MINUTES – 130th MEETING

Location of meeting: Daniels Turf Research & Diagnostic Center
Purdue University
Cherry Lane (SR 126)
West Lafayette, Indiana

Date and Time: December 2, 2011; 9:14 AM – 1:31 PM

Members present: Greg Campbell
Bruce Bordelon
Michael Titus
Rick Foster
Tim Gibb
Bob Andrews
Jennifer House
Ronald Hellenthal (Chair)
Martha Clark Mettler
Raymond Brinkmeyer
Julia Tipton Hogan
Larry Clemens
Steve Dlugosz
Megan Abraham for Philip T. Marshall

Ex officio: Dave Scott
Robert Waltz

Members absent: Kevin Underwood
Gary Reding

Approval of the meeting agenda:
-Tim Gibb & Bruce Bordelon…motion to approve the meeting agenda, as presented to the Board. The vote was unanimous.

Approval of previous meeting minutes:
-Mike Titus & Steve Dlugosz…motion to approve the draft minutes of the 129th meeting. The vote was unanimous.

Review of Board membership terms:
-Dave Scott…distributed current member listing with term expiration dates; noted several expired or expiring terms; will ask members individually about willingness to continue to serve or develop replacement candidate list to forward to the Governor.
**OISC annual summary of pesticide activities:**
- Dave Scott...distributed annual one page summary.
- Mike Titus...commended OISC on Clean Sweep waste pesticide disposal program.
- Greg Campbell...surprised ratio of registered technicians to licensed applicators is not higher.
- Leo Reed (OISC)...attributes it to professionalism of industries proceeding to full certification rather than remain as an RT.
- Greg Campbell...were the six 2011 license suspensions concentrated in any particular licensing categories?
- George Saxton (OISC)...will check and report back at next meeting.

**Update on Imprelis Herbicide investigations, damage claims & recall:**
- Ron Hellenthal...commended OISC’s major contribution to development of analytical methodology as part of Imprelis investigations.
- George Saxton (OISC)...OISC has processed and finalized most of the 397 Imprelis complaint investigations.
- Bob Andrews...Imprelis manufacturer DuPont is large and well established.
  ...DuPont had a positive and detailed roll out for Imprelis last year.
  ...Imprelis had a good efficacy and attractive environmental toxicity profile going into 2011
  ...Indiana applications began April/May and first problems appeared following rain and temperature spikes in June.
  ...Bob’s firm made 2200 applications and had damage claims on 82 properties
  ...this made for a very tough summer for lawn care operators that would have been even tougher had OISC not responded to the incidents so quickly for both consumers and licensed applicators.
  ...need to examine what about the current federal and state product registration process allowed this product to make it to market so we can head off any possible repeat..
  ...damage claim process to date by DuPont contractor seems well thought out, but has been frustratingly slow.
- Ron Hellenthal...will we continue to deal with effects of soil residuals next season? ...unknown.
- Ray Brinkmeyer...how many trees damaged as part of 397 complaints?...unknown.
- Julia Tipton Hogan...did LCOs (users) do a blanket type response to all consumers?
- Bob Andrews...the state lawn and landscape association members did; response by non-members was variable.
- Megan Abraham...requested OISC damage photos and a list of impacted tree species to share with the staff at IDNR who routinely respond to tree damage reports in their invasive species infestation work.
- Martha Clark Mettler...incidents such as these can bring into perspective discussions of notification to help consumers be aware of what pesticides may have been applied to or near their property.
- Julia Tipton Hogan...have all consumer/customers been proactively contacted by LCOs as a heads-up to potential problems?
- Steve Dlugosz...there is potential for creating problems where none exist, overwhelming available response resources.
-Bruce Bordelon...would feel betrayed by LCO who knew of potential problem but did not share it with his clients.
-Dave Scott...OISC notified by direct mail and other media every potential Indiana applicator.

