

## Bill would regulate herbicide spraying

Written by Demetria Stephens  
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LINCOLN—Nebraska's growing grape industry is feeling the burn of chemical drift.

Nebraska can grow some varieties that other parts of the country can't, said Alan Vybiral, president of the Nebraska Wine and Grape Grower Association.

But last year, Barton Holmquist a grape grower near Eagle, lost three tons of grapes, or about \$3,000, because of suspected 2,4-D spray drift from a neighbor. The Nebraska Department of Agriculture tried to find who it was, but the spray could've travelled for an unknown number of miles, depending on wind and temperature, he said.

"You've all undoubtedly gone down a country road and smelled a skunk," he said. "That's a volatile chemical that's not too far different than 2,4-D."

Holmquist is one of about 24 grape growers in the state and one of three testifiers at an Agriculture Committee hearing Tuesday, March 5, who favored Legislative Bill 636, which would regulate herbicide spraying.

Sen. Norman Wallman of Cortland sponsored LB636, which focused on the herbicide 2,4-D, but includes other herbicides. Beginning April 15, 2015, and continuing yearly April 15 through Sept. 15, anyone spraying such chemicals would have to notify the Nebraska Department of Agriculture at least 72 hours in advance of an application if it's within four miles of a sensitive crop. He said he hesitated to propose the bill at first, as a corn and soybean grower who uses 2,4-D.

"But once I realized the magnitude and the loss the grape growers observed and the ongoing problems many are facing as a result of careless application, I decided something had to be done," Wallman said.

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Sensitive crops include some fruits, vegetables, beehives and organic crops. If the ground is sprayed, crops grown there couldn't be sold as organic for three years, according to the National Organic Program.

About 16 off-target applications of chemicals were mentioned in a Nebraska Department of Agriculture newsletter, said Brent Meyer, superintendent at the Lancaster County Weed Control Authority.

"This is not a huge problem," he said, "but it is a serious problem and it happens." Off-target sprayers need to be punished under existing state and federal laws that say the chemical "label is the law," he said. If people don't follow the chemical label, there are already potential fines, so he said the weed control authority opposed the bill.

Other testifiers opposing the bill said the state's unpredictable weather would make it hard to notify the agriculture department in advance. The solution could be education about the existing laws and communication among neighbors. Several said Drift Watch, a voluntary program that maps sensitive crops, should be used by people who don't want to get drifted on and by those wanting to spray.

"If you turn something loose in the environment, you ought to be responsible for where it lands," said Sen. Steve Lathrop of Omaha, adding he didn't know if this particular bill solved the problem.

Scott Merritt, executive director of the Nebraska Corn Growers Association, said his group wasn't against organic or specialty crops, but the program should remain voluntary.

"Everybody has to take responsibility for some of their own."

Don Albrecht, a grape grower, said Nebraska can learn a lesson from Iowa that went through similar a time of increased lawsuits dealing with specialty crops and drift because state law

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relied on people following labels.

“If we’re smart, we won’t do that,” he said. “We’ll find a middle ground.”

John Lindquist, a professor of agronomy at the University of Nebraska-Lincoln, testified in a neutral position on the bill and gave a few pros and cons. Technology has gotten better so spray drift isn’t as common as it used to be, but herbicides are being used more because of glyphosate, or RoundUp, resistant weeds.

People are spraying 2,4-D to kill the glyphosate resistant weeds, he said, but that would increase the amount of chemical spray and possibility of 2,4-D resistant weeds. On the other hand, he indicated, the 72-hour advance notice requirement would give sprayers less of a window to spray to control noxious weeds and the four-mile radius was an overreach.

Wallman said he could agree to change the four-mile rule, but he wasn’t ready to withdraw the bill.

“Introducing it (the bill) is the least I can do to bring light to this important issue,” he said.

Contact Demetria Stephens at

[nns.dstephens@gmail.com](mailto:nns.dstephens@gmail.com)