

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION

Call to Order: By **CHAIRMAN VERN KELLER**, on March 9, 1993, at
3:00 P.M.

ROLL CALL

Members Present:

Rep. Vern Keller, Chairman (R)
Rep. Joe Barnett, Vice Chairman (R)
Rep. Shiell Anderson (R)
Rep. Bob Bachini (D)
Rep. Ervin Davis (D)
Rep. Bill Endy (D)
Rep. Harriet Hayne (R)
Rep. Don Larson (D)
Rep. Gary Mason (R)
Rep. Bill Rehbein (R)
Rep. Sam Rose (R)
Rep. Dore Schwinden (D)
Rep. Wilbur Spring (R)
Rep. Wayne Stanford (D)
Rep. Jay Stovall (R)

Members Excused: Rep. Jody Bird

Members Absent: None

Staff Present: Dave Bohyer, Legislative Council
Jaelene Racicot, Committee Secretary

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

Committee Business Summary:

Hearing: SB 393, SB 334
Executive Action: SB 350, SB 383, SB 393

HEARING ON SB 393

Opening Statement by Sponsor:

SEN. HARRY FRITZ, SD 28, Missoula, stated that the intent of SB 393 is to allow the Department of Agriculture to inform the schools in Montana of the health and environmental dangers of pesticides.

Proponents' Testimony:

Leo Giacometto, Director, Department of Agriculture, stated that SB 393 would be a model for the nation to explain to school children the dangers of pesticides. Mr. Giacometto said that there would not be any fee increases as the result of the passage of SB 393.

Bob Stephens, Montana Grain Growers, urged the committee to support SB 393.

Mark Daspit, Montana Audubon Legislative Fund, presented written testimony. EXHIBIT 1

Brad Culver, Association of Montana.....Ornamental Professionals, stated that the Association supports SB 393.

Tony Rausch, Rausch Guaranteed Pest Control, stated that he supports SB 393 because it will eliminate the misuse of chemicals by janitors and pest control officials who have not been using the chemicals properly.

Pam Langley, Montana AgriBusiness Association, stated that SB 393 will set some guidelines throughout Montana's schools. She urged the committee to pass SB 393.

Sanna Kiesling, Office of Public Instruction, stated that Montana has always been dedicated to education and this bill just substantiates that belief. SB 393 will protect children from the use of toxic chemicals around schools and will provide schools a tool with which to teach the hazards of chemicals.

Brian McNett, Montana Environmental Information Center (MEIC), stated that the MEIC supports SB 393.

Will Snodgrass, Missoulians For Clean Environment, stated that schools around the country are beginning to adopt this program. He urged the committee to pass SB 393. EXHIBITS 2, 3, and 4

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. ROSE asked if there will be any outside funding for this program. Mr. Giacometto said it was the Department's intent that the funding currently in place would pay for this program.

REP. SPRING asked Ms. Kiesling if there was evidence of Montana's children being affected by pesticides sprayed around schools. Ms. Kiesling said that she did not have any evidence for Montana.

REP. SCHWINDEN asked Ms. Kiesling if this program would be included in the university program. Ms. Kiesling replied that it will be available for children in grades kindergarten through 12.

Closing by Sponsor:

SEN. FRITZ closed.

REP. LARSON was asked to carry SB 393 on the House floor.

HEARING ON SB 334

Opening Statement by Sponsor:

SEN. TOM BECK, SD 24, Deer Lodge, stated that SB 334 creates a waste pesticide and pesticide container program. To accomplish a means to distribute the containers throughout the state, they will have to increase the fees on applicators, the applicator's licenses, and distributors. The question is what to do with the containers after the chemicals are used. The Department of Agriculture will administer the program. The second issue that SB 334 deals with is enabling companies to use chemicals for six years after a chemical is no longer registered. This does not include a chemical that was withdrawn from the market due to hazardous effects. SB 334 deals with chemicals which people do not register with the EPA. If the chemical is not registered, then they can use the chemical for up to six years. SB 334 gives the Department of Agriculture authority to establish rules. It changes the farm applicators training requirements to be equal with the commercial applicator requirements and provides funding for the training. A major change occurred in the bill when the Senate Natural Resource Committee deleted section 4. Also, section 10 was rewritten as a compromise for the concerns of environmentalists and the pesticide industry.

