



NAICC NEWS

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PRESIDENT'S COLUMN



By
Stanley J. Winslow
NAICC
2009 President

NPDES UPDATE

I want to personally thank each of you for every phone call, letter and email you sent in addressing the 6th Circuit Court Ruling reinterpreting Pesticide Applications as Point Source Discharge. I know that many of you took the time to notify every one of your grower clients. There was a huge response to EPA, requesting that the Agency demand a rehearing on this issue. NAICC and its members weighed in heavily. We supported the efforts of the National Cotton Council, Crop Life America, American Farm Bureau Federation and many growers across this country.

To restate the issue, I have repeated below the explanation from the March 29 email sent to all NAICC members.

On January 7, 2009, the 6th Circuit Court of Appeals vacated a 2006 EPA rule which had exempted pesticides applied near or into waters of the U.S. from National Pollutant Discharge Elimination System (NPDES) permits under the Clean Water Act (CWA) even if these pesticides were applied in accordance to the EPA-approved (FIFRA) label.

The 6th Circuit Court issued the following opinions along with this ruling:

1. Any spray nozzle used for pesticide application is now considered a "POINT SOURCE."
2. Any chemical residual left beyond the effective life of a pesticide is now a "POLLUTANT." All Biological (Bt) pesticides are now also termed pollutants.
3. Pesticides which are applied to land but eventually find their way into water are "REGULATED DISCHARGES."
4. "Waters of the U.S." has a very broad definition. For example, any land drainage which flows into a ditch, which in turn flows into a navigable creek, is considered "Waters of the U.S."

In a nutshell, if this ruling stands every business which applies any kind of chemical or fertilizer will be required to obtain an NPDES permit. Applications for these permits must be made 180 days in advance,

and each must be open for a public hearing. Pesticide applicators who don't have permits will be more subject to citizen lawsuits and can be fined up to \$27,500/day if pollutants are found in waters flowing off their application site.

Were We Successful?

In a word – NO!

EPA did not request a rehearing on this ruling; instead EPA filed a motion asking the court to delay enforcement of this ruling for two years to allow EPA and state authorities time for development and implementation of a permitting program.

At this point we have not heard the 6th Circuit Court's response to EPA's motion.

Delayed enforcement or not, there will be a lot of work ahead for everyone in agriculture. There will be rules and guidelines adopted in each state and nationally. Each of us will need to monitor our state pesticide divisions and provide input at every opportunity. The Executive Board and the Government Affairs committee of NAICC will stay abreast of national developments. We will be proactive in learning what steps are next. We will let you know when action by the entire membership is needed.

Again, thank you for your efforts on this important issue.

NAICC Mourns the Loss of Three Past Presidents

It is with great sadness that we report that three great NAICC leaders passed away in the past few months. We wish to express our deepest sympathies to the friends and families of **Bill Blair, Dave Harms and John Kimbrough.**

John Marmaduke "Kim" Kimbrough, III

On Wednesday, March 11, 2009, John Marmaduke "Kim" Kimbrough, III, passed away. Kim was born January 9, 1947, and was a lifelong resident of Lexington, MS. He was a devoted husband, father, grandfather and uncle.

An active row-crop producer, cattleman, and conservationist, Kim was a founding member of and Past President of the NAICC. In 1999, he was chosen to receive the organization's Service to Agriculture award.

He also earned the National Endowment for Soil & Water Conservation Award in 1990, and was named Cyanamid Consultant of the Year in 1994. Other roles Mr. Kimbrough held included Past President of the Mississippi Agricultural Consultant's Association; past director of the Holmes County Livestock Association and the MS Cattlemen's Association; past president of

Holmes County Farm Bureau; and Chairman of the Holmes County Soil & Water Conservation Board.

Kim was a Ruling Elder of First Presbyterian Church of Lexington, where he served as Clerk of the Session. He also worked on the Presbyterian Church in America/Mississippi Valley Presbytery Credentials Committee from 1995-1998, the PCA/MS Valley Presbytery Rules Committee from 2000-2003, the PCA/MS Valley Presbytery Shepherding & Advisory Committee from 2001-2007, and the PCA General Assembly Reformed University Ministries Committee.

