

IFCA NEWS



ILLINOIS FERTILIZER & CHEMICAL ASSOCIATION

Our Mission Statement: *To assist and represent the crop production supply and service industry while promoting the sound stewardship and utilization of agricultural inputs.*

Summer 2011 Newsletter

IFCA Chairman's Report by Rodney Phelps

Welcome to summer! Who would have thought that just four short weeks ago we wanted the rain to stop and warm up? Here in north central Illinois as I write this it reads 100 degrees on my thermometer. It is summer in Illinois and good ole Mother Nature is in charge. First off, I would like to thank everyone who renewed their IFCA membership and welcome all of our new members. I hope in spite of the adverse change in the weather that you all had a good spring and are able to see the fruits of your labor. I know a lot of aerial application of fungicide and insecticide is going on in my area and I assume the balance of the state is doing the same.

Jean and several IFCA board members went to Washington, DC for the annual agribusiness fly-in. We met with the newly elected senators and congressman as well as some of our experienced legislators. We stayed focused and let our government officials know how important the current issues are to us and agriculture as a whole. This was my second trip to the nation's capitol and I can say once again we as an organization are well represented and are looked up to as a model association!

IFCA hosted three golf outings this summer which helps fund five \$1,000 ag scholarships that are presented at our annual meeting in January. Leslie puts in a lot of hours planning these so your support is greatly appreciated. Thanks to all the IFCA members who participated in the golf outings this summer.

Mark your calendar for MAGIE 2011, which is August 24-25. This is one of the premier outdoor exhibits in the nation. MAGIE continues to grow each year and the IFCA staff work very hard to make sure this show is of great value to the industry. The summer is short so please take time to enjoy every day and enjoy the people around you. I wish all of you a very happy summer and we will talk again in the fall.

"If you always do what you always did, you will always get what you always got"

Rodney

Two Illinois Watersheds Involved in Nutrient Stewardship Research

Indian Creek watershed near Fairbury, IL and the Kickapoo Creek watershed east of Bloomington, IL hosted tours of the watershed to demonstrate best management practices used in nutrient stewardship research. The Indian Creek watershed project used a variety of nitrogen fertilizers and adhered to the 4R's (Right Source, Right Time, Right Place and Right Rate) strategy on three separate family farms within the watershed. The nutrient use efficiency trials in the Indian Creek watershed used a variety of nutrient applications such as strip-till nitrogen application, Spring applied nitrogen application, conventional nitrogen application, Spring applied SuperU vs. Urea, Spring applied ESN, Spring applied urea, split application of urea (half Fall and half Spring), Fall applied urea and extended release nitrogen.



The Grove subdivision and wetland east of Bloomington, IL.

The "Keep it for the Crop" enhanced nutrient stewardship strategy that IFCA and the Illinois ag organizations have embraced will be engaged with IEPA in the Indian Creek watershed along with four other priority watersheds: Lake Decatur, Lake Bloomington, Lake Vermilion and Lake Mauvisse Terra in Morgan County. IFCA will be working directly with IEPA staff to conduct assessments of the agricultural practices in these watersheds. We will also work with retailers and farmers to experiment with enhanced nitrogen and phosphorus management practices to reduce losses of these nutrients to the watersheds.



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Visit us on the web at www.ifca.com

IFCA WELCOMES NEW MEMBERS

Nick Huston, AGCO Corporation, Duluth, GA
David Dechow, AgWorks, Davenport, IA
Matt Jones, CF Industries, Inc., Effingham, IL
Colt Doyle, Doyle Equipment Mfg., Quincy, IL
Kevin McKee, Elburn Cooperative, Maple Park, IL
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Kurt Sieren, Helena Chemical Co., West Des Moines, IA
Randy Temple, Helena Chemical Co, Monticello, IL
John Walter, Helena Chemical Co, Ankeny, IA
Justin Moritz, Heritage FS, Inc., Herscher, IL
John Wyss, Heritage FS, Inc., Bourbonnais, IL
Dave Junge, Junge Control, Inc., Cedar Rapids, IA
Michael Elliott, Marco NPK, Inc., Clinton, IL
Jim Beck, Nationwide Agribusiness Insurance, Danville, IL
Bill Lindenmier, Precision Laboratories, Oregon, IL
Pat Molter, Pump & Meter Solutions, Westfield, IN
Bill Clemons, Rosen's, Inc., Ottawa, IL
Byron Greene, Rosen's, Inc., East Prairie, MO
John Walsh, Rosen's, Inc., Buffalo, IL
Perry Rittenbach, Timpfe Industries, David City, NE
Tim Lewis, Top Ag, Pierron, IL
Jessica Studley, Topcon Positioning System, Livermore, CA
Blake Vaughn, Tri County Chemical, Eldorado, IL
Scott Bowen, United Soils, Inc., Fairbury, IL
Kari Depauw, United Soils, Inc., Fairbury, IL
Mark Hoover, United Soils, Inc., Fairbury, IL

