

**Fertilizer Advisory Board
Beck Agricultural Center
4540 U.S. 52 West
West Lafayette, IN 47907
September 16, 2010**

(Advisory Board Notes – subject to adoption as Minutes at the next scheduled meeting.)

Board Members Present: Bob Avenius, Sam Fry, Joe Miller, Joe Russell, Amy Gregg, John Freeland and Jim Camberato

Unable to attend: John Baugh, Brian Spencer and Doug Anderson

Ex Officio: Dr. Robert Waltz, Mike Hancock, Matt Pearson, Sarah Simpson, Andy Tauer, Mark Shublak

Guests: Leo Reed, Dave Scott, Falon French, Justin Schneider, Cress Hizer and Reggie Cornett.

Chairman Joe Russell called the meeting to order at 9:05AM and all in attendance introduced themselves.

The agenda was approved by the board with no additions and notes from the December 15, 2009 meeting were reviewed and approved with one change to correct the misspelled name of an attendee.

Dr. Robert Waltz introduced Jim Camberato and Brian Spencer as new members on the Board and Mark Shublak representing the Agribusiness Council of Indiana.

Mike Hancock provided a summary review of the rule promulgation progress presented at the December meeting: Rule 2, Fertilizer Rules(LSA# 09-0683) approved February 23, 2010, Rule 9, Civil Penalty Schedule(LSA# 09-797) approved May 7, 2010 and Rule 7, Certification for Distributors and Users of Fertilizer Material (LSA# 09-812) approved June 25, 2010.

The Rule 9, Civil Penalty Schedule, will be amended to add eight (8) additional items relevant to violations of Rule 7. These items had been in the original schedule but were removed pending approval of Rule 7. It is envisioned this amendment process will begin by the end of the month. The question of mitigation, regarding certain civil penalties, was raised, specifically in reference to a pesticide incident reviewed at the Pesticide Review Board on September 2, 2010. This was discussed, with comparison made with the respective rules, noting the fertilizer civil penalties don't have non-mitigateable violations.

Matt Pearson provided information on the certification program and the process. Test development has been completed and initial test administration conducted on September 15, 2010. OISC will be conducting statewide outreach as early as November 2010 as well as working with neighboring states on issues relating to the import and staging of manure.

Dave Scott and Leo Reed discussed the certification of all for hire lawn fertilizer applicators under the 3B Pesticide Turf Pest Management category. With discussion still occurring on

having a state wide Phosphorus ban, this certification initiative focuses on the training of all doing for hire lawn application, and provides for regulatory enforcement. Board member, Jim Camberato, representing Purdue Agronomy, indicated this initiative was a proactive approach and took into consideration the whole plant management concept for plant health, rather than just pesticide management. This was requested by the Indiana Lawn Care Association and the Board unanimously supported the efforts to adopt this certification process.

Matt Pearson reviewed and led discussion concerning the pending Rule 8, fertilizer material use, distribution and records keeping, with the board secretary emphasizing the importance of moving forward on this rule in an expeditious manner. Small work group sessions, similar to those used to develop and refine the certification rule, are envisioned with the intent that the regulations will compliment IDEM's existing CFO's set back and application rules. The involvement of members of the board, IDEM and impacted parties will be essential. No definite meeting date for review of this rule has been set but could begin prior to year end. Matt asked that if any in the audience had comments to please put them in writing so that they could be reviewed and included in the discussions. There was a motion by Sam Fry and second by Bob Avenius to move head with the rule development and promulgation. The Board vote was unanimous.

Mike Hancock provided a brief update on the impending Ammonium Nitrate Rules. As they are, and have been, in comment process, there has been no new development since the last board meeting. Nothing is final but more should be known by year end. It should clarify the states' role in regulating ammonium nitrate and requirements to be implemented. Some of the specific requirements discussed at previous meetings were shared and consensus seemed to be that, while Indiana does not use large quantities of the material, it would result in a substantial reduction.

The involvement of the Department of Transportation in regulating Anhydrous Ammonia nurse tank continues to broaden beyond the NTIP program. The placard, for Anhydrous Ammonia, required on all four sides of the nurse tank, has been modified marginally, removing the white edge. Despite this minor change, DOT is enforcing the implementation of these placards and in some cases issuing fine for failure to comply. There have also been some recent issues involving new nurse tanks being purchased and not meeting necessary weld penetration or metal thickness. Some have been returned to the manufacturer but all who are looking to buy new nurse tanks should be aware and alert. The Indiana Agribusiness Council has been instrumental in identifying this issue and working with firms who have purchased the tanks or are looking to purchase new tanks.

Andy Tauer, IDEM, shared that he continues to receive many calls concerning poultry manure being brought in from OHIO. A fact sheet is being prepared to identify IDEM regulatory authority as well as direction for a use rule. When available it will be posted on the OISC website. He further referenced the issue of Grand Lake Saint Mary in Celina, Ohio, relevant to algae problems, widely publicized in local newspapers, and the intent to use EQUIP funds to move manure into Indiana. Dr. Waltz emphasized that IDEM has the clear authority in

addressing water issues but that OISC is doing our part to assist through training and education. There are great opportunities and challenges ahead.

Board chair Joe Russell called for a motion to adjourn. Bob Avenius made the motion, with a second by John Freeland. Meeting adjourned at 11:15 AM

Michael Hancock
Board Secretary

The minutes and unadopted notes for this meeting are maintained and made available for one year on the OISC web site www.isco.purdue.edu. Go to the Fertilizer Section and click on the Fertilizer Advisory Board.