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2001 HOUSE AGRICULTURE

HB 1287

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1287

House Agriculture Committee

Conference Committee

Hearing Date 2--2--01

Tape Number	Side A	Side B	Meter #
4	A		00 to 4130
Committee Clerk Signature <i>Edward A. Walker</i>			

Minutes:

1A:00 CHAIRMAN NICHOLAS: Opened the hearing on HB 1287. Representative Brandenburg.

REPRESENTATIVE BRANDENBURG: This is a Bill that is looking at Harmonization issue. It is looking at grain that is being transported into our state and making it a class B misdemeanor for any person to transport Agriculture Products into the state from other country. This Bill was around last session also. This is one that we are definitely going to look at. How are we going to deal with chemical situation and harmonization issue. You have to ask yourself. If the Canadians are able to use chemicals that we cannot use at a lower price, yet they are able to transport the grain into the US saying that it is a safe chemical but our country is saying that these chemicals are not safe for consumption of the people in the U.S. . It is a double standard. We can't use a cheaper chemical. The Canadians can. We can't import those chemicals in the US. The EPA is saying that these chemicals are not safe for the people in

the U.S. The Canadians can ship there wheat into the US, after they were grown with the chemicals.

REP. PIETSCH: This is much more legitimate and cost base reason to inspect.

REP. BRANDENBURG: House Bill 1286 and 1287 are compatible Bills. It maybe that they will have to work together. There a little bit different issues but they certainly are very close.

REP. ONSTAD: The plant in Velva. What effect will these Bill have on that plant.

There is a concern whenever an issue like this arises. The plant InVelva and Carrington and those plants have to have some Canadian impute to keep those plants going. We do not in any way want to hurt them. We have to deal with that as we go through this session. We can make sure the needs of the Velva plant and Carrington plant are met. These Bills can work through that and find some amendments to take care of those needs.

CHAIRMAN NICHOLAS: I has been pointed out that 80 percent of canola now is domestic that is being used at the Velva Plant. We are headed in the right direction.

Rep Mueller: Hearing about these Bills as being companion Bills. Can you talk to me about the connection that these two bill have.

Rep. Brandenburg: The thing that we looked at is the carry over from last session. We know it is here. Looking at the trade issue and inspection fees that we need to feel that inspection fee that should we put the two bill together or. I think it is important that we keep them as separate Bills. We identify in this committee how are we going to deal with them. Should we have one Bill when we get done with it or should we have two. There may be a reason to keep them separate. There are two separate issues, the inspection fee and the chemicals.

CHAIRMAN NICHOLAS: Tell the committee that if we pass HB1287AND kill HB 1286 what would happen?

REP BRANDENBURG: I am not certain that at this time we want to kill either Bill. I think that we need to sit down and work through them. I think with the inspection fee that we are going to throw that into the other Bill. I am not sure that we can do that. Going back to HB 1286 once we solve the fiscal cost it will work. I think that they are both important Bills. They may be tied together later but right know they are two separate Bills.

Rep. Lloyd: I don't think that NAFDA will have any effect on this Bill.

Rep Brandenburg: I have to ask legal council as to that. I donut want to give the wrong impression. Roger may have the answer to that. I think that last session the attorney general said that it was not incompatible.

REP. D. LEHEUX: House Bill 1287 is the remake of a Bill that we had last year. We may want to put an emergency clause in this saying that as soon as the Governor signs this it gos into effect. That was one of the reasons that Gov. Schaffer vetoed this Bill last session.was because we put a delayed effect on it. The fact is in the handout and I just took the notes from last session and we can walk through them. This Bill is a food safety Bill. We in the US have had a record of providing some of the safest food in the world. If food is produced in the US it is healthy. That is what we want. HB 1287 addresses those issues. If you are going to bring an Agr. product into this country, into this state from another country. You just provide us with a certificate that says that your product that you are exporting meets what we as producers in the US ARE requiring ourselves to do. We are not imposing standards beyond what we do to our ND. farmers right now. ND, MONTANA AND MINNESOTA adhere to EPS standards.

