

Fertilizer Advisory Board
Tippecanoe County Extension
September 9, 2008

Board Members Present: John Freeland, John McDill, Sam Fry, Doug Anderson, Joe Russell, Bob Avenius, Brian Spencer
Unable to attend: Amy Gregg, Dan Ess
Ex Officio: Mike Hancock, Matt Pearson, Cress Hizer, Sarah Simpson. Martha Clark-Mettler
Guests: Bob Waltz, John Baugh, Mike Baise, Joe Miller

Chairman Joe Russell called the meeting to order at 9:15 AM. All in attendance introduced themselves.

It is intended that the Extension Office or the Turf Center will be used for future Fertilizer Advisory Board meetings. This allows for more flexibility in meeting planning and eliminates need for parking passes.

Dr. Robert Waltz, Indiana State Chemist, provided The Board with a power point presentation overview of the Office of Indiana State Chemist structure and personnel makeup relative to numbers and where they are primarily located. There are presently 68 full time and 2 part time employees in the structure. A point of note is that approximately 30% of the staff are over 60 years old, demonstrating an imminent turnover potential requiring advanced training and planning for this event.

Mike Hancock gave an overview of the changes to the fertilizer law and indicated that, with the recodification, some rewording will be needed so that there is consistency in terminology and scope of authority. He indicate changes including: defining ammonium nitrate, increase the level of penalties under the law from infraction to misdemeanor and update Board membership to include representation from the Indiana State Department of Agriculture and a member of the livestock industry, allowing funding authority approval, had been approved but that some conflict exists in the change from infraction to misdemeanor that will need to be addressed. The proposed funding for certification and for civil penalty authority were not included in the bill and will be proposed again in 2009. In addition to these changes, there will be proposed changes to the Anhydrous Ammonia Law which allows for recognition of new technology not specifically cited in the rules and the penalty severity will be changed from a Class C Infraction to Class A Misdemeanor. The Certification Rule still remains in the initial stages of promulgation. With the definition of ammonium nitrate, the Office is in the position to work with Homeland Security relative to overseeing this product. Once DHS develops rules, OISC can petition, through the Governor's Office, authority to oversee this program.

Cress Hizer indicated that Andy Tauer was the newly appointed IDEM Ag Liaison. Martha Clark-Mettler will arrange for Andy to visit Purdue and the State Chemist office.

There was extensive discussion about preemptive authority and the need for the Office of the Indiana State Chemist to develop language clearly specifying defined standards for the review and determination of request for variance from preemption. It was further urged that this be part of the Fertilizer Rule. As it is understood that a work group will be reviewing the newly recoded law, it was proposed that this group further provide wording, relative to the above referenced

parameters, which would become part of the Fertilizer Rule. The Board members were asked to consider participation on this work group. The group should be comprised of about seven individuals. As these proposed changes need to go to the legislature, the Work Group will be meeting early in October. Please contact Mike Hancock soon if interested.

Cress Hizer thanked the Office of Indiana State Chemist for its participation at the meetings held throughout the state addressing the flood related problems. He was pleased to see Dr. Waltz and the inspectors in attendance. Cress proposed that, in light of the ongoing discussions over CAFO's, consideration be given for the Board becoming a Review Board, with rule making authority. He feels this will also provide a support for the office and have a defined mode of conducting hearings, if required. This may become a necessary process but the concern of prompt appointment of candidates according to statute is an issue. This matter will receive more attention. Cress reviewed other issues impacting industry and specifically referenced the railroads effort to reduce or eliminate the hauling of anhydrous ammonia and other hazardous materials including ethanol and chlorine. This is an ongoing issue and continues to be played out in hearings. The impact of not receiving rail shipments would be significant.

The spring floods did not result in any contacts from distributors or retailers to the Office of Indiana State Chemist. Aside from facilities being isolated, there were no reported fertilizer releases due to the volume of rain.

There were two major fertilizer releases within the span of a month, both due to tanks developing leaks at an area which allowed fluid fertilizer to squirt over the containment wall. In both situations IDEM and DNR were involved as waters of the state were impacted and there were fish killed. Inspectors from the State Chemist Office will be taking a closer look at the storage vessels, and where corrosion is prevalent, recommend that the vessel be inspected. Cress indicated that for the volume of fertilizer applied this season, having only two incidents was very good and showed that industry was doing their job.

General discussion focused on the proposed EPA CAFO rule and how IDEM would respond. This is an evolving process and is anticipated to be one that will continue through November. The question was raised as to possible shortages of commercial fertilizer. Both John McDill and Brian Spencer indicated that there is a possibility of spot shortages, but this is tied to logistics, specifically transportation, and not actual shortages. Brian indicated that there are new plants coming on stream around the world, although there are not any in the United States. Sam Fry asked about the aerial application of fungicides and how regulated. Dr. Waltz explained the OISC pesticide section was working with these applicators and would be doing more as the number of applicators and amount of applied fungicide increases. Sarah Simpson announced the launching of department of Agriculture's voluntary Certified Livestock Producer program and distributed information brochures. Mike Hancock invited anyone interested in participating with the work group reviewing the Commercial Fertilizer Law to contact him.

There being no further discussion, Chairman Joe Russell adjourned the meeting at 12:07 PM.

Michael Hancock
Board Secretary

