



A professional society representing the nation's crop production and research consultants

PRESIDENT'S COLUMN



By
Dan Moser
NAICC
2016 President

Be Prepared – New WPS Rules Coming Soon

Prepare now for the new Worker Protection Standards Rules that will be in effect come January 2017. The new rules are going to impact the way all Crop Consultants/Crop Advisors do business. Richard Pont from the US Environmental Protection Agency gave a very informative presentation at the annual convention of the National Alliance of Independent Crop Consultants in Orlando, FL. He outlined several of the key changes under the Worker Protection Standards Revised Rule.

The revised rules will no longer exempt the employees of Certified Crop Consultants from checking fields before the Restricted Entry Interval (REI) has expired. With the increase of resistant weeds, insects, and diseases this exemption has been used frequently. Without the exemption, the work load of all Certified Crop Consultants will be compounded.

The way the old rule was written, it provided Certified Crop Consultants and its trained employees the freedom of entering a field before the Restricted Entry Interval (REI) was expired. This exemption has saved the American farmer millions of dollars because they were able to check for efficacy of the product being applied. If a pest was alive after application of a certain pesticide, we would have ample time to get another treatment of a different mode

on the crop to kill the pest. This early detection is critical in controlling new and old resistant pests.

Under the revised rule, only the Certified Crop Consultant will still be exempt from some of the provisions of the Worker Protection Standards. One exemption that is allowed to Certified Crop Consultants is to self-determine the need for Personal Protective Equipment, such as coveralls, shoes and socks, water-proof gloves and protective eyewear (if required by the label for handlers). The non-certified worker has no exemptions; he or she must have/receive pesticide safety training, must wear required Personal Protective Equipment, must have or be provided with decontamination supplies, and must have all emergency assistance numbers.

The Certified Crop Consultant will need to arrange for his/her employees to attend Pesticide Safety Training sessions; or the other option would be to become a certified trainer himself. In order to be a certified trainer according to the new Environmental Protection Agency rules, trainers must meet one of the following requirements:

- must be certified as an applicator of Restricted Use Pesticides, or
- have completed an Environmental Protection Agency approved pesticide safety Train-the-Trainer program for handlers or workers, or
- Be designated as a qualified trainer by the Environmental Protection Agency or the agency responsible for pesticide enforcement.

These new training requirements will be fully enforceable January 2017. There is not a grace period to become compliant. When these interns/scouts get out of school the growing season is well underway. This means we as employers will have to implement training sessions as soon as they are hired.

Last week, members of the Executive Board and Governmental Affairs Committee met with Kevin Keane, Branch Chief of EPA's Certification And Worker Protection Division. Here we discussed having EPA approve our certification program qualify our CPCC members to be trainers. Also discussed was the possibility or our employees who have a 4-year degree in an agriculture or science field be enough for those employees to be exempted from the provisions now afforded to certified crop consultants.

There will be some serious growing pains this year to implement these major changes for all consulting and advising companies and sole-proprietorships. The companies need to purchase Personal Protective Equipment, purchase decontamination supplies, and to compile all the required items that each employee must be equipped with. Employers must keep training records for two years and these records must include: printed name and signature of each employee, date of training, list of each training materials used, name and qualifications of trainer, and the company name.

Starting to prepare now in advance of the January 2017 deadline will make the transition to the Revised Worker Protection Standards go more smoothly. It will help to have as much of the practices required to be compliant in place well in advance of the effective date. To review the EPA's Revised Worker Protection Standards and how they may affect you, go to the EPA website: <http://ww2.epa.gov/pesticide-worker-safety>.

NAICC ANNUAL MEETING 20 YEARS AGO

Orvin Bontrager, CPCC-I, CPAg, CCA, Servi-Tech, Inc., Aurora, NE

“Today’s Vision for Tomorrow’s Agriculture”, the 1996 NAICC Annual Meeting was the second one I attended. It was at the Grosvenor (today’s Wyndham) just around the corner from the Buena Vista Palace, the 2016 meeting location. Harold Lambert from Louisiana was the presiding president. There were not as many breakouts as we have now with crop consultants, researchers and quality assurance sessions.

