

# Opening salvos fired in Agrispon hearings

**BY CURT HARLER**  
**HARRISBURG** — The registration hearings on Agrispon had hardly begun when Former Pennsylvania Governor Milton J. Shapp questioned the motives behind the hearings.

Agrispon, a soil additive, has been denied registration under the state plant growth regulator law.

Agrispon requested hearings before an impartial judge on the merits of its claims. Those hearings began last Tuesday and Wednesday but have been postponed until further notice.

Shapp said Hollowell was "using a law designed to protect farmers, to instead protect the financial interests of the petro-chemical fertilizer industry against competition from newly developed non-toxic soil improvement products."

He further accused Penn State Agronomist Dale Baker of "issuing a negative report to the Secretary of Agriculture on the

agricultural product Agrispon, at the insistence of the Secretary at a time when no field tests on the product had been completed at Penn State University and some of Penn State's own test data proved that Agrispon works as claimed."

Hollowell later responded to Shapp's charges by saying his only interest was to uphold the law of the Commonwealth.

Hollowell said the law requires all soil additive producers to prove their claims. He said the law was designed to protect farmers.

The Agriculture Secretary further stated Agrispon had two years to develop proof of its claims since the passage of the law.

Hollowell said the Department has given Agrispon and others additional time to get their information together and present it to the Department.

The hearing Tuesday lasted from 10 a.m. to 6 p.m., the Wednesday hearing from 10 to 7.

SnCorp, manufacturers of Agrispon; and J&J Agri-Products of Dillsburg, the local distributors, both asked to submit an amended application containing only two claims.

The original Agrispon label had 26 claims.

They are asking that the label say only that Agrispon stimulates the natural nitrogen cycle, and that it works with nature to speed up beneficial soil processes.

Their amendment was accepted for registration consideration but the original label, and the hearing on its validity continued.

In the entire two days, only five witnesses appeared before Hearing Examiner Joseph Klein, a Harrisburg attorney.

Lead-off witness was actor Eddie Albert of Green Acres TV show fame. Albert has promoted Agrispon widely throughout the country.

The testimony for Agrispon continued with their three expert witnesses.

Because of scheduling problems, another expert was allowed to testify out of turn. He was Ohio State University Soil Microbiologist Robert Miller.

Most of Miller's testimony concerned the validity of the test results presented by the previous witnesses.

Included were results from Agvise, of North Dakota and results of a Virginia Commonwealth University study.

Miller said the Agrispon tests were inadequate and based on data gleaned from insensitive procedures.

After Miller's testimony, which was generally unfavorable to the Agrispon tests had concluded, the hearings were postponed until after the Thanksgiving holiday.

In the meantime, copies of Shapp's accusations were sent to Kika de la Garza, chairman of the House Ag Subcommittee on Department Investigations; to Senator Patrick J. Stapleton,

Chairman of the Senate Ag Committee; and to Reno H. Thomas, Chairman of the House Ag Committee.

"Quite ironically," Shapp wrote, "the Secretary's first major target of the legislation I signed into law in 1977 is a product called Agrispon and I am now a stockholder and an officer of a Pennsylvania company that distributes the product nationally."

Unless state regulatory agencies stop the progress of a whole new family of Agrispon-like products coming on the market, Shapp said he foresaw the demise of chemical fertilizer manufacturers.

"This is the real reason behind Pennsylvania's Secretary of Agriculture's anxiety to ban the sale of Agrispon," Shapp alleged.

Shapp said Penn State's Dale Baker was put under strong pressure by the Secretary to issue a report on Agrispon as soon as possible.

Penn State did most of the testing work on products asking for a label under the state law.

"Responding to this pressure, on August 20, 1979 Professor Baker issued a report covering the period between April 1, 1979 and June 30, 1979," Shapp said.

"The ending date covered by this report is only six weeks after test corn was planted at Penn State in the official test plots.

"This corn was still not harvested by August 20 when the report was issued to the Secretary by Professor

Baker. Yet primarily on the basis of this report, the Secretary desires to deny registration for the sale of Agrispon in Pennsylvania," Shapp said.

"But strangely, in a letter to Mr. James McHale of J&J Agri-Products and Services, Inc., written on August 22, 1979 (just two days after he advised the Secretary of Agriculture that in his opinion Agrispon did not meet its claims) this same Professor, Dale Baker, admitted he had not tested Agrispon to determine the validity of its claims," Shapp said.

Shapp said, "To make the Penn State testing even more suspect, an analysis of some of the mathematics applied to Penn State's laboratory test data reveals clearly that Agrispon does indeed work as claimed and does generate nitrate nitrogen in the soil."

LANCASTER FARMING was unable to reach Baker for comment. He is recuperating from an operation.

Shapp also said state regulatory agents have strong personal biases against unconventional soil products and a strong desire to help promote petro-chemical fertilizers.

He cited a quote denouncing microbiological products as "crap, junk and snake oils" and another calling them "waste materials that can't be dumped so they distribute it evenly and make miracles out of them" as proof of the alleged bias.

Whatever the outcome of the current hearings, it is almost certain that, should Agrispon lose this round, they will take their appeal to the Commonwealth courts.

The resolution of Agrispon's label application could be many months, even years, away

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