Proponents' Testimony:

Leo Giacometto, Director, Department of Agriculture, stated that SB 334 will help address concerns which may arise down the road. The increased fees will fund the program to handle the used chemical containers. The department is concerned that if a person purchases a supply of chemicals and the manufacturer does not register that chemical, the purchaser should have the opportunity to use those chemicals in the six-year allotted time period. The primary concern was the use of chemicals to control mosquitos. Chemical applicators and dealers are the ones responsible for paying for the disposal of the used chemical containers.

Pam Langley, Montana AgriBusiness Association (MABA), said the MABA supported SB 334. EXHIBITS 5 and 6 Ms. Langley indicated that section 10 has been controversial. Section 4 was killed in committee and when it came to the floor there were two different amendments by SEN. BARTLETT and SEN. GROSFIELD. The amendments did pass and as a result created section 10.

Section 4 prohibited localities from doing anything dealing with

pesticides regulations.

The main concern of section 10 was uniformity and the scientific expertise available on the state level as opposed to what transpired in Missoula. An example of uniformity would be if Missoula was going to have local regulation, then the regulation would be the same any other area. This just provides an option.

Bill Sheets, Association of Montana Aerial Applicators, stated that AMAA supports SB 334. They believe the bill constructively addresses and supports good environmental stewardship.

Brian McNett, Montana Environmental Information Center, stated that MEIC supports the passage of SB 334.

Brad Culver, Association of Montana Turf Ornamental Professionals and a lawn care provider in Helena, stated that a problem could arise with the time to post an area at the time of a pesticide application. If cities and towns could enact their own pesticide regulations without regard to consistency or review, they might have a situation that occurred in Missoula. This proposal was placed before the voters. It would require anyone, whether you were a commercial applicator treating an entire lawn, or a homeowner treating a rose bush, to place 8 inch by 10 inch florescent orange or yellow signs at all conspicuous points of entry on the property 48 hours prior to the time of pesticide applications. Then, they would be required to leave these signs up for 72 hours after the application of the pesticide occurred. This would have required three trips to the location to make one pesticide application. The question of liability in the event a sign is inadvertently damaged or removed may make this type of proposal unworkable.

Doug Johnson, Cascade Country Mosquito Control Association, stated that they have had problems in the past and there were usually more problems in the smaller districts. Mr. Johnson urged the committee to concur with SB 334.

Randy Johnson, Montana Grain Growers Association (MGGA), stated that the MGGA supports SB 334. SB 334 will do two things: 1) it will give farmers important tools to continue using pesticides on the farms in a safe and responsible manner. 2) it calls for uniform statewide pesticide regulation. This will assure the farmers that the regulations on pesticides will be based on scientific and technical information. This factor would curb any excess regulations on the use of pesticide chemicals.

Candace Torgenson, Montana Stockgrowers Association and the Montana Woolgrowers Association, stated that both Associations support SB 334.

John Youngberg, Montana Farm Bureau, stated they support the passage of SB 334.

Tony Rausch, Rausch Guaranteed Pest Control, said that he supports SB 334 in its present form. EXHIBIT 7

Opponents' Testimony:

Will Snodgrass, self, stated that the real intent of SB 334 is to shift the responsibility of the recycling cost from the chemical companies to farmers and ranchers. Mr. Snodgrass said that he would like to see the committee amend SB 334 to give the people more local authority to administer the regulation of pesticides. He also said that you cannot have uniform pesticide laws because Montana has different types of soils, weather patterns, and terrain. As a result, more authority needs to be given to the local communities. EXHIBITS 2,3, and 4

Questions From Committee Members and Responses:

REP. ANDERSON asked **Gary Gingery, Administrator, Agricultural and Biological Sciences Division, Department of Agriculture**, why these pesticides were not being re-registered. Mr. Gingery said the EPA has been charged with accomplishing the registration of pesticides and subjecting pesticides to new scientific studies. In that process, the products are not being taken off, but it is the particular uses that are being eliminated. Economically, it would not be beneficial for the EPA to do all of the testing to maintain regulation for an insignificant use. For a majority of the uses, a person will still be required to register. Mr. Gingery stated that a few companies have indicated they do not want to go through the re-registering process, therefore they have taken the product off the market. Mr. Gingery also said that the reason the six years was implemented in the bill was because few people had stockpiled thousands of dollars of chemicals.

REP. SPRING asked **Mr. Giacometto** if herbicides would be handled the same way as pesticides. Mr. Giacometto replied yes, herbicides would be handled in the same manner.