Kim was an Eagle Scout and Brotherhood member of Order of the Arrow, Past Scoutmaster of Troop 64 in Lexington, and a 1969 graduate of Mississippi State University, where he was a member of the Block & Bridle Club and Alpha Zeta Honorary Agriculture Fraternity.

He is survived by his wife Deborah "Debbie" Magee Kimbrough; daughters Marianna Rebecca Kimbrough Chapman (Andy) of Clinton and Olivia Louise Kimbrough Logan (Roane) of Cleveland, sons Robert Thomas Kimbrough (Natalie) of Grenada, and John M. Kimbrough IV (Jennifer) of Jackson. Kim is also survived by a sister, brother and six grandchildren.

William "Billie" Blair

Dr. Billie D. Blair, 81, of Circleville, died March 29, 2009. He was born May 4, 1927 in Melbourne, Ark., the son of the late Raymond and Nina (Davis) Blair.

He received his BS and Masters from the University of Arkansas and his Ph.D in Entomology from Ohio State, was an U.S. Navy veteran of WW II, a professor at Ohio State University for 27 years and worked for the USDA Washington D.C. for 3 years, member of Trinity Lutheran Church, church

council, Southern Ohio Synod council, past president of the Ohio Association of Independent Crop Consultants, past president of NAICC, Entomological Society of America and OSU Alumni. Dr. Blair served as NAICC president in 1992.

Billie is survived by his loving and devoted wife of 25 years, Janet and their children, Terre Blair of New York, N.Y., and Charlotte Jones of Columbus; son, Ron Blair of Syracuse, N.Y., and 6 grandchildren, Simon, Brendan, Noah and Cassie Blair and Aubrey and Jordan Jones and special friend, Coco.

David Jacob "Dave" Harms

David Jacob Harms, of Waverly, Illinois passed away on Saturday May 16th, 2009 after a 15 month battle with esophageal cancer. He was 66 at the time and surrounded by family in his home.

Dave was born on January 10, 1943 and grew up in Pleasant Plains. He was very active in 4-H and won many awards at the county, state and national levels. He spent 6 months in Mexico as an International Farm Youth Exchange (IFYE). He graduated from University of Illinois in 1967, a member of Farmhouse Fraternity and the Track & Field and Cross Country teams.

He spent several years working for Monsanto, Masonite and PPG, but found his true calling as the founder and president of Crop Pro-Tech, his agricultural consulting firm. During over 30 years with Crop Pro Tech, he built a business with offices in Iowa, Indiana, Wisconsin and Illinois and clients spanning the globe, including Brazil, Mexico, Venezuela, Argentina, Paraguay, Egypt, Sub-Saharan Africa and Russia.

He was recognized by his peers as former presidents of Professional Crop Consultants of Illinois, National Alliance of Independent Crop Consultants, Foundation for Environmental Agricultural Education, Certification Advisory Council, and American Society of Agricultural Consultants. He was admitted to the Consultants Hall of Fame in 1984, was named communicator of the year for NAICC in 1992 and Consultant of the Year, Central Region in 1993. In 1996 he received the Green Chemistry Challenge Award from the U.S. EPA. He recently received an honorary lifetime membership of ASAC.

Dave is survived by his wife Colleen, his mother, sister and brother. Dave has three children, two step-children and 7 grandchildren.

The Future, the Present, the Past

News from FEAE, by Don Jameson, President

I phrased this heading-the opposite of how life comes to us. Yet in a certain sense, this order of events is true. Now some could argue conversely (even me), and if I'd known in June of 2008 what the stock market would become, my current 201K could still yet be a 401K!

No, we don't know the future, but we more than any profession do plant the seeds, and invest in the inputs at the present time to effect and hopefully create a favorable future for our farmer clients and the harvest yet to gather in.

