Hello from West Central Illinois. I hope all of you are reading this after a break in the rain and that your season is well underway. Well, hasn’t the last year been a roller coaster ride, or maybe more accurately, a rocket-to-the-moon ride? N P & K prices have more than doubled and feed, seed and other inputs are following right along. I’m hearing that credit lines are being pushed to the limit and then stretched even further. We’ve all heard the reasons for the “perfect storm” we’re in. I guess you’ll have to pick the story that you can accept.

On the flip side, producers have more money to spend than they have for years. Commodity prices are very good, land is at an all time high and equipment manufacturers can’t keep up with demand. Of course with the Internet farmers can find out what we pay for everything and our margins continue to stay where they have been for a very long time. I hate sounding pessimistic, but sooner or later the ship will run out of fuel and we’ll come back down. That being said, unless we change our perspective there may be some of us that won’t survive. As a small independent dealer myself, we are concerned. I can’t imagine the larger co-ops and corporations’ financial worries. Not to say that we should lock the doors and hide under the bed either, but we need to be the best managers we can. Sometimes making the sale might not be the best thing to do if you don’t make a profit. It’s all about decision making and not griping about the decision later on.

Climbing down from my soapbox now, I hope everyone has a good season. Please remember to be careful because it will be a short and hectic spring. I’m privileged to be your Chairman this year and want to thank our past Chair Doug McDevitt and all the board members for their help. Hey, did you hear about the USDA employee that stopped at the farm? He said he was there to inspect it and the farmer said “ok, but don’t look in that field over there.” The inspector said “Well I work for the U.S. government, I have an official ID card and I can go anywhere I like, so I’m going to look at that field.” The farmer shrugged his shoulders and went about his chores. Later he heard the USDA guy screaming and when he looked, the prized bull was chasing the USDA man, gaining on him with every step. The farmer ran to the fence and shouted “The card! The card! Show him your card!”

Check Out the New IFCA Website

We may have a small staff at IFCA, but we work very hard to get the information you need in your daily business to you as fast and efficiently as possible. With that goal in mind, we have upgraded our website and filled it with many easy-to-access files and documents important to the ag input supply and service industry.

Please go to www.ifca.com and take a look. Under the “Regulations” section you will be able to see the various important pieces of information on commonly asked questions for topics such as ammonia, fertilizer, pesticides, DOT, taxes, etc. You can also type in a key word and “ask IFCA” for an answer. Of course we love it when you call the office for assistance, but knowing that this information is also at your fingertips and updated every day with the latest regulatory and legislative alerts, interpretations and rules should make everyone’s job a little easier.

To ensure you receive the periodic “IFCA Items of Interest” bulletins and our regulatory and legislative alerts, please add kevinr@ifca.com, jeamp@ifca.com and leslief@ifca.com to your computer address book. If you are not receiving these emails please contact our office and provide us with your email address.
**IFCA Officers & Staff**

**2008 Executive Committee**

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**Vice Chairman**
Dan Zinck, Monsanto, Canton

**Finance Officer**
Terry Habrock, Terayne Ag Specialties, Venedy

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Scott Schertz, Schertz Aerial, Hudson
Terry Sorgenfrey, Bunker Hill Supply Co., Hutsonville
Mark Stivers, Helena Chemical, Maroa
Brian Waddell, Mosaic, Normal

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Visit us on the web at:  www.ifca.com

**IFCA WELCOMES NEW MEMBERS**

Scott Stout, BASF, LaFayette, IN
Duane Roelfs, GROWMARK, Inc., Anchor, IL
Bill Eberth, Bunge North America, St. Louis MO
Keith Duncan, H.J. Baker Bros., Inc., Naperville, IL
Michelle Weathers & Pavel Basharimov, BPC Chicago LLC, Buffalo Grove, IL
Rhonda Caughlin Werner and Jim Hedrick, Ag 1 Source, Owensboro, KY
Alan Schmidt, Tri-State Seed Co., Marissa, IL
Brad Shaull, Ben-Trei Fertilizer Co., LLC., Tulsa, OK
Kevin Yoder, Arens Bros., LLC., Melvin, IL
Charles Delaney, Precision Laboratories, Inc., Waukegan, IL
Carl Karg, Karg Farms, Gorham, IL