REP. ROSE asked **Mr. Giacometto** if there was a possibility that each farmer would be required to have a cement pad, draining field and washing facilities. Mr. Giacometto said that the EPA can create standards to regulate farmers more extensively than what is happening now. If the EPA mandates regulations, then the Department of Agriculture is designated to regulate and help educate the people of the state.

REP. SCHWINDEN asked **Mr. Gingery** how the collection of pesticide containers and recycling was going to take place. Mr. Gingery replied that there are a number of firms in the state which are potentially qualified to dispose of these containers. The department would go out and get a bid on qualifications, describe the project and ask the private firms to bid their qualifications and explain their experience handling toxic chemicals. After that, the department would ask the top applicants to bid for the

projects. Mr. Gingery also said that out-of-state companies would be considered in the bidding process.

REP. SCHWINDEN asked Mr. Gingery about the study conducted by the department on this issue. He wondered about the liability of the contractors collecting hazardous wastes. Mr. Gingery said that the liability deals with products that would go to a hazardous waste site out-of-state. When one puts toxic chemical containers in an approved hazardous waste site, that person would have liability for the lifetime of the site. Mr. Gingery added that the department believes there is a way to work out the liability issue dealing with hazardous waste sites--the companies would have to be willing to assume all or at least a portion of the liability.

REP. ROSE asked Mr. Giacometto if he could give an example of where a person would be restricted from using a chemical. Mr. Giacometto replied that he could not give a particular example. The department has the authority to say that a farmer should not use chemicals at a particular time because it may pose a problem. Therefore, the department is required to regulate the use of chemicals.

REP. LARSON asked Mr. Gingery if the EPA was mandating this program for Montana or requesting that we take care of the disposal of these chemicals. Mr. Gingery replied that at the present time, the department working under more than one EPA mandate.

Closing by Sponsor:

SEN. BECK said he had received an amendment from Mr. Giacometto, which is on page 23 line 19. The intent of the bill was to add \$15 for a license renewal. What it says in the bill is an annual \$15 assessment, however, the license is for a 5-year period. The amendment would strike the word, "annual". SEN. BECK stated that this bill is good for the environment and urged the committee to pass SB 334.

REP. KELLER was asked to carry SB 334 on the House floor.

EXECUTIVE ACTION ON SB 350

Motion: REP. BACHINI MOVED SB 350 BE CONCURRED IN for the purpose of discussion.

Discussion: Mr. Bohyer explained an amendment by SEN. FORRESTER. EXHIBIT 8

Motion/Vote: REP. BACHINI moved to adopt the amendment. The motion carried unanimously.

Motion/Vote: REP. BACHINI MOVED SB 350 BE CONCURRED IN AS AMENDED. The motion carried unanimously.

EXECUTIVE ACTION ON SB 383

Motion: REP. ANDERSON MOVED SB 383 BE CONCURRED IN.

Discussion: REP. ROSE said at the present time, they were utilizing two streams out of 10 and wondered why the bill was amended to 20 streams. SEN. GROSFIELD said that the original bill eliminated any reference to the number of streams. The Senate Agriculture Committee thought that was a little broad which was why 20 streams was suggested. Originally there were five streams, the last legislative session amended it to 10.

Motion/Vote: SB 383 BE CONCURRED IN. The motion carried unanimously.

REP. LARSON requested the committee defer executive action on SB 334 until a later date.

EXECUTIVE ACTION ON SB 393

Motion/Vote: REP. BACHINI MOVED SB 393 BE CONCURRED IN. The motion carried unanimously.

ADJOURNMENT

Adjournment: 4:40 P.M.



VERN KELLER, Chairman



JAELENE RACICOT, Secretary

HOUSE OF REPRESENTATIVES

AGRICULTURE, LIVESTOCK, & IRRIGATION COMMITTEE

ROLL CALL

DATE

3/9/93

NAME	PRESENT	ABSENT	EXCUSED
REPRESENTATIVE SHIELL ANDERSON	✓		
REPRESENTATIVE BOB BACHINI	✓		
REPRESENTATIVE JOE BARNETT V.C.	✓		
REPRESENTATIVE JODY BIRD			✓
REPRESENTATIVE ERVIN DAVIS	✓		
REPRESENTATIVE BILL ENDY	✓		
REPRESENTATIVE HARRIET HAYNE	✓		
REPRESENTATIVE DON LARSON MIN. V.C.	✓		
REPRESENTATIVE GARY MASON	✓		
REPRESENTATIVE BILL REHBEIN	✓		
REPRESENTATIVE SAM ROSE	✓		
REPRESENTATIVE DORE SCHWINDEN	✓		
REPRESENTATIVE WILBUR SPRING	✓		
REPRESENTATIVE WAYNE STANFORD	✓		
REPRESENTATIVE JAY STOVALL	✓		
CHAIRMAN VERN KELLER	✓		

HOUSE STANDING COMMITTEE REPORT

March 10, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that Senate Bill 350 (third reading copy -- blue) be concurred in as amended .

