

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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FLOOR DEBATE

January 25, 2002 LB 436

CLERK: Mr. President, LB 436, a bill by Senator Dierks. (Read title.) The bill was introduced on January 9, referred to the Agriculture Committee, advanced to General File. I do have amendments to the committee amendments and to the bill, Mr. President. (AM0286, Legislative Journal page 620, First Session, 2001.)

SPEAKER KRISTENSEN: Thank you, Mr. Clerk. Senator Dierks, you're recognized to open on the bill.

SENATOR DIERKS: Thank you, Mr. Speaker and members of the Legislature. This bill, LB 436, is a cleanup of the Nebraska Pesticide Act, which I introduced on behalf of the Department of Agriculture, and which it was heard before the Ag Committee on January 30th of last year. There's a fairly comprehensive section-by-section summary of LB 436 in the committee statement. Although the bill is a lengthy one, most of the provisions are fairly straight forward. The amendments clarify many provisions of the Pesticide Act and appropriately strengthen the act. Nebraska Pesticide Act was first adopted in 1993. The act is actually a state/federal partnership. Pesticides intended for sale and use in the state must be registered with the Department of Agriculture. The Environmental Protection Agency classifies pesticides for restricted use and governs their use through product labeling which limits the use of restrictive pesticides. Use or restricted use pesticide is limited to licensed applicators who are certified in various categories of pesticide use such as forestry, agriculture, building pest management, and so forth. Under certain conditions, the states may have restrictions on the use of particular pesticides that are even more stringent than the federal labeling instructions. The states license and monitor applicators and pesticide dealers, they prosecute violations of the act, and they monitor the occurrence of pesticides in the environment. The state programs are periodically reviewed by EPA as to their achieving the goals of the Federal Fungicide Insecticide (sic--Insecticide Fungicide) and Rodenticide Act; that's called FIFRA. EPA may rescind the authority of states who administer state programs that the EPA finds lacking. The changes proposed in LB 436 have been reviewed by EPA, which has essentially stated that nothing