

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
52nd LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION**

**Call to Order:** By CHAIR LINDA NELSON, on February 11, 1991, at 3:00 p.m.

**ROLL CALL**

**Members Present:**

Linda Nelson, Chair (D)  
Don Steppler, Vice-Chairman (D)  
Bob Bachini (D)  
Joe Barnett (R)  
Gary Beck (D)  
Jane DeBruycker (D)  
Roger DeBruycker (R)  
Jim Elliott (D)  
Marian Hanson (R)  
Harriet Hayne (R)  
Vernon Keller (R)  
Don Larson (D)  
Jim Madison (D)  
Ed McCaffree (D)  
John Phillips (R)  
John Scott (D)

**Staff Present:** Connie Erickson, Legislative Council  
Claudia Johnson, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**HEARING ON HB 574**

**Presentation and Opening Statement by Sponsor:**

REP. BOB THOFT, House District 63, Stevensville, said this is new legislation. It provides protection for the research scientists in Montana that are working on biological weed control. He said the most important part of this bill is on page 7. The bill provides for a registration of \$50 for insectories or sites where insects or plant pathogens are propagated, reared, sold, released, distributed, or collected for weed control. The bill requires recordkeeping and establishes violation penalties not to exceed \$5,000 for each occurrence. He distributed amendments

that will clarify some of the language in HB 574. EXHIBIT 1

Proponents' Testimony:

Jim Story, Entomologist, Montana State University (MSU), Bozeman, said that leafy spurge and spotted knapweed are serious rangeland problems throughout Montana. He said the lack of introduction of new insect species cannot effectively regulate those weed populations in their areas of origin, primarily in eastern Europe. For the past 15 years, MSU and the USDA have joined together to fill this void by introducing close to seventy natural enemies, primarily insects, to biologically control these weeds. Mr. Story said MSU has invested between \$20,000 to \$120,000 per insect species. There are limited funds available, and the process is very slow in building a large population of these insects. He said these insects are borrowed by weed managers for their rangelands to help control the weeds. The demand is so great for these insects that the market value has increased to the point that unscrupulous private entrepreneurs have begun pilfering the initial release sites. This threatens Montana's investment in the program itself and is also the reason why they encourage the private sector to become involved. The distribution of these insects is the reason for the regulations described in this bill.

Celestine Lacy, Weed Management Services, Helena, wanted to go on record in support of HB 574. She said this bill is in the interest of science as well as the overall weed control program. She felt it would help regulate some of the problems that are occurring at this time.

Opponents' Testimony:

Dave Burch, Montana Weed Control Association, said he is opposed to the bill the way it is written. He distributed information. EXHIBIT 2 He said at present there is only one person in the state this bill would affect and felt it was an attack on private industry and would be cost prohibitive. He said this started as an cooperative agreement between MSU, government agencies and the private sector, and that is the way it should be. If the amendments were added that REP. THOFT presented, the bill would be more acceptable.

Questions From Committee Members:

REP. LARSON asked REP. THOFT how other states handle this problem. REP. THOFT said other states do not have this problem because Montana is the leader in the northwest and probably the western United States.

REP. LARSON asked if there is an integrated research going on with other states or Canada. Mr. Story said they work very closely sharing the research and funding of the insects with these other states. With Montana being the forerunner and this

being a new program, they are just getting off the ground.

Closing by Sponsor:

REP. THOFT said this bill protects the researchers and insects until the time comes for them to share that information with other researchers in the northwest and other countries, e.g., Canada.

HEARING ON SJR 7

Presentation and Opening Statement by Sponsor:

SEN. ETHEL HARDING, Senate District 25, Polson, said this resolution is from the 1989 Legislature. It is a joint resolution asking the United States Congress and the United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA/APHIS), to support, through appropriate funding, Montana's and other western states' research efforts to provide required data to the Environmental Protection Agency (EPA) to maintain certain rodenticide registrations; urging EPA support for the Montana Department of Agriculture management plan for the use of strychnine within acceptable federal standards; and urging cooperation between the EPA, the chemical producers, and the states to register rodenticides. She said this resolution will help support the funding for the Denver Wildlife Research Center to continue research to provide the necessary data to the EPA to maintain the registrations of strychnine and Compound 1080 for rodenticide purposes. The research was not completed resulting in the suspension of registrations of strychnine and Compound 1080 by the EPA. The Denver Wildlife Research Center still has the resources necessary to provide the required data but lacks the necessary funding.