**IMPORTANT UPCOMING DATES**

IFCA Golf Outing, Scoville Golf Course, Decatur, July 31
IFCA Golf Outing, Seneca Oak Ridge Golf Course, LaSalle, Aug 7
National Agronomic Health & Safety School, Aug 19-20
MAGIE 2008, Interstate Center, Bloomington, Aug 20-21
Anhydrous Ammonia Safety School, August 21, 2008, MAGIE

**Order Your 2008 Emergency Response Guidebooks**

USDOT requires all shipments of hazardous materials be accompanied by emergency response information. A copy of the 2008 ERG should be placed in each vehicle that transports a DOT hazardous material. Contact the IFCA office if you are interested in purchasing an ERG at the low price of $1.65 each. The deadline to order at this special price is May 20, 2008.
Motor Fuel Refunds Eliminated, then Restored

It makes for an interesting day at IFCA when you get a call out of the blue from the Dept of Revenue and they tell you, “by the way we aren’t allowing any more refunds for your members burning clear diesel in your floaters.” Because the State Fire Marshal limits the amount of fuel that can be stored on site, this refund allowance is important for many of our members who cannot store dyed fuel on site due to fuel storage volume limitations. IFCA was instrumental six years ago in getting this legislation secured to allow for refunds and we worked again with industry allies including Caterpillar, the Chamber of Commerce and the Petroleum Marketers to help convince the Director of the Department of Revenue that their ruling was not correct. After our appeal, the Director agreed and reinstated the refund provision. To see the regulation, the calculations for determining the fuel refund and the refund application form, go to www.ifca.com, click on “Regulations” and click on “Taxes.” This issue is a perfect example of how hard we have to fight with our state government today just to keep what we have!

IFCA Working to Save Fertilizer Research & Education Funds

This year the Fertilizer Research & Education Council approved projects totaling nearly $500,000. They included the continuation of the on-farm nitrogen rate trial research, the effect of fungicide use on nutrient uptake, and a economic impact study on the importance of fall applied nitrogen to name just a few of the projects. Although these projects were approved and the money exists to fund them (FREC funding is paid for by 50% of the 25 cent per ton fertilizer inspection fee), the Governor’s office put a hold on the release of the funds. The administration has in fact refused to release any program money from the Illinois Department of Agriculture including the County Cooperative Extension Service funding, C-FAR and the funding for the Soil & Water Conservation Districts. IFCA testified at a joint Senate/House Ag and Appropriations Committee hearing on April 16th to emphasize that FREC is not a state appropriation, but rather an industry-funded program...the money for FREC is in the Fertilizer Control Fund because our industry put it there. Legislators took the Governor’s Director of the Office of Management & Budget to task for the program cuts but the OMB Director stated repeatedly that they want industry to support the Governor’s proposal to sweep all state funds of their balances (to the tune of $500 million) and sell the Illinois Lottery and that will ensure that these agriculture programs will be funded. So far, no one has blinked yet and IFCA continues to look for angles to release the hold on the FREC funds. Like I said, you have to work really hard in these times just to keep what you have and what is rightfully yours (i.e. FREC).

2008 Legislation

In addition to the issues described above, IFCA has also been involved in managing several pieces of legislation on behalf of our industry:

HB 5942: This bill appropriates $250,000 to the ammonia security grant program. Last year the IDA processed approximately $600,000 worth of grants for nurse tank locks, security cameras and alarms and lighting systems at ammonia facilities. The state paid 67% and the dealers paid 33%. Not all ammonia dealers participated and so IFCA is working to extend the program for another year to give them an opportunity to enjoy the lowered incidence of theft rates that the dealers who did participate are experiencing. The bill passed the House; it’s in the Senate for consideration.

SB 2369: This bill would have prohibited homeowners from using fertilizer for turf that contains phosphorous unless they conducted a P soil test showing the need. This bill was poorly drafted since valid P turf tests do not exist, it forced local units of government to fine homeowners $300 for violations and would establish a regulatory precedent for fertilizer application that could move to the ag segment if the bill passed as written. IFCA worked with the Lt. Governor’s Office (this was Lt. Gov Pat Quinn’s initiative) to convince them not to move forward with the bill. The bill died in the Senate.

