



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

PRESIDENT'S COLUMN



By
Dan Moser
NAICC
2016 President

Dan's Radar: *A Hodge-Podge of Current Events*

EYE IN THE SKY

On the national scene, The Department of Transportation's Federal Aviation Administration finalized the first operational rules (PDF) for routine commercial use of small unmanned aircraft systems (UAS or "drones"), opening pathways towards fully integrating UAS into the nation's airspace. Drones have the potential to become a key tool in agriculture, and I encourage you all to read more about the preliminary policy elsewhere in this newsletter.

We are just finishing up weed control in corn, soybeans, wheat, and dry beans. Resistant common ragweed and kochia have been a challenge. It has required multiple applications of combined active ingredients to keep these resistant weeds under control this year. Most fields will not be perfect, but we were able to reduce the population of resistant weeds to a satisfactory level.

We have been receiving some well-timed rains, and the crops in my region look very good. We have now moved into

the insect and disease management stage of monitoring. With the recent storms, we are seeing some bacterial blight in wheat and dry beans. Soybean aphid numbers are on the increase, and we are starting to see some European corn borer. Some white mold is being detected in the dry beans and soybeans. Most of my area's dry beans will be getting their first fungicide treatment over the next couple weeks.

It's time to get the harvesters ready; winter wheat harvest will be upon us here in 2-3 weeks, and looks to be a very good harvest. The spring wheat will be right behind that. Corn is tasseling and the soybeans and dry beans are blooming.

UPDATE ON EPA

All of the products that are on the EPA radar are still on the table and we at

NAICC have not heard anything from EPA and/or from any of the chemical companies on the fate of these products. I hope for the sake of agriculture and the many others users of these products that the EPA will still let us use these compounds. All of these compounds are safe and some have been used for many years.

As you are aware, NAICC is working hard to keep practices and tools to make agriculture safe and efficient. The support of all of NAICC membership makes it possible to continue building relationships with government and other entities. I appreciate all the different individuals that have offered their expertise so that our voice can be heard.



Dan is outstanding in his field.



Happenings on the Hill

Glenn Luedke, NAICC Legislative Assistant

GMO's

On July 7, the U.S. Senate, on a vote of 63-30, passed the GMO Disclosure Standards rule. Final action by the House during the week of July 11 to end Vermont's one week-old GMO labeling requirement is expected.

To re-cap, the compromise reached in committee, amends the Agricultural Marketing Act of 1946 by adding a National Bioengineered Food Disclosure Standard (bioengineered food is defined as food that has been modified through DNA techniques). The legislation directs the Secretary of Agriculture to establish a national mandatory bioengineered food disclosure standard within two years and to establish procedures to carry out the standards. The regulation cannot make any claims regarding food safety. In addition, the bill prohibits states from setting different standards.

LABOR

The U.S. Citizenship and Immigration Services and the U.S. State Department announced the launch of an electronic approval of Form 1-120-petition for nonimmigrant workers, for the H-2A classification. The new program allows the agency to send approval information for H-2A petition to the State Department by the end of the next business day. Immigration Services indicated it will continue the practice of updating case status online and will continue to mail approval notices to petitioners.

Farm organizations have called for the White House and the Congress to renew immigration debate. The farm organizations believe immigration policy should be determined by the legislative branch of the federal government and that Congress must bring forth reform that addresses the unique needs and requirements of agriculture. Farm organizations want reform measures to include provisions granting legal status of existing farm workers and one that creates a new and more workable market oriented visa program that insures future labor needs.

INTERNATIONAL SEED TREATY/PLANT GENETIC RESOURCES

The Senate Foreign Relations Committee held a hearing regarding the International Treaty on Plant Genetic Resources. The current Treaty was adopted in 2001 and signed by the U.S. in 2002. The treaty created a stable legal framework for international germplasm exchanges and allows for facilitation of public and private entities access for the sharing of plant resources. The U.S. currently complies

with most of the requirements of the Treaty. Ratification of the Treaty was necessary to enable the U.S. participation in the framework.

