

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2081

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

LaCosta Rickford
Operator's Signature

10/15/03
Date

2003 SENATE AGRICULTURE

SB 2081

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Lacosta Rickford
Operator's Signature

10/15/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2081

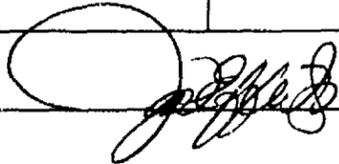
Senate Agriculture Committee

Conference Committee

Hearing Date 01/17/03

Tape Number	Side A	Side B	Meter #
1	x		105 - 1306

Committee Clerk Signature



Minutes:

Chairman Flakoll called the meeting of the Senate Agriculture Committee to order. All members were present.

Chairman Flakoll opened the hearing on SB 2081.

Jeff Olson, Program Manager for the North Dakota Agriculture Department testified in favor of the bill. (written testimony) (please note that page 4 of the written testimony contains a typo in line 6 of paragraph 2. The section of code referred to should be NDCC 4-35-07)

Senator Erbele asked who are the members of the Pesticide Control Board (meter # 600).

Mr. Olson stated there are three members:

1. Agriculture Commissioner (chairman)
2. Director of the NDSU Experiment Station
3. Director of the NDSU Research Facility

Senator Urlacher asked how this bill ties in with procedures in surrounding states.

Page 2

Senate Agriculture Committee
Bill/Resolution Number SB 2081
Hearing Date 01/17/03

Mr. Olson stated that all states vary somewhat but most states' designations are by their agriculture departments, many have more strict designations of RUP's (restricted use pesticides). For example, emergency exemptions in North Dakota, an exemption from registration, are not automatically designated as a RUP. In many other states, any unlabeled use is automatically designated as an RUP which requires more training for certification.

Senator Klein stated since no one was racing for the podium to testify against the bill, he wondered if Gary Knutson's group was OK with the bill.

Gary Knutson, North Dakota Agricultural Association came to the podium to answer Senator Klein's questions. He stated he had visited with Mr. Olson regarding the bill and it seemed to be primarily housekeeping to make the regulations fit federal regulations.

Mr. Olson clarified the bill will not have an affect on the emergency exemptions, will not be requiring restricted use classification for emergency exemptions unless EPA has already classified it as such.

Senator Klein asked Mr. Knutson if everything falls in line with his side of the industry and they are comfortable with it.

Mr. Knutson stated he will continue to follow it and have more discussion. There is a similar bill in the House that he is following as well.

Senator Klein asked if this was a housekeeping bill. Since the Agriculture Commissioner is already involved in the process under current law, is this bill to grant him sole authority for RUP designation.

Mr. Olson stated that the purpose of this bill is to designate the Agriculture Commissioner only to designate RUP's. The Agriculture Commissioner will base this decision on data gathered by

Page 3
Senate Agriculture Committee
Bill/Resolution Number SB 2081
Hearing Date 01/17/03

the Agriculture Department staff based on information from the registrant or the EPA or the extension service. The Pesticide Control Board does not deal with registration and RUP's are a registration issue. Therefore, the authority to designate RUP's should fall solely to the Agriculture Commissioner.

Senator Klein asked if the Agriculture Commissioner will still seek input from the NDSU Research and Extension personnel.

Mr. Olson stated the Agriculture Department would work closely with NDSU Research and Extension branches to make their evaluations of RUP designation. He also noted that to date there has been no designation of a RUP outside of what the EPA has already designated since the existence of the Pesticide Control Board. This is not a practice that will be used very frequently.

Chairman Flakoll closed the hearing on SB 2081.

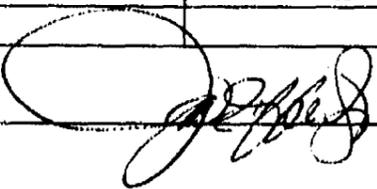
2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2081

Senate Agriculture Committee

Conference Committee

Hearing Date 01/31/03

Tape Number	Side A	Side B	Meter #
1	x		5733 - end
1		x	0 - 124
Committee Clerk Signature 			

Minutes:

Chairman Flakoll opened the discussion on SB 2081. All members were present.

