

Endrin levels in the tissues of waterfowl were higher in 1982 than they were in 1981. While the sales of other hunting licenses increased, the number of people hunting waterfowl decreased from 66,344 in 1980 to 52,078 in 1981 to 47,159 in 1982. I've attached to my testimony copies of an article from yesterday's GREAT FALLS TRIBUNE that states endrin will be sprayed again in 1983. Included in the TRIBUNE article is a statement from Ron Marcoux, Associate Director of the Department of Fish, Wildlife & Parks that says his agency will send a letter to the Department of Agriculture endorsing the use of alternatives to endrin. I would like to read to the committee a memo that I sent to the Department of Agriculture when I was the DFWP representative on the 24(c) or special local need pesticide review team in March 1981 (attached).

Two years have passed and we have all become more clearly aware of the dangers and problems associated with the use of endrin and other similar persistent and hazardous pesticides; but from the MWF's viewpoint, we see no significant changes in how agencies of state government are coordinating on these problems. Yet within the people of Montana is a fear born of uncertainty as well as a demand for better information about and better alternatives to the use of chemicals that can cause cancer, persist in the landscape for long periods of time and accumulate in the tissues of animals that we all once took for granted were safe to eat.

known to be highly persistent and carcinogenic, and if it bioaccumulates in plant or animal tissues. With such an initial screening provided by the companies, state agencies could quickly and easily determine which of the products may need further review. This review would then take place if one of the three agencies so requested.

(2) MWF would also suggest that the time allowed to make such reviews be extended from 10 days, as is now required in HB 802, to 30 days, and

(3) That chemicals have to have a half life of 30 days, rather than only 7 days to be considered candidates for review by the tri-agency team.

With these suggested changes, MWF feels that HB 802 is a moderate, yet important attempt to try to come to grips with the pesticides that jeopardize hunting seasons and the health of humans and wildlife alike. With the provision for sunset review of the tri-agency portion of this bill in 1985, no one should be concerned that these reviews will not be accountable to all of us. For the legislature to instead sit back for another two years without addressing, in a reasonable manner, the problems associated with the hazardous pesticides, would be irresponsible to the needs of the majority of the people of Montana.

The remaining provisions of HB 802 are almost identical to SB 238, which we realize was given a do not pass recommendation by this committee in February. Hopefully, with the new data and testimony presented to you today, there will be a better recognition of the need to pass legislation that would threaten no one, but rather would attempt to make Montana an even better place to live. We would therefore ask this committee to pass HB 802.

see

STATE OF MONTANA  
DEPARTMENT OF FISH, WILDLIFE AND PARKS

## *Office Memorandum*

TO : Steve Baril DATE: 3/18/81  
FROM : Ken Knudson  
SUBJECT: Registration of Sevin (Carbaryl) for the control of  
armyworms in wheat

I spoke this morning with Candy Lomman of your office concerning the potential armyworm infestation that will likely impact wheatgrowers in the southeastern portion of the state this spring. Ms. Lomman emphasized the need to register several Sevin (Carbaryl) products to attempt to control this outbreak. Given the relatively low toxicity to nontarget organisms and short persistence of carbaryl-based products compared to the extremely high toxicity and persistence of Endrin, which has been publicly suggested as a possible control agent, the Montana Department of Fish, Wildlife & Parks strongly supports these registration requests.

This department remains opposed to the application of chlorinated hydrocarbon compounds except under very localized and controlled conditions. As such, would you please advise me of any locations where you anticipate that Endrin may be applied so I can notify our local fish and wildlife managers of this usage.

KK/sd

cc: Jim Posewitz  
Ken Quickenden  
Gene Allen  
Art Whitney

# Montana

## Agriculture department will allow endrin use

By John Kuglin  
Associated Press Writer

HELENA — Farmers will be able to spray the controversial pesticide endrin again this spring to control cutworms in wheat, state Department of Agriculture Director Keith Kelly says.

Kelly said Monday that it will be several weeks before entomologists know if there will be serious cutworm problems this year.

Some areas, especially the 12 north-central Montana counties just east of the Continental Divide, may have cutworm problems this spring, Kelly said, but any forecasts "are purely speculative. Forecasts on cutworm activity have only about a 5 percent accuracy rate."

Dry conditions seem to trigger bigger cutworm hatches, Kelly said, and in addition lack of moisture can stress wheat and make it more susceptible to insect pests.

Use of endrin, a highly toxic, chlorinated hydrocarbon insecticide that is slow to break down in the environment, has been controversial in Montana since high levels of the chemical showed up in wildlife two years ago.

Kelly said Monday that his agency, which polices Montana's pesticides laws, is ready to impose "emergency rules" this year to stop endrin spraying if its use becomes too widespread.

The rules will be triggered if as much as 37,500 acres are sprayed with the chemical, Kelly said.

The Department of Agriculture now has a better system for reporting on pesticide sales and use, Kelly noted.

The new regulations, adopted in the wake of the wildlife contamination controversy, require regular reports to the Department of Agriculture from farmers, commercial

applicators and chemical wholesalers.

While endrin currently is the only registered chemical in Montana that is considered effective in controlling cutworms, Kelly said his agency has petitioned the U.S. Environmental Protection Agency to again allow the use of two less environmentally damaging chemicals in 1983 against cutworms in wheat.

The EPA has not yet made a decision, but is likely to give approval. "They are aware of our pesticide problems," Kelly said.

The EPA in the past has allowed the two chemicals, chlorpyrifos, marketed under the trade name Lorsban 4E, and permethrin — which is sold as Pounce and Ambush, to be used in Montana to control cutworms. But some farmers have continued to spray

endrin because it is cheaper.

In 1982, the Department of Agriculture said the cost of applying endrin was about \$3 an acre, and the alternative chemicals cost about \$2.50 more an acre.

However, Kelly said that the cost of endrin this year has reportedly about doubled, apparently because of lower sales.

"This makes the alternative chemicals economically more attractive," Kelly said.

In 1981, when the controversy over endrin was at its peak, upwards of 100,000 acres were sprayed with the insecticide. The exact acreage has been in dispute because records weren't kept that year on some applications.

In 1982, when cutworm infestations were less severe, "we have very accurate figures that show 18,000 acres were treated for pale western cutworms and of this

acreage, 10,800 acres were treated with endrin," Kelly said.

Kelly said his agency for the second year will use test plots to study the effectiveness and dangers of using endrin and alternative, safer pesticides. "We don't know how well the alternatives will work," he said.

In addition, the Department of Agriculture and the Montana Department of Fish, Wildlife and Parks will participate this year in a big EPA-financed study on endrin and alternative chemicals, Kelly said.

Finally, Kelly said his agency hopes to issue a draft by April 1 of a state environmental impact statement dealing with endrin use.

