



Texas Ag Line

Official Publication of the Texas Ag Industries Association ★ 145 West Travis La Grange, Texas 78945 979-968-5602

TAIA 2010 Summer Meeting

I hope you and your family are making plans to attend the Summer Meeting at T Bar M Ranch in New Braunfels August 3 - 5. T Bar M Ranch offers a very relaxing atmosphere with a great swimming pool and many leisure activities for the family. The New Braunfels area is loaded with activities ranging from shopping to water activities for the entire family. It is also located near historic Gruene which hosts speciality shops and antiques.

On Wednesday we will have our reception at the Landa Haus in Landa Park. Tommy Brandenberger will again bring his bar-b-que pit and we will have a great meal that evening. Below is the agenda for the summer meeting. Join us and help plan what makes our association great.

TAIA Summer Meeting Agenda

Tuesday, August 3 - Bluebonnet Room

4:00 PM - 5:30 PM Registration

5:30 - 6:30 Welcome Reception

Wednesday, August 4 - Bluebonnet Room

Complementary Breakfast Included in Registration

8:00 AM Registration

COMMITTEE MEETINGS

8:00 AM Executive Board Meeting - Library

9:00 - 10:00 AM Marketing

10:00 - 11:30 AM Administrative

11:30 -1:00 PM Lunch - Buckboard Room

1:00 - 2:00 PM Conference

1:00 - 2:00 PM Governmental

2:00 - 3:00 PM Communications

3:00 PM Nominating

3:00 PM Regional Committee Meetings

5:30 - ??? PM BBQ Landa Park

Thursday, August 5 - Bluebonnet Room

Complementary Breakfast Included in Registration

8:30 AM Board Meeting - Bluebonnet

TAIA and Texas AgriLife Extension to Hold Anhydrous Ammonia Nurse Tank Compliance Meetings

TAIA and Texas AgriLife Extension in Bell and Potter Counties will host an Anhydrous Ammonia Nurse Tank Compliance Meeting. The United States Department of Transportation has informed the industry that they will be stepping up inspections on anhydrous ammonia nurse tanks this fall. There will be two meetings to help owners of anhydrous ammonia nurse tanks to understand the legal requirements.

**July 20, 9:00 - 11:30 AM in Belton
Bell County Expo Center**

**August 17, 9:00 - 11:30 AM in Amarillo
Warren Cat Facility**

Encourage anyone that owns an anhydrous ammonia nurse tank to attend. There is no charge for the meetings, and they are open to the public. You can call the TAIA office or go to the TAIA website txag.net for more information

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Texas Ag Industries Association

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Donnie Dippel ----- President & Editor
Governmental Affairs and Marketing
Provided by CHB Consulting, Inc. Staff

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Chairman's Comments

The TAIA summer meeting in New Braunfels is fast approaching. As of June 19, all river outfitters should be in full operation following the "Great Comal River Flood of 2010". If you saw the pictures, you know it was devastating.

The summer meeting is our organization's most important meeting of the year. Most of the upcoming events are either planned or finalized in a very casual work setting. All committees are open to new members and this is a great time for you to get involved. But that is only part of it! Donnie and Kay have planned an outstanding program for your recreational pleasure. TAIA members have been known to work hard but then play hard. A "must see" in the New Braunfels area is Gruene Hall. During the week there are relatively unknown bands performing for no cover charge. Most of these bands are very good and worth the trip.

On a personal note, my involvement with TAIA started in 2001 with a trip to a summer meeting in Kerrville. It was easy to get involved. I sat in on one of the committee meetings and the rest is history. What I like best is the chance to bring your family and meeting other member's families.

Please keep in mind the regional meetings start September 14th in Lubbock. They are held in Edinburg, Salado, El Campo, and Dumas. Year after year, the regional meetings are listed as the single most important benefit of being a TAIA member. You can get full information on each of these meetings by logging on to the TAIA website at txag.net.

Speaking of the website, if you haven't visited it lately, you are in for a treat. Dustin Dippel, TAIA's own webmaster, has done a great job with the latest upgrade.

I am looking forward to seeing everyone later this summer in New Braunfels.