IFCA CALENDAR

National Agronomic Environmental Health & Safety School

August 23-24 @ Double Tree Hotel, Bloomington, IL

MAGIE 2011 - Celebrating 30 Years

August 24-25 @ McLean County Fairgrounds, Bloomington, IL

2011 Fall NH3 Safety Schools

Tuesday, September 27 @ Rock Falls Hotel, Rock Falls, IL

Wednesday, September 28 @ Holiday Inn City Center, Peoria, IL

Thursday, September 29 @ Northfield Inn & Suites, Springfield, IL

Friday, September 30 @ Holiday Inn & Suites, Bloomington, IL

IFCA Convention 2012

January 17-19, 2012 @ Peoria Civic Center, Peoria, IL

What You Need to Know But May Have Overlooked!

- ⇒ On-Farm Storage Requirements: Farmers with 5,000 gallon capacity or more of liquid fertilizer storage, 50,000lbs or more of dry fertilizer storage or 300 gallon capacity or more of pesticide storage for more than 45 days are required to be permitted and have secondary containment per Illinois Department of Ag Regulations. The IL Attorney General has taken enforcement action for spills from uncontained storage.
- ⇒ It is illegal to burn anything at an agrichemical facility.
- ⇒ NH₃ nurse tanks with missing or illegible data plates must be hydro, thickness and visually inspected/tested once every five years. Nurse tanks are required to have a license plate in Illinois.
- ⇒ Farmers who own NH₃ nurse tanks and toolbars must comply with all Illinois Department of Ag Rules and Regulations for Anhydrous Ammonia. Farmers must also comply with testing and inspecting tanks with missing or illegible data plates. It is illegal to fill a nurse tank with a missing or illegible data plate unless it has been tested per the USDOT regulations.
- ⇒ NH₃ nurse tanks can not be used to supply ethanol, refinery or power plants. USDOT regulations consider NH₃ nurse tanks used for agricultural purposes to be non-specification cargo tanks and therefore can only be used for agricultural purposes. Supplying an ethanol plant with NH₃ nurse tanks for pH balance is not considered agricultural use.
- ⇒ Any location with 1,320 gallons combined aboveground gas, oil or diesel fuel storage must comply with SPCC regulations. Crop oil must also be included and farmers are not exempt from the SPCC requirements if they meet or exceed the designated threshold.
- ⇒ Part of your risk management plan requires a maintenance manual, hazard review (every 5 years), compliance audit (once every three years), incident investigation if a RQ release occurs at your facility, employee training and documentation of maintenance. 2014 will be the 5 year resubmission date for most Risk Management Plans. The Asmark Institute's *myRMP* can be used to comply with the Risk Management Program requirements. IFCA also offers a Risk Management Plan audit for members; contact Kevin for assistance.
- ⇒ Don't forget to register any new facility with Department of Homeland Security (DHS) if you carry any of the following products: 10,000 pounds or more of NH₃, 2,000 pounds or more of ammonium nitrate, 2,000 pounds or more of potassium nitrate, 2,000 pounds or more of sodium nitrate, phosphine, phosgene.
- ⇒ Floaters and sprayers are only considered "Implements of Husbandry" if they fit the following criteria:
 1. Cannot exceed 30 mph
 2. Cannot exceed 36,000 pounds empty or loaded at anytime of the day
 3. Cannot exceed 12 feet in width



Important Industry Issues



Asmark Institute Offering New Pesticide Applicator Training Course

The Asmark Institute is offering a new mobile Professional Applicator Training Course. The course is designed to be held at an ag retail facility or county fairgrounds similar to the Asmark HAZWOPER refresher course. Dr. Bob Wolf, formerly with Kansas State University will be the lead instructor. Information to be covered includes but is not limited to application systems and equipment, understanding pesticides, labels and safety, tanks, pumps, plumbing, calibration of liquid spray systems, proper nozzle size, nozzle installation, measuring spray drift, spray drift management, application technology, calibrating droplet size, drift reduction technology and flow control. The Asmark Institute will be exhibiting their new equipment for the Professional Applicator Training Course at MAGIE.