Fish, Wildlife and Parks Associate Director Ron Marcoux said Monday "it is a good thing" that the Department of Agriculture is seeking EPA approval for endrin

alternatives if cutworms are sprayed this year.

Marcoux's agency has been in the center of the endrin controversy, and has suffered revenue losses because thousands of hunters have been afraid to eat contaminated game birds and waterfowl.

In 1982, sales of bird hunting licenses in Montana were down by more than 19,000 from 1980, the year before endrin problems were publicized.

Marcoux said his agency's position on endrin use this year will be to send a letter to the Department of Agriculture endorsing the use of alternative pesticides.

Marcoux said the wildlife agency, which has spent thousands of dollars during the past two years collecting and testing wildlife for pesticides, will do similar work this year, but as part of the EPA-financed study.

agricultural  
2/9/83  
Exhibit #4

# Montana Audubon Council

Testimony for HB 802

Mr. Chairman and Members of the Committee,

My name is Janet Ellis and I'm representing the Montana Audubon Council. The Council is composed of 8 Chapters with 2400 members located throughout the state.

The Audubon Council supports HB 802 in its present form.

Problems with our pesticide laws were highlighted 2 years ago with a fish kill on Sunday Creek in eastern Montana after a handful of wheat farmers fought cutworms the only way they knew how. It's true that this fish kill was caused by the abuse of a certain chemical. But it is also true that the laboratory studies done after this abuse turned up high concentrations of numerous pesticides in everything from antelope and grouse to ducks that take their contaminations with them as they leave Montana--and even our country--for the summer and winter.

In the last 2 years, newspapers have introduced us to words such as endrin and chlorinated hydrocarbons. With this introduction, Montanans have become aware of the inadequacies of our laws pertaining to the sale and use of pesticides. HB 802 is a step towards ensuring that we can learn from our past.

Most of the details of this bill were worked out by the Department of Agriculture in conjunction with concerned agriculture groups. In addition, the option of an (already-in-tack) tri-agency review for EPA approved pesticides has been added to the Department's bill to give Montana the ability to examine the pesticides used in this state and ensure that these chemicals are safe for our citizens and wildlife. This optional review process has a sunset clause in it that will let this Legislative Body review this program in 2 years.

In closing, the Audubon Council realizes that pesticides are necessary to keep agriculture as Montana's number 1 industry. We also realize, however, that pesticides affect all Montanans--and we need to reach a point of compromise. HB 802 is a compromise bill. We respectfully ask that you give this bill a "Do Pass" recommendation, retaining the tri-agency optional review.

Thank you.

# WOMEN'S LOBBYIST FUND

Box 1099  
Helena, MT 59624  
449-7917



Ex #5  
Agric.

TESTIMONY OF STACY A. FLAHERTY, WOMEN'S LOBBYIST FUND, IN SUPPORT OF  
HB 802 BEFORE THE SENATE AGRICULTURE COMMITTEE ON MARCH 9, 1983

The Women's Lobbyist Fund is concerned about the prevalence of pesticides in Montana and their effect on women, children and men.

There are a number of pesticides that have been found in abnormally high concentration in Montana waterfowl. At least two of the pesticides, endrin and heptachlor, are mutagenic. Nursing and pregnant women have been warned not to eat waterfowl because of the known deformities in children caused by pesticides.

We are encouraged that HB 802 would clarify the laws regulating the sale and use of pesticides.

We are also pleased with the Tri-agency Review process. By including the Department of Health and Environmental Sciences, we believe that the health concerns relevant to women and children will be represented in the review process. We urge this committee to pass HB 802.



# Montana Conservation Congress

Ex 146  
agric

## RESOLUTION #2

### PESTICIDES

WHEREAS, Agriculture, Montana's principal renewable industry, is becoming increasingly dependent upon a multitude of toxic chemicals; and

WHEREAS, the use of some of these chemicals may be necessary for the control of certain animals and plants known to be harmful to agricultural production; and

WHEREAS, improper and overuse of these chemicals often causes additional agricultural problems by eradicating beneficial plants, animals, and soil microorganisms and encouraging resistant strains of harmful organisms; and

WHEREAS, the use of certain highly toxic and long-lived chemicals, particularly the chlorinated hydrocarbons (e.g. endrin, toxophene, heptachlor, etc.) can cause long-term, harmful health effects to wildlife and to humans that are exposed to these chemicals or consume wildlife that are contaminated by these chemicals; and

WHEREAS, the continued use of chlorinated hydrocarbons can have severe economic impacts to Montana as evidenced by the loss of hunting revenues to the state, possible degradation of the quality of Montana's agricultural production, and by restrictions placed on agriculture concerning grazing and stubble use from sprayed fields; and

WHEREAS, use of all chemicals can be reduced and is more effective when integrated with biological, species-specific or mechanical options (i.e. tillage and mowing).

THEREFORE, BE IT RESOLVED by the Montana Conservation Congress, assembled in Helena on this 18th day of September, 1982 that the use of integrated pest management technologies (IPM), which incorporate species-specific, biological, mechanical and/or rapidly degrading chemicals, be advocated by the State of Montana for the control of animals and plants known to be harmful to agricultural production, with the immediate goal of eliminating the problems caused by chlorinated hydrocarbons.

BE IT FURTHER RESOLVED that the Montana Department of Agriculture take the lead in our state towards initiating the use of such alternative pest management programs, thus reducing Montana agriculture's dependency upon the chemical industry.

BE IT FURTHER RESOLVED, that the Montana Conservation Congress supports improved public education about toxic chemicals and effective enforcement of regulations governing the sale and use of restricted-use chemicals, in order to maintain Montana's quality of life and protect the health and lifestyle of producers and consumers of agricultural products.

Conservation Groups in Support of HB 802

Alliance for a Nuclear-Free Montana  
Alternative Energy Resources Organization  
American Fisheries Society  
Cabinet Resource Group  
Citizens for an MX-Free Montana  
Canyon Coalition  
Common Cause  
Defenders of Wildlife  
Elkhorn Citizens Organization  
Five Valleys Audubon  
Flathead Audubon  
Flathead Resource Organization  
Great Bear Foundation  
Headwaters Alliance  
Institute of the Rockies  
Last Chance Audubon  
League of Women Voters  
Madison-Gallatin Alliance  
Mo Breaks Protective Association  
MEIC  
MEIC-Bozeman  
Mt Wilderness Association  
Mt Wildlife Federation  
MontPIRG  
Nature Conservancy  
North Fork Preservation Association  
Northwest Citizens for Wilderness  
Northern Rockies Action Group  
Pintlar Audubon  
Rocky Mountain Front Advisory Council  
Sierra Club-Yellowstone Valley Group  
Sierra Club- Last Chance Group  
Sierra Club- Bitterroot Group  
Solar Energy Industry Association  
Trout Unlimited- West Slope Chapter  
Upper Mo Breaks Audubon  
Western Sanders County Involved Citizens  
Wildlands and Resources Association  
Wilderness Society  
Wildlife Society- UM Chapter  
Yellowstone Valley Audubon  
Flathead EIC

Submitted by Luci Brieger, representative of the Mt Conservation Congress.