Signed: _____
Vern Keller, Chair

And, that such amendments read: Carried by: Rep. Rose

1. Page 5, line 23.

Following: "may"

Insert: "also"

2. Page 5, lines 23 and 24.

Following: "charge" on line 23

Strike: the remainder of line 23 through "and" on line 24

3. Page 6, line 24.

Following: "may"

Insert: "also"

4. Page 6, line 24 through page 7, line 1.

Following: "charge" on page 6, line 24

Strike: the remainder of line 24

through "and" on page 7, line 1

-END-

Committee Vote:
Yes 15, No 0.

541450SC.Hpf

HOUSE STANDING COMMITTEE REPORT

March 9, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that Senate Bill 383 (third reading copy -- blue) be concurred in .

Signed: _____
Vern Keller, Chair

Carried by: Rep. Anderson

Committee Vote:
Yes 15, No 0.

531645SC.Hpf

HOUSE STANDING COMMITTEE REPORT

March 9, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that Senate Bill 393 (third reading copy -- blue) be concurred in .

Signed: _____
Vern Keller, Chair

Carried by: Rep. Larson

Committee Vote:
Yes 15, No 0 .

531647SC.Hpf



Montana Audubon Council

State Office: P.O. Box 595 • Helena, MT 59624 • (406) 443-3949

3/09/93

Chapters:

Bitterroot Audubon
Bitterroot Valley

Flathead Audubon
Flathead Valley

Five Valleys Audubon
Missoula

Last Chance Audubon
Helena

Pintlar Audubon
Southwest Montana

Rosebud Audubon
Miles City

Sacajawea Audubon
Bozeman

Upper Missouri
Breaks Audubon
Great Falls

Yellowstone Valley
Audubon
Billings

Chairman, members of the committee. My name is Mark Daspit, I represent the Montana Audubon Legislative Fund. I am here today in support of Senate Bill 393.

Audubon is supportive of legislation that helps protect the health of all. We feel that the Department of Agriculture should be granted the authority to create a program to manage pesticides on school property

Children spend, on the average, 7 hours a day, 5 days a week in school for 9 months out of each year. Audubon feels that the passage of this bill will help to create a more healthful environment for the children to be educated in.

Thank You



Mark E. Daspit

WHAT THE EXPERTS SAY ABOUT PESTICIDES IN SCHOOLS

"An especially serious concern for children exposed to pesticides is neurotoxicity, or effects on the brain and nervous system. Neurotoxic effects can range from headaches, dizziness, and memory loss to learning disabilities, hyperactivity and permanent brain damage. Damage to the immune system can result in increased problems with allergies, asthma and hypersensitivity to chemicals and a reduced ability to combat infections and cancer."
 -Kevin Thorpe, PhD, "The Dangers of Pesticides in Schools," PTA TODAY, February, 1988.

"If a child has a problem in school because his nervous system is being depressed, that is going to affect him as an adult because he won't be able to read or write properly."
 -Beverly Paigen, M.D., "Pesticides in Schools: Focus Shifting From Indifference to Concern," EDUCATION WEEK, April, 1988.

"I actively support efforts to reduce student and staff exposure to environmental health hazards. The health and safety of our students, staff and community are always a primary concern of this school district. The importance of a safe and healthy learning environment cannot be emphasized enough."
 -Dr. Thomas Payzant, Superintendent, San Diego Unified School District. October, 1990.

Generous Support Provided By:

- Ben & Jerry's Foundation
- Linnie Cooper Foundation
- Charles Stewart Mott Foundation
- The Nor-AI Memorial Fund/Common Counsel

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SCHOOL PESTICIDE USE REDUCTION (S.P.U.R.) PLEDGE:

I PLEDGE TO SUPPORT SCHOOL PESTICIDE USE REDUCTION.

Yes, I want to support the S.P.U.R. program with my tax deductible donation.

