SENATE AGRICULTURE
EXHIBIT NO. 2
DATE 1-8-09
BILL NO. SB55

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SENATE COMMITTEE
ON
AGRICULTURE, LIVESTOCK & IRRIGATION

Senate Bill 55

Testimony of Ron de Yong
Director, Montana Department of Agriculture

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

For the record, my name is Ron de Yong, director of the Montana Department of Agriculture. I am here to testify in favor of the passage of Senate Bill 55. Also for the record I would like to introduce Greg Ames, Agricultural Science Division Administrator, and Andy Gray, Commodities Services Bureau Chief to help provide accurate answers to your questions.

As Senator Steinbeisser testified, the amendments to the Fertilizer Act are to clarify who is the responsible party for paying the fertilizer tonnage assessment fees, who is responsible for registering products, and to align Montana's Commercial Fertilizer Act more closely to the current national model regulations. These national model regulations are established by the association of American plant food control officials, an organization of state fertilizer regulatory officials. Additionally, these amendments are to promote uniformity of regulations between states for the ease of interstate commerce, and general housekeeping. This is a revenue neutral bill and is not anticipated to have a fiscal impact on the fertilizer industry or the department.

The Montana Commercial Fertilizer Act has been amended several times over the years. However, most of the technical language within this Act has not been updated since the 1970s. Although there are many amendments within this 20-page bill, the intent of this bill is not to change the overall purpose of the Act, but to address the needs of the department and to reflect today's terminology, technology and current business practices within the fertilizer industry. The amended language within the bill will help make the department more efficient in its day to day business. Basically, this bill is intended to update definitions; update labeling requirements; reduce the frequency of reporting by businesses; implement a process for a referee analysis of contested sample analysis of products; to add a preemption clause so that political subdivisions cannot pass local regulations that undermine state law; and improve the efficiency for determining penalty amounts in regard to deficient products and reports.

I urge you to support passage of this legislation.

The Fertilizer Institute

Nourish. Replenish. Grow

Robert Tadsen
Director,
Government Relations

January 5, 2009

Ron de Yong
Director
Montana Department of Agriculture
P.O. Box 200201
Helena, MT 59620

Dear Mr. de Yong:

The Fertilizer Institute (TFI) writes this letter in support of Montana Senate bill S. 55, which revises general Montana state fertilizer laws. TFI is the nation's leading voice in the fertilizer industry, representing the public policy, communication and statistical needs of producers, importers, wholesalers and retailers of fertilizer. We work closely with state and regional fertilizer and agribusiness association representatives on issues of importance to the industry.

Through its revisions of current fertilizer laws, S. 55 will update definitions and labeling requirements along the lines of standards approved by the Association of American Plant Food Control Officials. With a better model for fertilizer regulation which is similar to that approved in other states, S. 55 helps bring uniformity to fertilizer regulations across state lines.

Thank you for taking the time to review our comments. Please do not hesitate to contact me by telephone at (202) 515-2711 should you have any questions.

Sincerely yours,

Bob Tadsen

Bob Tadsen

Cc: Andy Gray
Pam Langley

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