HB 4801: This bill would have required pre-notification of pesticide applications in the vicinity of a bee apiary. IFCA visited with the bill sponsor to assure him that the Illinois Pesticide Act already contains language to regulate spray drift incidents and he agreed not to call the bill for a hearing. The bill died in House Rules committee.

These are the highlights...for a complete list of bills that IFCA is watching and weighing in on, go to our website and click on “Legislation.”
INDUSTRY ISSUES

INDUSTRY RESPONDS TO AERIAL CONTAINMENT REQUIREMENTS

Our industry has responded proactively to new enforcement policies at the Illinois Department of Agriculture that require all aerial application units to be tied to a permitted Illinois Aerial Application Containment Facility. This year, any out-of-state aerial applicator must designate on their license application the permit number of an approved Illinois aerial containment facility. While some mixing and loading at temporary, remote sites away from the base of operations is still acceptable, the IDA will expect mixing and loading to occur at the containment facility when it is within a reasonable distance for the application site. The IDA reports that they have received numerous permit applications for new aerial containment sites in Illinois. If you are arranging for out-of-state aerial applicators this year, please ensure that they follow the IDA regulations to avoid substantial penalties and liability. Go to www.ifca.com home page to download a brochure outlining the regulations on aerial application and please call us if you have any questions.

PROTECT YOUR IMPLEMENT OF HUSBANDRY DEFINITION

A self-propelled vehicle with flotation tires designed specifically for the application of agrichemicals is considered an implement of husbandry by the Illinois DOT. Therefore, you do not need a CDL to operate a floater on the highway. HOWEVER, in order to maintain the implement of husbandry definition, floaters must adhere to these guidelines when on a public highway:

1. They cannot exceed 30 mph;
2. They cannot exceed 36,000 lbs whether loaded or unloaded or exceed 12 feet in width;
3. They must operate within a 50 mile radius of their point of loading.

If the floaters violate these conditions and you are stopped by law enforcement, out comes the ticket book and the vehicles can be considered a commercial motor vehicle meaning the driver needs a CDL, the vehicle needs pre and post-trip inspections, etc. The best advice we can give is to not speed, that is what usually draws the attention of the enforcement officer.

MANY CHANGES ON THE HORIZON FOR THE CDL PROGRAM

The Federal Motor Carrier Safety Administration (FMCSA) is proposing more stringent requirements in order to obtain a CDL. If the rule is approved, any person wishing to receive a first time CDL for interstate commerce may soon have to complete classroom training prior to the issuance of the CDL. For a Class A CDL, entry-level trainees will have to complete 120 hours of classroom and behind the wheel training on topics such as: Basic Operations, Safe Operating Practices, Advanced Operating Procedures, Vehicle Maintenance and Non-Driving Activities. First time drivers wanting a Class B or C CDL for interstate commerce must complete 90 hours of classroom and behind the wheel training on the same topics required for Class A. Although this proposed rule is for first time drivers operating interstate commerce, we are awaiting FMCSA interpretation of “interstate” commerce. USDOT, Illinois DOT and the Illinois Commerce Commission now define interstate commerce as picking up or dropping off commodities such as grain, feed and fertilizer at a barge terminal, air terminal, rail terminal and pipeline terminal. Current CDL holders will not be required to complete the training for renewing a CDL but new drivers would first have to get a Commercial Driver's License Learner's Permit (CLP). Once a driver obtains their CLP, they must hold it for a minimum of 30 days before ever applying for their CDL. In order to obtain their CLP, they must successfully pass all written exams. The only endorsement in the future that would be allowed on a CLP would be a passenger endorsement. In addition, this rule proposes that all persons who are learning to drive a CMV with only the CLP will not be able to operate specialized vehicles, i.e. double/triple trailers or any type of tank vehicles, or any vehicles hauling hazardous material. Therefore, this will require a driver to receive their permit first, maintain it for 30 days, practice driving during this time with vehicles other than those previously defined, ultimately receive their CDL and then practice in those type of vehicles. As you can imagine, the transportation industries are opposed to this rule!