IFCA Hosts National Agronomic Environmental Health & Safety School

Held in conjunction with MAGIE, IFCA also hosts the National Agronomic Environmental Health & Safety School (NAEHSS). The safety school will be coming to the Double Tree Hotel & Conference Center in Bloomington, IL the same week as the MAGIE show. The agenda and online registration for the August 23-24, 2011 school can be found at www.naehss.org. The agenda consists of top-level speakers from the USDOT and FMCSA discussing nurse tank inspections and motor vehicle enforcement, and a speaker from USEPA explaining the final Spill Prevention Control & Countermeasures (SPCC) regulations that will impact retailers and farmers who store fuel on site. This is a top-quality national safety school that IFCA is proud to host alongside MAGIE. If you are in charge of safety and compliance at your retail plant, you should take advantage of this great educational opportunity.

U.S. EPA Reviews Asmark Institute's SPCC Tools

Anyone who stores fuel and oil products over 1320 cumulative gallons must have in place a Spill Prevention Control Countermeasure (SPCC) plan. The Fertilizer Institute and representatives from U.S. EPA have reviewed the Asmark Institute's new web-based *mySPCC* tools for agricultural retailers. *mySPCC* consists of two tools designed to assist retailers in preparing and complying with SPCC requirements. TFI and the Asmark Institute have been working with U.S. EPA for several years on these tools, which when finalized, will be available through the Asmark Institute free of charge to retailers and the public similar to the *myRMP* tool. The *mySPCC* tool is expected to launch by September.

IFCA To Collect Portable Refillable Containers (PRCs) in September 2011

IFCA, in partnership with the IL Dept of Ag and Tri-Rinse, are planning several Portable Refillable Container (mini-bulk) recycling locations scheduled for September 2011. With the deadline approaching for compliance with the pesticide container containment (PCC) regulations, there is definitely a need for another series of collection sites throughout Illinois this year. IFCA plans to have at least four collection sites for outdated or unusable PRCs with capacity of 30 gallons or more, or if you enough tanks to fill a truck we can come directly to you. IDA will also conduct the 2.5 gallon collection sites in Illinois over the summer.

Ag retailers should have received a Minibulk Regulation Compliance brochure from IFCA, with the tank recycling forms inside. If you did not receive this information please contact Kevin Runkle. There will be a \$15 charge for each mini-bulk tank registered for pickup, or you may also coordinate with IFCA to deliver your tanks directly to Tri-Rinse in St. Louis and reduce the per tank charge.

Please review the IFCA brochure and many useful documents posted in Minibulk Regulations section on the IFCA homepage for information about the PRC rule which goes into effect August 16, 2011. Call us if you have questions!



Trial Lawyers Pull Ag Retailers Into Lawsuit

In July 2011, nearly 50 ag retail locations and several farmers across the state were served with a subpoena requesting them to produce 10 years of records on their purchase, sale, application and any related documents pertaining to the utilization of the USEPA registered pesticide atrazine. IFCA is assisting our members in responding to the subpoena in order to protect our member's rights in this matter and coordinate an effective response to the subpoenas.

The law firm that is serving the subpoenas, Korein Tillery, has filed multiple lawsuits against atrazine manufacturers. Syngenta has been engaged in defending a lawsuit filed in Madison County, Illinois since 2003. Korein Tillery has filed another lawsuit against Syngenta in federal court. The lawsuits allege that the use of the legal crop protection product atrazine is detrimental when applied according to its label, even though USEPA has established maximum detection levels for water supplies and USEPA has repeatedly approved the registration of atrazine for use in agriculture based on decades of science.

Last year, IFCA and other Illinois ag organizations were also subpoenaed to turn over documents on any communications we produced regarding atrazine, best management practices, newsletter articles, interactions with other trade groups and anything related to this product. IFCA has been defending against the subpoenas we were served. IFCA has asserted that the subpoenas are irrelevant to the lawsuits against Syngenta and that they violate our right as a trade association to represent the interests of our industry and our members, and our right to petition our government as provided by the 1st Amendment to the US Constitution.

