

Crop Protection Product Harmonization and Registration Board
Minutes of July 28, 2011 Meeting

The North Dakota Crop Protection Product Harmonization and Registration Board met at 10:00 am on July 28, 2011, in the Sakakawea Room on the ground floor of the State Capitol in Bismarck, ND.

Board Chairman Jeff Topp called the meeting to order at 10 a.m. Board members in attendance included Topp, Agriculture Commissioner Doug Goehring, Representative Mike Brandenburg, Terry Weckerly, Stan Buxa, Troy Bassingthwaite, Dr. Kenneth Grafton and Ivan Williams. Senator Terry Wanzek and Representative Tracy Boe were absent. A quorum was declared. Others individuals present during all or part of the meeting included Jim Gray(NDDA), Amanda Hayen (NDDA), Dan Wogsland (ND Grain Growers Association), Kayla Effertz (Governor's Office), Gary Knutson (ND Agricultural Association), and Wood Barth (North Dakota Farmers Union).

It was noted that the ND Department of Agriculture had filed a notice of meeting with the ND Secretary of State, and a copy of the agenda was posted next to the main entry to conference room in the hallway.

I. Approval of Minutes. Goehring moved to approve the minutes of the board meeting on April 7, 2011; Seconded by Williams. All voted in favor. Motion carried.

II. Budget Report. Topp requested that Gray give a summary of the minor use grant fund. Spreadsheets were distributed to those who did not have a copy with them. Gray reported that the minor use fund started the 2009-2011 biennium with a balance of \$240,730.39. Expenditures in the 2009-2011 biennium totaled \$212,810.58, and another \$26,935 was previously committed to Dr. Sam Markell for two fungicide study proposals. This left a minor use fund balance at the end of the 2009-2011 biennium of \$924.81.

The legislature appropriated \$200,000 of EARP funds into the minor use fund for the 2011-2013 biennium. Gray stated that adding the \$924.81 carryover and subtracting existing commitments of \$26,935, left an available balance of \$173,989.81. Williams had a question on expenditures and stated that the \$27,859.81 appears to have been subtracted out from the balance twice. After double checking the math, Gray stated that Williams was correct. A correction was made and the fund balance available for the current biennium stands is \$200,924.81.

Gray then provided a summary of the harmonization grant program. These funds do not carry over. The board started with a balance of \$50,000 at the beginning of the 2009-2011 biennium. Operating expenses totaled \$4,416.17, and harmonization grant payments were just over \$39,439-44, leaving \$6,144.39 in the fund at the end of the 2009-2011 biennium. The legislature appropriated \$75,000 into the harmonization grant program line for the current biennium.

Brandenburg questioned if the amount of \$6,000 went back into the EARP fund. Gray confirmed that it did.

III. Re-Visiting Minor Use Fund Request from the April 2011 Meeting. Gray stated that five minor use fund requests were reviewed at the last meeting and funded at half of the requested amounts. These were:

<u>Researcher & Project</u>	<u>Amt Requested</u>	<u>Amt Approved</u>
Markell (Fungicides for common bean rust)	\$15,002	\$7,501
Halley (Fungicides for pasmo in flax)	\$12,175	\$6,088
Hatterman-Valenti (Weed control in onion)	\$20,828	\$10,414
Wunsch (Fungicides for Alternaria on safflower)	\$25,031	\$12,516
Wunsch (Boscalid on chickpea)	\$10,355	\$5,178

Members also tabled an additional request at the last meeting from Dr. Zollinger that was submitted after the proposals were sent to Board. However, Zollinger was strongly encouraged at that time to reapply when the new biennium begins in July.

For the benefit of new Board member Troy Bathingthwaite, Topp discussed the reasoning for the proposals to be funded at half the requested amount.

Williams moved to fund the second half of the five projects that received half of the requested funding at the last meeting. Goehring seconded the motion. The motion was opened for discussion. Brandenburg requested a summary of the proposals. Gray gave a detailed review of each proposal, the amount initially requested, the amount that was funded, and amount remaining of each request. Topp stated that he had spoken to Dr. Sam Markell recently and Dr. Markell stated that he has been able to secure additional funds. Dr. Markell stated, "I'll be okay." He requested that the Board take care of his colleagues' projects that he felt needed the funding more than he did.

Goehring moved to amend the motion to withdraw \$7,501 toward Dr. Markell's request and leave the remaining four requests intact. Williams seconded. Topp called for a vote on the amendment. All voted in favor. Motion to amend passed. Remaining amount of funds requested after removing Dr. Markell's request is \$33,176.