New in Illinois: Effective May 1, 2008, when a driver surrenders an out-of-state CDL to any Illinois Driver's License Facility, that driver must now take both the CDL written exam and also the pre-trip, skills and road exams, before an Illinois CDL will be issued. All drivers must surrender an out-of-state CDL within 30 days, upon establishing Illinois residency.
**REGULATORY UPDATE**

by Kevin Runkle

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**myRMP IS JUST IN TIME FOR THE FIVE YEAR SUBMITTAL**

For most anhydrous ammonia facilities, June 2009 will be the five year submission for your facility Risk Management Plan. It is hard to believe how fast time flies when having fun. It seems like yesterday when RMP audits were being conducted and USEPA Region V decided none of us knew anything about an RMP. A lot has happened in the last four years that have actually been positive for ag retailers. Primarily, USEPA has now endorsed the myRMP program which was developed by TFI and the Asmark Institute and is free of charge. You can access myRMP free of charge by going to www.ifca.com, clicking on Industry Resources, and click on the link to The Fertilizer Institute website or by going directly to www.tfi.org. This program offers a tutorial which helps you understand the process of submitting an RMP and developing a Risk Management Program specifically for your facility. In addition, the program offers site specific written operating procedures, a mechanical integrity manual, hazard review form, compliance audit checklist and an incident investigation form in the event you have a release at your facility. Submitting a RMP once every five years to USEPA Region V is just part of the process. Your facility must also have in place a risk management program which consists of conducting a compliance audit once every three years, a hazard review of the hazards associated with your facility once every five years, a mechanical integrity manual that lists all of the pumps, valves, gauges, dip tubes, hoses, breakaway couplers etc. associated with the transfer of anhydrous ammonia. In addition, each facility must also have site specific standard operating procedures outlining the proper procedure for start up and shutdown of your process.

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**MORE AMMONIA NURSE TANK TESTING ON THE HORIZON**

Within the next one to two years, you can expect mandatory testing of anhydrous ammonia nurse tanks regardless of the status of the data plate. IFCA, TFI, Agrium Retail, GROWMARK and other industry leaders are currently in negotiations with USDOT regarding implementation and enforcement of this new regulation. The nurse tank inspection program has been in place for nearly three years now requiring tanks with missing data plates to undergo rigorous testing procedures in order to ensure the safety and integrity of NH3 nurse wagons. Industry can expect a similar testing program for all tanks in the near future due to the fact that some nurse tank failures continue to occur. While the rules are not yet proposed, we expect them to be in the next year or so. If you have any questions about this upcoming program, please contact Jean or Kevin at the IFCA office.

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**Will There Be Enough Cargo Tank Inspectors?**

New USDOT requirements for testing NH3 nurse tanks will undoubtedly put a strain on the industry to find enough registered Cargo Tank inspectors to test the tens of thousands of nurse tanks in the Midwest. Eventually, all NH3 nurse tanks regardless of having an intact and legible data plate must be tested. This is no longer a matter of do we have to comply with this regulation but what is the time frame for complying with this regulation. IFCA anticipates companies will have to test a certain percentage of their nurse tanks each year for five years and start the cycle over. A handful of nurse tank failures as well as a couple of multi-million dollar lawsuits involving serious injury or death have prompted this new requirement. In addition, all repairs on ammonia nurse tanks must be performed by an R stamp welder and there aren’t near enough of them around. We do have a list of R stamp welders posted on the IFCA website, go to “Regulations” and “Ammonia.” It is a violation of federal law to utilize a non R stamp welder on anhydrous ammonia nurse tanks or cargo tanks.

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**Federal Regulation Requires Businesses to Protect Against Identity Theft**

Effective November 1, 2008 all businesses in the United States must implement an Identity Theft Prevention Program that addresses the five common types of identity theft which are: Drivers License, Social Security, Medical, Character/Criminal and Financial. It’s called the “Red Flag Rule” and chances are you haven’t heard of it. However, non-compliance could cost you big if the identity of your employees or customers is obtained from your business operations—up to $2500 per occurrence not to mention the costs to your business to reimburse damages and restore the person’s identity.