So to borrow a phrase, "the future as we choose to see it, flows into our present" or "He who sows abundantly reaps richly".

Do we look at our daily opportunities (challenges) with an eye to the destination and our professional goals? And finally, this thought: What goals and aspirations do we collectively seek for the growth, stature and recognition of our profession in crop and research consulting? Now is another moment of opportunity to tell the message; production science to raise food, feed, fuel and fiber is a career with opportunities for young people. We have not yet been fully nationalized and we are yet an employed sector.

The FEAE is working to advance this message. We have developed a supporting role to the new University of Nebraska

(U of N) DPH program. An endowment in the name of U of N Earle Raun has been initiated to support students in the pursuit of the Doctorate of Plant Health / Medicine studies.

I received and accepted such an invitation to explain the work and career of crop consulting to three Horticulture and FFA classes at a local high school. It was done in faith – that I planted some seeds in a few fertile minds.

Seize other opportunities you may have to champion your profession and let us know of your participation.

ALLIED INDUSTRY FIELD TRIAL COORDINATION (AIFTC) UPDATE

The Allied Industry Field Trial Coordination (AIFTC) committee met in November and again prior to this year's NAICC conference in Memphis to continue development of a standardized protocol for conducting residue field trials.

The draft was completed in November and then distributed to ag companies and project management firms for study director and QA review. Participants included representatives from Agricultural Research Associates, BASF, Bayer CropScience, The Carringers, Inc., Dow Agrochemicals,

Monsanto, and Stewart Agricultural Research.

At the January meeting all new feedback was incorporated into the final draft. The standardized protocol is now complete and can be utilized in the 2009 field season. It has been forwarded to all who participated on the AIFTC committee and is available to all who would like to use it.

Please contact Sandra Mackie at the following e-mail address if you would like the Word version of the template: sandra.mackie@bayercropscience.com. The

document created through allied industry collaboration is concise (eight pages), flows logically and covers the essentials of conducting GLP residue field trials – without redundancies and tacit verbiage (e.g., don't contaminate the samples).

The next step is to encourage the industry to use this template. As a CRO, you could help by letting every study director, field trial coordinator, project management company and sponsor manager know that utilization of an industry-wide standardized protocol would be beneficial to your

research efforts.

The standard protocol was developed to simplify the complexity faced by contract research organizations in conducting residue field trials for numerous sponsors who have widely varying requirements. For those who sat in on the presentation of the

electronic notebooks at the 2009 NAICC meeting, it should be readily apparent that when CROs have seven different electronic notebook formats plus a number of different paper notebook formats just to collect data, anything industry could do to standardize its processes would be beneficial.

Finally, this standardized protocol for conducting residue field trials could easily be adapted for biotech field trials. If you would like to participate in this effort, please contact Sandra Mackie at the e-mail address listed above.

QA Corner

By Stu Mertz, QA Representative on NAICC Newsletter Committee, & President, PEAK Quality Consulting, Inc, Cary, NC

Reflective of our important new QA constituency, articles pertinent to QA professionals will periodically appear in the QA Corner.

Quality Assurance (QA) Sessions at the Annual Meeting Are a Great Success!

Two thousand nine marks the second year NAICC's Annual Meeting has included a session track specifically designated for QA professionals. Approximately 9 percent of meeting attendees registered as QA (47 out of the 545) in 2009.

Many QA auditors indicate that the NAICC meeting is now the most valuable of the professional QA meetings for field QA personnel to keep up-to-date with the ever-changing EPA & OECD GLP world. EPA

investigators Francis Liem and Mark Lehr made presentations this year and also were available for individual discussions.

A loud hand clap was given to Renee Daniel at a QA session in Memphis, recognizing her tremendous efforts at organizing both the QA membership category and the program for QA sessions at these past two annual meetings. THANKS, Renee!!