Until then, Mark Hebert
2010 Chairman

President's Comments

Our office is buzzing with activities this summer. This is usually a busy time of the year for us as we prepare for the Summer Meeting and the Regional Meetings, but this year seems exceptionally busy with mandates from DOT and EPA. As you saw on the front page, DOT will be stepping up inspections on anhydrous ammonia nurse tanks. The TAIA Board felt that we should help get the word out by holding meetings to inform our dealers and their customers that own nurse tanks what is required to have a legal nurse tank. It is very important that you invite anyone you know that owns an anhydrous ammonia nurse tank to attend these meetings.

EPA has filed the NPDES Permit Regulations (National Pollutant Discharge Elimination System) in the Federal Register and comments are due by July 19. I have been in on several conference calls and attended a meeting at the Texas Department of Agriculture hoping to get a better idea how these regulations will affect agriculture. TAIA plans to submit comments on the NPDES Regulations. EPA also had posted its changes to the Drift Regulations in the Federal Register several weeks ago that allowed zero tolerance for drift. Due to the enormous amount of comments they received on the regulation they have pulled it back to revisit the zero tolerance requirement.

I hope you are able to attend the Summer Meeting. The T Bar M Ranch is great place with its relaxing atmosphere to hold a summer meeting and New Braunfels has so many great activities in the area for the entire family to enjoy. Having a strong association starts with a good plan and that is what makes the Summer Meeting so important. Dedicated members willing to give their time and ideas to build a better association are what TAIA is all about.

I hope you have a great summer and do not forget to put all the TAIA activities on your calendar.

Donnie Dippel

TAIA Would Like to Welcome New Members

Individual Members

Keith Hadley / Blackwater Agriculture Association

Jay Stidham / CHS

Brad Locke / CPS

John Roach / Dow AgroScience

Justin Gough / El Dorado Chemical

Paul Westbrook / Holt Agribusiness

Zachry Adams / Intrepid Potash

Dirk Aaron / Texas AgriLife Extension

Andy Burlingham / Wilbur Ellis

Dealer

Boedeker Ag Supply / Harvey Vrana

Distributors

Ben-Trei Fertilizer Co. / Lynn Vann

Gatefront LLC / Jeff Holley

NEWS FROM THE INDUSTRY

Two TAIA Members Selected For The Texas Agricultural Lifetime Leadership Program

The Texas Agricultural Lifetime Leadership program (TALL) is a competitive leadership development program for Texas agriculture industry leaders. TALL is sponsored by the Texas AgriLife Extension Service with a mission of creating a cadre of Texas leaders who can advance the agriculture industry. Participants come from every sector of agriculture and every part of Texas. To participate, class members must be involved in farming, ranching or business closely related to agriculture. The TALL program consists of 8 seminars over a two year period. The seminars total 45 days of intense training with over 300 speakers including guest speakers, current leaders, tours, on-site visits, receptions, discussions and leadership course work. There are 6 in-state seminars covering current issues facing Texas and Agriculture with one seminar covering the Texas legislature and a trip into Mexico. The 4th seminar is a trip to Washington, DC, Maryland and New York City. The 8th seminar is an international trip to study foreign governments, culture, trade, markets and the agriculture industry. The current class, TALL XII, will travel to India in the Spring of 2012

TALL XII begins July 13 in College Station. The class is made up of 26 members and the application process is very competitive. There were over 60 applicants and two members of the TAIA Board of Directors are among the 26 participants selected. Jimmy Schulz from the Farmers Coop of El Campo and Scott Piercy from Poole Chemical will be a part of the new TALL class. If you talk to Jimmy or Scott, ask them about the TALL program and how to apply for the next class. For more information, you can visit the TALL website at tall.tamu.edu.

TAIA Chairman Mark Hebert
presents Senator Glenn Hegar with
the Harry P. Whitworth Award for
Political Involvement



TAIA Selects the 2010 Gary Fitzgerald Scholarship Winners

TAIA would like to congratulate the 2010 Gary Fitzgerald Scholarship winners. Each student will receive a \$1500 scholarship. These scholarships are made possible by your donations to the scholarship raffle, the silent auction at the Annual Conference and the sponsors who fund the raffle prizes. A big thank you to all the members that make it possible for TAIA to support the scholarship program.