- \$250 \$100 \$60 \$40 \$25 \$15(students/seniors)

Please print:

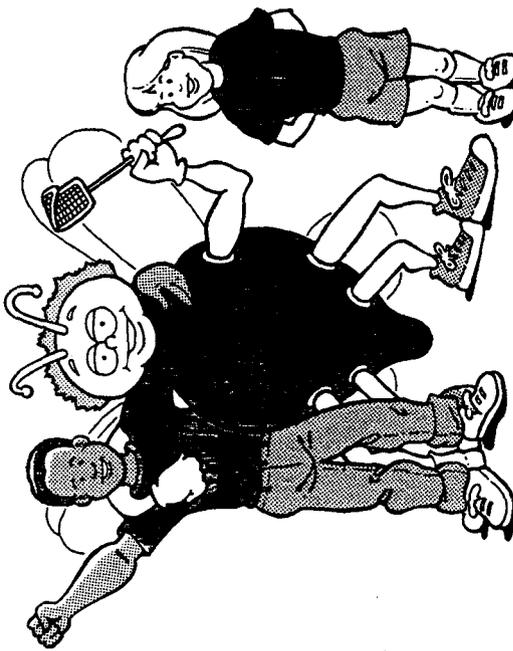
Name: _____ Phone: _____

Street: _____

City: _____ State: _____ Zip: _____

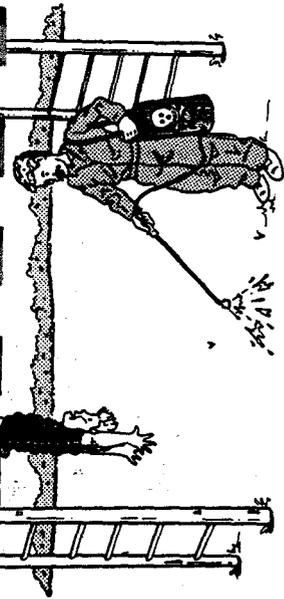
Please mail to: Environmental Health Coalition, 1717 Kettner Blvd., Suite 100, San Diego, CA 92101. Phone (619) 235-0281.

EXHIBIT
 DATE 3/1/93
 SB 393



working together for pesticide-free schools.

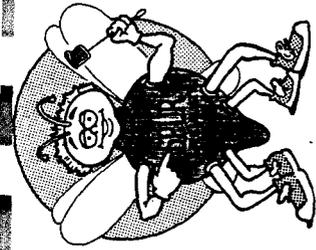
Environmental Health Coalition
 1717 Kettner Blvd., Suite 100
 San Diego, California 92101
 Phone (619) 235-0281



PESTICIDES IN SCHOOLS CAN ENDANGER CHILDREN

- Managing pests, such as insects, weeds, rodents and plant disease, in schools has become increasingly reliant on toxic chemicals which includes most pesticides.
- Children are particularly vulnerable to the dangers of toxic chemicals because of their immature and developing physiological systems.
- Many pesticides used in schools are neurotoxins which affect the brain and nervous system. Behavior and learning disabilities can result.
- 90% of pesticides are inadequately tested for their health and environmental hazards.
- Most physicians are not trained to recognize low level exposure to pesticides. Consequently, pesticide related illnesses are frequently misdiagnosed. Symptoms can include: headache, nausea, loss of appetite, irritability and flu.

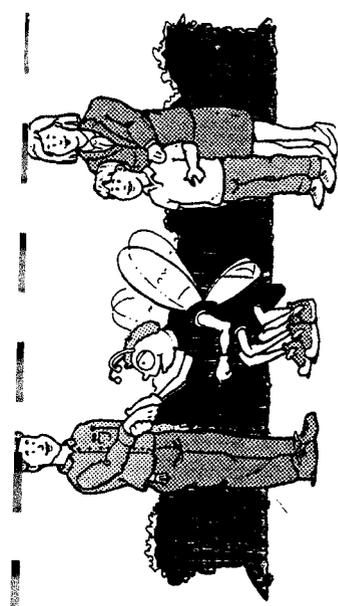
WE MUST PROTECT EVERY CHILD'S RIGHT TO LIVE AND LEARN IN A HEALTHY ENVIRONMENT.



THERE ARE SAFE AND EFFECTIVE ALTERNATIVES TO PESTICIDES

- Pests can be managed safely, effectively and economically without toxic chemicals.
- A different approach, called Integrated Pest Management or IPM, is required.
- IPM is a plan for managing pest populations with the least possible hazard to people, property and the environment.
- IPM is a decision making process that recommends toxic pest control chemicals only as a last resort.
- Alternatives include: prevention strategies, physical controls, biological controls, non-toxic chemicals, and least toxic chemicals.
- Overcoming entomophobia (fear of bugs) is essential to the success of an IPM program.

