

**Department of Agriculture, Division of Conservation**  
**Notice of Hearing on Proposed**  
**Administrative Regulations, Statewide**

A public hearing will be conducted at 10:00 a.m., Tuesday, February 23, 2016, in the 1<sup>st</sup> floor meeting room 124 of the Kansas Department of Agriculture, 1320 Research Park Dr., Manhattan, Kansas, to consider the adoption of proposed regulations.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Agriculture, 1320 Research Park Dr., Manhattan, Kansas, 66502, or by e-mail at [ronda.hutton@kda.ks.gov](mailto:ronda.hutton@kda.ks.gov). All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes. These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and their economic impact follows:

K.A.R. 4-5-4 is proposed by the Kansas Department of Agriculture and provides an improved service to agricultural lime users in Kansas. The Kansas Department of Agriculture (KDA) is in the process of updating the Kansas Administrative Regulations (K.A.R.'s) governing agricultural lime testing protocol to match that of Kansas State University (KSU) Soils Testing Laboratory. The 2015 Legislature approved the KDA submitted revisions to the Kansas Agricultural Liming Act to allow the KDA the authority to revise regulations to reflect the analysis procedures used by the KSU Soils Testing Laboratory. Prior to fiscal year 2014 the KDA used a different analyses method at the KDA lab in Topeka. The KSU Soils Lab and KDA feel the KSU method provides a more accurate analysis for agricultural lime consumers.

K.A.R. 4-5-1 and 4-5-2 are to be revoked as these provisions will be obsolete with the adoption of K.A.R. 4-5-4.

**Economic Impact Statement:**

The Kansas Legislature amended the Kansas Agricultural Liming Materials Act (K.S.A. 2-2901 et seq.) in the 2015 session at the request of KDA in order to have authority to adopt the KSU recommended testing protocols. This action allows the KDA authority to revise the agricultural liming regulation. The KSU analysis protocol differs from the current state regulation primarily in that the KSU method give the particles falling through the 60 mesh a full count or 100 percent credit as opposed to the current Kansas regulation giving it only a ½ or 50 percent credit. Under the current Kansas regulations equal (0.5) credit is given to particle sizes between 8 and 60 mesh, and those falling through 60 mesh. When using the current regulation the effective calcium carbonate (ECC) may be falsely low. The KSU calculation is superior to the current regulation because the finer the lime the quicker it will react with soil acidity. This change is a scientifically based proposal that provides a more accurate value of the (ECC).

The KDA realizes savings of approximately \$2.00 per sample by using the KSU Soils Laboratory rather than the KDA Laboratory. Approximately 70 samples are analyzed annually.

The KSU calculation is more accurate than the State of Kansas's written regulation because the finer the lime the quicker it will react with soil acidity. This is a scientifically backed observation. The current Kansas regulation written goes against this observation, by giving equal (0.5) credit to particle sizes between 8 and 60 mesh and those falling through 60 mesh. The current regulation could potentially fiscally impact agricultural lime producers by giving a falsely lower ECC for their product than the KSU protocols. Such a false result could have a negative financial impact on agricultural lime users because they would purchase more lime than is necessary. During this process, KDA has communicated with and sought input from various stakeholders, including major industry organizations, to ensure the proposed changes will result in a more accurate, environmentally safe and fiscally responsible agricultural lime regulation in Kansas.

No alternative methods were considered because of scientifically based recommendations of the KSU soils laboratory. There also would be minimal impact to the agency and other governmental agencies. These proposed regulations are not mandated by federal law.

The current regulation opens the door for potential over application of agricultural lime, based on a variety of factors including soil type. Over application of agricultural lime in no-till farming applications can cause soil pH to be too high in the top two to three inches of soil. The proposed regulation will reduce that risk by proving more accurate agricultural lime analysis.

Any individual with a disability may request accommodations in order to participate in the public hearing and may request the proposed regulations and impact statements in an accessible format. Requests for accommodations should be made at least five working days in advance of the hearing by contacting Ronda Hutton at (785) 564-67153 or fax (785) 564-6777. Handicapped parking is located on the west side of the building located at 1320 Research Park Drive, Manhattan, and the west entrance to the building is accessible to individuals with disabilities.

Copies of the regulations and their economic impact statements may be obtained by contacting the Department of Agriculture, Ronda M. Hutton, 1320 Research Park Drive, Manhattan, KS 66502 or (785) 564-6715 or by accessing the department's Web site at [agriculture.ks.gov](http://agriculture.ks.gov). Comments may also be made through our website under the proposed regulation.

Jackie McClaskey  
Secretary  
Kansas Department of Agriculture

**K.A.R. 4-5-1.** (Authorized by K.S.A. 1981 Supp. 2-2910; implementing K.S.A. 1981 Supp. 2-2902; effective May 1, 1982; revoked P-\_\_\_\_\_.)