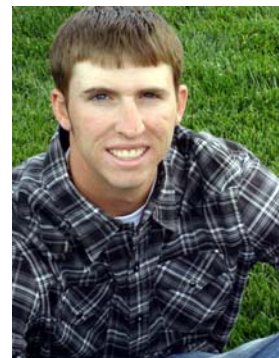
Jillian Atkins is the daughter of Mr. and Mrs. Curtis Atkins. Her career goal is to become a special education teacher.



Matt Castner is the son of Lori and Eric Castner. His major will be mechanical engineering.



Cathleen McCormack is the daughter of Carl and Susan McCormack, and she plans to major in business and mechanical engineering.



Nathan Foster is the son of Mark and Lynda Foster and Nathan will major in plant and soil science.

2010 Gary Fitzgerald Scholarship Sponsors

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TAIA Would Like to Thank the 2010 Summer Meeting Sponsors

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- Wilbur-Ellis Co.
- Winfield Solutions

To book your room at T Bar M call 800/292-5469 or go to the TAIA website txag.net.

You can also register for the Summer Meeting and get more information on the TAIA website.

Mark your Calendars for the 2010 Regional Meetings

All of the Regional Planning Committees have met, the dates have been set, the locations have been arranged and most of the speakers have been confirmed.

Lubbock	September 14	Scottish Rite Temple*
Rio Grande Valley	September 28	ECHO Hotel Edinburg**
Salado	October 12	Salado Community Center
El Campo	October 19	Mikeska Bar-B-Que
Dumas	November 9	Amarillo College

*Note the Lubbock Regional Meeting has moved to a new location for 2010. The meeting will be at the Scottish Rite Temple located at 1101 70th Street.

**The Rio Grande Valley Committee will also host a golf outing on September 27, the Monday prior to the regional meeting, starting at 1:00 PM at the Los Lagos Course in Edinburg.

Crop Life America Shares the Following Suggested Talking Points for EPA NPDES Public Listening Sessions

1. **Burdens and costs of IPM and surveillance for operators** — Current draft requires of all permittees monitoring of equipment functionality and verification of proper pesticide application. This should be done by applicators. Draft permit also requires surveillance as part of IPM requirements. This should be done by decision-making operators. However, EPA is also considering requiring ambient water quality sampling data for laboratory analysis from large operators. This would duplicate the regulatory monitoring already done by state agencies under other CWA requirements — e.g., 303(d). The use of untrained personnel for sample collection, transport, handling and analysis would introduce numerous errors, and add significant costs with little likelihood of environmental benefit. While EPA states that it is only thinking of requiring it of the very largest operators, simply putting it into the permit would suggest to states that they should include it in theirs too. EPA should not include ambient monitoring as a requirement of its permit.
2. **Multiple opportunities for stacked CWA violations and citizen suits** — Current draft creates numerous, overlapping opportunities for paper violations to be tacked onto a violation from a water quality exceedance or observance of an adverse effect. Such additional violations include the requirement for very timely mitigation + very timely reporting + updating of the PDMP + update of other records. Each of these could be separate violations according to EPA. EPA should eliminate such overlapping or stacked potential violations.
3. **Implications of ESA requirements from FWS/NMFS consultation** — The current draft has only a placeholder for the potential severe NPDES permit restrictions that the ongoing consultation with the Services could

Continued on next page

Suggested Talking Points for EPA NPDES Public Listening Sessions

produce. EPA's economic analysis is based on no such current ESA restrictions. However, we know from the extremely stringent requirements for buffers around all Pacific Northwest waters that both Services' requirements and the economic consequences can be severe. If the Services add significant restrictions to the permit prior to its finalization, EPA should conduct a new economic analysis and then re-propose for public comment the permit in which those ESA restriction occur.