They adhere to FDA standards. Yet one entity can produce products with chemicals that are not labeled and they may have residue on the products that that are exporting into the US .or our state of ND. Other countries are shipping their products to Canada and then Canada ships the product into our country, actually dumps in the US market. It is a proven fact that this has happened. This Bill simply states that if you want to import something into our state that you provide a certificate that says it is safe for our children.

CHAIRMAN NICHOLAS: Any other testimony.

JIM DIEPOLDER: I am speaking on behalf for the US Durum Growers and second part on my own behalf. The durum growers see these Bill as two parts. One is safety and a competitive disadvantage is the second part. Imported meal feed is being used in Texas to feed cattle. The meal could be contaminated and cause mad cow disease. We eat the hamburgers. No other Bill will promote chemical harmonization faster then this bill. We want paper work at the Canadian Boarder. The Canadians don't want to be liable. They are going to have to provide an affidavit.

CHAIRMAN NICHOLAS: How are we going to avoid the problem. We have to stay competitive. The Corn problem. Growers are loosing two bits a bushel right now on corn contamination.

If starling corn or GMO grain is cheaper to produce in another country and it gives them a competitive advantage. O.K, who are you going to buy it from them. Even thought it may not meet our food safety standards. What this Bill dose, it forces them to raise their standards to our standards. It does not impede trade. We can still buy all the grain and canola out of Canada that we want but there has to be a certificate.

You have contamination from one shipping car to another. A car load of contaminated grain go to Duluth, unloads, comes to ND with those same shipping cars and what we load here becomes contaminated because of the cars.

1A; REPRESENTATIVE NICHOLAS; ANY ONE ELSE

SPEAKER---DID NOT GET NAME. We collectively, are trying to get the FDA TO in-force existing Federal Standards. Canadians imports have been very low on the priority list in enforcing from FDA for food safety from Canadian imports.

CHAIRMAN NICHOLAS: Go ahead Curt.

CURT TRULSON: This is a food safety BILL.

If we are going to import food, cattle from other countries without standards we got problems.

Can we believe the sampling problem. The Bearu has not funds to support sampling.

Some of the facts that Commissioner Johnson talked about. We had asked him to do some more testing on wheat and wheat products entering ND. from our Canadian friends. Like he said they move about at the pace of conventional drift. They told us they would take thirty samples and they got 28. They said they had a hard time finding Canadian Grain. Of the twenty eight samples, they found one sample with residue and the residue was all right.

The residue they found in that sample was 2-4-D. Can we believe the sampling process. I don't believe so. Again funds for sampling is not there. The FDA dose not have the people to do the sampling. This Bill simply says you must meet the ND, standards. There is very similar Bill being introduced in Montana and Wyoming. The attorney general says he has no problem supporting this Bill. He says he gets his orders from the Legislative Assembly and

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they tell me what to do. As to the fiscal notes. I don't think there should be a cost to the state of ND. The Federal Government is suppose to be doing this.

1A:3190 CHAIRMAN NICHOLAS. What you are saying Curt is we can Kill HB1286 PASS 1287 because 1287 will address the Federal side of it.

Thats exactly the way it should go. That's all the comments I have

1A:CHAIRMAN NICHOLAS: Thank you Curt.

Who else offering testimony on this Bill.

LOUIS CUSTOR: I support this legislation. I brought along a Canadian Grain Commission print out. Please see printed information. The Canadian Grain Commission is telling the growers etc. to meet the standards.

Canada is very concerned what we are doing here in ND. This could really shake the tree. WE should not lower our standards as to products from Canada.

THOMAS WYLY: Please read the Linda Rauser testimony which is attached. Imported commodities are still negatively affecting North Dakota Agricultural prices This a fair trade issue. Please Vote DO PASS ON 1287

1A:4130 CHAIRMAN NICHOLAS: We are adjourned.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1287

House Agriculture Committee

Conference Committee

Hearing Date February 15, 2001

Tape Number	Side A	Side B	Meter #
I	x		2882 to 6100
Committee Clerk Signature <i>Edward D. Ellyson</i>			

Minutes:

Chairman Nicholas: Let's move to HB 1287. We have some amendments. Who are these from?

