

does that mean then that the use of a substance or a practice couldn't be prohibited by an NRD if they thought the impact on ground water quality was so risky that they didn't want to allow that practice?

SENATOR SCHMIT: No, the reason for that, Senator Scofield, was we did not want to make this into a restricted chemical type bill. We addressed that in an another piece of legislation. The major focus of this bill is upon regulation and other types of control and not on prohibition.

SENATOR SCOFIELD: Thank you. So then under...your intent then would be that an NRD would not be able to prohibit a practice if it was even in their best judgment that they should.

SENATOR SCHMIT: I believe that we have the mechanism, you see, Senator, in other legislation to protect that and to allow the NRD, in fact, to utilize restricted procedures insofar as the restricted chemicals are concerned and it is not necessary to put it in this bill.

SENATOR SCOFIELD: Now, you're more familiar with these statutes than I am, so can you point out for me where...under what authority elsewhere that that objective should an NRD wish to do that that they could achieve that objective?

SENATOR SCHMIT: Well there are...we do have at this time, you know, a list of restricted chemicals which an individual must be trained and licensed to apply and in the event that the chemical could be hazardous or it could cause problems there is a procedure in that statute for the limitation of that chemical and that is what we'd have to use there. This is strictly an overall regulatory, encouraging, educational type of a bill and I don't think, in fact, I'm sure that...I'm trying to recall the testimony, but I do not recall any objections to this type of enforcement procedures during the hearing.

SENATOR SCOFIELD: But you're saying, and forgive me for belaboring this point, but I just really want to make sure I do understand.

SENATOR SCHMIT: That's all right.