Topp stated that he recently spoke with Blaine Schatz at the Carrington research station. At the previous meeting, the Board recommended that Dr. Wunsch seek matching funds from the Oilseed Council for his safflower study. It was noted at that meeting that the Oilseed Council had \$38,000 available for safflower research and issues. Topp stated that Dr. Wunsch has not been able to make contact with the Oilseed Council. Brandenburg questioned how much Dr. Wunsch's request was for. Topp stated the initial request was for \$25,031, of which \$12,516 was granted at the last meeting. Topp noted that the Oilseed Council only meets one to two times per year and they haven't met since the previous Harmonization Board meeting where Dr. Wunsch learned of the Oilseed Council as a possible source of funding. Buxa stated that he

directed Dr. Wunsch to Lerrene at the Oilseed Council and told him that his odds of getting the funds were good. Buxa also stated that the Oilseed Council would not have to meet in person; a conference call would be sufficient for such a request to be made.

Brandenburg questioned whether Dr. Markell gave any recommendations as to which of the colleagues were in most need of the funds. Topp stated that it was simply stated as "colleagues". Brandenburg stated that more conversation was necessary with Dr. Wunsch before any more funding be granted. Weckerly stated there was no excuse for not pursuing the funds through the Oilseed Council and Dr. Wunsch should make additional efforts through that source. Topp stated that Dr. Wunsch didn't know of the Oilseed Council until he presented before the Harmonization Board in April. Blaine Schatz doesn't know Brad Olson on the Oilseed Council, but will assist Wunsch and Olson to get in touch with each other. Williams questioned where the dollar amount mentioned of \$38,000 was relevant. Buxa stated that was the amount the Oilseed Council had available for such a study. Topp stated that Schatz said some of that money has been put into the research center, a header, and other equipment, but there are still funds available.

Goehring moved to further amend the motion of funding the remainder of April's requests by removing \$12,516 toward Dr. Wunsch's request and assist Dr. Wunsch in making the appropriate contacts necessary to pursue the funds available through the Oilseed Council. Furthermore, if Dr. Wunsch actively pursues the funds from the Oilseed Council and they are not granted, that he reapply for the funds through the Board. The motion to amend was seconded by Brandenburg. All voted Aye. The motion carried.

Brandenburg suggested the NDDA assist Dr. Wunsch in making the appropriate contacts. Dr. Grafton added that Dr. Wunsch is fairly new to the staff and Schatz's mentoring and should make the process easier to navigate. Goehring offered the Department's assistance.

Topp directed discussion to the original motion of approving the second half of funds for the remaining three proposals not removed by amendment. Bathingthwaite questioned progress of the studies that were funded and whether we have confirmation that they are on track. Dr. Grafton stated that several were at the appropriate growth stage, some research plots have suffered hail damage and some of those may recover. Topp stated that if any are destroyed, they will repeat the study next year. Goehring questioned the amount of funding requested through the grants to be \$21,680 after the amendments removing two of the requests.

Topp opened voting on the motion as amended. Those in favor: Buxa, Bassingthwaite, Weckerly, Brandenburg, Goehring; Those opposed: none; Absent: Wanzek and Boe. Motion carried.

IV. Consideration of New Minor Use Fund Proposals. Gray reviewed Dr. Zollinger's minor use fund proposal for \$25,000 that was tabled at the April meeting. The Board had spoken with Dr. Zollinger via phone at that time and had strongly encouraged him to reapply at the start of the new biennium. Brandenburg offered a motion to fund Dr. Zollinger's proposal at the full amount of \$25,000.

Topp stated that the proposal may be subject to a new scoring system that would be conducted as a group activity. Gray explained the scoring system developed for the minor use fund. During the April meeting, Representative Boe stated that as requests increase, the Board needs to have a system in place to prioritize requests. Topp asked for input from the Board as to whether a scoring system was necessary.

Brandenburg questioned where the scoring system came from. Gray stated that it was developed by the Office of Management and Budget after a review of the administration rules. The categories that each proposal would be scored on were relevance, merit, quality, feasibility, appropriateness, and matching funds. Brandenburg stated that the scoring system would provide some protection in the event of an audit that there are tangible procedures in place. Buxa stated that it has been done in the past and it will need to be done again to ensure consistency. Goehring said that having a scoring system in place gives the Board defense against any claims that their actions to fund one proposal over another is justified and priorities were in place. Brandenburg added that if funds are short and proposals are denied funding, it would provide defense against claims of discrimination and favoritism. Buxa said that it also gives the Board grounds to deny funding to proposals that are not warranted or relevant for funds from this source even if funds were available. Williams said that there have been instances in the past where Board members have had a difference of opinion. The scoring system would allow a better record of the support that did exist behind proposals that do not get funding because they do not have the majority's backing. Topp said this allows the Board to cover its bases and be consistent. Goehring suggested that the most accurate way to implement the scoring system would be to have each board member complete a scoring sheet and compare grand totals as opposed to scoring as a single group.