Et # 6

Statement from the Montana Conservation Congress

HB 802

March 9, 1983

Mr. Chairman and Members of the Committee:

My name is Lucianne Brieger and I am here on behalf of the Montana Conservation Congress, a meeting held last September, attended by over 40 conservation groups from Montana, with members from all walks of life.

At that meeting, representatives discussed the issue of pesticide use and regulation. We recognized not only the importance of pesticides to the state's ag industry, but also the need for more careful monitoring of what is used in this state. The representatives unanimously passed a resolution which states the constituency's position on this issue. HB 802, in particular, the section providing tri-agency review of certain restricted use pesticides, satisfies some of the main concerns expressed at the Congress.

We respectfully request your endorsement of HB 802. I will submit a list of Congress attendees, as well as the resolution that was adopted.

Thank you.



Ex # 7  
agric  
3/9/83

MABA POSITION STATEMENT: HB 802

My name is Lowell Darrington and I represent the Montana Agricultural Business Association. We are solidly OPPOSED to Bill 802. Our primary concerns lie with Section 3, page 6 through page 10.

The proposed amendments would, in our opinion, cause unnecessary hardship upon the Department of Agriculture and has the potential to devastate the Montana farm economy.

POINT ONE: Page 7, lines 23-25

- A. These lines would require manufacturers to submit patent-protected, trade secret and confidential information for a proper review, without proper regard in law for the protection of that information.
- B. To properly review the information received, the Department would have to seek out individuals trained in such diverse fields as clinical pathology, toxicology, genetics, environmental science, etc. To properly review, the data must be analyzed by a person who understands it and the method by which it was obtained. This is a very expensive process and one already being done by the Federal Environmental Protection Agency.

- C. If this information were required, we fear many manufacturers would pull their products from Montana rather than jeopardize patent and trade secrets or years of fine-tuned, expensive data to individuals less than competent to interpret it. And that would eliminate many valuable and necessary tools from Montana agriculture.

POINT TWO: Page 10, lines 3-20

- A. These lines add confusion and bureaucratic fog to an already difficult area. These proposed amendments make no distinction between the three clearly different labeling processes.
1. Federal Registration: This process is usually done on a national basis over eight to twelve years and costs many millions of dollars. Inputs are received by the Environmental Protection Agency from manufacturers, universities and private research facilities. The data is reviewed by many qualified experts for human health concerns, environmental safety, economic practicality and efficiency (how well it works). These inputs are reviewed in depth by the EPA and the compound is either approved (registered) or rejected.
  2. 24-C Process: After a compound receives a federal registration, there may be a need to add a new target pest or application method to the label to fit a unique state need.

The manufacturer and local research people spend two to three years gathering the information received and submit it to the Departments of Agriculture, Health & Environmental Sciences, and Fish, Wildlife & Parks for review of the new label additions. They, as a three-body board, either accept or reject.

3. Experimental Use Permit (EUP): This process happens after questions of health, safety, etc. have been cleared by the EPA but where field testing of the product has not been adequate. An EUP allows a limited amount of product to be tested by the ultimate consumer under specific guidelines. This testing permit also comes under the three-body review.

The three-body review has a legitimate function in 24-C and Experimental Use Permit applications. However, it does not have the ability or capability to review pesticide registrations. The proposed amendments mandate this unwise course -- creation of a mini-EPA in Montana.

- B. The three triggering criteria (lines 14-18) show a legitimate concern on the part of the billwriter, but would be a nightmare from an administrative standpoint.
  1. Half-life of no greater than seven days? How is this "half-life" to be determined? A compound breaks down at different rates according to uncontrollable factors in the

environment such as temperature, moisture, micro flora, ultraviolet radiation, etc. The "seven days" and "in the environment" guidelines include all chemicals. Would all compounds have to be reviewed again by the Montana guidelines?

3. Accumulation in Vegetation, etc? There are no guidelines to establish what tissue, for how long, or from what source. Just because the product accumulates doesn't mean it is harmful. An example: A plant draws in a herbicide from the soil and the chemical "accumulates" at the growing point and the plant dies. An animal eats the affected plant and the herbicide is screened or "accumulates" in the bladder. The animal excretes the herbicide with the body waste and it accumulates in the soil. Must this product be reviewed? By whom? When? Why? EPA has already looked at this issue and many others and cleared the product for use. Why should the state of Montana do it again?

- C. Suspected carcinogens, etc. The word suspected causes us concern. Who is capable of "suspecting," what proof does he need to substantiate his claim, from what sources may the proof come?

Example: A product goes through 20 independent tests for mutagenic characteristics, only one of the 20 proves positive, and upon retesting it is found to be negative. Is this product then "suspect?" Is it

suspect with one positive trial, two trials, three trials? When? EPA has also looked at this sort of problem and taken a position using the best information available from the scientific community.

EPA does not have a perfect track record, but in terms of product registration and review, the agency has a very good record to date. EPA has reversed itself several times and restricted product usage or taken a product off the market completely, as can the state of Montana when questions arise. It would be foolish to set up a mini-EPA, as proposed by House Bill 802. For these reasons, the Montana Agricultural Business Association strongly urges non-passage.

agrie

Exhibit #8

Williston - Alaska - 1983



# WIFE Women Involved in Farm Economics

NAME JO BRUNNER BILL NO. 802 3-9-83  
ADDRESS 563 3rd ST. HELENA DATE February 24 3-9-83  
REPRESENT WOMEN INVOLVED IN FARM ECONOMICS  
SUPPORT \_\_\_\_\_ OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

## COMMENTS:

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, MY NAME IS JO BRUNNER AND I SPEAK TODAY FOR THE MEMBERS OF THE WOMEN INVOLVED IN FARM ECONOMICS. WE SPEAK IN OPPOSITION TO HB 802.

WE RECOGNIZE THAT THE BASIC CONCEPTS OF THIS BILL ARE THE SAME AS SENATE BILL 238, WHICH WE ARE SUPPORTING. HOWEVER, THERE ARE SOME BASIC CHANGES THAT WE CAN NOT SUPPORT IN HB 802.