4. **Precision requirement of effluent limitation: “calibration *must ensure that the equipment’s rate of pesticide application delivers the precise quantity of pesticide needed to achieve the greatest efficacy against target pests.*”** EPA cannot expect as an enforceable effluent limitation such an overly prescriptive requirement. EPA should replace that language with something more achievable. Perhaps something like the following: *“You must maintain, calibrate and operate the pesticide application equipment so that the appropriate quantity of pesticide is delivered to best control the target pest, consistent with the FIFRA label, manufacturers’ specifications for equipment precision, weather conditions on the day of application, and best professional judgment to minimize pesticide discharges to waters of the US.”*
5. **Benefits and risks of coverage of for-hire applicators under NOIs of client decision makers** – Many large decision-making operators will hire numerous subcontractors annually to satisfy their various pest control needs. Linking them to each other with “joint & several liability” Superfund-like enforcement introduces legal jeopardy far beyond what most custom applicators and consultants can tolerate. EPA should modify the draft permit to remove this.
6. **Thresholds for NOI submission and automatic coverage for R&D** – EPA should provide automatic coverage for research scientists and organizations (e.g., universities, corporate research organizations, and pesticide registrants pursuing the trials required for registration) without requiring an NOI, IPM, reporting. Many such facilities operate on research grants that will not fund those extra time-consuming and expensive requirements, and the IPM components will likely interfere in the design and conduct of pesticide research.
7. **Coverage of conveyances to waters of US** – EPA’s permit language includes several references to conveyances that would presumably be regulated by the permit. These include “water’s edge including irrigation ditches,” “conveyances with hydrologic surface connection to waters of US at time of pesticide application”). EPA should acknowledge in the permit that roadside ditches and other upland conveyances are not subject to the Clean Water Act or its permit – consistent with EPA’s and Corps 2008 Post-*Rapanos* guidance.
8. **Options for farmers, foresters, horticulturalists and other terrestrial-pesticide users that may encounter conveyances or ephemeral waters** – EPA states that anyone not covered by its NPDES general permit would need to obtain an individual permit for any discharges of residues to waters of the US. This presents a dilemma for farmers, foresters and others who apply or direct the application of terrestrial pesticides which might someday interact with upland ditches or other conveyances — which even the US Supreme Court couldn’t make up it’s mind were “waters of the US”. EPA should acknowledge in the permit that roadside ditches, swales, and other upland conveyances potentially encountered by terrestrial applications are not subject to the Clean Water Act or its permit.
9. **Potential for non-navigable “Waters of State” enforcement through CWA citizen suits and federal penalties** — State NPDES permits should limit their enforcement actions to federally protected waters of the US, and not extend federal enforcement (e.g. citizen suits) to every pond or other water of the state.
10. **Likelihood of EPA and States meeting April 9, 2011 6th Circuit deadline; legal risks to operators if they don’t** — What is EPA’s and states’ contingency plan if the permits aren’t operational? How are operators (applicators and decision-making organizations) expected to continue their work if their protections under the 2006 EPA rule disappear on April 9, 2011. How are these organizations expected to plan between now and then? EPA and the Obama administration should approach the 6th Circuit now and get its approval for an additional stay should the April 9, 2011 deadline be missed by EPA or state agencies.

TAIA Leadership

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Scott Piercy, Poole Chemical Co. Lubbock
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Allied Industries

Scot Coleman, A&L Plains Ag Lab, Lubbock
Doug Heck, Warren Cat, Lubbock

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Co: Kenneth Mull, Martin Resources, Lubbock

El Campo Regional Meeting Committee

Ch: Jimmy Schulz, Farmers Coop of El Campo, El Campo
Co: Joe Martinez, Bayer CropScience, San Antonio

Lubbock Regional Meeting Committee

Ch: Scott Piercy, Poole Chemical Co., Lubbock
Co: Scot Coleman, A & L Plains Ag Lab, Lubbock

Rio Grande Valley Regional Meeting Committee

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Co: Juan Zamora, Wilbur-Ellis Co, Edinburg

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TAIA MEMBERS

Have you sent in your
registration for the
Summer Meeting
August 3-5?

Have you visited the new
TAIA website at
www.txag.net?

Have you asked someone
to join TAIA today?

Calendar of Events

July 20, 2010
Anhydrous Nurse Tank
Compliance Training
Belton

August 3 - 5, 2010
Summer Meeting
T Bar M, New Braunfels

August 3 & 4, 2010
CCA Exam Training
Lubbock & La Grange

August 6, 2010
CCA Exam
Lubbock & La Grange

August 17, 2010
Anhydrous Nurse Tank
Compliance Training
Amarillo

September 14, 2010
Lubbock Regional Meeting

September 28, 2010
Rio Grande Valley
Regional Meeting
Edinburg

October 12, 2010
Salado Regional Meeting

October 19, 2010
El Campo Regional Meeting

November 9, 2010
Dumas Regional Meeting

December 6 & 7, 2010
Texas Plant Protection
Conference
Bryan

January 18 - 20, 2011
TAIA Annual Conference
Addison