From the notes that I have saved from the convention, here are some of the topics discussed:

Barry Jacobsen stated in his address that EPA will not take a pesticide off the market without having USDA develop new alternatives. It was stressed the importance of NAICC and independent crop consultants in the National IPM Objections. The New Technology sessions included Liberty Link in soybeans and corn; new pyrrole insecticide chemistry (since discontinued) from American Cyanamid; newer class of insecticides, the chloronicotinyls (neonicotinoids) particularly imidacloprid (Gaucho) from Bayer; new Tracer insecticide and FirstRate herbicide from DowElanco; DuPont’s new Staple ALS herbicide for cotton; and Roundup Ready soybeans being introduced by Monsanto.

Dan Easton introduced his corn population monitor. It measured the deviation in corn plant spacing.

Bill Cox presented graphing tissue sampling data.

Brad Buchanan from Iowa, Mike Freeberg from Minnesota, and Joe Berry from Colorado had sessions on the relatively new grid and spatial soil sampling.

One of the best sessions I have attended over the years at NAICC annual meetings was The Stewardship Model for Ethics in Crop Consulting, by Dr. Reuben Beverly from University of Georgia. Dr. Beverly associated the information to three Biblical parables. These relate to being a proper steward - “taking care of someone else’s stuff“. We have the freedom to act (assuming it is within the law), but we are held personally accountable for those actions. As a result, we obtain a just reward for those actions. As independent crop consultants and researchers, we play a large part in helping our clients, growers, and industry personnel to be good stewards of our natural resources. I go back to those notes and handouts on a regular basis to review the valuable lessons that were presented that Saturday morning.

NAICC has a strong history of quality meetings. The members of the various education committees should be congratulated on the planned past conferences. I am sure in the future, attendees today will look back on the valuable experience of attending the 2016 conference.

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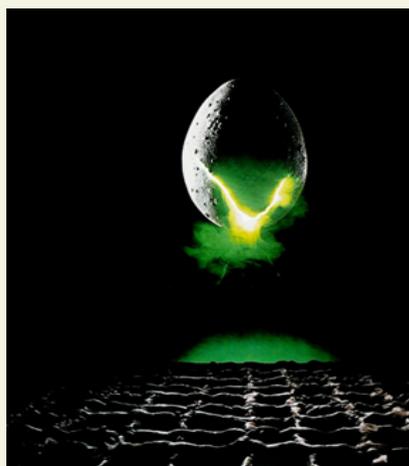
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Happenings on the Hill

Glenn Luedke, NAICC Legislative Assistant

EPA

Commodity groups have been meeting with the EPA office of Chemical Safety and Pollution (OCSPP) to discuss their concerns about recent EPA actions. The proposed actions, according to the commodity groups, propose to limit crop protection tools available to growers. Pollinator concerns are being presented by EPA, however, the perceived changes by EPA and how they are moving forward is at the heart of the matter. Commodity groups believe the EPA is moving forward toward a “European Union precautionary principle model rather than the risk versus benefit approach that has been utilized in the U.S. for decades and is required of the agency by FIFRA”. EPA opened a public comment period last fall on the proposal to revoke all food residue tolerances for chlorpyrifos. It closed in January. Commodity groups and farm organizations are requesting EPA to keep tolerances in place as chlorpyrifos is necessary to control bugs. Over 80,000 wrote to EPA to support the ban. Environmental groups support the ban. The U.S. Geological Survey reports there were 6 million pounds of the chemical used to control insects in 2012, down from 13 million pounds in 1994.

The EPA is proposing to revise the Risk Management Program (RMP), stating there is a need to improve chemical process safety, assist local emergency authorities in planning for and responding to accidents and improve public awareness of chemical hazards at regulated sources. The proposed revision to EPA's RMP regulations is one of the key actions listed under the White House Executive Order - Improving Chemical Facility Safety and Security. EPA shares RMP information with local and state officials to assist them in planning for and prevent chemical accidents and releases. The proposed amendments are intended to improve existing risk management plan requirements to enhance chemicals safety at RMP facilities and require the consideration of safer technologies and alternatives, including the assessment of Inherently Safer Technologies and Designs in the Process of Hazardous Materials.

