

Fertilizer Advisory Board
Office of Indiana State Chemist Conference Room
December 13, 2007

Board Members Present: John Freeland, John McDill, Sam Fry, Doug Anderson, Joe Russell, Bob Avenius, Amy Gregg
Unable to attend: Brian Spencer
Ex Officio: Mike Hancock, Matt Pearson, Cress Hizer,
Guests: Bob Waltz, John Baugh, Justin Schneider, Sarah Simpson, Ryan Westerfeld

Chairman Joe Russell called the meeting to order at 9:02 AM and all in attendance introduced themselves.

Mr. John Freeland (retail fertilizer industry) and Sam Fry (producer of agricultural crops) were welcomed as new members to the Board.

Dr. Robert Waltz, Indiana State Chemist, welcomed the Board, especially the new members, and provided the members their charge as The Fertilizer Advisory Board. He went on to provide background on the formation of the Board and its formation by statute along with the specifications provided and purpose assigned. Dr. Waltz further described the importance of the contribution, although from an advisory capacity, yet, nevertheless, the intrinsic value of direction provided. This could be directly from the Board or through subcommittees formed to perform specified tasks, such as drafting of the Certification Rule. Dr. Waltz specifically referenced the Board advising the State Chemist on matters of regulatory science pertaining to the fertilizer use and application laws of Indiana. This will involve close interaction with the Fertilizer Administrator and State Chemist on regulating fertilizer materials to best serve the science, the industry and public. He went on to provide The Board with this formal direction:

- I personally am committed by statute and through personal desire to seek your guidance and your wisdom. I believe in this system. I expect it to be successful.
- I expect from you active participation and engagement in the Board's activities.
- I expect from you an open sharing of your insights and your experience.
- I expect honest and open discussion.
- I expect this group to seek out and draw upon the best available science, and to so advise.
- My desire is to maintain the stature of this Office as a science-based, if not science-driven, institution, and to serve our client industries, the public, and the process with integrity.
- I thank you for your time and your willingness to serve. I look forward to continuing our work together.

The Board unanimously reelected Joe Russell as chairman.

John Baugh provided background on the certification program development and its importance to retaining preemptive authority in the fertilizer law.

Mike Hancock gave an overview of the proposed changes to the fertilizer law and indicated Senator Jackman and Representative Battles were sponsoring the bill in the respective chambers. The specific changes include: defining ammonium nitrate, obtaining funding authority for certification program, authorization to assess civil penalties, increase severity of 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.

Matt Pearson led discussion of the proposed certification rules providing clarification as needed. Particular attention was given to language specifying acreage criteria for inclusion. It was decided that the phrasing should read: This rule applies to any person: “applying fertilizer material to 100 acres or more”. The Notice of Intent was filed with LSA in September and the Fiscal Impact Statement, Small Business Impact Statement and Cost/Benefit Statement were submitted to the OMB on October 3rd and then resent with all three documents on October 25th. As discussed, there is no funding for the program and approval from OMP remains in pending status. Ultimately, the law will first have to authorize funding authority before promulgation process can proceed, even with OMB approval.

Anhydrous Ammonia application methodology has required a memo of clarification to be distributed state wide, advising that use of nurse tanks pulled in line and plumbed together was illegal and should cease. A diagram of an acceptable configuration was provided. It was discovered that the in line use continued, however, the respective nurse tanks were individually attached to the applicator. The description of using 25’ of ammonia hosing from the front tank to the applicator was perceived to create an unsafe practice until it was explained that hosing was secured to preclude a snagging occurrence. While not viewed as the best situation, it was not seen as an imminent safety issue.

Cress Hizer announced the availability of a publication prepared by Dr. Fred Whitford addressing the long term use of poly tanks and deterioration over time. The result can be a catastrophic failure resulting in complete tank collapse and material loss. Cress announced the plan to conduct ammonia and general agriculture season tune up safety classes. Initial plans are a session in the Southern Indiana, perhaps Vincennes, in the third week in February and another session in Northern Indiana, Plymouth or Kokomo, sometime in the first week of March. The Mid-American Ag Show will be held at the Convention Center in Indianapolis on February 5th and 6th.

Mike Hancock reviewed preemption and the scope of impact, as it relates to proposed ordinances, introduced in Steuben County, County Commission and Clear Lake Commission, to prohibit usage of phosphorus for lawn applications. An informal meeting held with representatives of the Steuben County Commissions resulted in the request for waivers being held in abeyance pending initiation of an education program in conjunction with Purdue Extension and the Lawn Care Association. Should a waiver hearing be requested members of the Board will be contacted to serve as a hearing Board, with the State Chemist serving as the Hearing Officer.

Cress Hizer indicated that his IPFAC Board needed guidance and direction as to disposal of rain water gathering in containment facilities. Past direction from OISC, with IDEM representatives present, was that if the facility had been dry, empty and clean, there should be no difficulty with water disposal but recommended checking the fluid for nutrients prior to pumping. Although IDEM has been contacted to provide some specification, aside from 0%, nothing has been received. Ryan was asked to see what can be done as soon as possible.

There being no further discussion, Chairman Joe Russell adjourned the meeting at 11:45 AM.

Michael Hancock
Board Secretary