Bathingthwaite motioned to suspend the scoring system for the duration of the present meeting and implement it for all future proposals. Motion seconded by Brandenburg. Goehring noted that each member will need to take responsibility for reading proposals in advance of a meeting, and suggested that the presenters be heard before the Board. Members could score based on their concerns and relevance of the proposals. With no further discussion, Topp opened for voting. All voted in favor to suspend scoring of minor use fund proposals for the current meeting. The motion carried.

Brandenburg re-stated the motion to fund Dr. Zollinger's proposal in the amount of \$25,000 for bean and sunflower study. Weckerly seconded the motion and voting was opened. Those in favor: Buxa, Bassingthwaite, Weckerly, Brandenburg, Goehring; Those opposed: none; Absent: Wanzek and Boe. Motion carried.

V. Consideration of Harmonization Grant Proposals. Dan Wogsland from the North Dakota Grain Growers Association presented a harmonization grant request in the amount of \$13,216 to defer costs from the 2011 E-Tour. Wogsland said that the E-tour was a successful event and five staff from EPA's Office of Pesticide Program participated. They toured Bismarck, the central part of the state, and ended in Grand Forks. EPA representatives were impressed by North Dakota and the use of technology in agriculture. Wogsland stated that the EPA makes

assumptions in their risk assessments don't necessarily correspond with modern agriculture practices. The dialog created on the E-Tour provides a better sense of what some of the realities are by getting the EPA in touch with producers and other agriculture professionals.

Weckerly stated that the EPA uses a disproportionately large number of sprayers that don't have cabs in their risk assessments. Brandenburg noted that the EPA is demanding a model of agriculture's impact on environmental waste and urban areas. There have been discussions within the legislature about FIFRA models used by the EPA. The agriculture industry is not alone in the pollution of waterways and aquifers. He questioned what the Board can do to bring urban areas to the same status that requires an urban environmental impact model. Indiana and Iowa have urban areas attacking the agriculture industry on pollution issues and they are winning.

Gray stated that the EPA data and models are sometimes outdated, and people who approach the EPA are often those who want more protection for the environment. Gray also stated that while activists often provide EPA with studies and data to support their case, this is not as common with agricultural interests.

Goehring stated that there are political challenges in protecting tributaries and streams and the agriculture industry often gets blamed. The agriculture community has stepped up activity and monitoring, and available data don't usually point to agriculture as a major source of pollution. Storm water is not regulated. The urban community feels that they are not the problem. Our agricultural data needs to be credible and the EPA needs to recognize that urban areas have developed around rivers and are a large contributor to their pollution. We need to collect data on agriculture's actual impact and push that storm water runoff and other urban drainage are accurately depicted so responsibility is fairly shared.

Brandenburg made a motion to approve \$13,216 to the Grain Growers Association for their E-Tour. Buxa seconded the motion. Williams questioned whether the amount comes out of the operating fund and Topp confirmed that amount would be from the \$75,000 operating budget. Vote held with all in favor. Those in favor: Buxa, Basingthwaite, Weckerly, Brandenburg, Goehring; Those opposed: none; Absent: Wanzek and Boe. Motion carried.

VI. Other business. Brandenburg stated that the issues with the EPA and increased regulation need to be addressed and the Board should look at additional ways to do so. The industry has seen changes over the years and other states are losing the battle. It is too easy for people to observe airplanes and sprayers making applications and assume that is the sole source of pollution. Goehring stated that North Dakota has been largely unaffected to date, but will be impacted. It is important to have a plan or structure in place. Depending on specific issues, there are different approaches. The EPA needs tangible evidence through data. The public needs to be addressed with a positive approach. Show them what we are doing and reach out with the assistance of national organizations who have some say with the EPA. Goehring further stated that five organizations stand out at the national level that track and affect pesticide regulatory issues: National Corn Growers, National Soybean Growers, American Farm Bureau, National Association of Wheat Growers (NAWG), and the National Association of State Departments of Agriculture (NASDA). It's going to require finding the right allies and engage the

organizations who are willing to take information to Congress. Goehring stressed the need to make the data easily available to them and for the data to be easily verifiable. Goehring stated that we have to stay engaged to find the right approach.

Weckerly stated that Gray's and Goehring's opinions are important. He discussed the visit to a Discovery Farm project during the E-Tour. EPA agents were impressed by the Discovery Farms project, and Weckerly asked whether such a project could be expanded to include pesticides.

Brandenburg added that everyone should have to handle pesticides correctly. A large amount of urban pollution comes from untrained usage of pesticides.