WOTUS

The 6th Circuit Court of Appeals issued a ruling in the cases against the WOTUS regulation. Several cases against EPA and the U.S. Army Corps of Engineers were consolidated in the 6th Circuit Court. The decision placed before the court was based on the issue of whether or not the court has the jurisdiction to hear the case.

The ruling was a split decision with two judges agreeing the 6th Circuit Court does have the jurisdiction. The ruling reads that the restriction on the implementation of the WOTUS regulation will remain in place. Additional actions are expected.

WORKER PROTECTION STANDARDS (WPS)/LABOR ISSUES

A California based legal organization is challenging the constitutionality of a state regulation forcing growers to allow union activists on their property to organize and conduct recruitment efforts. The lawsuit alleges the California Agricultural Labor Relations Board is violating the property rights of landowners by forcing them to allow access to union activists. At issue is a regulation that promotes “trespassing” by purporting to grant a right of access by union organizers to farming operations for the purpose of meeting and talking with employees and soliciting their support.

U.S. SUPREME COURT

The unexpected death of U.S. Supreme Court Justice Scalia is expected to affect issues relating to rural land/property rights and taxation.

Several environmental issues that relate to farming/ranching are expected to reach the Supreme Court in several months. Experts state that should a tie vote occur on a case before a new Justice is approved, the lower court's decision stands.

GMO'S

The Senate Ag Committee approved a bill that would preempt state GMO labeling laws. Bi-partisan support was expected for legislation approving a compromise bill. The key current issue by those opposing the proposal is the issue of the requirement by manufacturers/processors to disclose the presence of biotech ingredients. On Wednesday, March 16, the Senate failed to pass the bill by a vote of 48-49.

USDA

The Animal and Plant Health Inspection Service (APHIS) has granted a 45 day extension to the comment period relating to the overhaul of its biotechnology regulations and the scope of the planned environmental impact statement. Over two dozen groups requested the extension. Included in the request was a comment that the regulatory system should provide “risk-appropriate oversight that is consistent with the need for growers to have timely, reliable access to the products of innovative breeding techniques while at the same time not disrupting market access”.

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APHIS has four proposed alternatives to examine the Environmental Impact Statement (EIS):

1. Take no action and make no changes to current regulations for regulating certain genetically engineered organisms.
2. Revise regulations to analyze potential plant pest or noxious weed risks first and then regulate only when appropriate and necessary.
3. Revise regulations to increase oversight and resources used to regulate genetically engineered organisms.
4. Withdraw current regulations and make developers responsible for ensuring that their biotech products do not pose risks as plant pests or noxious weeds and that their activities related to the importation, interstate movement or release into the environment of their respective products of biotechnology are not in violation of any existing statutes or federal regulations that relate to plant pests or noxious weeds.

USDA Report - Number of Farms and Average Size

The USDA has issued its "Farm and Land in Farms 2015 Summary". Several trends continue, including fewer (but larger) farms and lower overall acres. In 2015, USDA counted 18,000 fewer farms than the previous year and one million fewer acres of farmland. The estimated number of farms is slightly over two million and farm acres total 912 million acres. The size of the average farm increased three acres to 441 acres.

FDA

The Food and Drug Administration will begin testing corn, soybeans, milk, eggs and possibly other foods for glyphosate residues. Groups committed to raising the awareness of GMO's support the decision. FDA has not routinely tested for glyphosates due to cost and labor intensiveness to implement in field labs. Newer, streamlined testing methods have been introduced.

NAICC Member Profiles

New Executive Board Member Profile

Matt Winslow

Tidewater Agronomics, Inc.; Belvidere, NC

Question: How many years have you been a member of NAICC?
Answer: 9

Q: How did you end up working in agriculture, research/quality assurance/consulting, or your current position? In other words, what inspired you to be where you are today?

A: I grew up around the family farm and our family consulting business, which steered me to pursue a career in agriculture. Experience with Syngenta developed my love for research and stimulated Tidewater Agronomics, Inc.'s expansion into contract research.

Q: What is the most challenging aspect of your job?

A: Managing and allocating time, personnel, and resources for field trials and consulting

Q: What is the one piece of technology you wouldn't want to be without in your business?