Senator Klein said he has been doing some research on this bill. The bill takes some duties away from the Pesticide Control Board and puts the Agriculture Commissioner in charge of this particular side of the issue.

In visiting with a number of people, Senator Klein found they would be more comfortable with the board retaining the duties since the board has three members, the Agriculture Commissioner, the Director of the NDSU Experiment Station and the Director of the NDSU Research Facility who have a lot of knowledge in the area.

Senator Erbele has also had similar conversations. We did not have a lot of opposition to the bill but since the hearing, people have contacted him to say they are more comfortable leaving the Pesticide Control Board in charge.

Senator Nichols asked if anyone had contacted the Pesticide Control Board?

Page 2

Senate Agriculture Committee
Bill/Resolution Number SB 2081
Hearing Date 01/31/03

Senator Klein said we still have time to do some research.

Senator Nichols would like to talk to a few people about the bill before our next meeting.

Chairman Flakoll closed the discussion of the bill and adjourned the meeting of the Senate
Agriculture Committee.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

LaCosta Rickford
Operator's Signature

10/15/03
Date

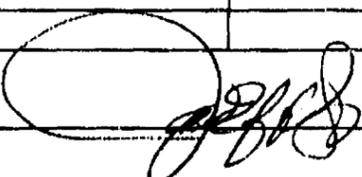
2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2081

Senate Agriculture Committee

Conference Committee

Hearing Date 02/06/03

Tape Number	Side A	Side B	Meter #
2	x		1930 - 2203
Committee Clerk Signature 			

Minutes:

Senator Flakoll opened the discussion on SB 2081. All members were present.

It was moved by Senator Klein and seconded by Senator Erbele that the Senate Agriculture Committee take a Do Pass action on SB 2081.

Senator Klein said there were some concerns with the bill. He has visited with Croplife America and the Agriculture Department in addressing their concerns. He thinks the bill is okay as is and recommends a Do Pass.

The motion passed on a roll call vote. Voting yes were Senator Flakoll, Senator Erbele, Senator Klein, Senator Urlacher, Senator Nichols and Senator Seymour. No negative votes were cast.

Senator Nichols will carry the bill to the floor.

Chairman Flakoll moved on to other business of the Senate Agriculture Committee.

FISCAL NOTE
 Requested by Legislative Council
 01/03/2003

Bill/Resolution No.: SB 2081

1A. **State fiscal effect:** Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. **County, city, and school district fiscal effect:** Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. **Narrative:** Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

No fiscal impact expected.

3. **State fiscal effect detail:** For information shown under state fiscal effect in 1A, please:

A. **Revenues:** Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

No impact to revenue expected.

B. **Expenditures:** Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

No additional expenses expected.

C. **Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

No additional appropriations expected.

Name:	Jeff K. Welspfenning	Agency:	Agriculture department
Phone Number:	328-4758	Date Prepared:	01/07/2003

REPORT OF STANDING COMMITTEE (410)
February 6, 2003 1:12 p.m.

Module No: SR-23-1847
Carrier: Nichols
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2081: Agriculture Committee (Sen. Flakoll, Chairman) recommends **DO PASS**
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2081 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-23-1847

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

LaCosta Rickford
Operator's Signature

10/15/03
Date

2003 HOUSE AGRICULTURE

SB 2081

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Lacosta Rickford
Operator's signature

10/15/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2081

House Agriculture Committee

Conference Committee

clerk's

Hearing Date 2--27--03

Tape Number	Side A	Side B	Meter #
ONE	A		16 TO 23.8

Committee Clerk Signature

Minutes:

CHAIRMAN NICHOLAS: Committee Members, we open the hearing on SB 2081.