You never think identity theft can happen to you in rural America, but an IFCA member learned recently that it can. Someone attempted to wire-transfer thousands of dollars from their bank account; the suspects had obtained an electronic copy of the owner’s name, signature and bank account numbers. Fortunately an employee at the local small-town bank thought this seemed odd, called the ag retailer and the theft attempt was discovered, but the aftermath continues as this retailer then had to change all their bank accounts, etc. to protect themselves from further attempts. For companies that handle customer information that contains a person’s bank account, driver’s license, social security #, etc., the implications are very serious. Most business insurance policies do not cover identity theft losses...you should check with your insurance agent to discuss this regulation and how to protect your business. IFCA and we can also put you in contact with experts in the industry on identify theft protection.
Your 2008 IFCA Board of Directors

New Board Members:  Terry Sorgenfrey of Bunker Hill Supply in Hutsonville was elected by the membership to represent retail members in District 7, replacing Doug McDevitt of Effingham Equity.  Brian Waddell of Mosaic in Normal was re-elected to represent the fertilizer industry.  Rodney Phelps of Monsanto in Galesburg was re-elected to represent the seed industry.  Norm Larson of Elburn Coop in Sycamore was elected to represent retail members in District 2, replacing Mike Corbin of New Ag Center.  Unfortunately for IFCA but exciting for Norm was that in April, Norm took the opportunity to return to the Larson family farm in Maple Park.  We wish Norm well.  The IFCA board is currently working to fill this vacant seat.

IFCA Board Members left to right:  Ervin Caselton (Evergreen FS); Brian Waddell (Mosaic); Gary Ruff (Precision Tank); Bill Rom-shek (Heritage FS); Mark Stivers-Exec Cmte (Helena); Robin Schroeder (Wagner Seed & Supply); Martin Case (Agrotain); Rodney Phelps-Secretary (Monsanto); Dennis Ross (Seward Ag Supply); Terry Sorgenfrey (Bunker Hill Supply); Doug McDevitt-Past Chair (Effingham Equity); Terry Habrock-Finance Officer (Terayne Ag); Mark Tarter– Chairman (Tarter Feed & Fertilizer); Scott Schertz (Schertz Aerial); Norm Larson (Elburn Coop); Dan Zinck –Vice Chair (Monsanto)

Congratulations Kevin & Jenny!
Kevin Runkle, IFCA Regulatory Services Manager and Jenny Zeien were married on March 28.  Kevin and Jenny reside in Bloomington.  Jenny is a speech pathologist.

IFCA Board Member Named to USEPA Pesticide Committee
Scott Schertz, owner of Schertz Aerial in Hudson, IL has been named to the US Environmental Protection Agency Pesticide Program Dialogue Committee.  This Committee provides a forum for industry stakeholders to provide feedback to the Agency on regulatory and policy issues pertaining to federal pesticide programs including topics such as spray drift, endangered species, reduced risk pesticides, labeling, minor uses, and ecological standards.  Membership to the committee includes environmental and public interest groups, pesticide manufacturers and trade associations, user and commodity groups, public health and academic institutions, Federal and State agencies, and the general public.  Scott is on the IFCA Board of Directors and is also past president of the National Agricultural Aviation Association.  Having Scott named to this committee helps ensure that ag retailers are represented in federal policy discussions on pesticide use.  Congratulations Scott!
One question I get on a daily basis seems to be: “Do I have to comply with this new or existing regulation?” This is usually followed up by: “What will happen to me if I don't comply with this new or existing regulation?” The answer to the first part of the question is simple, no you don't have to comply with any regulation if you don't want to. Any EHS person reading this might say to themselves “Kevin has lost his mind” giving an answer like that to an IFCA member, but if you think about it, what else am I supposed to say? IFCA can’t fine any company or force them to comply with any given regulation. The answer I give to the first question usually works itself out in the answer I give to the second question which is: “What will happen to me if I don't comply with a new or existing regulation?” As you can imagine, this becomes much more of a complex answer because it will depend on which regulation you don't want to comply with and which government agency has oversight of the regulation. These are only a couple of the determining factors that will decide what could happen if your company does not comply with government regulations.

