



## **HOUSE COMMITTEE ON AGRICULTURE**

**March 10, 2011**

**RE: SB 186 – amending the pest control act.**

Chairman Powell and members of the House Agriculture Committee, thank you for the opportunity to comment today in support of SB 186 as amended by the Senate Committee. I am Leslie Kaufman, President/CEO of the Kansas Cooperative Council (KCC) and I appear on behalf of the KCC and the Kansas Agribusiness Retailers Associations (KARA).

KARA's membership includes over 700 agribusiness firms that are primarily retail facilities which supply fertilizers, crop protection chemicals, seed, petroleum products and agronomic expertise to Kansas farmers. KARA's membership base also includes ag-chemical and equipment manufacturing firms, distribution firms and various other businesses associated with the retail crop production industry. The KCC is a voluntary, statewide trade association representing all forms of cooperative businesses across the state – agricultural, utility, credit, financial, refining and consumer cooperatives.

Collectively, our members include a majority of the commercial applicators in Kansas and they are impacted by changes to the Kansas Pest Control Act. As we understand SB 186, it was introduced to remedy an inconsistency between statutory provisions. As we worked through the original bill on the Senate side, we noted a need for further adjustment. The Kansas Dept. of Agriculture (KDA) was very willing to work with us and we requested an amendment which was adopted by the Senate Agriculture Committee. As such, we appear today in support of the bill as it stands.

Under the provisions of SB 186, KSA 2-2451 will be stricken as it really duplicates other provisions within the act. KSA 2-2450 (b) is being modified to give the KDA Secretary discretion to "suspend, without a hearing" the pesticide business license for a specific category if a commercial applicator with the appropriate certification is not currently employed by the business. The ability to act quickly and without hearing may be necessary if a situation arose where a non-certified individual was in the act of applying a specified chemical when the KDA made contact with such individual. But, suspension might not actually be warranted if there was a question over paper work on a renewal application. Another scenario where suspension might not be warranted could be when the business is in the process of hiring a certified commercial applicator during a season when no application of that type is currently being conducted, but they still technically do not have an "employee" for that category.

Although KSA 2-2450 (a) is reprinted in the bill, changes are not made to current law. Subsection (a) addresses financial security issues and in regard to those issues, the secretary's suspension authority is mandatory.

We support the SB 186 as amended by Senate Committee so that the Secretary's authority to suspend a pesticide business license under KSA 2-2452 (b) is permissive and not mandatory. This should give the KDA flexibility to react as situations are warranted by the circumstances, while allowing our members to avoid a suspension that might be technically mandated but really unwarranted.

We appreciate the discussions with the Dept. of Agriculture that lead to our compromise balloon on the Senate side. Their willingness to work with stakeholders has resulted in a measure that addresses needs in a mutually beneficial manner.

Thank you for your consideration. We hope that when the committee works this bill, you will act favorably on it. If you have questions about our testimony, I will certainly be glad to address them at the appropriate time.

Thank you.