Proponents' Testimony:

George A. Algard, Montana Department of Agriculture, said the funding is needed to provide the additional research at the Denver Research Center so registration can be maintained on strychnine and Compound 1080. Both of these compounds are used by federal and state agencies to help control rodent problems. He said with neither of the compounds produced by large companies, when it comes to doing the research necessary to get them registered for EPA, it falls back on the states, federal agencies, and in some cases onto persons or groups. At the current time, the funding needed for these two products is somewhere between half a million dollars and \$3 million per compound, and Montana cannot afford it. He urged the committee to pass this resolution to urge the U.S. Congress for the funding so the research center can continue its study. He said as a result of the EPA cancellation of strychnine, a management plan has been developed in Montana that proposes the use of strychnine to control rodents, e.g., ground squirrels, but yet provides protection for the endangered species in Montana. He said the

Montana Department of Fish, Wildlife and Parks, has worked with the U.S. Fish, Wildlife and Parks Service for the protection of Montana's endangered species: the gray wolf, grizzly bear, bald eagle, and the black footed ferret. He said this plan is feasible and it is a way to continue the use of strychnine for those people that need it for rodent control.

Opponents' Testimony: None

Questions From Committee Members: None

Closing by Sponsor:

SEN. HARDING thanked the committee for a good hearing.

HEARING ON SB 161

Presentation and Opening Statement by Sponsor:

SEN. CECIL WEEDING, Senate District 14, Jordan, said this bill authorizes the Department of Agriculture to establish a voluntary waste pesticide reporting system and directs the department to develop a proposed waste pesticide disposal program that will record the waste chemicals that are in Montana. Because they are hazardous substances, these pesticides are very costly to dispose of. Montana and its citizens have an interest in providing for the proper disposal of waste pesticides for purposes of protecting public health and safety, ground water quality, and other resources. This bill will require the department to run a survey on how many hazardous chemicals are out there; it should not involve any costs.

Proponents' Testimony:

Chris Kaufman, EPA Center, said this is an age of great concern with environmental contamination, and many farmers are sitting on time bombs. The disposal costs for waste pesticides that are sold for a couple of dollars is running into thousands of dollars. Farmers do not have any low-cost legal options to get rid of these waste chemicals. The chemicals are stored in barns or storage sheds. She said time is running out; landfills will not accept the chemicals; corrosion is taking its toll on containers that were meant to be used for only a short period of time. She said that many banks are now asking for on-site inspections to determine chemical liability before making loans. Many states have responded to this by setting up pesticide programs. She felt Montana needs to have this information to be able to set up an effective program so by next legislative session they would be able to see what needs to be done and what types of programs are needed to handle these chemicals.

Susan Lenard, Montana Audubon Legislative Fund, said the Audubon family supports SB 161. This bill is the first step in providing means for proper disposal of waste pesticides. It will allow

information on the types of pesticides no longer needed and those chemicals that remain potential health and environmental hazards. She asked the committee to please consider passage of SB 161.

**Jim Barngrover, Alternative Energy Resources Organization (AERO),** said AERO is a membership organization of farmers and ranchers that are committed to improving the productive capability of the farms and ranches. He said this is an important study; the more knowledge that is gained the better opportunity the people have for solving this problem. He said it is not known how many different types of pesticide chemicals are stored around Montana nor do they know where they are stored, but felt there were many types out there. He asked the support of the committee for SB 161.

**Pam Langley, Montana AgriBusiness Association,** said the association is comprised of companies, distributors, dealers, and applicators of the pesticide products. There are also large and small businesses and co-ops. She said surveys have been done with some companys' products to make sure they are used safely and stored properly. She said this bill addressed two issues: 1) waste pesticides; and 2) pesticide containers. She said Montana Farmer's Union and Montana Grain Growers attempted last summer to take a survey of where and what kinds of waste chemicals there are. She said a pilot program will be starting in July in Billings and Great Falls to address these issues.  
**EXHIBIT 4**

Opponents' Testimony: None

Questions From Committee Members:

**REP. MCCAFFREE** asked if the department can do this within the current budget. **SEN. WEEDING** said the department can do this because they do the pesticide training program. **REP. MCCAFFREE** said there is still some arsenic around, would this program take care of that also. **SEN. WEEDING** thought it would. He asked **Gary Gingery** from the Agriculture Department if he would answer. **Mr. Gingery** said arsenic products that were abandoned are certainly included in this program.

**REP. KELLER** asked **Pam Langley** if the metal containers that held the hazardous waste would have to be washed before they were crushed. **Ms. Langley** said they do have to be clean before the recyclers will accept them. **REP. KELLER** asked how would the containers be cleaned when they have started to corrode or rust. **Ms. Langley** said they would have to call the Department of Agriculture pesticide program.