**K.A.R. 4-5-2.** (Authorized by K.S.A. 1981 Supp. 2-2910; implementing K.S.A. 1981 Supp. 2-2903; effective May 1, 1982; revoked P-\_\_\_\_\_.)

**K.A.R. 4-5-4. Agricultural liming material testing.** The process for determining the effective calcium carbonate equivalent of agricultural liming materials shall be in accordance with Kansas state university's document titled "Kansas state university soil testing lab agricultural liming material testing procedure," dated October 15, 2015, which is hereby adopted by reference.

(Authorized by K.S.A. 2-2910; implementing K.S.A. 2015 Supp. 2-2903 and 2-2907; effective

P-\_\_\_\_\_.)

**KANSAS DEPARTMENT OF AGRICULTURE**  
**IMPACT STATEMENT**  
**Proposed Regulations**  
**K.A.R. 4-5-1 and 4-5-2 (Revoked) and**  
**K.A.R. 4-5-4 Agricultural Liming Material Testing (Proposed)**

**I. Summary of Proposed Regulation, Including Its Purpose.**

This draft rule is proposed by the Kansas Department of Agriculture and provides an improved service to agricultural lime users in Kansas. The Kansas Department of Agriculture (KDA) is in the process of updating the Kansas Administrative Regulations (K.A.R.'s) governing agricultural lime testing protocol to match that of Kansas State University (KSU) Soils Testing Laboratory. The 2015 Legislature approved the KDA submitted revisions to the Kansas Agricultural Liming Act to allow the KDA the authority to revise the K.A.R.'s to reflect the analysis procedures used by the KSU Soils Testing Laboratory. Prior to fiscal year 2014 the KDA used a different analyses method at the KDA lab in Topeka. The KSU Soils Lab and KDA feel the KSU method provides a more accurate analysis for agricultural lime consumers.

K.A.R. 4-5-1 and 4-5-2 are to be revoked as these provisions will be obsolete with the adoption of K.A.R. 4-5-4.

**II. Reason Or Reasons The Proposed Regulation Is Required, Including Whether Or Not The Regulation Is Mandated By Federal Law.**

The Kansas Legislature amended the Kansas Agricultural Liming Materials Act (K.S.A. 2-2901 et seq.) in the 2015 session at the request of KDA in order to have authority to adopt the KSU recommended testing protocols. This action allows the KDA authority to revise the ag liming regulation. The KSU analysis protocol differs from the current state regulation primarily in that the KSU method give the particles falling through the 60 mesh a full count or 100 percent credit as opposed to the current Kansas regulation giving it only a ½ or 50 percent credit. Under the current Kansas regulations equal (0.5) credit is given to particle sizes between 8 and 60 mesh, and those falling through 60 mesh. When using the current regulation the effective calcium carbonate (ECC) may be falsely low. The KSU calculation is superior to the current regulation because the finer the lime the quicker it will react with soil acidity. This change is a scientifically based proposal that provides a more accurate value of the (ECC).

**III. Anticipated Economic Impact Upon The Kansas Department Of Agriculture.**

The KDA realizes savings of approximately \$2.00 per sample by using the KSU Soils Laboratory rather than the KDA Laboratory. Approximately 70 samples are analyzed annually.

#### **IV. Anticipated Financial Impact Upon Other Governmental Agencies And Upon Private Business Or Individuals.**

The KSU calculation is more accurate than the State of Kansas's written regulation because the finer the lime the quicker it will react with soil acidity. This is a scientifically backed observation. The current Kansas regulation written goes against this observation, by giving equal (0.5) credit to particle sizes between 8 and 60 mesh and those falling through 60 mesh. The current regulation could potentially fiscally impact agricultural lime producers by giving a falsely lower ECC for their product than the KSU protocols. Such a false result could have a negative financial impact on agricultural lime users because they would purchase more lime than is necessary. During this process, KDA has communicated with and sought input from various stakeholders, including major industry organizations, to ensure the proposed changes will result in a more accurate, environmentally safe and fiscally responsible agricultural lime regulation in Kansas.

#### **V. Less Costly or Intrusive Methods That Were Considered, But Rejected, And the Reason For Rejection.**

No alternative methods were considered because of scientifically based recommendations of the KSU soils laboratory. There also would be minimal impact to the agency and other governmental agencies.

#### **VI. Environmental Impact**

The current regulation opens the door for potential over application of agricultural lime, based on a variety of factors including soil type. Over application of agricultural lime in no-till farming applications can cause soil pH to be too high in the top two to three inches of soil. The proposed regulation will reduce that risk by proving more accurate agricultural lime analysis.