JIM GRAY: Coordinator with the North Dakota Department of Agriculture. I am here to provide testimony in support of SB 2081. {{{PLEASE READ ATTACHED

TESTIMONY}}] [[[PLEASE READ PESTICIDE CONTROL BOARD MEETING MINUTES WHICH ARE ATTACHED]]]]

CHAIRMAN NICHOLAS: Any questions of Jim. Any opposition to 2081?

CHAIR TOOK ACTION ON 2081.

REPRESENTATIVE ONSTAD MOVED FOR DO PASS.

REPRESENTATIVE KINGSBURY SECONDED THE MOTION

THE ROLL WAS TAKEN. THERE WERE 11 YES 0 NO AND 2 ABSENT

REPRESENTATIVE ONSTAD CARRIED THE BILL.

SB 2081
2-27-03

Date:
Roll Call Vote #:

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House AGRICULTURE COMMITTEE

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By ONSTAD Seconded By Kingsbury

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN NICHOLAS	✓				
VICE CHAIRMAN POLLERT	✓				
REPRESENTATIVE BELTER	✓				
REPRESENTATIVE BOEHNING	✓				
REPRESENTATIVE KELSCH	✓				
REPRESENTATIVE KINGSBURY	✓				
REPRESENTATIVE KREIDT	✓				
REPRESENTATIVE UGLEM	✓				
REPRESENTATIVE WRANGHAM	✓				
REPRESENTATIVE BOE	✓				
REPRESENTATIVE FROELICH					
REPRESENTATIVE MELLER					
REPRESENTATIVE ONSTAD	✓				

Total (Yes) 11 No 0

Absent 2

Floor Assignment ONSTAD

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

LaCosta Rickford 10/15/03
Operator's signature Date

REPORT OF STANDING COMMITTEE (410)
February 27, 2003 12:37 p.m.

Module No: HR-35-3578
Carrier: Onstad
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2081: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO PASS
(11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2081 was placed on the
Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-35-3578

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

LaCosta Rickford
Operator's Signature

10/15/03
Date

2003 TESTIMONY

SB 2081

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

La Costa Rickford
Operator's Signature

10/15/03
Date

Roger Johnson
Agriculture Commissioner
www.agdepartment.com



Phone (701) 328-2231
Toll Free (800) 242-7535
Fax (701) 328-4567

600 E Boulevard Ave., Dept. 602
Bismarck, ND 58505-0020

**NORTH DAKOTA DEPARTMENT OF AGRICULTURE
LEGISLATIVE TESTIMONY**

Testimony of Jeff Olson
Program Manager
Senate Bill 2081
January 17, 2003
9:00 a.m.

Senate Agriculture Committee
Roosevelt Room

Chairman Flakoll and members of the committee, I am Jeff Olson, Program Manager with the North Dakota Department of Agriculture. I am here to provide testimony in support of SB 2081. This bill amends Chapters 19-18 and 4-35 of the North Dakota Century Code (N.D.C.C.) to consolidate authority relating to pesticide experimental use permits (EUPs) and designation of certain pesticides as Restricted Use Pesticides (RUPs).

To understand the basis for this bill, we must remember that North Dakota's pesticide laws are split into two separate chapters of the Century Code. N.D.C.C. 4-35, administered by the Pesticide Control Board, deals with enforcement of commercial pesticide applicators, certification of individuals who sell or use restricted use pesticides,

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

LaCosta Rickford
Operator's Signature

10/15/03
Date

and Issues dealing with pesticide storage, and sales, and use. In contrast, N.D.C.C. 19-18, administered by the Agriculture Commissioner, deals with pesticide registrations and labeling.

Section 1 of the bill moves the authority to issue experimental use permits from N.D.C.C. 4-35-07 to N.D.C.C. 19-18. Experimental use permits are used by pesticide manufacturers to conduct exploratory research on new pesticide use sites, rates, timings, and tank-mixes in hopes of developing new use patterns to benefit North Dakota farmers and ranchers. Pesticide uses under EUPs are unregistered pesticide uses, and EUPs are usually granted with specific directions related to experimental protocols and the fate of any treated crops.