WE ARE CONCERNED WITH AN ADDITION ON PAGE 7 LINES 22-23, SECTION 3- " INCLUDING ALL AVIALABLE INFORMATION ABOUT THE EFFECTS OF THE PESTICIDE ON NON TARGET SPECIES" IT IS OUR UNDERSTANDING THAT BEFORE ANY PESTICIDE CAN BE APPROVED THE MANUFACTURERS MUST MAKE TESTS ON REPRESENTATIVE SPECIES ALREADY. WE BELIEVE THAT SUCH ADDED INFORMATION WOULD PRESENT ADDITIONAL COSTS FAR BEYOND THE PRODUCERS CAPABILITY TO ABSORB.

ON PAGE 10--LINES 3-7 SECTION 3 IS A REQUIREMENT THAT THE DEPARTMENTS OF FISH, WILDLIFE AND PARKS AND THE HEALTH DEPARTMENT WOULD AUTOMATICALLY REVIEW PESTICIDES ALREADY REVIEWED BY OTHER DEPARTMENTS AND APPROVED BY THOSE DEPARTMENTS. THIS IS A DUPLICATION AND WOULD CERTAINLY ADD MORE TO THE COST TO THE PRODUCERS THAN ANY INCREASE OF LICENSES AND PERMITS.

LINE 8 OF THE SAME SECTION, LETS THEM GO EVEN FURTHER THAN THE REQUIREMENTS AND STANDARDS FOR CERTIFICATION WHICH COULD BE AN NEVERENDING PROCESS OF REQUESTS.

WE HAVE A SMALL CONCERN FOR THE ADDITION IN PAGE 11, CHAPTER 3-- LINES 25--and onto page 12--lines 1-2 CONCERNING CANCELLATION OF A PESTICIDE UPON ANNOUNCEMENT THAT MIGHT BE BOTHERSOME IF A SHIPMENT IS ENROUTE, BUT FEEL THAT THAT CAN BE WORKED OUT.

WE CAN LIVE WITH THE REDUCTION IN FEES, ALTHOUGH WE BELIEVE THAT THE AGRICULTURAL COMMUNITY AS A WHOLE HAS NOT COMPLAINED ABOUT THEM. THE AGRICULTURAL ORGANIZATIONS AND DEPARTMENTS WORKED TOGETHER TO PRESENT AN ACCEPTABLE BILL TO ALL CONCERNED, AND WE ARE SUPPORTIVE OF

"Hell has no fury like a woman scorned"  
SUCH LEGISLATION, BUT WE CANNOT SUPPORT IT IN THE MANNER INTRODUCED IN HB 802. WE ASK YOU DO NOT CONCUR WITH THIS BILL.



agric  
3/9/83

Exhibit # 9

Ag Members;

#### PROBLEMS WITH H B 802 - Pesticides

HB 802 is substantially the same bill as SB 238 with the exception of the addition of Section 3, which forms a Montana EPA, in effect, by ~~requiring~~ <sup>requiring</sup> a tri-agency review of Federally labeled pesticides. Amendment 1 softens this impact, but still would be an unnecessary, burdensome duplication of Federal labeling. Montana does not have truly qualified people to review Federal registration; the F.W.P. personnel may feel they have that expertise, but we feel they do not.

Many of the changes to the present adequate law are not changes at all, but a reinforcement of administrative rules now in effect: reference underlined added words page 1, line 18 - this is in effect now; remember the mechanism used for control at the Endrin incident in 1981? Current law allowed for control of the situation through emergency modification of the product's registration.

Page 3 Lines 19-21 - Current law addresses conditions for renewal of licenses. This is not new.

Page 3 22-23 - Civil remedies exist in our current court system. Even with Dept. of Ag. definition of violations, this provision sets up a department director as judge-jury. Enforcement is too arbitrary under a system like this, even with the protection of the Administrative Procedures Act. We feel the present law, with its restrictions allowing suspension or modification of a license are a deterrent to careless operations by licensed people. There is no assurance that the department will have any better luck with enforcement against unlicensed people just because of civil penalties. Current law provides the mechanism for enforcement of Montana's Pesticide Law. Are they telling us that enforcement has been inadequate all these years just because there were no civil penalties available in the direct hands of the Commissioner of Department of Agriculture?

Page 3 Line 24-25 - Current procedures allow for the department to make training available for which a charge is made, and we have attended these programs and paid these training fees. (e.g. Dealer Recertification training state-wide in December 1982 - \$20.00 Fee).

Page 4 Line 4-5 - Same as Page 1, line 18 - Current law covers this.

*The purpose of Montana Aviation Trades Association is to foster promote and protect*



Line 10 - Word crops is included in the lower wording plants. This is a harmless addition of a word, but quite unnecessary to improve the law.

Page 5, line 20 - The exclusion of the crossed out words here sets the Department of Ag up as the sole educator of dealers and applicators. They have, currently no qualified people to instruct applicators except as concerns the law. This they have been doing in industry-sponsored training programs for a number of years.

Page 5, lines 1-7 - As in the above argument, industry has been providing training and recertification training for a number of years. These additions do not even mention industry participation. Why should the state government, under Dept. of Ag, establish a training program that is currently being accomplished, with their blessings by industry; chemical companies, trade associations, extension, etc?

(Section 3 forms a Montana EPA pure and simple. This costly duplication of Federal law is totally unnecessary, wasteful, and an unneeded expansion of state government.

Page 7, lines 4-9 - This information is currently available for the asking. If the department is asked for this information I'm sure they will provide it, although a fee for copying may be required, quite understandably.

*Director Kelly  
Covered this.*

Page 9, lines 15-17 - Why change wording here to accomplish the same purpose, appeal under A.P.A.?

Page 10 - More Montana EPA.

Page 11, lines 21-25 - Federal law is being made more restrictive here, instead of allowing existing stocks to be used for their registered purposes. In some instances of Federal cancellation of a product no further use is permitted, and this would also be the case in Montana. Again, why should Montana people be treated differently from others; why make Montana law more restrictive? The argument that stockpiling of a cancelled product would occur in Montana is incorrect, because uses would still be permitted in other states by Federal law as well, and the free market would see to it that these products would not be concentrated in our state.

Pages 13 & 14

Requirement to have a card in possession is ridiculous. Suffice it to say that, as under the current law, you must show your license upon reasonable demand.

Page 13 - lines 16-25 (5) Highly unlikely that the few people who can not read would cause environmental damage under the existing law. Read the crossed out words to see that the law provides specific control.  
Requalification credits have been allocated by the Department of Agriculture to industry sponsored training courses at the rate of approximately 10 credits per classroom hour of instruction.

Civil penalty procedures administered by the Department of Agriculture ~~use the~~ <sup>use the</sup> power already vested in our established legal system. We oppose the concept of taking power from the courts and giving it to the commissioner of the Department of Agriculture.

Industry-sponsored training clinics have been held in the past and we planned for the future, including spring 1983. We are well-aware of the problems in our industry, and are undergoing training of our own to help us overcome them. Montana Department of Ag personnel, while helpful in some areas, do not have the expertise that we have in our own industry to provide training, *which I reiterate, we are doing.*

Statements that our aerial application industry doesn't want any regulation are unfounded in fact. We have a very thorough and comprehensive Montana Pesticides Act on the books now, which anyone desiring to change should surely read throughly first.

