

# Regulatory Services News

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Feed - Fertilizer - Milk - Seed - Seed Testing - Soil

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## Director's Digest

Among some groups, regulatory agencies and their regulations are under fire for being quite burdensome and restrictive to business. As our Division is part of the Kentucky Agricultural Experiment Station at the University of Kentucky, we use the vast resources available from the university to help in bringing information to businesses and consumers across the state. This research-based information, available through our research and extension colleagues, is a key to help businesses understand our public function of a major role in consumer protection. In following good educational procedures, we experience few problems in maintaining high quality products.

While agricultural inputs of feed, fertilizer and seed for crop and livestock producers have been the major focus of past efforts, we now recognize that feeds for companion animals and pets, fertilizers for homeowners and gardeners, and seeds for homeowners are a significant amount of inputs purchased by the citizens of Kentucky. This has changed some of our focus toward providing monitoring and education for these many products in smaller packages. The number of small packaged products registered in feed, fertilizer and seed programs has increased substantially in the past three years. We recognize that high quality is desired whatever the package size.

In May of this year, the Division underwent an external review of our mission, vision and activities. The review team consisted of three outside members and three members internal to the University of Kentucky. The overall evaluation was very good with several good suggestions for future directions in the four regulatory and two service programs. Our immediate focus will be on replacing vacant positions and moving to a more up-to-date data handling and management system. I certainly welcome any suggestions for new programs, new analysis that may be needed, and improvements in current programs.

Bill Thom  
Director

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**UK**  
UNIVERSITY  
OF KENTUCKY  
College of Agriculture  
Division of Regulatory Services

## Division Contact Information

Phone: 859-257-2785

### Director

Bill Thom  
wthom@uky.edu

### Feed Program

Bill Thom (interim)  
wthom@uky.edu

Vacant, Registration Specialist

Kay Phillips, Staff Assistant  
kphillip@uky.edu  
Fax: 859-323-9931

### Feed-Fertilizer Laboratory

Mel Bryant  
mbryant@uky.edu

### Fertilizer Program

Stephen McMurry  
smcmurry@uky.edu

June Crawford, Staff Assistant  
june.crawford@uky.edu  
Fax: 859-257-9478

### Inspection Program

Jim True  
jatr224@email.uky.edu

### Inspection Staff

Mark Barrow  
mcbarr2@uky.edu

Dewey Coffey  
dcoffey@uky.edu

John Flood  
jflood@uky.edu

Brad Johnston  
bjohnsto@uky.edu

David Mason  
dwmason@uky.edu

Warren Pinkston  
wwpink00@uky.edu

Terry Prather  
tprather@uky.edu

Bart Young  
bart.young@uky.edu

### Lab Instrumentation

Sharon Webb  
sfwebb2@uky.edu

### Milk Program

Bob Kiser (interim)  
rkiser@uky.edu

Bob Hickerson, Inspector  
rhickers@uky.edu

Yvonna Daily, Staff Assistant  
yvonna.daily@uky.edu  
Fax: 859-257-7351

### Seed Regulatory Program

Terry Prather (interim)  
tprather@uky.edu

Emily Jean Hicks, Staff Assistant  
EmilyJean.Hicks@uky.edu  
Fax: 859-257-7351

### Seed Testing Program

Vacant, Seed Testing Coor.

Emily Jean Hicks, Staff Assistant  
EmilyJean.Hicks@uky.edu  
Fax: 859-257-7351

### Soil Testing Program

Frank Sikora  
fsikora@uky.edu

## Ammonium Nitrate Notice of Proposed Rulemaking

On August 3, 2011 the Department of Homeland Security (DHS) sent out a Notice of Proposed Rulemaking for the Secure Handling of Ammonium Nitrate Act of 2007. DHS has established a 120 day comment period which will end on December 1, 2011.

Pursuant to Subtitle J, the Department must develop regulations that require, at a minimum, the following activities:

- **Registration Applications:** Certain ammonium nitrate sellers and prospective ammonium nitrate purchasers must apply for ammonium nitrate (AN) registration numbers from DHS in order to sell, transfer, and/or purchase ammonium nitrate.
- **Terrorist Screening Database Checks:** The Department must use identifying information of each prospective applicant to conduct a check against identifying information that appears in the Terrorist Screening Database (TSDB).
- **Registration Numbers:** The Department generally must issue an ammonium nitrate registration number or deny the registration of an applicant within 72 hours of receipt of each ammonium nitrate seller's or ammonium nitrate purchaser's complete registration application.
- **Purchaser Verification Activities:** At the point of sale, ammonium nitrate sellers must verify each potential ammonium nitrate purchaser's identity and registration to purchase ammonium nitrate pursuant to procedures established by the Department.
- **Recordkeeping:** All ammonium nitrate facilities must keep records of sales or transfers of ammonium nitrate for at least two years after each transaction.
- **Reporting Theft or Loss of Ammonium Nitrate:** Certain ammonium nitrate sellers must report the theft or loss of ammonium nitrate to Federal authorities within one calendar day of discovery of theft or loss.
- **Inspections and Audits:** The Department must conduct or oversee regulatory compliance inspections and audits of ammonium nitrate facilities' records, monitor compliance with the requirements of Subtitle J, and deter or prevent misappropriation of ammonium nitrate for use in terrorist acts.
- **Guidance Materials and Posters:** The Department must develop guidance materials that set forth procedures for appealing denial of an application for an ammonium nitrate registration number, guidance materials that help ammonium nitrate facilities identify suspicious ammonium nitrate purchases or attempted purchases or transfers, and posters providing information on sellers' record-keeping responsibilities and on the penalties for violating requirements under the Department's ammonium nitrate program.
- **Establishing Threshold Percentage of Ammonium Nitrate in a Mixture:** The Department must establish a threshold percentage of ammonium nitrate in a mixture for that mixture to be

*(Continued on page 4)*

## Ammonium Nitrate Notice of Proposed Rulemaking Continued

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regulated under the Department's ammonium nitrate program.

• **Appeals and Penalties:** The Department must establish an expedited appeals process for applicants denied ammonium nitrate registration numbers, as well as an appeals process for individual's assessed civil penalties for violating the rules promulgated under Subtitle J.

The full document is available on our website's home page at [www.rs.uky.edu](http://www.rs.uky.edu). If you would like a printed copy of the full proposal contact Stephen McMurry or June Crawford at 859-257-2785.

Stephen McMurry  
Fertilizer Program Coordinator

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### Bulk Tank Charts

The Regulatory Services Milk Program has many functions and services that it provides. We offer a fully certified laboratory for Kentucky producers and processors, inspection and licensing of milk haulers and handlers, inspection and licensing of laboratories, and ticket audits to insure proper payments. One other service that we offer is the reproduction of bulk tank conversion charts. We recently have been getting a lot of inquiries about tank calibrations and chart reproductions. These have not only come from Kentucky producers but also from out of state producers. This service is provided to Kentucky producers at no cost. Out of state producers are charged a fee of \$25.00. We do not calibrate bulk tanks. The Kentucky Department of Agriculture is available to calibrate milk tanks. To schedule a tank calibration the KDA can be contacted directly (Jason Glass – 502-573-0282).

If an existing chart is becoming difficult to read due to fading or deterioration (and the tank does not to be recalibrated) a new chart can be printed by Regulatory Services. To request a chart reproduction, contact Regulatory Services directly. You will need to complete the top portion of the "Farm Bulk Milk Chart Reproduction Form", make a copy of the current conversion chart, and submit both to Regulatory Services. If none of the current chart is legible, it may be necessary to recalibrate the tank to "build" a new chart. Whether "building" a new chart or reproducing current charts, Regulatory Services will provide a laminated chart and one additional chart copy to the producer. Copies will also be provided to the handler and the milk hauling company.

If you have any questions about this service and/or any others that we offer, please feel free to contact our office at 859-257-275 or e-mail [rkiser@uky.edu](mailto:rkiser@uky.edu).

Bob Kiser  
Interim Milk Coordinator

## DHS Announces Ammonium Nitrate Security Program Listening Sessions

The Department of Homeland Security (DHS) has announced a number of listening sessions on the Ammonium Nitrate Security Program Proposed Rule. In addition to the attached notice of the listening sessions, please review the information at [www.dhs.gov/ammoniumnitratesecurity](http://www.dhs.gov/ammoniumnitratesecurity).

While the comment period is still open, DHS will be limited at the listening sessions on information they can provide beyond what is in the *Notice of Proposed Rulemaking*. However, it is very important for anyone affected by the regulations to attend these listening sessions and express your views. The closest public meetings for Kentucky are listed below. Please contact Stephen McMurry or June Crawford at 859-257-2785 for additional information.

October 11, 2011	Jackson, Mississippi
October 20, 2011	Knoxville, Tennessee
November 3, 2011	Charleston, West Virginia

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## Employee News

### Milk Program Administrative Assistant

The Milk Program at Regulatory Services would like to introduce our new Administrative Assistant. Yvonna Daily started on July 19. She comes to us from the Kentucky Transportation Cabinet in Frankfort. Before that she worked for the Kentucky State Police. Yvonna is originally from Louisville and currently lives in Winchester. Yvonna is somewhat familiar with the dairy business. Her grandfather had a dairy farm in Finchville, Kentucky and has many fond memories of spending time helping on the farm. Yvonna likes to do crafts, cook, is a “gamer”, and loves to shop. We welcome Yvonna to our team and if you are in our offices be sure to drop by and say hello.



Robert Kiser  
Interim Milk Coordinator

### Electronic Delivery Regulatory Services News

To reduce printing, paper and postage costs, Regulatory Services News is available for electronic delivery to your email address.