USDA

As required by the 2014 Farm Bill, the USDA undertook a rulemaking last year to revise the "actively engaged" requirements for eligibility to receive Title 1 farm program payments for non-family farming operations. The final "actively engaged" rule which exempts operation comprised entirely of family farm members, would apply to general partnerships and joint ventures where an operation is attempting to qualify more than one farm manager. The rule would limit such operations to up to three individuals qualifying as farm managers, given certain conditions, and requiring such individuals to make "significant contribution" of active personal management.

CROP INSURANCE

USDA has announced additional Federal Crop Insurance flexibility for growers. Double-cropping provisions have been revised and should address the issue of ever-increasing size of farm operations. The changes are effective with the 2017 crop year for most crops.

EPA

A unanimous Supreme Court ruled landowners can appeal when the U.S. Army Corps of Engineers determines that a body of water is subject to federal jurisdiction. The case, "U.S. Army Corps of Engineers vs. Hawkes Co. Inc." set a precedent that landowners can challenge a determination that a piece of property contains "a water of the United States". After the ruling, Supreme Court Justice Kennedy voiced the Court's continued concern with the Clean Water Act and the continuation of troubling questions that cast doubt on the full use and enjoyment of private property throughout the Nation.

Toxic Substance Control Act (TSCA)

H.R. 2576. The U.S. House of Representatives passed the TSCA Modernization Act which amends the TSCA to identify and control unreasonable risks from chemicals using science based risk evaluations. These evaluations consider health and environmental effects, while ensuring confidential business information is adequately protected.

Pesticide Registration Process

Agricultural organizations have sent comments to EPA regarding EPA's efforts to review pesticides and develop assessments related to endangered/threatened species. Concern centers around the process being used to review pesticides, data used to create biological evaluations and the 60 days comment period provided.

Continued on page 3.

Continued from page 2.

The current process could easily lead to fewer crop protection products and technologies being approved.

ZIKA VECTOR CONTROL ACT

H.R. 897. The U.S. House of Representatives passed the Zika Vector Control Act, which clarifies intent regarding regulation of the use of pesticides for control of exotic diseases such as Zika virus and West Nile virus as well as for other lawful uses in or near navigable waters. The legislation specifically amends FIFRA to prohibit EPA or a state from requiring a permit under the CWA for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under FIFRA, or a residue resulting from the application of the pesticide. On June 28, a \$1.1 billion proposal was introduced in the Senate to fund efforts to control Zika. The proposal did not pass. The opposition claimed the legislation contained too many unrelated measures, including weakening the use of pesticides near water sources.

ADVOCACY MATTERS

According to a report generated by Fiscal/Notes (a producer of government relationship management platforms), the risks created by federal, state and local government actions are increasingly hard to ignore among both established and growing industries. The report states that up to 30 percent of a corporation's earnings could be at the will of government action. The report also states that in recent years, the U.S. Congress has only passed 3.8% of approximately 2,000 bills that were introduced. That compared to a state's legislative activity-30% passage rate of bills introduced producing 250,000 new laws-solidifies the necessity for involvement. The report notes five key strategies that should be incorporated into governmental affairs efforts by companies and the associations to which they belong.

1. Applying big-data to politics
2. Tying results to actions
3. Investing in state and local politics
4. Developing in-house teams
5. Integrating social media

FAA

The FAA has released the new rules for the operation of unmanned aerial vehicles. The rules were deemed mostly good news for the agriculture sector. Five key points are:

- A. No pilot's license is needed or a second observer. For the ag industry, operators must pass a "knowledge test" for a remote pilot airman certificate.
- B. The drone must weigh less than 55 pounds. Waiver applications for heavier machines are available.
- C. Operations of a drone above a crowd are prohibited, unless a special waiver is granted. Flying over an "affiliated person" is permitted.
- D. A grower can hire work to be done. Under the new rules, someone can be hired to operate a drone if they are at least 16 years of age and have a remote pilot certificate with a small UAS rating. A consultant can add this service to their scouting procedure.
- E. The new rules still require you keep the drone in sight and operate it at 400 feet or below.