Sincerely,

Wayne C. Turner

et #10  
agric

To: Senate Agriculture Committee  
Montana 48th Legislative Assembly

Date: 9 March 1983

Re: H.B. #802

I am Kathryn Jordan, a native Montanan and a registered nurse. My parents homesteaded in the Fort Benton area where I grew up. I am at present a joint-owner of a ranch east of Belgrade, Montana.

I am not only an R.N. but in years past, I was a nursing instructor, and have taught pharmacology. I am aware that one does not indiscriminately mix people and chemicals. . .all this to say simply that I am as concerned as anyone about the protection of our food supply and environment.

The current law gives that protection. Giving the Department of Agriculture "OSHA" type powers as provided for in Section 9, subsection 5 - a, b, and c of House Bill 802 does not enhance public safety. True, there are some implied limitations on this power in HB 802 but the list is open-ended. It lists what will be included as a major violation, but not what will be excluded. But regardless of what is listed, this is not the correct approach to preserve our court system and to protect our civil rights.

A better way would be for some local agency (the County Weed Board?) to issue citations and let the civil courts save the Department much money by weeding out and settling the simple cases of inadvertant damage by a process of reimbursement and restitution. The Department would of course, become involved in major cases of flagrant violation. If they are sincere about their consumer and agricultural advocacy role, they should welcome this efficiency.

As long as the Department is to be set up in the "Kangaroo Court" business I must remain opposed to this bill.

Thank you,

  
Kathryn Jordan

MARCH 9, 1983

Testimony of:

Paul G. Newby, representing Agwagons, Inc., an aerial application business in the Gallatin Valley, before the SENATE AGRICULTURE COMMITTEE in session in the Capital in Helena, Montana.

Reference:

House Bill 802

Mr. Chairman and Senators of the Committee,

For the record I am Paul Newby, owner of Agwagons, Inc., an Aerial Application business in the Gallatin Valley

HB 802

Section 80-8-201:Registration, Paragraph (8)(a) located on page 10, lines 3 through 19, deals with a tri-agency review process for all applications for special local need or experimental chemical registrations. These lines contain an ammendment which, when read carefully, actually goes far beyond this stated intention and gives each of the Agencies the right to call any pesticide into the review process. Lines 6 thru 10 accomplish this function and thereby provide the full blown tri-agency review which Administrator Kelly of the Dept. of Ag. objected to as costly (\$100,000.00 annually) and it would cause a great number of Manufacturers to leave the Montana market with their chemicals because the review process would expose their proprietary data and information to public consumption, and there is not adequate Trade Secret protection in Montana Law at this time, nor is there time to create it this session. Montanans just simply cannot afford to re-invent the wheel, especially when the design committee will consist of three state agencies!

Line 19 provides each of the Departments the opportunity to bring about requirements which go far beyond those established in FIFRA, and could allow the Agencies to literally eliminate the chemicals we need to produce our crops.

Lines 14 thru 18 at first appear to place a reasonable limit on this process, however, careful consideration will show these statements to be mere camouflage!

Lines 12 through 15 won't allow any chemicals to escape the process because all of them, when their by-products are included, have "half lives" well in excess of 7 days. Lines 16 and 17 won't change this either because all chemicals "accumulate either in the plant, soils, or animal tissues--all of us are made of chemicals! Line 18 could potentially effect all chemicals and drag them into the tri-agency review process because it qualifies nothing!--WHO IS SETTING THE STANDARDS?!?! WHOSE LIST ARE WE GOING TO USE?! A key word here is "suspected"--no scientific evidence is needed, only suspicion!! What would society be like if all facets of life were governed by "suspicion" alone? I submit that this legislation makes very poor use of the English Language, and neither it, nor the current law contains adequate definitions with which proper limits can be placed on the regulatory process to keep it from running away with itself.

Current law gives us a definition of "Pesticide", which when condensed, says the same thing found in Webster's 7th Collegiate Dictionary--"An agent used to kill pests." I have with me a section of the Bozeman Daily Chronicle dated Tuesday, March 1, 1983, with which I swatted two house flies the morning of the 7th of March. One of them died instantly, and the other I discovered crawling to safety 30 minutes later and finished it off with my right hand. This simple fact--according to Webster, and Montana law, defines both the newspaper and my right hand as pesticides--an agent used to kill pests.

Fortunately the Department of Agriculture has not yet seen fit to register or regulate either, and I think it unlikely they will.

My point of course is that this legislation misses its intended purpose at least that far, and it may be that Government cannot accomplish anything good in this area with more legislation. It can, however, be accomplished with cooperation between government and industry under current law.

If we would but look back just a few decades it is easy to see that we are living longer, we are healthier, and we are certainly not hungry by comparison to the rest of the world, and chemicals have played a large part in that accomplishment!

We cannot escape Agricultural chemicals, or any other chemicals because we are all made from chemicals, and without them we would literally not exist!

Thank you!

Paul G. Newby

PGN/cp

WITNESS STATEMENT

Name Molly Descheemaeker Date March 9, 1983  
Address Gilt Edge Rte Lewistown, Mt. Support ? \_\_\_\_\_  
Representing Myself - Rancher - Farmer Oppose ? ✓ Unless  
Which Bill ? 802 Amend ? Amended.

Comments: I am opposed to H.B. 802 as it reads now.

I am opposed to the review board process.

After sitting on the Mt. pesticide Advisory Council this past year I don't believe there are many people qualified to review the registration of a pesticide.

I would be in favor of an amended version of 802 that would be more in line with the recommended changes in the rules that came out of the Pesticide Advisory Council.

Please leave prepared statement with the committee secretary.



# SCHUTTER SEED FARM

FOUNDATION AND CERTIFIED SEED POTATOES



2444 13  
agric  
HB802



ROUTE 2, BOX 30 • MANHATTAN, MONTANA 59741 • RESIDENCE 406/284-3718 • WAREHOUSE 406/284-3346

March 9 - 1983

Testimony off:

John N. Schutter: Seed potato grower 480 acres  
and grain 4800 acres and alfalfa hay 4800 acres  
all irrigated. Member and past president  
of Mont Seed Pot Growers Ass., member Mont  
Grain Growers Ass.; 30 years supervisor of  
Yellowstone Soil Cons. Distr.

Mr. Chairman & members of the committee!

I wish to oppose House Bill 802  
regardless of its stated intent, it is a  
regulatory and money bill, and I am  
firmly opposed to it. Who wants more  
bureaucracy? As it stands now the  
Dept. of Agr. has enough regulation over  
the use of pesticides.