To receive the quarterly newsletter in electronic format, please visit the Division’s website at [www.rs.uky.edu](http://www.rs.uky.edu), navigate to the Newsletter page and submit your contact information.

Newsletter editions dating to 2001 are available online.

## **Employee News Continued**

### **Mr. Henry S. Spencer, Sr. Retires**

After many years of dedicated service to this Division, Mr. Henry S. Spencer, Sr. retired September 30, 2011. He had worked for Regulatory Services since July 15, 1974 supporting the Division efforts of consumer protection for agricultural producers.

Mr. Spencer is native of Lexington (Fayette County) and attended Lafayette High School in Lexington, Kentucky. After high school he joined the United States Marine Corps and is a World War II Veteran. He served with the 1<sup>st</sup> Marine Division, U.S. Marine Corps from December 1941 until December 1945, and was in the Southwest Pacific Theatre of World War II. Returning to Lexington, he attended the University of Kentucky and in 1949 he received a B.S. degree in Business Administration. He met and married Doris while at the University and they have two sons. When their son graduated from the University of Kentucky, he was a 4<sup>th</sup> generation family UK graduate.

A work career led Mr. Spencer to several locations with several companies in the chemical fertilizer sector. While working for Virginia-Carolina Chemical, Mobil Chemical Company, and Swift Chemical Company, he lived in Ohio, New York, Indiana, Virginia, and Illinois. His various positions, including plant manager of production facilities, helped him to become knowledgeable of fertilizer production and distribution, quality control, and laboratory chemical analyses.

In 1974 Dr. Herbert Massey, former Director of Regulatory Services, hired Mr. Spencer as the Division Auditor. He audited the sales and fee payments for feed, fertilizer, seed, and milk firms that conduct business in Kentucky. Through the years 1974 - 2011, he worked with Directors Dr. Herbert Massey, Dr. Doyle Peaslee, Dr. David Terry, Dr. Wibur Frye, Dr. Eli Miller and Dr. William Thom. In recent years he conducted over 300 yearly audits of sales and fee payments made by 378 feed, fertilizer, seed, and milk firms in Kentucky to verify the reports, records, and payments. Mr. Spencer has traveled to business locations both in Kentucky and to other states to conduct these audits.

In addition to his family, community activities have also kept Mr. Spencer busy over the years. He has been a member of the Lions Club, Kiwanis Club, Jr. Chamber of Commerce, Men's Service Club, and the Boy Scouts of America – Executive Committee. He recently received his commission as an Honorable Kentucky Colonel.

Mr. Spencer and his wife Doris will continue to reside in Lexington. We appreciate Mr. Spencer's dedication, contributions and service to the Division, businesses and consumers of Kentucky, and the state agriculture producers. The Division has benefitted for the past 37+ years from his detail oriented work dealing with the multiple regulatory programs. Congratulations to Mr. Spencer, Doris and the Spencer family on his career accomplishments. We wish him an enjoyable retirement.

Melton Bryant

## Employee News Continued

### Seed Regulatory Program Staff Changes



October 7, 2011 was the last day for Chris Thompson at Regulatory Services. Chris has accepted a position outside of the University. Chris started at the Division as an inspector in the Louisville territory and then moved to the Bowling Green area. He then moved to Lexington to become the Milk Program Coordinator in 1997 and became the Seed Program Coordinator in 2010. Chris will be missed for his dedication and enthusiasm he had for the Division.

### Soil Lab Gains New Employee

Sarah Cprek began working as a Senior Laboratory Technician in the Soil Test Laboratory in Lexington this summer. She worked for a year in our Division in the Feed and Fertilizer preparation lab prior to her transfer. Before coming to Regulatory Services, she worked as a Biology Analyst with Microbac Laboratories. At Microbac, she gained experience with various laboratory testing methods along with preparing audits for quality assurance and quality control. Sarah is from Lexington and received a B.S. degree in biology at the University of Kentucky. She is an avid reader and is particularly interested in Harry Potter. She has a young family with a son and a strong knit extended family of parents, sisters, and in-laws that provide her great support. Continued study to achieve a graduate degree is a goal of Sarah's as she takes evening classes working toward a degree in Environmental Health Sciences. The Soil Laboratory is fortunate to have Sarah in her new role.



Frank J. Sikora  
Soil Test Coordinator

Regulatory Services News is published quarterly for the feed, fertilizer, milk and seed regulatory programs and the seed and soil service testing programs of the Division of Regulatory Services. It is provided free to persons interested in these programs. For subscriptions or address changes, contact our office at (859) 257-2785. You can also access Regulatory Services News on the Internet at <http://www.rs.uky.edu>.

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Regulatory Services News  
Division of Regulatory Services  
College of Agriculture  
University of Kentucky  
103 Regulatory Services Building  
Lexington, KY 40546-0275

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