Moving authority to issue EUPs from N.D.C.C. 4-35 to N.D.C.C. 19-18 makes sense for several reasons. First, activities involved with reviewing and granting EUP requests closely mimic those involved with pesticide registrations and emergency exemptions. Second, some pesticide manufacturers have withdrawn EUP requests in recent years because of their concerns that the details of the research would be accessible via open records requests. N.D.C.C. 19-18-04.2 offers protection of this information from open records requests. This should alleviate concerns with public access to specific information on research being conducted under EUPs, and encourage pesticide manufacturers to develop new pesticide use patterns to benefit North Dakota. The

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Jacosta Rickford
Operator's Signature

10/15/03
Date

Pesticide Control Board approved moving the oversight of EUP's to the responsibility of the Agriculture Commissioner at its meeting on November 14, 2002.

Section 2 of the bill clarifies which state agency has authority to designate a pesticide as a restricted use pesticide (RUP) by repealing N.D.C.C. 4-35-07. To provide some background, there are two general classes of pesticides: 1) general use pesticides, and 2) restricted use pesticides. General use pesticides can be used by anybody as long as that person uses the product according to the label directions. However, there are other pesticides that also require specialized training prior to their use due to toxicity or environmental impact concerns. Designation of these products as RUPs restricts their use to only those people that have received this specialized training. Granting a product RUP status also requires that special language to be added to the product's labeling to make it clear that they can only be used or sold by individuals certified by the North Dakota State University Extension Service to do so.

Currently, the authority to designate a pesticide as a restricted use pesticide is found in both N.D.C.C. 4-35 and N.D.C.C. 19-18. Because the Pesticide Control Board administers N.D.C.C. 4-35 and the Agriculture Commissioner administers N.D.C.C. 19-18, this has the potential of confusion. Pesticide enforcement activities allowed under N.D.C.C. 4-35 are based largely on pesticide label language. It is evident that authority to designate a pesticide as an RUP must be consolidated in the Century Code under Chapter 19-18. The Pesticide Control Board approved to consolidate the authority to

designate a pesticide as an RUP under N.D.C.C. 19-18, the chapter of the Century Code that deals with pesticide registrations at its November 14, 2002 meeting.

The pesticide registration process involves approval of product labeling, and ensuring that label directions are adequate to prevent unreasonable adverse effects to humans and the environment. Furthermore, a pesticide manufacturer cannot distribute any product with labeling that has not been approved by the North Dakota Department of Agriculture. As such, designation of a product as an RUP by the Pesticide Control Board under the current authority described in N.D.C.C. 4-~~36~~³⁵-07 is meaningless unless the Department has also designated the product as restricted use. Therefore, because designation of a product as an RUP and the subsequent labeling requirements are a product of the pesticide registration process, it makes most sense to repeal N.D.C.C. 4-35-07.

Thank you for consideration of this bill. I would be happy to answer any questions.

Roger Johnson
Agriculture Commissioner
www.agdepartment.com



Phone (701) 328-2231
Toll Free (800) 242-7535
Fax (701) 328-4567

600 E Boulevard Ave., Dept. 602
Bismarck, ND 58505-0020

**NORTH DAKOTA DEPARTMENT OF AGRICULTURE
LEGISLATIVE TESTIMONY**

Testimony of Jim Gray
Pesticide Registration Coordinator
Senate Bill 2081
February 27, 2003
9:30 a.m.
House Agriculture Committee
Peace Garden Room

Chairman Nicholas and members of the committee, I am Jim Gray, Pesticide Registration Coordinator with the North Dakota Department of Agriculture. I am here to provide testimony in support of SB 2081. This bill amends Chapters 19-18 and 4-35 of the North Dakota Century Code (N.D.C.C.) to consolidate authority relating to pesticide experimental use permits (EUPs) and designation of certain pesticides as Restricted Use Pesticides (RUPs).