Three Departments jurisdiction, 62, 64,  
and all state appointed personnel. Who is  
the expert?? What will the cost be  
of the surveyance, cataloging and who know  
what else.. Who is going to pay for all that?

Why let a monster loose on the biggest  
state in the state...



# SCHUTTER SEED FARM

FOUNDATION AND CERTIFIED SEED POTATOES



ROUTE 2, BOX 30 • MANHATTAN, MONTANA 59741 • RESIDENCE 406/284-3718 • WAREHOUSE 406/284-3346

Create a lot of harassment to individuals farmers. Do they need a warrant, just like the O.S.H.A. inspectors, or are they let loose.

As it is now, there is a free inspection going on by the "association" of Ags. "The Friends of the Earth." Pres. Kennedy once said, "In politics one has no friends, just associates."

I personally feel that as difficult as it is now to get a label on a pesticide and the regulatory from the Dept. of Agr. has now, is more than enough insurance for the <sup>safe</sup> use of safe pesticides.

Respectfully submitted,

John N. Schutter



Lewis Roberts  
Box 495  
Birmingham, AL 35403  
767-3500

EL # 14  
agie  
3/9/83  
HB 802

March 9, 1983

Testimony of:

Lewis Roberts Commercial Applicator

Mr Chairman and members of the committee,

For the record, I am Lewis Roberts

-----and I wish to state my opposition to House Bill 802.

On page 21, lines 23 through 25, and page 22, lines 1 through 6 you will find a statement which creates a special class of people--that being "farm applicators possessing a permit".

This paragraph permits this class of people to have the luxury of one offense under this proposed ammendment to current law and pay \$200.00 for that offense before they join the class of folk who must pay up to \$1,000.00 for that same offense. Further, it appears that by simple ommission this proposed ammendment would not even afford farm applicators who do not possess a permit the same luxury of a low cost first offense!

Now I'm not quite sure who this ammendment intended to discriminate against, but it seems to be an excellent example of ammendments offered throughout this bill which do not stand consistantly on one side or the other of a regulatory philosophy!

The only philosophy which does seem to course through the veins of this proposed legislation is that of obstructionism and imposition of unjust punishment upon those who are trying to do things right under the law, while it seems to do nothing to stop those who continue to wilfully violate the law.

I am therefor opposed to the passage of this legislation and recommend its defeat.

Thank you for your time

Lewis Roberts

agric

Exhibit #15

WITNESS STATEMENT

Name FRANK L. Redfield Date 3-9-83  
Address Box 227 Copelem MT. 59250 Support ?         
Representing MATA. NAAA. & SELF. Oppose ?   /    
Which Bill ? 802 Amend ?       

Comments:

This bill is primarily a revenue raising bill  
and will not justify the cost to the Producer.

The Dept of Agriculture - for all the power  
necessary to regulate the industry, it will duplicate  
rules already in force by the E.P.A.

The Mont. Pesticide act already exceeds most  
other states.

This bill is almost the same as S.B. 238 that  
was left in the Senate.

We do not need this as we are already well  
aware of the problems.

Please leave prepared statement with the committee secretary.

agric

Exhibit #16

WITNESS STATEMENT

Name GARY J. MARTIN Date 3-9-83  
Address GLASGOW, MT Support ?         
Representing MATA - SELF Oppose ? X  
Which Bill ? HB 802 Amend ?         
Comments:

HB 802 IS A MONEY BILL FOR THE DEPT. OF AG.  
IT ALLOWS FOR POWER BUILDING IN LOCAL GOVERNMENT, WHICH  
COSTS THE TAXPAYER MORE

IT DOES NOT ADDRESS THE SAFER USE OF PESTICIDES.

WE ALREADY HAVE A GOOD MONTANA PESTICIDES  
ACT

Please leave prepared statement with the committee secretary.

agric  
Exhibit #17

WITNESS STATEMENT

Name PHILIP CADWELL Date 3-9-83  
Address 2641 JACKRABBIT LANE, Boyer Support ?         
Representing SELF Oppose ? ✓  
Which Bill ? HB 802 Amend ?       

Comments:

This is a money bill when money is tight.  
We oppose the civil penalties in this bill. For  
instance the one man setting of penalties.  
Higher cost of chemical registrations to chemical  
people.

Please leave prepared statement with the committee secretary.

agric  
Exhibit #17

March 9, 1983

Testimony of:

PHILIP CADWELL Bogerman, N.Y.

Mr Chairman and members of the committee,

For the record, I am Philip Cadwell, an aerial applicator for 22 yrs, and I wish to oppose House Bill 802.

Regardless of its stated intent, HB 802 is a money bill--Page 3, line 25 empowers the Department of Agriculture to establish new fees for training.

Page 8, line 16 increases an application fee by 333%.

Page 10, line 3 establishes a new fee of \$50.00.

Page 13, line 4 increases a fee from 15 to 50 dollars.

Page 13, line 5 triples a licensing fee.

Page 14, line 14 raises a licensing fee from 15 to \$25.00

Page 15, line 12 raises another fee by 333%.

Same page, line 15 increases another fee from \$15 to \$25.

Again the same page, line 20 raises yet another fee by 333%.

Page 16, line 13 establishes another new fee of \$15.

Page 19, line 13 establishes yet another new fee of \$50.

On the same page, line 23 provides preferential financial treatment for Governmental agencies with multiple employee applicators--a feature not offered to the public at large!

Page 20, line 2 offers yet another preferential treatment for Government licensees.

Again on page 20, line 14 raises two separate fines by 500%!

Finally, on the financial issue, page 22, lines 1 and 3 establish new penalties--\$1,000.00 for everyone except farm applicators who are given the right to create the same kinds of situations, but we must only face a \$200.00 penalty. I'm sure Commercial Applicators will have something to say about that!

Lastly, Page 24, lines 15 and 16 provide us all the opportunity

to go through all this agony again in two years if someone decides they don't like the results of this legislative effort, and I'm sure there are plenty of people here feeling that way right now!

Thank you for your time

Philip Cadwell

agric

WITNESS STATEMENT

Exhibit # 18

Name Arnon Cadwell Date 3/9/83  
Address 2641 Parkhill Ln Ogema, Mt Support ?         
Representing <sup>self</sup> Vice President Homer of National Agricultural Union Ass Oppose ? ✓  
Which Bill ? HB 802 Amend ?       

Comments:

The department would be given to much power  
on handing out fines on their definition of misuse.

They have not followed through on existing  
law how well it # help accomplish it.

I'm a consumer of wild game

Please leave prepared statement with the committee secretary.

Exhibit # 19

## WITNESS STATEMENT

Name Michael Biggerstaff Date 3/9/83  
Address Stanford MI Support ?         
Representing MADA' MATA Oppose ? ✓  
Which Bill ? HB 802 Amend ?       