WE MUST ACT NOW TO REDUCE PESTICIDES IN SCHOOLS AND ULTIMATELY ELIMINATE THOSE WHICH ARE HARMFUL TO HEALTH, WILDLIFE AND THE ENVIRONMENT.



GET INVOLVED IN THE S.P.U.R. PROGRAM

- Take the School Pesticide Use Reduction (S.P.U.R.) Pledge that says YOU support School Pesticide Use Reduction.
- Write to your school board members and tell them that you support School Pesticide Use Reduction.
- Tell the school board that you want an Integrated Pest Management policy which mandates that toxic pest controls be used ONLY as a last resort.
- Be informed about ecosystem management and alternatives to toxic pest controls. Ask your school to provide educational programs on Integrated Pest Management for school personnel, parents and students.
- Participate in School Pesticide Use Reduction activities.

WE MUST COLLABORATE! INTELLIGENT ECOSYSTEM MANAGEMENT REQUIRES THAT WE ALL COOPERATE TO ELIMINATE DANGEROUS POISONS IN SCHOOLS

The San Diego Union

THURSDAY, June 13, 1991

Health coalition and city schools
are working to demote pesticides

ACTION ALERT!

EXHIBIT _____
DATE 3/9/93
SB 393

Toxic Schools

How safe is your child's
classroom?

The pesticide problem:

Is any amount safe?

Please note: this complete document may be
located at the Historical Society

EXHIBIT 3
DATE 3/9/93
SB 393

EXHIBIT 4
DATE 3/9/93
SB 393

POSITION STATEMENT

THE USE OF PESTICIDES IN SCHOOLS AND CHILD CARE CENTERS

Americans use hundreds of millions of pounds of pesticides, herbicides (plant killers), and fungicides each year, for non-agricultural purposes, including in and around schools and child care centers. Pesticides are, by nature, poisons, and exposure--even at low levels--may cause serious adverse health effects. Our nation's children, because of a variety of age-related factors, are at increased risk of cancer, neuro-behavioral impairment, and other health problems as a result of their exposure to pesticides. The National PTA is particularly concerned about the use of pesticides in and around schools and child care centers because children are there for much of their young lives.

The National PTA, long an advocate for a healthy environment, supports efforts:

- o at the federal, state, and local levels, to eliminate the environmental health hazards caused by pesticide use in and around schools and child care centers. These efforts will result in cost-savings when use of chemical controls is reduced; decreased health risks; and safer school and child care center environments.
- o to encourage the integrated pest management approach to managing pests and the environment in schools and child care centers. Expansion of integrated pest management policies in schools and child care centers is an excellent long-term solution for control of pests that will significantly lower children's exposure to harmful chemicals by using the least toxic mix of pest control strategies.
- o to retain authority for governmental bodies, at the state and local levels, to regulate the use of pesticides in and around school and child care center buildings. This authority is critical to retaining maximum state and local control over an issue so basic to children's health and well-being.

Local Regulation of Pesticide Use: Working Together to Protect Ourselves

"Preemption would render local governments and citizens powerless to protect themselves from serious risks to their health, safety and environment."

One in a Series of NCAMP "Hot-Tops"

Preventing Pesticide Pollution Locally

Your community's right to adopt a local ordinance regulating pesticides is currently governed by your state's pesticide law. In most states, local jurisdictions have the authority to regulate pesticides. In some states, that authority has been taken away by state law. While the federal pesticide law—the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)—establishes a minimum standard of environmental and health protection across the country, local governments and special districts can and do play a valuable role in protecting people and the environment. In fact, when the Supreme Court in *Wisconsin Public Intervenor v. Mortier* in June, 1991 upheld the right of local governments to

regulate pesticides under the federal law, the justices wrote that the law "does not equate [pesticide] registration and labeling requirements with a general approval to apply pesticides throughout the Nation without regard to regional and local factors like, climate, population, geography and water supply."

Who wants to take away local authority for regulating pesticides?

A coalition of pesticide user groups and state agriculture departments has launched a campaign to deny local government authority over pesticide use.

Why is local authority important?

Tampering with local police powers and home rule is dangerous in light of the historic role that local political

subdivisions have played in protecting the health and welfare of their residents. No-smoking ordinances are an example. **What kind of ordinances are local governments now adopting?**

Local governments have adopted pesticide ordinances that require activities ranging from notification and sign posting when pesticides are used to reviewing proposed pesticide uses under a permitting system to control for drift, groundwater contamination and other potential community problems.