Closing by Sponsor:

**SEN. WEEDING** said there is a liability when a person has these chemicals in their possession. He said there are a number of dealers and applicators that need a place to put the chemicals

without the expensive cost.

EXECUTIVE ACTION ON SB 161

Motion: REP. ELLIOTT MOVED SB 161 BE CONCURRED IN.

Motion/Vote: Question was called. Voice vote was taken.

Vote: SB 161 BE CONCURRED IN. Motion CARRIED unanimously.

EXECUTIVE ACTION ON SJR 7

Motion: REP. PHILLIPS MOVED SJR 7 BE CONCURRED IN.

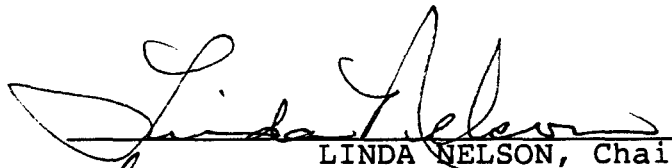
Motion/Vote: Question was called. Voice vote was taken.

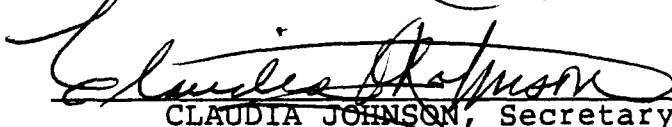
Vote: SJR 7 BE CONCURRED IN. Motion CARRIED 15 to 1 with REP. ELLIOTT voting no.

Connie Erickson, Legislative Council, said she was questioned about the provision in HB 549 that extends the termination date on Chapter 516, Laws of 1987. Chapter 516 dealt with the reporting requirements and liability restrictions on herbicides. The termination date in this 1987 legislation was put in by the Senate Agriculture Committee, more out of concern for the liability issue rather than the issue of weed control.

ADJOURNMENT

Adjournment: 5:00 p.m.

  
LINDA NELSON, Chair

  
CLAUDIA JOHNSON, Secretary

LN/cj

**HOUSE OF REPRESENTATIVES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION COMMITTEE**

**ROLL CALL**

DATE 2-11-91

NAME	PRESENT	ABSENT	EXCUSED
REP. DON STEPLER, VICE-CHAIRMAN	✓		
REP. BOB BACHINI	✓		
REP. JOE BARNETT	✓		
REP. GARY BECK	✓		
REP. JANE DEBRUYCKER	✓		
REP. ROGER DEBRUYCKER	✓		
REP. JIM ELLIOTT	✓		
REP. MARIAN HANSON	✓		
REP. HARRIET HAYNE			✓
REP. VERNON KELLER	✓		
REP. DON LARSON	✓		
REP. JIM MADISON	✓		
REP. ED MCCAFFREE	✓		
REP. JOHN PHILLIPS	✓		
REP. JOHN SCOTT	✓		
REP. LINDA NELSON, CHAIR	✓		

HOUSE STANDING COMMITTEE REPORT

February 11, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that Senate Bill 161 (third reading copy -- blue) be concurred in .

Signed: \_\_\_\_\_  
Linda Nelson, Chairman

Carried by: Rep. Gilbert



HOUSE STANDING COMMITTEE REPORT

February 11, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that Senate Joint Resolution 7 (third reading copy -- blue) be concurred in .

Signed: \_\_\_\_\_  
Linda Nelson, Chairman

Carried by: Rep. Mercer

**2/11/91**

**Exhibit 1 was not transmitted with the minutes.**

# MONTANA WEED CONTROL ASSOCIATION

EXHIBIT 2  
DATE 2-11-91  
HB 574

WRITTEN TESTIMONY FOR HB 574  
MONTANA WEED CONTROL ASSOCIATION  
DAVE BURCH, PRESIDENT ELECT

For the record my name is David Burch representing the Montana Weed Control Association. The Association wishes to go on record opposing HB 574. HB 574 is creating more bureaucracy which is not needed. There is at present only one person in the state that this bill would affect. I feel that it is an attack on the private Industry, and would be cost prohibitive.

You have to understand how Biological Control works, it is a very slow process, to get a Biological agent put through the proper stages, (studies and quarantine) so it can be released it takes several years. Once the Bio-agent is released it is usually released in such small numbers that it takes years to build up enough insectaries or sites to help control the targeted pest. I do not believe that setting up and requiring registration for bio control agents is necessary. Instead of using the money in this way, why not use it for the coordination and redistribution of the Bio-control agents and get a practical use out of our money. What is really needed is a mapping system of all bio-control agents, including those released by Government Agencies and the Montana State University systems and their employees. It would also elevate the problem of insectory or site duplication.