Gray stated that over half of North Dakota's population is classified as urban. He stated that the NDDA pesticide program has responsibility to regulate all pesticides and uses, and NDDA tries to do some urban inspections each year. However, the question is how much to deemphasize agriculture inspections. Gray also stated that while many urban pesticides have lower toxicity, there can be very high levels of exposure and subsequent levels of risk. Gray discussed the Discovery Farms project and stressed that Ron Wiederholt from the Carrington station is doing some exciting and high-quality work with the project. He has discussed the issue with Wiederholt and was told by Wiederholt that a Discovery Farms project could be designed to look at pesticide practices. However, Wiederholt would likely need additional funding to do so.

Brandenburg stated that people will accuse agriculture of polluting water until we start pulling the data together.

Goehring referred to Weckerly's question. He and Gray met with EPA Region 8 personnel a couple of years ago, and EPA would like to monitor watersheds in North Dakota for nutrients. Dave Glatt from the ND Department of Health (NDDH) is mindful of how information and data are put together. Chesapeake Bay and Florida are good models that give a one size fits all approach. The Department of Agriculture needs to sit down with the agriculture community and NDDH to build stronger, trusting relationships. They could determine what watersheds to monitor and how. Goehring discussed the need to answer questions about who would collect data, which sites to monitor, and whether EPA could provide part of the funding.

Weckerly stated that it is good to have the agriculture community sit down with the NDDH. There is not a good perception from the producers' standpoint, but we need to have everyone together on the same team.

Topp questioned whether the NDDH, NDSU, and the NDDA can try to facilitate getting those entities together to develop baseline data on pesticides for others to use. It would not include nutrients for purposes of this Board. Topp asked that Gray and Goehring meet with Dave Glatt, Ron Wiederholt, Ken Grafton, and others to try to work with the Discovery Farm concept to develop sites and look for possible funding sources.

Goehring said a first step will be to identify and agree on specific goals. Gray stated that water monitoring is already done by the NDDH, the NDDA, USGS, and NDSU. However, it would be

helpful for these groups to get together to better understand roles, responsibilities, and areas of focus.

Topp asked whether stakeholders could get together prior to the next Board meeting. Brandenburg suggested other agriculture groups also be a part of it so they understand that this is a team effort and we want everyone together at the table. We want it to be understood that we want proper information gathered and that monitoring should not be viewed as the enemy.

Bathingthwaite commented that there needs to be a strong line of communication between the different groups so the same data isn't duplicated and that it is shared with all involved to cover more ground. The NDDH and NDSU are entities that we want with us and to get cost estimates.

Dr. Grafton said this planning is a great idea. There needs to be discussion before the Board to get clear information as to who is going to do what and why. This will prevent against overlap and then we need to get them before the board.

Weckerly stated that the keys to the entire project are coordinating and collaborating.

Goehring stated that a good first step would be to get NDSU, NDDH, and NDDA to bring their data together to see what the baseline is. We can then see where the gaps exist and share with the agriculture community what we're looking at doing. He volunteered to set up such a meeting in the near future.

Gary Knutson stated that he likes the idea of long-term discussions. On a short-term basis, we also need to establish and build relationships with the EPA.

Goehring said that a common concern among producers is that they have a fear of the unknown. This is for good practices and stewardship. Knutson asked about the possibility of sending Gray to the EPA in Washington on a more frequent basis to work on national pesticide regulatory issues. He stated that meeting with the EPA in Washington is critical to the entire pesticide industry.

Goehring thanked Knutson and the NDAA for their legislative efforts. He said we need to have defined roles and figure out where we can make the most impact. There are both political and technical issues. He stated that Gray works hard and is utilized in that respect, but has other duties within the department. Goehring stated that we have lots of credibility on technical and regulatory issues. We don't lie or make any misrepresentations to the EPA. We do take opportunities to meet with them. How much would EPA put forward for funding Gray's travel? What they won't fund would need to be requested from the Board. Goehring stated that the NDDA will continue its efforts, and he will make staff available to have the most impact.

Topp asked if it was agreed that the first step will be to get NDSU, the NDDH, and the NDDA together to find our gaps and baseline. After that we could encourage the rest of the stakeholders to come together at the next board meeting.

Topp asked the Board when they wished to meet next. Gray stated that he has an open call to commodity groups and NDSU for funding proposals.

Goehring said the next meeting will have to be played by ear. We will work to identify issues, pull the data set together, contact Topp, and get everyone together to set the next meeting date. It would be premature to schedule an exact date at this point.

Dr. Grafton said that March, February, or earlier should be a goal time for the next meeting so the researchers have the time necessary to get their requests in and heard.

Williams questioned if an end-of-year deadline existed for anything the Board needs to address. Gray stated that when Governor Dalrymple was the board's chair, there were concerns about legislative constrictions on members, but there are no end-of-year deadlines that need to be met.

Buxa motioned to adjourn the meeting. Brandenburg seconded. The motion carried and meeting was adjourned.