Will regulatory chaos result from ordinances?

There is no evidence of any interference with necessary services.

Aren't we adequately protected by EPA?

Report after report indicates that EPA has failed to adequately protect people and the environment.

Pesticide Act Amendments--SB 334

1. Creates a Waste Pesticide and Pesticide Container Disposal Program.

+Provides program funding by increasing fees \$30 annually (\$45 to \$75) for government and commercial pesticide dealers and applicators, and increasing fees for farm applicators \$3 annually (\$15 to \$30 for the five-year licensing period.)

+Recognizes that the funding cannot cover all costs but is needed to establish a program and provides that a fee may be charged to persons disposing of product if needed to cover costs of disposal. As an incentive, the individual's disposal fee can be used as a credit when products or containers are brought into the disposal program.

+No new FTE's in Department of Agriculture. Program is to be contracted out.

+Program and fees to be sunsetted in six years. With changes in packaging such as water-soluble packets and minibulk returnable containers, challenge is to clean up unusable product and containers that are in the environment now.

2. Enables a Product Withdrawn by Company To Be Used for Six Years.

+With EPA's costs for reregistration, companies are choosing to not support reregistration of individual products. This legislation enables farmers, ranchers and others six years to use up voluntarily canceled product in the distribution chain.

+A product important for mosquito control in Montana was not reregistered by the manufacturer in March 1991. This section would enable mosquito districts to use the product for six years, but does not authorize use of products that have been cancelled by EPA for health or environmental reasons.

3. Enables the Department of Agriculture to Establish Containment Rules.

+Recognizing that containment of spills at a mixing/loading site or a storage facility is important to protect the environment, this clarifies that the Department of Agriculture has the authority to promulgate containment rules.

4. Changes Farm Applicator Training Requirements to be Equal to Commercial/Government Applicator Training and Provides Funding for Training.

+EPA is requiring that farm applicator training be equal to commercial/government applicator training. This implements the EPA mandate.

+Provides for a \$20 increase in farm applicator fees for extension to develop materials and implement the training in the counties. (Farmer applicator fees would go from \$15 to \$50--\$15 increase for disposal and \$20 for education.)

5. Provides for Uniform Statewide Pesticide Regulation.

+Nearly 30 states provide for uniform state pesticide regulation. Some passed it in 1992, others have had preemption for years. California is among the states with preemption as are Oregon, North Dakota, Minnesota and most farmbelt states.

+Montana farmers, commercial applicators and others would find it nearly impossible to operate with a patchwork of local regulations such as in Wisconsin.

+Control of noxious weeds or insect outbreaks could be seriously inhibited by a patchwork of different local regulations.

Container Committee

Barry Beaudoin, chairman

Container Collection Set for Early September

MABA's Plastic Container Collection Pilot Program is set for Sept. 1 in Fort Benton; Sept. 2 in Chester; Sept. 3 in Shelby; Sept. 4 in Great Falls; Sept. 9 in Ronan and Sept. 11 in Billings.

Only triple or pressure rinsed plastic containers with no liquid and no visible residue on either the inside or the outside will be accepted for recycling. In addition, containers should be punctured on the bottom and have the caps removed. Labels should be left on the container. Waste pesticides absolutely will not be accepted nor will metal containers in this pilot project.

The pesticide companies have formed a nonprofit group nationally to shred, transport and recycle the plastic containers into new pesticide containers and members are needed as volunteers. If you can volunteer, please contact the committee.

Yellow inserts enclosed in this letter.
We are asking you to post them in your community locations (i.e. the post office).

Montana Department of Agriculture will inspect containers, and specifications definitely will be provided.



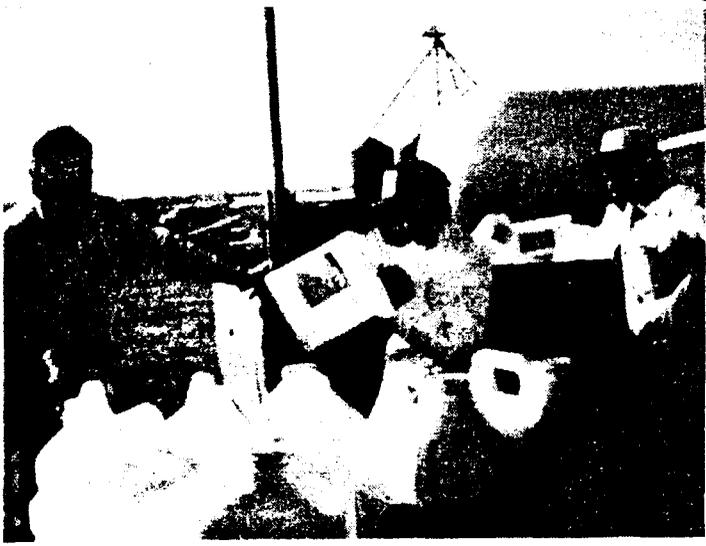
Barry Beaudoin, Wilbur Ellis, container chairman, with shredded plastic.