Eighteen very informative regulatory talks were spread over one Research and

four QA sessions. The itinerary included a mock Field Data Audit, developed by Carlos Gomez, for practicing auditing skills. The well-attended, 1.5 day QA sessions received mostly "yes" to the "valuable" rating on questionnaires.

If you missed these sessions or would like to review the material covered at the meeting, you'll find it under the "Annual Meeting" link at www.naicc.org

Frances Liem, Chief, Laboratory Data Integrity Branch, EPA, provided new guidance for Researchers and their QAUs:

1. 40 CFR 160.35(b). Per the GLPS, EPA expects that the QAU shall submit inspection reports to management (Mgt) and study director (SD). In recent years primarily as a result of finding a few cases of a lack of timely reporting, EPA was reversing a previously-accepted practice by several sponsors. After citing

NEW EPA Guidance!

at least one field test site and after discussions including those at 2008 and 2009 NAICC, Branch Chief F. Liem has agreed to the following practice/construct: If a test site QAU is considered a subsidiary of the Sponsor/Testing Facility QAU (lead QA), then at the request of the Lead QAU, the test site QAU can opt to send the QA inspection report to the Lead QAU who in turn promptly issues report to SD and Mgt. F. Liem further indicated it would be appropriate to

identify the lead QA in the protocol.

2. 40 CFR 160.35(b)(4) "Periodically submit to management and the study director written status reports on each study, noting any problems and the corrective actions taken." F. Liem indicated the following seven minimum Status Report information as: Names of Study Director, QA, and Study Director Management; Study Title; Phase Inspected; Date of Inspection; and Corrective Actions taken or Not Applicable.

The meeting was great! Now what?

If you've ever wondered if anybody reads the surveys completed at professional meetings, let us assure you that at NAICC your voice is heard. In addition to checking boxes and filling in prompts, most of you also added thoughtful comments, suggestions and ideas for topics. Thank you so much for being honest when you found sessions to be other than expected, as well as when they were excellent.

To our newer QA professionals who expressed uncertainty of what they should do in response to what they have learned, more help is coming! Let me show you the influence of your opinions, and extend an invitation to all of our QA members of any experience level:

First, like any specialty area, QA has its own language subset, with lingo, common roles and acronyms needing to be more effectively communicated. We'll work on that.

Second, the educational program's topics are (currently) selected a year in advance. Even so, next year's program will satisfy a very high percentage of survey requests! A "critical phase" demonstration with separate stations will stand in for the self-guided Mock Audit. In general, the format offers more discussion and examples of real-life situations, and field-to-analytical laboratory interface from the QA perspective, all balanced with topics for the more "seasoned" among the group.

This brings me to the third major point I want to make about the surveys and the invitation I mentioned. I discovered that the QA group (and its partners) attending NAICC in 2009 tended to be fairly new or not at all so in their roles; there was not much middle ground. Now, from the educational perspective, this is a challenging mix. If our QA program isn't constantly in pace with agricultural technology and practices, in addition to the regulatory aspects, it won't be as effective. How to meet this range of needs? Your surveys, while giving us good leads for topics and speakers, said volumes about the potential we have to go beyond a *program*.

NAICC is willing to accommodate space and time so we can try a half-day GLP

Basics course, aimed at both QA and researchers. Benefits abound! Newer people hit the ground running on Thursday and Friday, getting more out of advanced sessions. Trainers gain experience, visibility and "points" useful in maintaining professional certification, while keeping cost relatively low. Carlos Gomez has already offered to be part of the launch group – this is a great spot for our experienced members.

Also in response to surveys, the first QA "social" will be arranged at the end of Friday's sessions, a prime opportunity for mentoring and partnership. To avoid conflict with other Annual Meeting events such as the New Members Reception, the social begins as part of the final session. No room

to find, nothing to do but relax and make the connections that will benefit you in the year ahead. Some background music and snacks will round out the QA social; if you'd like to work on this, let me know!