## Comments:

without Agricultural chemicals, the world  
food supply would drop 40% or more  
in one to two years.

We need Agriculture and we need  
Agricultural chemicals.

we all eat.

Please leave prepared statement with the committee secretary.



agreed.  
Exhibit # 20

WITNESS STATEMENT

Name JAMES J. SHEPHERD Date 3-9-82  
Address AIRPORT RD FAIRBURY VT Support ?         
Representing HENRIE H. J. SHEPHERD Oppose ?   X    
Which Bill ? H.B. 802 Amend ?       

Comments:

H.B. 802 REPRESENTS A REPLICATION OF MONTANA PESTICIDES ACT OF 1971. SECTION 3 WILL ESTABLISH A POLICE POWER WITHIN THE DEPARTMENT OF AGRICULTURE.

H.B. 802 SHOULD BE GIVEN A ADVERSE COMMITTEE REPORT OR HAVE H.B. 802 TABLED

*Jim Shep*

SEE ATTACHED SHEETS.

Please leave prepared statement with the committee secretary.

Mr. Chairman and Members of this Committee:

My name is Jim Stroh and I am President of Hensley Flying Service, Inc. of Havre, Montana. For those of you that do not know of Hensley Flying Service: I would be pleased to inform you that Hensley Flying Service is the oldest family owned aerial applicator and the second oldest fixed based operator in one location in the State of Montana. *SINCE 1943*

In regard to H.B. 802 I would like to go back in history just a little. The history of Federal legislation on Pesticide Control begins with the Insecticide Act of 1910 which regulated only insecticides and fungicides. Regulations were included in 1938 governing the use of pesticides on food as an expansion of the 1906 Pure Food Law. The 1910 Insecticide Act was replaced and expanded by the Federal Insecticide, Fungicide and Rodenticide Act of 1947, commonly known today as FIFRA. This act required that all pesticides moving in interstate commerce be registered by the USDA and safe for use. There have been <sup>many</sup> bills since 1947 in regard to pesticides. 1954 the Miller Bill (tolerance limits of pesticides) 1958 the Food Additive Amendment. The Delaney Clause ~~chemical~~ causing cancer in test animals. 1960 the color additive amendment. 1970 the Special Packaging act.

In 1970 the Federal Responsibility for regulating pesticides was transferred to the Environmental Protection Agency. The principal authority given to the EPA in controlling pesticides is given in the 1972 amended Federal Insecticide, Fungicide and Rodenticide Act. The 1972 FIFRA Law requires that all pesticides must be classified for general or restricted use by 1976. *which was accomplished through individual state regulations.*

*STATE OF MONTANA LEVEL*

In 1947 Montana adopted its first pesticide act: entitled the 1947 Insecticide,

Fungicide and Rodenticide Act. This act was administered by the Department of Health. The act was repealed July 1, 1971.

The Montana Pesticide Act, Title 27, Chapter 2, R.C.M., 1947<sup>was</sup> passed by the 43rd legislature in 1971 is administered by the Department of Agriculture. This act is comprehensive in its regulation of the sale and use of pesticides. The act may be subdivided in 3 major areas of responsibility : Registration, Licensing and Enforcement.

The Department of Health administered Montana's Pesticide Act for 24 years. In 1971 the duty was transferred to the Department of Agriculture with the Department of Health and Fish and Game reviewing applications of registration of pesticides. <sup>Part 2</sup>  
~~THE MONTANA PESTICIDE ACT HAS BEEN AMENDED IN 1973, 1979 & 1981~~  
~~In 1971 Section 27 registration of pesticides of the Montana Pesticides Act~~  
~~was rescinded.~~ Here we are in 1983 wanting to go back to 1971 again with introduction of Section 3 Lines 4 thru 9 on page 7 of H.B. 802. (read from H.B. 802)

~~I would like to go into H.B. 802.~~ H.B. 802 is substantially the same bill as S.B. 238. S.B. 238 was killed two times here in this committee and once on the floor of the Senate. <sup>this session</sup> The major difference between H.B. 802 and S.B. 238 is Section 3 dealing with Registration of Pesticides. FIFRA and the Montana Pesticide Act of 1971 clearly defined Registration of Pesticides in Sections 27-217 through 27-220 of the Montana Pesticides Act.

DEPARTMENT OF HEALTH - DEPARTMENT  
OF FISH, WILDLIFE & PARKS

In closing I would voice my concern that H.B. 802 is more restrictive than anything the Environmental Protection Agency would dream up. We do not need another enforcement agency in state government and the Montana Pesticide Act of 1971 is comprehensive in the regulation of the sale, use and enforcement of pesticide use.

<sup>strongly</sup> I oppose H.B. 802 for it would only impose more detrimental penalties to an already sagging agricultural <sup>economy</sup> market in Montana.

Thank you for the opportunity to talk with you today.

*John Stuck*

agris

Exhibit # 31

WITNESS STATEMENT

Name Alice McIntosh Date 3/9/83  
Address N. Havre. Mt. Support ?         
Representing Farmer. & Seed Dealer Oppose ? ✓  
Which Bill ? 802 Amend ?       

Comments:

I am opposed to HB 802. ~~As~~ we already  
have state regulation that cover our chemical needs.  
This bill is negative. will be horribly costly.  
The tri-agency would be difficult to work with &  
disastrous.

Thank you  
Alice McIntosh

Please leave prepared statement with the committee secretary.

Exhibit #22

## WITNESS STATEMENT

Name Louell Jacobson Date 3-9-83  
Address 205 5th St N. Shogun Support ?         
Representing MATA NAAP Self Oppose ? ✓  
Which Bill ? HB 802 Amend ?       

## Comments:

I oppose 802 because of the additional costs.

It doesn't nothing to make our business safer.

Most applicants live within the law now, so any new regulation will have no benefit.

You can buy most of the chemicals we use in  
ret. at the local Grocery Store.

Please leave prepared statement with the committee secretary.

agreed

Exhibit # 23

WITNESS STATEMENT

Name BOB SIEBRASSE Date MAR 9, 83  
Address 535 2ND AVE Support ?         
Representing MGGA Oppose ? ✓  
Which Bill ? HB 904 Amend ?       

Comments:

1. DUPLICATES EXISTING COVERAGE.
2. AGAINST ESTABLISHING A MONTANA EPA.
3. MONTANA HAVING MORE STRICT  
REGULATIONS THAN THE FEDERAL GOVT.

Please leave prepared statement with the committee secretary.