Container Recycling Project Success

MABA member volunteers collected more than 1,500 plastic pesticide containers in a pilot program conducted in September at six locations around the state, according to Barry Beaudoin, Wilbur-Ellis, chairman of the MABA Container Recycling Committee.

Containers were collected and shredded on Sept. 1 in Fort Benton, Sept. 2 in Chester, Sept. 3 in Shelby, Sept. 4 in Great Falls, Sept. 9 in Ronan and Sept. 11 in Billings.

Beaudoin said the majority collected were 2 1/2-gallon containers and that 72 30-gallon barrels were collected and cut up on site before being fed into the shredder--a process that proved to be time-consuming and tedious. A total of 111 containers 1-gallon and 1 1/2-gallon in size were collected.



Allan Holliday, Westchem, and Donna Rise, Department of Agriculture, inspect containers while a farmer looks.



Allan Holliday, Westchem, feeds containers into the shredder at Fort Benton.

RAUSCH
GUARANTEED
PEST CONTROL SERVICE

608 BETH DRIVE

GREAT FALLS, MONTANA 59405

PHONE: 453-4019

EXHIBIT
DATE 3/9/93
334



If It's Worth Doing -
Let's Do It Right!

Ref: Senate Bill No. 334

3/9/93

I was born and raised on a farm , and have been a commercial applicator in the state of MT for 27 years (since 1966). In 1973, I testified in favor of the MT. Pesticide Act that was passed that year. The intent was; regulation through education, and to provide state control over the enforcement of the federal FIFRA act.

The reasons for supporting this bill:

- 1- It enacts a waste pesticide collection program.
(This is good if run properly)
- 2- It enacts a pesticide container collection, disposal, and recycling program.
(Both of the above are done through license and special fees)
- 3- It regulates pesticide storage, mixing and loading sites and bulk pesticide facilities.
(Larger facilities may need to be inspected)
- 4- Allows the use of canceled pesticides under certain conditions.
(Which is the best way to dispose of them; use them up)
- 5- It allows more money for farmer's education.
(I am always for more education. Note the original intent above)
- 6- It should increase the qualification standards for farmers using restricted use chemicals.
- 7- It allows the Dept. of Ag. control over local regulation.
(This is a must to bring about uniformity)
- 8- The bill has a 6 year termination date.
(All laws should need to be renewed or cancelled)
- 9- It is financed by applicator, dealer, and special fees.

Sincerely,

Tony Rausch

EXHIBIT 8
DATE 3/9/93
SB 350

Amendments to Senate Bill No. 350
Third Reading Copy

For the Committee on Agriculture, Livestock, and Irrigation

Prepared by Dave Bohyer
March 9, 1993

1. Page 5, line 23.
Following: "may"
Insert: "also"

2. Page 5, lines 23 and 24.
Following: "charge" on line 23
Strike: the remainder of line 23 through "and" on line 24

3. Page 6, line 24.
Following: "may"
Insert: "also"

4. Page 6, line 24 through page 7, line 1.
Following: "charge" on page 6, line 24
Strike: the remainder of line 24 through "and" on page 7, line 1

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Agriculture

COMMITTEE

BILL NO. SB 334

DATE 3/9/93 SPONSOR(S) SEN. BECK

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Pam Langley	MABA	✓	
Brad Culver	AMTOP	✓	
BILL SHEETS	AMAA	✓	
John Temple	AMAA	✓	
Randy Johnson	MGGH	✓	
John Youngers	Mont. Farm Bureau	✓	
Scott Selstad	AMTOP	✓	
Mark Miner	Zoolab	✓	
Dale Dahl	Ecolab	✓	
Doug Johnson	Cascadia Co	✓	
John Selstad	Dust AG	X	
Tony Rausoff, CTF, MT.	Rausoff Guaranteed Pest Control	✓	
Brian McNeil	MEIC	X	
Cinda Trahan	MSEA MWSA	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