To understand the basis for this bill, we must remember that North Dakota's pesticide laws are split into two separate chapters of the Century Code. N.D.C.C. 4-35, administered by the Pesticide Control Board, deals with enforcement of commercial pesticide applicators, certification of individuals who sell or use restricted use pesticides,

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

LaCosta Rickford

10/15/03
Date

and issues dealing with pesticide storage, and sales, and use. In contrast, N.D.C.C. 19-18, administered by the Agriculture Commissioner, deals with pesticide registrations and labeling.

Section 1 of the bill moves the authority to issue experimental use permits from N.D.C.C. 4-35-07 to N.D.C.C. 19-18. Experimental use permits are used by pesticide manufacturers to conduct exploratory research on new pesticide use sites, rates, timings, and tank-mixes in hopes of developing new use patterns to benefit North Dakota farmers and ranchers. Pesticide uses under EUPs are unregistered pesticide uses, and EUPs are usually granted with specific directions related to experimental protocols and the fate of any treated crops.

Moving authority to issue EUPs from N.D.C.C. 4-35 to N.D.C.C. 19-18 makes sense for several reasons. First, activities involved with reviewing and granting EUP requests closely mimic those involved with pesticide registrations and emergency exemptions. Second, some pesticide manufacturers have withdrawn EUP requests in recent years because of their concerns that the details of the research would be accessible via open records requests. N.D.C.C. 19-18-04.2 offers protection of this information from open records requests. This should alleviate concerns with public access to specific information on research being conducted under EUPs, and encourage pesticide manufacturers to develop new pesticide use patterns to benefit North Dakota. Finally, the Pesticide Control Board has considered this issue and approved moving the

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

LaCosta Rickford
Operator's signature

10/15/03
Date

oversight of EUP's to the responsibility of the Agriculture Commissioner at its meeting on November 14, 2002.

Section 2 of the bill clarifies which state agency has authority to designate a pesticide as a restricted use pesticide (RUP) by repealing N.D.C.C. 4-35-07. To provide some background, there are two general classes of pesticides: 1) general use pesticides, and 2) restricted use pesticides. General use pesticides can be used by anybody as long as that person uses the product according to the label directions. However, there are other pesticides that also require specialized training prior to their use due to toxicity or environmental impact concerns. Designation of these products as RUPs restricts their use to only those people that have received this specialized training. Granting a product RUP status also requires that special language to be added to the product's labeling to make it clear that they can only be used or sold by individuals certified by the North Dakota State University Extension Service to do so.

Currently, the authority to designate a pesticide as a restricted use pesticide is found in both N.D.C.C. 4-35 and N.D.C.C. 19-18. Because the Pesticide Control Board administers N.D.C.C. 4-35 and the Agriculture Commissioner administers N.D.C.C. 19-18, this has the potential of confusion. Pesticide enforcement activities allowed under N.D.C.C. 4-35 are based largely on pesticide label language. It is evident that authority to designate a pesticide as an RUP must be consolidated in the Century Code under Chapter 19-18. The Pesticide Control Board has considered and approved consolidating

the authority to designate a pesticide as an RUP under N.D.C.C. 19-18, the chapter of the Century Code that deals with pesticide registrations at its November 14, 2002 meeting.

The pesticide registration process involves approval of product labeling, and ensuring that label directions are adequate to prevent unreasonable adverse effects to humans and the environment. Furthermore, a pesticide manufacturer cannot distribute any product with labeling that has not been approved by the North Dakota Department of Agriculture. As such, designation of a product as an RUP by the Pesticide Control Board under the current authority described in N.D.C.C. 4-36-07 is meaningless unless the Department has also designated the product as restricted use. Therefore, because designation of a product as an RUP and the subsequent labeling requirements are a product of the pesticide registration process, it makes most sense to repeal N.D.C.C. 4-35-07.

I have attached a copy of the minutes from the November 14, 2002, meeting of the Pesticide Control Board. You will see that the Board approved this bill language to amend the Century Code.