A: It's a toss-up between my cell phone and computer

Q: If your friend, child, mother wanted to follow in your footsteps, what is one piece of advice you'd want them to know?

A: Faith, confidence, hard work, and determination will always lead you toward your goal

Q: What have some of your contributions to NAICC been (including committee service, board membership, any traditions or programs you've helped to establish, etc.)?

A: served on multiple committees, most recently as co-chair of the Research Education Committee which has been a pleasure. I am currently serving as Director to the Executive Board.

Q: What is something about you, your job, your hobbies, or your experiences that most NAICC members do not know about you?

A: I absolutely love golf and Jordan Spieth is my hero

Q: If you could take one week off during your busiest time of year, what would you do and where would you go?

A: I would take the family to Scotland and play a round of golf at St. Andrews

Q: What is a favorite quote of yours?

A: Proverbs 27:17 "Iron sharpens iron, and one man sharpens another"

NATIONAL ALLIANCE OF INDEPENDENT CROP CONSULTANTS

CODE OF ETHICS

Preamble

The National Alliance of Independent Crop Consultants has established the following code to define the professional conduct and ethics binding on its members. A Member recognizes that this Code of Ethics signifies a voluntary assumption of the obligation of self-discipline above and beyond the requirements of the law and will strive to uphold the honor and maintain the dignity of the profession.

Article I. General Principles

1. The privilege of professional practice imposes obligations of morality and responsibility as well as professional knowledge.
2. Each Member agrees to be guided by the highest standards of personal honor and professional conduct.
3. Member shall uphold the integrity of the independent crop consulting profession and/or the contract research profession.

Articles II. Relation of Professional to the Public

1. A Member shall avoid and discourage sensational, exaggerated, and/or unwarranted statements that might induce participating in unsound enterprises.
2. A Member shall not knowingly permit the publication of reports or other documents for any unsound or illegitimate undertaking.
3. A Member shall not give professional opinion or make a recommendation without being as thoroughly informed as might reasonably be expected considering the purpose for which the opinion or recommendation is desired; and the degree of completeness of information upon which it is based should be made clear.
4. A Member may publish dignified business/professional, announcement cards, but shall not advertise work or accomplishments in a self-laudatory, exaggerated, or unduly conspicuous manner.
5. A Member shall not issue a false statement or false information even though directed to do so by his/her employer or a client.

Article III. Relation of Professional to Employer and Client

1. A Member shall protect, to the fullest extent possible, the employer's and client's interest insofar as such interest is consistent with the law and the Member's professional obligations.
2. A Member who finds that obligations to an employer or client conflict with his/her professional obligation or the law should have such objectionable conditions corrected or resign.
3. A Member shall not use, directly or indirectly, any employer's or client's information in any way which would violate the

confidence of the employer or client.

4. A Member shall not share or sell confidential data in an inappropriate manner.
5. A Member shall not divulge information received in confidence.
6. A Member shall engage, or advise his employer or clients to engage, and cooperate with, other experts and specialists whenever the employer's or client's interests would be best served by such service.
7. A Member shall not accept a concealed fee for referring a client to another professional service or product.
8. A Member shall act fairly and justly toward vendors and contractors, recommending products and/or services on the basis of merit and value.
9. A Member shall not attempt to gain or convey competitive advantage over his/her employer by subrogating personal business interests over the employer's or soliciting business from clients of the employer.

Article IV. Relation of Professionals to Each Other

1. A Member shall not attempt to injure the reputation of another.
2. A Member shall freely give credit for work done by others to whom the credit is due and shall refrain from plagiarism in oral and written communications, and not knowingly accept credit rightfully due another person.
3. A Member shall not use the advantages of state or federal employment to compete unfairly with another Member of the profession.
4. A Member shall endeavor to cooperate with others in the profession and encourage the ethical dissemination of technical knowledge.

Article V. Duty to the Profession

1. A Member shall uphold this Code of Ethics by precept and example and encourage, by counsel and advice, other Members to do the same.
2. A Member having positive knowledge of deviation from this Code of Ethics and By-laws by another Member may bring such deviation to the attention of the appropriate official of the NAICC.
3. A Member shall continually seek to gain respect and recognition for the profession on the local, state, national and international levels.

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