EXHIBIT 2  
DATE 2-11-91  
HB SJR 7

Statement by the Montana Department of Agriculture on Senate Joint Resolution No. 7.

Presented to the House Committee on Agriculture, Livestock and Irrigation February 11, 1991.

Appearance before the Committee by Department personnel was at the request of Senator Ethel Harding to provide technical and background information on SJR 7. Department employees present:  
George Algard, Bureau Chief, Technical Services Bureau,  
Environmental Management Div.

STATEMENT:

Field rodents, which include ground squirrels, pocket gophers, prairie dogs and field mice, cause significant damage to agricultural crops in Montana. These burrowing rodents reduce crops yields by foraging on pasture, hay and grain crops. The presence of rodent mounds and burrows results in damage to farm machinery and irrigation structures and injury and loss of livestock. Losses to the Montana agricultural community from field rodents are estimated at 30 million dollars per year.

The ability of agricultural producers in Montana and other western states to manage field rodent damage to their crops has been severely restricted because of the loss of effective and economical rodenticides such as strychnine and Compound 1080. The rodenticides that remain available are not sufficiently effective or can not be applied economically to the large acreages often populated by these rodents.

The U.S. Environmental Protection Agency (EPA) requires the registration of all pesticides, including rodenticides, used in the U.S. Rodenticides, such as strychnine and Compound 1080, have been cancelled by EPA largely because re-registration requirements required by EPA have not been met. Data collection needed for registration of these rodenticides is expensive, ranging from \$500,000 to \$3,000,000 per registration. The registrants, primarily small companies and government agencies, have not had sufficient funds to gather registration data.

In the U.S., the USDA Denver Wildlife Research Center (DWRC) is one of the primary entities for the registration of vertebrate pesticides, especially field rodenticides. The DWRC has the necessary research staff and facilities to gather registration data for the traditionally used rodenticides or the development of new alternatives. However, the Center lacks the necessary funding. SJR 7 addresses this issue by urging Montana's Congressional Delegation to support funding for the DWRC through the USDA budgeting process.

A major concern surrounding vertebrate pesticides, including field rodenticides, is their potential to cause nontarget deaths. EPA's process for the registration of pesticides is rigorous.

NEWS RELEASE

**Pesticide Applicator/Dealer Survey**

A survey of Montana pesticide dealers and applicators showed a commitment to environmental protection, changing packaging of pesticide products, and efforts to handle them carefully. The survey results also projected needs to implement statewide programs to handle disposal of pesticide containers and pesticides, to increase educational efforts and to implement mixing/loading site rules.

Results of the survey were released by the Montana Agricultural Business Association (MABA), Montana Aviation Trades Association (MATA) and the Montana Department of Agriculture. The three organizations mailed 1,123 surveys to licensed commercial and government applicators and 529 surveys to licensed dealers. Some 300 (27 per cent) of the applicators and 130 (25 per cent) of the dealers returned the surveys.

The goal of the survey was to obtain trend information on disposal of pesticides and pesticide containers, the primary disposal issues for pesticide applicators and dealers, and related use, sale and disposal operation issues, according to Gary Gingery, head of the Environmental Management Division in the Montana Department of Agriculture.

The survey included not only dealers and applicators serving the agriculture community but also lawn and garden applicators, weed district and other government applicators.

**Container Rinsing, Disposal**

A significant majority of applicators, 88 per cent, reported they are triple or pressure rinsing pesticide containers. Proper and thorough rinsing converts containers from a potential hazardous waste to a solid waste and protects ground water from potential impairment at a disposal or recycling site.

The applicator survey also indicates that the majority of pesticide containers are being disposed of in public and private landfills at the present time.

**Pesticide Disposal**

Some 22 per cent of dealers and 14 per cent of applicators reported that they have cancelled/suspended or damaged (too old, frozen, separated, water soaked granules, etc.) pesticides stored awaiting disposal.

Pam Langley, MABA executive director, said "this indicates two things. First, these applicators and dealers are environmentally responsible--they are storing the products until

EXHIBIT 4  
DATE 2-11-91  
HB SB 161  
House Agriculture  
Committee

**SUMMARY**

**OF**

**PESTICIDE APPLICATOR and DEALER**

**DISPOSAL SURVEY**

**MONTANA AGRICULTURAL BUSINESS ASSOCIATION**

**MONTANA AVIATION TRADES ASSOCIATION**

**and the**

**MONTANA DEPARTMENT OF AGRICULTURE**

**November 1990**