Thank you for consideration of this bill. I would be happy to answer any questions.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Jacosta Rickford
Operator's Signature

10/15/03
Date

Call to Order and Introductions

Roger Johnson called the meeting to order at 10:40 a.m. on November 14. The meeting was held in the Agriculture Commissioner's office in Bismarck. Board members present were **Roger Johnson**, North Dakota Agriculture Commissioner; **Ken Grafton**, NDSU Experiment Station Director; and **Sharon Anderson**, NDSU Extension Service Director. Others present were **Jeff Olson**, ND Department of Agriculture. **Andrew Thostenson** joined the meeting via conference call at 10:53.

Anderson moved to approve the minutes of the June 10, 2002, PCB meetings. Seconded by Grafton. All members voted "aye."

Thostenson presented the NDSU Pesticide Program update and activities. Thostenson proposed a one dollar fee increase for certification exams from \$19 to \$20. There were discussions on how much to increase the fee. Anderson stated that instead of increasing it one dollar, that it should be increased to \$25 to cover more of the costs of operating the program. Johnson stated that an Attorney general's opinion in 1999 stated that the board can only increase the fee to cover its actual costs. Anderson stated that \$25 would still be below the actual cost of operating the program. Thostenson was directed by the Board to determine the actual cost of operating the program and report it to the Board. **Anderson moved to approve the fee increase to \$25 from the present \$19 for certification exams on condition that Thostenson's cost evaluation exceeds the \$25 limit. Grafton seconded. All members voted "aye."**

Olson presented to the Board a draft administrative rule covering cheating on certification exams. Olson stated that it was approved by the advisory committee in August to recommend the rule. Thostenson expanded on the background of the discussion and its effectiveness in other states. The reason for the rule is because of an investigation that occurred in Cavalier County earlier this year. Johnson stated that he wasn't opposed to the rule but suggested that the process should wait until after the legislative session is complete in case there are other changes that may need to be made. The decision on the administrative rule was tabled until after the legislative session.

Olson next presented three bill drafts that dealt with N.D.C.C. 4-35 06 (2) and 19-18. One draft would remove the ability of the Board to designate restricted use pesticides. This jurisdiction is found in both NDCC 4-35-06 (2), Pesticide Control Board and 19-18, Agriculture Commissioner. The reason for keeping with the Agriculture Commissioner is because it is more of a registration issue than an enforcement issue. Another issue on the same bill draft would move NDCC 4-35-07 to NDCC 19-18. This section covers the review of experimental use permits. The reason for this move is because it is an experimental registration issue.

North Dakota Century Code 4-35-23 (4) will be amended to clarify language at the recommendation of the Attorney General's Office. NDCC 4-35-05-09, 14, and 18 are

housing cleaning amendments to clarify confusion in the statutes. Grafton moved that the Board approve the bill drafts subject to review and approval of the Attorney General's Office. Anderson seconded. All members voted "aye".

Olson updated the Board on the pesticide enforcement numbers for the past federal fiscal year and was directed to supply the number of outstanding cases to the Board. Olson explained the investigations and enforcement issues relating to the import of Canadian Liberty and the off label application of Round-up on mustard and dry beans. Olson next explained the final investigation to the dinoseb groundwater contamination in Pembina County. Olson explained that the Department's investigation included a fly-over of the vicinity looking for "old" dumps and landfills, the search of the located dumps, and soil sample collection and analysis surrounding the well in question. Olson explained that the soil analysis indicated the residue was found in the soil profile and originated from an area where potato truck boxes were stored on old fifty-five gallon drums during the 1970's. Olson's conclusion was that the dinoseb residue is slowly leaching through the soil profile with residue levels well below the MCL level and there was no danger to human health or the environment. Olson stated that EPA was briefed on these conclusions and was satisfied with the results.

Meeting adjourned at 11:00 a.m.

The minutes were submitted by Jeff Olson.