(some discussion)

Rep. Lemieux: On page one line 3 after penalty insert ", and declaring an emergency" On line 10 remove the word "sanitary" and after line 22 insert "**Section 2. EMERGENCY.** This act is declared to be an emergency measure. I move the amendment.

Rep. Mueller: I second.

Rep. Brandenburg: Do you have a reason why the word sanitary was removed?

Rep. Lemieux: By just taking that word out we are asking for the certificate. Sanitary generally deals with livestock or plants. Grains for example are generally sanitary. We are just asking for a certificate. The reason to declare the emergency is in the last legislative assembly this same bill came forward and the Governor suggested to us as a body that he would veto this bill because it had a clause in it to keep it from going into effective until July 1, 2001. That would be the reason

for vetoing it, we as a legislative body would be able to enact this by putting an emergency clause on it so it goes into effect as soon as the Governor signs it. We are asking for the certificates.

Rep. Pietsch: In my notes from when we first heard this bill, I had written in, after penalties and to provide the appropriation. Is that no longer needed?

(some discussion)

Rep. Brandenburg: I guess I know that this bill is gonna have a lot of work going in to the Senate. I don't necessarily disagree with the emergency clause, but I not sure that we worked that out. How does the committee feel?

Rep. Lloyd: I think I have somewhat the same question as Rep. Brandenburg. I recall that situation when we vetoed that bill. What was the Governor's reason for vetoing that bill? Can you talk about that.

Rep. Lemieux: The Governor just said it didn't make sense to him to have the bill pass with a delayed effective date and this bill is basically saying that the products we have brought into this state need to meet the standards set by the EPA and FDA. We in ND take a stand, if you are going to bring a product into ND you will have to meet the standards that we have to meet here. If we are not willing to stand up and do that, then we are ... I don't know what we are thinking.

Rep. Brandenburg: My concern is that we want to make this bill as workable as we can. I think that putting an emergency clause on it right now until we get it over to the Senate to work with it could be a problem. We want to walk out of here with something that works. If the Governor is going to sign this bill, it becomes effective that day. I am not emergency is the right word.

Rep. Lemieux: If the emergency clause does not get inserted in the House of Representatives it is dropped from the bill. Without that clause on the bill, if we get a full agreeing board it goes into

effective, August 1st. The fact is, this bill is a bill designed to bring the attention of one of things you have worked diligently on Rep. Brandenburg and that is harmonization. The efforts of that committee. This is a bill to emphasize that we need that scientific harmonization. This bill is somewhat of a in your face bill. But it is actually trying to bring the players into this legislative assembly and saying we need to discuss these issues here and now. Because when, if not now, when? When we are not in town? I implore you to adopt the amendments and pass the bill.

Rep. Nicholas: Would you have some folks here with the CPA and do you have any comments on this? Maybe you could give us a little update as to where we are, or what kind of progress we have made in this area.

Cal Rollfson - Attorney: I don't have any comments on the emergency clause, per say. Sanitary part is okay to delete. The major concern of the bill from our standpoint is the line 17. The criteria indicates all three criteria must be present. You would not be able to transport into ND any chemical that has no trace of a chemical not approved for use in this country. I think that some of the prior testimony indicated that might be an impossibility. That is my main concern. The issue of the planting.

Rep. Lemieux: What is the problem with having no traces of chemicals that are not approved to be used in this country?

Rollfson: My understanding is I believe there are in certain chemicals that have not been approved in tolerance levels and I am not sure that is in violation of EPA regulations. I am afraid that these tolerance levels may be in question.

Ed Vague: In response to Rep. Lemieux's questions. They can test up to 1 trillionth levels and there's a lot of confusion and a lot of problems can be caused. There are already existing Federal laws on the import quality issues. Whether or not we have had harmonization before, the FDA