The business climate in Illinois is tough enough without trial lawyers making it even worse. We do not know the full extent of the lengths that the Korein Tillery law firm will go in its attack on our industry but if history provides any guidance, it appears to be leaving no stone unturned. The pending lawsuits against a respected company and a reputable product should be a concern for all the ag community. Not content to pursue the manufacturers of a licensed and approved product, the Korein Tillery law firm is now seeking to spread the burden to ag retailers and farmers. This kind of litigation is just one more reminder of why Illinois is in desperate need of tort reform. Other states require court approval for subpoenas to be issued; in Illinois any lawyer who files a case can simply decide who they want to subpoena and proceed, costing everyone involved time, money and stress.

We hope that no additional subpoenas will be issued to our members, but if you happen to receive anything on this matter, please contact Jean Payne immediately for assistance.

Feel free to share information on this development with your farmer customers. Everyone in agriculture should be concerned.

Ag Industry Working with FMCSA on Hours of Service, Implements of Husbandry and More

Illinois as a state seems to be front and center when it comes to enforcement of regulations. In the last newsletter we told you about the Federal Motor Carrier Safety Administration raising concerns about farmers taking tractors to grain elevators that export, farmers in 50-50 cost share situations having to be "for hire" and implements of husbandry such as nurse tanks crossing state lines. There was a very verbal outcry among the Illinois ag groups and others over these new "interpretations" by FMCSA and after many meetings and our Illinois congressmen intervening, FMCSA published a request for comments on how to deal with these situations in the ag industry.



IFCA submitted comments encouraging FMCSA to allow implements of husbandry to cross state lines, go to grain elevators that export, and Illinois Farm Bureau also commented extensively on the 50-50 cost share "for hire" issue. Our national groups Ag Retailers Association and The Fertilizer Institute have also been very engaged in this process on behalf of our industry. We hope to come to a reasonable resolution with FMCSA by harvest, and are hopeful that common sense will prevail. We have also started to work with FMCSA again on the Hours of Service issue; the current 2 year waiver for ammonia transportation will expire in July 2012, so it isn't too early to start working to return this to a permanent exception for farm supplies being transported within 100 miles of all distribution points.

From the President's Desk by Jean Payne

I look forward to summer for lots of reasons, but in the past 15 years, there is one reason that makes summer all the more attractive. The end of the legislative session! There are some exceptions to that, particularly during the Blagojevich years when the legislature was in session all summer at his command, but didn't accomplish anything because the Governor himself didn't follow his own rules and show up at the capitol. Just another chapter in Illinois political history we'd all like to forget.

This year, despite reaching common ground with the environmental groups on SB 2010 to establish the Nutrient Research & Education Council, and despite a unanimous Yes vote in the Senate, the House of Representatives refused to take up the bill in committee. We could not even get a hearing. Why? Well, there could be lots of reasons, but usually there is just one—because the legislative leaders didn't feel like doing it. But we'll be back at it soon working to pass this important legislation for agriculture. The nutrient challenges facing our industry are formidable, and we need to make a significant investment in order to manage these issues so that agriculture provides the solutions. Otherwise the government will provide the solutions—and we all know how successful that will be.

IFCA is leading the way with the implementation of "Keep it for the Crop by 2025" which lays out a strategy that promotes enhanced nutrient stewardship practices in Illinois. It's the 4R's (right source, right rate, right time, right place). We are working closely with our members in the fertilizer manufacturing sector to kick-start this effort. We'll also be reaching out to retailers in priority watersheds to help us work with growers to incorporate nutrient practices to ensure they reach their yield goals and also reduce the amount of nutrients leaving their farm. We'll keep you posted as we move forward this fall.

The summer is flying by, which means before you know it, I'll be back at the state capitol representing you. As our state continues to spiral deeper into debt, the challenges will be many. I have little doubt that we will find ourselves once again defending the agricultural sales tax exceptions. The House leadership tested the waters again on sales taxes this past session, and I suspect the reason SB 2010 did not pass is because they want us to come to the table and negotiate on sales tax exceptions. Good thing NO is easy to spell and say on that subject. Instead we'll work hard to show them that agriculture is, and will continue, to contribute to our state's revenue in many positive ways, if they just let us.

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Return Service Requested