FAA Press Release

DOT and FAA Finalize Rules for Small Unmanned Aircraft Systems

Regulations will create new opportunities for business and government to use drones

The Department of Transportation's Federal Aviation Administration finalized the first operational rules (PDF) for routine commercial use of small unmanned aircraft systems (UAS or "drones"), opening pathways towards fully integrating

UAS into the nation's airspace. These new regulations work to harness new innovations safely, to spur job growth, advance critical scientific research and save lives.

"We are part of a new era in aviation, and the potential for unmanned aircraft will make it safer and easier to do certain jobs, gather information, and deploy disaster relief," said U.S. Transportation Secretary Anthony Foxx. "We look forward to working with the aviation community to support innovation, while maintaining our standards as the safest and most complex airspace in the world."

According to industry estimates, the rule could generate more than \$82 billion for the U.S. economy and create more than 100,000 new jobs over the next 10 years.

The new rule, which takes effect in late August, offers safety regulations for unmanned aircraft drones weighing less than 55 pounds that are conducting non-hobbyist operations.

The rule's provisions are designed to minimize risks to other aircraft and people and property on the ground. The regulations require pilots to keep an unmanned aircraft within visual line of sight. Operations are allowed during daylight and during twilight if the drone has anti-collision lights. The new regulations also address height and speed restrictions and other operational limits, such as prohibiting flights over unprotected people on the ground who aren't directly participating in the UAS operation.

The FAA is offering a process to waive some restrictions if an operator proves the proposed flight will be conducted safely under a waiver. The FAA will make an online portal available to apply for these waivers in the months ahead.

Continued on page 4.

Continued from page 3.

"With this new rule, we are taking a careful and deliberate approach that balances the need to deploy this new technology with the FAA's mission to protect public safety," said FAA Administrator Michael Huerta. "But this is just our first step. We're already working on additional rules that will expand the range of operations."

Under the final rule, the person actually flying a drone must be at least 16 years old and have a remote pilot certificate with a small UAS rating, or be directly supervised by someone with such a certificate. To qualify for a remote pilot certificate, an individual must either pass an initial aeronautical knowledge test at an FAA-approved knowledge testing center or have an existing non-student Part 61 pilot certificate. If qualifying under the latter provision, a pilot must have completed a flight review in the previous 24 months and must take a UAS online training course provided by the FAA. The TSA will conduct a security background check of all remote pilot applications prior to issuance of a certificate.

Operators are responsible for ensuring a drone is safe before flying, but the FAA is not requiring small UAS to comply with current agency airworthiness standards or aircraft certification. Instead, the remote pilot will simply have to perform a preflight visual and operational check of the small UAS to ensure that safety-pertinent systems are functioning properly. This includes checking the communications link between the control station and the UAS.

Although the new rule does not specifically deal with privacy issues in the use of drones, and the FAA does not regulate how

UAS gather data on people or property, the FAA is acting to address privacy considerations in this area. The FAA strongly encourages all UAS pilots to check local and state laws before gathering information through remote sensing technology or photography.

As part of a privacy education campaign, the agency will provide all drone users with recommended privacy guidelines as part of the UAS registration process and through the FAA's B4UFLY mobile app. The FAA also will educate all commercial drone pilots on privacy during their pilot certification process; and will issue new guidance to local and state governments on drone privacy issues. The FAA's effort builds on the privacy "best practices" (PDF) the National Telecommunications and Information Administration published last month as the result of a year-long outreach initiative with privacy advocates and industry.

Part 107 will not apply to model aircraft. Model aircraft operators must continue to satisfy all the criteria specified in Section 336 of Public Law 112-95 (PDF) (which will now be codified in Part 101), including the stipulation they be operated only for hobby or recreational purposes.

- FAA Fact Sheet [http://www.faa.gov/news/fact_sheets/
news_story.cfm?newsId=20516](http://www.faa.gov/news/fact_sheets/news_story.cfm?newsId=20516)

Visit our website for more information on the FAA and UAS.