Was that the invitation? Partly – the full invite is: all are welcome to assist the QA Education planning group! If new, we need your perspective to stay fresh and relevant. Experienced? You have the "connect the dots" ability to help build on core areas. You don't need to travel, just be willing to read and edit material, give feedback and perhaps attend a teleconference. If you find you like the work and interaction, you can go further and join the sub-committee involved with making the program final.

Here are the benchmarks:

The GLP Basic Training should be blocked out by June, discussed over summer and done by October or November.

The 2011 QA topics for Thursday and Friday will be emailed in May, discussed in November and December. Final program topics will not be decided until the January, 2010, planning meeting held on-site in Orlando, Wednesday, January 21.

That's where I started, and that's a good place to end. Contact me to get involved – it's more fun than you might imagine!

Kathryn Hackett-Fields, IR-4 Project
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Global Consultant Expertise Needed with Launch of Global Association of Independent Agricultural Consultants

By Patrick Stephenson, AICC

We officially launched the Global Association of Independent Agricultural Consultants (GAIAC) at the 2009 NAICC Annual Meeting in Memphis. As our organization grows we hope to have a regular slot in the newsletter, providing you with a snapshot of what is happening around the world from a consultant's view point. With agricultural trade increasingly global, information on plantings, harvest prospects and prices is vital. Information from like-minded people on the ground will help us help our clients. I have e-mail addresses for all contributors if you want to correspond directly. Please give feedback as to the content and its use.

UK

With rainfall 50 percent above the average last year, the UK suffered a poor quality harvest. This was particularly true in the North and West of the country. In terms of quantity the amount of wheat harvested was nearly record-breaking.

Commodity prices are at last falling with DAP available at \$610/tonne. Ammonium Nitrate has also followed with good quality product available at \$470/tonne.

Wheat and canola plantings are down, partly due to the weather and partly due to forward prices at the time of planting. Current wheat prices are \$4.00/Bushel and Canola \$8.00/Bushel. Several farmers are keeping wheat over the year to sell in a more up market. The weakness of the

pound has meant big lifts in values for all meat products as exports are sucked out of the country. The down side is many agricultural machines and chemicals are made in Europe so those prices are up! Winter has been cold this time and crop growth is about a month behind.

Canada

Winter wheat acreage on the Canadian prairies is down slightly from 1.5 million acres last year to 1.2 million acres. Despite late seeding due to later than normal canola harvesting, warm fall temperatures and late frost resulted in good establishment in most areas. The late canola harvests meant that some acres (mostly in Saskatchewan) were sown into field pea stubble which is not ideal. Southern Manitoba may have some losses due to high rainfall in the fall, but will benefit from good snow cover and moderate soil temperatures as a result. Areas of western Saskatchewan and eastern Alberta suffered from dry conditions last fall and have not received enough snow to date. These areas will be looking for more snow or spring rains to push through winter wheat crops.

Northern Victoria

A disappointing season – a season that started with a lot of promise with good winter rains. Unfortunately September and October were very dry, causing many growers to cut at least some of their crops for hay. As there was hay left from the last season, early prices this season were not as

good as expected. Growers who harvested grain from crops on light ground or from crops sown with knife points and GPS received average to just below average yields. There are a lot of positive things to be said about the value of research gone into precision sowing and new varieties. Paddocks that would have yielded nothing or very little with the same rainfall in previous years are now yielding quite well.

Southern NSW

Another year of drought and below average returns from farmers is placing pressure on the liquidity of farmers. This in turn is placing pressure on funding bodies. The high price of fertilizer and fuel has renewed interest in biological fertilizers and biofuels respectively. GM canola was grown on a larger scale in '08 and is slowly gaining acceptance. Areas will increase substantially next year. A bad year for grapes.

South Australia

A terrible year from a cropping perspective, essentially due to the drought. Bad year for grapes!

Western Australia

The winter season began with a staggered start with huge differences in moisture across regions. Farmer optimism was reduced in many areas with early rains not followed up by further moisture. Conditions were relatively warm until early July, providing unusual conditions for pests, weeds and diseases.



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