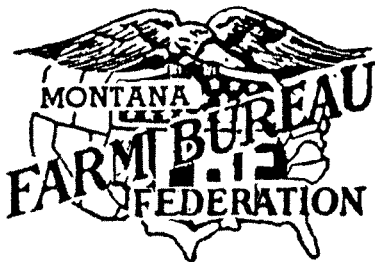
agreed  
3/9/83  
Exhibit # 24  
HB 802

Endrin has been brought up here, again, and I think we realize that this ~~was~~ is a media event. Our progressive neighbors to the North still use Endrin, so how can Montana farmers/applicators ~~be~~ be blamed for increasing Endrin residues when almost none was used in 1982?

Mr. Brown's changing wording back & forth in amendments shows us what really went in to the drafting of this bill.

On page 23, lines 22 - 25 equipment inspection fees are mentioned. What are these? Must be left to Dept. of Ag. to set!

This bill as presented ~~is~~ is an organic farming bill.



**MONTANA FARM BUREAU FEDERATION**

502 SOUTH 19th

Dial 587-3153

BOZEMAN, MONTANA 59715

DATE Mar 9, 1983

NAME Pat Underwood

BILL NUMBER HB 802

SUPPORT                     

OPPOSE XX

AMMEND                     

The Montana Farm Bureau is opposed to HB 802. The detrimental effects of any pesticide or chemical must be compared with it's beneficial value. They are tools of production for this states largest economic interest. They should be evaluated on the basis of solid scientific data and research. While the Department of Agriculture can and should cooperate with other state agencies, control of this important area must stay in their hands. Montana Farmers and ranchers will accept reasonable regulations, but not those which are not in the interests of producers of agricultural products or the consumers. We urge a do not pass on HB 802.



From: Paul W. Jordan  
Saddle Mountain Ranch, Bozeman, MT

Date: 8 Mar 83

To: Senate Agriculture Committee  
Re: H B #802

I am Paul Jordan, a native of Silver Bow County. I am now farming full time on land purchased in the Gallatin Valley in 1951 and added to in 1964. I wish to make only two observations since most features of this bill have been, or will be, covered by others.

I must still oppose civil penalties, or more specifically administrative hearings - regardless of whether they are for imposing regulations on the eating of popcorn in theatres, or on the use of pesticides. This procedure reverses eight centuries in the evolution of justice culminating in what is our U.S. System of Courts with its balance between plaintiff and defendant presided over by an impartial judge.

Administrative hearings are simply not up to judicial standards of proof. In a criminal court of law, guilt must be established beyond a shadow of doubt. In an administrative hearing the preponderance of evidence is all that need be considered. Furthermore the burden of proof is upon the accused - not upon the accuser. The defendant is assumed guilty until he proves otherwise; and the judge and jury are all employed by the same agency. Somehow this makes the applicator and farmer something less than a criminal and surely this must be occupational discrimination.

An attempt to make this bill more palatable is the so-called major violation restriction on the Department, but the basic concept and eventual proliferation of regulatory personnel are still the same. Admittedly there are other bureaucracies using civil penalties as a means of regulation. (OSHA as a well-loved example), but a sandpile is still made of individual grains and to stop the growth of the pile, one must stop adding grains.

My second observation is just that - an observation. Note section 14, the strange last sentence of the bill on pg 24. I doubt if it is there by accident. As I see it, it sunsets the entire section 3 in 1985. Section 3 is on pg 6. To quote: "Section 3 80 - 8 - 201 Registration." End of quote. Who is it that wants to sunset the entire section on registration? I don't think that any of us as farmers or applicators are here to do away with evaluation and registration of pesticides. But somebody wants a clean slate in 2 years. If you gentlemen are tired of all this controversy in 1983, think what 1985 will bring. And it's all part of H B 802!

Thank you,

*Paul W. Jordan*

NORMAN RANCHES  
9800 GEE/NORMAN ROAD  
BELGRADE, MT. 59714  
388-4568

March 9, 1983

Testimony of:

Frank A. Norman Jr. APA Grain Chairman before the Senate Agriculture Committee in session in the Capitol in Helena, Montana

Mr Chairman and members of the committee,

For the record, I am Frank A. Norman, Jr., APA Grain Chairman from Gallatin County, and I wish to oppose House Bill 802.

Page 4, line 11 through the addition of the word "crops" will open up another new area for conflict which will embroil the Department of Ag in another useless debate and place them in the middle of another round of court battles which will only prevent them from accomplishing their original mission--that of fostering the developement of agriculture.

All chemicals used in the production of crops have the potential of causing or increasing damage done to the crop by a myriad of uncontrollable factors inherent in nature. This simple addition of one word will open up another area for unreasonable and unresolvable claims to be filed which will further immerse the Department in investigation and litigation which will prove nothing of value and only waste Taxpayer's dollars and waste the Department's efforts!

For this and many other reasons I am opposed, I repeat opposed to House Bill 802.

Thank you for your time

Frank A. Norman, Jr.

Ex #28 3/9/83  
agric

STATEMENT OF INTENT FOR HB 851

It is the intention of the legislature that the Department of Revenue work closely with agricultural associations and representative of the agricultural community in developing administrative rules on the valuing of agricultural lands for property taxation. The department may adopt administrative rules prior to the next legislative session so long as those rules are not implemented for taxation purposes prior to January 1, 1986.

The legislature further intends to review these rules in 1985 to ensure the department has worked closely with the agricultural groups in developing rules and that those rules treat agricultural land fairly for purposes of property taxation in relation to the Montana Constitution, statutes, and other property.

# STANDING COMMITTEE REPORT

March 9

1983

MR. **PRESIDENT**

We, your committee on **AGRICULTURE, LIVESTOCK & IRRIGATION**

having had under consideration **STATEMENT OF INTENT** **HOUSE** Bill No. **851**

Respectfully report as follows: That **STATEMENT OF INTENT** **HOUSE** Bill No. **851**

be adopted.

## STATEMENT OF INTENT RE: HB 851

It is the intent of the legislature that the Department of Revenue work closely with agricultural associations and representative of the agricultural community in developing administrative rules on the valuing of agricultural lands for property taxation. The Department may adopt administrative rules prior to the next legislative session so long as those rules are not implemented for taxation purposes prior of January 1, 1986.

The legislature further intends to review these rules in 1985 to ensure the Department has worked closely with the agricultural groups in developing rules and that those rules treat agricultural land fairly for purposes of property taxation in relation to the Montana Constitution, statutes, and other property.

First adopted by the Senate Agriculture, Livestock & Irrigation Committee on the 9th day of March, 1983.

# STANDING COMMITTEE REPORT

March 9

19 82

MR. **PRESIDENT**

We, your committee on **AGRICULTURE, LIVESTOCK & IRRIGATION**

having had under consideration **HOUSE** Bill No. **851**

**Jacobsen (Conover)**

Respectfully report as follows: That **HOUSE** Bill No. **851**

**third reading, blue**

**BE CONCURRED IN**

~~XXXXXX~~

**Statement of Intent attached**

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