Brian Jacobson

**October 7, 1955 –
March 3, 2016**

Brian Jacobson, Principal Agronomist at Waterborne, passed away on March 3 from complications associated with pancreatic cancer. Brian worked for Waterborne for over 20 years.

Brian developed and led the field dissipation study program and advanced it to include aquatic studies in rice paddies, ponds, and dispersion studies in irrigation canals and lakes. In his career, Brian managed hundreds of environmental fate and residue studies designed to meet USEPA's FIFRA guidelines. Brian's broad experience and ingenuity allowed him to work closely with our clients to design studies that addressed pressing regulatory concerns, many more complex and challenging than the standard data requirements.



Prior to coming to work with Waterborne in 1996, Brian was a field studies manager at ABC Laboratories and a research specialist at the University of Missouri. Brian was a proud alumnus of the University of Missouri earning a BS in Agronomy in 1979 and a MS in Weed Science in 1981.

Brian leaves behind Dana, his wife of over 34 years, and two children that include Andy, an engineer in the Illinois Waterborne office, and Samantha, a pediatrician in residency in Kansas City. Brian Jacobson was a consummate professional, a "pro's pro" and admired by all who knew him. He will be deeply missed.



Member Profiles

Matt Eich
Central Crop Consulting
Volga, SD

Question: How many years have you been an NAICC Member?

Answer: 5

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 spent a lot of time on my uncle's farm. Also, one of my friend's dad worked for Cenex Land O'Lakes and encouraged me to get into ag. I've always been attracted to agriculture.



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

A: Dealing with regulatory aspects, especially labels. Also, the potential for Environmentalists influencing how I do my job.

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

A: My smartphone

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: Never stop learning and always be willing to adapt.

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: Consultant Education Committee Member and Consultant Education Committee Chair; Currently Director on 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 have a small registered Hampshire sheep flock as well as a "Heinz 57" commercial flock.

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 like to go visit some of the states in this country that I've not been to, mainly on the coasts.

Q: What is a favorite quote of yours?

A: "When everything collapses around us, and perhaps even within us, Christ remains our unfailing support." Pope John Paul II

Nominations Open for Consultant of the Year *Deadline is October 30, 2016*

Do you know an NAICC member who has demonstrated exemplary performance this year? Consider nominating him/her for 2016 Consultant of the Year (COTY). Once again, BASF is generously sponsoring the recognition of three NAICC leaders to be honored at the 2017 Annual Meeting. Winners will receive complimentary hotel, airfare and registration!

Nomination forms are available at:

<http://naicc.org/member-center/forms-applications>.

All nominations must be received by October 30, 2016.

Richard L. Jensen, Ph.D. Memorial Scholarship Applications

Applications for Richard L. Jensen, Ph.D. Memorial Scholarships are available at <http://thefea.org/jensen-scholarship/>. We encourage you to share the application with your summer employees or college students working toward an Ag degree. Students working for NAICC members qualify for preferred status.

Three scholarships are provided by NAICC's Foundation for Environmental Agriculture Education (FEAE):

- One \$3,000 award is given to a deserving third-year student in Agriculture with a major in Crop Production or allied subject.
- Two \$1,500 awards are given to deserving college students in Agriculture.

Application deadline is November 1, 2016.

The mission of the Foundation for Environmental Agricultural Education is to catalyze innovative education and training for current and future professional crop management practitioners including researchers and crop consultants.

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Foundation for Environmental
Agriculture Education.**

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What is your biggest challenge of 2016 so far?
Share your experience with fellow NAICC
members here:

<http://goo.gl/forms/qS7oINc13JWRZuN12>

A summary of answers will be included in a
future edition of *NAICC News*.

**The correct answer from the May
newsletter was “Felix the Cat”.**

**Congratulations to Kevin Kelley for
winning the gift card!**

**Answer the following question for a
chance to win a \$50 Visa Gift Card:**

**Which company's logo is
pictured below?**



Submit your answer here:

<http://goo.gl/forms/tl8N4qQSX3XYLYH82>

**One winner will be randomly selected from
the correct answers and announced in the
August newsletter.**



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