

INSIGNIFICANT DATA-GAP: The quantity of available reliable data, by itself, can support a conclusion such that the conclusion can withstand scientific scrutiny.

LEGALESE: Words or phrases which have a special or precise meaning to lawyers.

ON THE RECORD TESTIMONY: Oral statements made by a witness while on the stand, or any part of submitted written statements of fact or opinion prepared by a witness, not objected to or successfully objected to becomes 'on the record' testimony.

PRE-HEARING CONFERENCE: Conferences held before formal administrative hearings actually commence between the parties to the hearing and the ALJ. The following matters may be considered at these conferences:

1. The simplification of issues including listing of specific uses to be contested;
2. The possibility of obtaining stipulations of fact and documents;
3. The limitation of the number of expert and other witnesses;
4. Procedures to be used at the hearing;
5. The use of written statements in lieu of oral direct testimony;
6. The intent of any party to request a scientific advisory committee (formed by the National Academy of Sciences);
7. The issuance of subpoenas;
8. A setting of a time and place for the public hearing;
9. Any other matter that may expedite the hearing or aid in the disposition of the proceeding.

RELEVANT INFORMATION: Information which is applicable to the situation being assessed. When and where the information was generated and for what purpose or purposes are important considerations in determining the information's relevance to situations being assessed.

RELIABLE INFORMATION: Refers to the quality of the information. Information which accurately reflects conditions normally encountered in relevant agricultural production areas. Components of reliability:

1. The methodology used to generate the information is scientifically valid;
2. Relevant important factors or variables were considered in generating the information;
3. Information sources are not or do not appear to be biased;
4. The information can be verified by replication or has been reviewed and accepted by competent peers.

SIGNIFICANT DATA-GAP: The quantity of available reliable data, by itself, cannot support a conclusion such that the conclusion can withstand scientific study.

TESTIMONY: Any oral statements made by a witness at the hearing, or any written statements of fact or opinion prepared by a witness for use at the hearing as evidence.

WITNESS: A person whose declaration is received as evidence, regardless of whether such declaration is oral or written.