There are plenty of examples to cite in our industry regarding compliance, some of it nit-picky, some of it serious:

♦ Ag retailer A receives a $60,000 fine from USEPA for not calling the right people quick enough in the event of an anhydrous ammonia release;
♦ Ag retailer B gets fined $20,000 by Illinois Department of Transportation for not having accurate and up to date training records or driver files for employees.
♦ Ag retailer C is fined by USEPA for not having accurate address information on their Pesticide Producing Establishment Report.

We all remember the RMP disaster; we found out real quick what can happen if you are not in compliance with the P’s and Q’s of this complicated USEPA regulation. Speaking of RMP, the five year update will be in June 2009. Jean and I could cite other examples involving non-compliance with regulations some of which involve enforcement officers with a vendetta against ammonia (which really can be exasperating) but I don't have enough room in this article. One thing we can tell you is this: even though a regulation can appear to be void of common sense and difficult to comply with, when you compare the work involved in achieving compliance with getting caught in a non-compliance situation (especially if an injury or property damage occurs) the compliance paperwork seems like a cakewalk compared to the violation paperwork, not to mention the penalties that are a black mark on your business record. IFCA has been quite successful in some instances in lowering monetary violations for our members but you should never take for granted that we can do this every time...we have to pick our battles carefully and those members who receive reduced penalties had always made a good faith effort to comply.

I would have to say the one regulation that worries me the most is the new Department of Homeland Security CFATS. In comparison to the life of government regulatory agencies, this one is in its infancy so we are not really sure what to expect, aside from the fact DHS wants everyone to be in compliance with CFATS. Will they fine a company? Shut them down? Or give them a warning for non-compliance? I am not sure what they will do and they have the authority to do whatever they want whenever they want for the sake of protecting homeland security. Such a new government agency also lends to the problem of limited contact—that is, we have a limited working relationship with them which we are continuously striving to improve. So, back to the questions at hand. Do you have to comply with new or existing regulations? No. Is it worth it to take a chance? No, but it’s up to you to decide.

“I don’t make jokes, I just watch the government and report the facts.”

- Will Rogers
Thoughts From the President’s Desk

Jean Payne

Thanks to all of our members who have been sending in their dues renewals. Thanks also to our new members...in a mature industry we all realize that there aren’t a lot of new people or companies out there that aren’t already involved in the IFCA, but we continue to steadily add and handful of new members each year.

In the past few months, I have been busy speaking to farmer groups about, what else, the high price of fertilizer. You might think that these meetings are prime opportunities to get the rotten tomato treatment, but I’ve found that when you explain how we got into this tight supply situation (the US energy policy forcing the shutdown of 27 nitrogen facilities a few years back) how China, India and Brazil are shaping the world scene and how the weak U.S. dollar impacts our buying power, most of the farmers understand. Not that they like it, but when you share with them the stress these high prices also place on ag retailers who have to finance the purchase of this expensive fertilizer especially when the prices change (rise) daily, they do seem to grasp how difficult and risky these times are for their local suppliers. Recently IFCA attended a meeting at Illinois Farm Bureau to discuss the financial risk facing our retail members as well as that facing the grain elevators. IFCA board members Mark Tarter, Robin Schroeder and Brian Waddell accompanied me. While the meeting didn't result in any immediate answers, I think it bodes well that the ag industry as a whole seems to want to better understand the factors driving the price escalations and also the risk in the marketplace so that we aren’t so quick to point fingers at one another without knowing the facts.

You are well aware of the financial troubles of our state. It has been increasingly difficult to maintain a positive business climate and fight to keep what we have worked so hard for over the years in terms of common sense policies for agriculture and business in general. As we watch our neighbors in Missouri and Indiana prosper while Illinois chases away businesses each day and falls farther behind in its fiscal responsibilities, it’s easy to become cynical. Each time I go to Springfield, I do a gut check that morning to remind myself to remain positive and optimistic. The faith that you, our members, put in IFCA to represent you and your work ethic is what inspires me to keep the faith myself—to smile, stay on the high road and do our best to fight for what is right despite the condition of our state government.