**Developments related to 2,4-D and dicamba tolerant crop introduction:**
-Luke Bozeman (BASF)...BASF is major product registrant of dicamba herbicides, working collaboratively with Monsanto seed developers, made a presentation covering the following:  
...on-target deposition is the key to minimizing non-target impacts.
...dicamba is the fifth most widely used active ingredient in the US.
...there have been some formulation advancements since the early days of dicamba.
...it is classified as non-volatile by EPA, but is very active at very low levels.
...BASF working on making it even less volatile.
...BASF and Monsanto working on development of BMPs for on-target deposition.
...Label requirements include use of air induction nozzles, prohibiting aerial application, very course or ultra course spray droplets, minimum 10 gals. spray/acre, tank clean out procedures.
...Education and outreach at the grower level will be the focus.
-Steve Dlugosz...recommends increasing it to 12-15 gals. spray/acre.
-Leo Reed(OISC) and Steve Dlugosz recommend mandatory face to face training for users.
-Bruce Bordelon...will generic dicamba products be registered for use on these crops?
-Dave Scott...OISC/IPRB does not have to register generic dicamba products for this use.
-Steve Smith (Red Gold)...volatility wasn’t emphasized much and tomato growers have serious concerns.
...why not make this use a restricted use pesticide (RUP)?
...why not create an indemnity fund for damaged parties?
...why not wait until lower volatility product is ready before technology launch?
...typical drift to tomatoes incident can run $10,000.
...there is no tolerance for dicamba in tomatoes.
...why not require buffers around sensitive areas/crops/
-Bruce Bordelon...with volatility it is difficult to identify the source of the exposure.
...prefers use of residual products to large scale dicamba use acres.

-Elisha Modisett Kemp (DowAgro Sciences)...DAS is major product registrant of 2,4-D and working on 2,4-D tolerant seed technology, made a presentation covering the following:
...Enlist System weed minimization.
...new Colex-D low drift, low volatility, low odor 2,4-D choline formulation.
...choline is not an amine and not a salt.
...field data on efficacy, drift potential, and volatility potential already exists and more data is coming this summer.
...must use Enlist Duo system if you are planting DAS seed technology.
...invited IPRB out to see field trials this summer if interested.
-Bruce Bordelon...concerned about DAS soybeans and Monsanto soybeans being cross sensitive to drift from each others herbicides.
-Steve Dlugosz...will common spray adjuvants react differently with choline formulation?
-Elisha Modisett Kemp...DAS is working on recommendations.
Update on the Evolution of DriftWatch:
-Leighanne Hahn (OISC)...made a presentation focusing on the newest features and developments including:
...pesticide applicator registry with automated e-mail messages to applicators whenever a new sensitive site is entered into to their designated operation area of the state.
...flowing real time data to a secondary software provider so aerial applicators can get updated information from spray plane.
...expanding coverage from Midwestern states (2011) west to Great Plains states (2012) to see if it works in areas with different cropping patterns and concerns.
...availability of field signs to designate the field as being registered in DriftWatch.
-Ron Hellenthal...does each state generate their own data layers?...yes.
-Martha Clark Mettler...is there a fee for the field signs and are they available only to those registered sites?...$8.50/sign and yes.
-Julia Tipton Hogan and Ron Hellenthal...while non-regulatory, DriftWatch is the right thing in which to be involved, creating pride.

Update on NPDES pesticide general permit implementation plans:
-Dave Scott...shared a draft mailer that is to be sent to all impacted pesticide licensees soon.
...IDEM worked with OISC to develop a permit that became effective 10-31-11.
...IDEM deserves credit for developing a permit that recognizes but doesn’t duplicate the effort to achieve the NPDES objectives already being addressed by many of the existing applicator training and certification requirements and other pesticide rules.
...as a result Indiana is currently much further along with understanding, outreach, and implementation than many other states.
-Martha Clark Mettler...because this permit was not developed by rule there is still an opportunity for tweaking the terms of the permit if needed.

Review of draft language for the pesticide liability insurance rule revision:
-Mike Titus...addressed committee work and the current draft rule (11-28-11).
...we may need to do some more work with the insurance industry or insurance experts, particularly with endorsements and exclusions.
...the proposed $3000,000 minimum coverage may not be adequate today, $1,000,000 may be more appropriate.
-Ron Hellenthal...what is the difference in cost of $300,000 versus $1,000,000?...unknown.
-Greg Campbell...for his small business he has $2,000,000 aggregate and $1,000,000 per occurrence.
-Julia Tipton Hogan...may need to use an insurance association, the IN insurance commissioner, or the insurance regulatory commission to get unbiased help on some of this.
-Bruce Bordelon...may need to consult with other state agencies that require insurance.
-Mike Titus...we will work before the next meeting to 1) get expert input; 2) explore cost differentials; 3) explore significance of aggregate versus occurrence.
-Ron Hellenthal...we will plan on a line by line review of draft at next meeting.
Do we need standards for registering bed bug products or applicators?
-Dave Scott...because bed bugs are the pest most in the news these days OISC is being flooded with pesticide products for registration, many of them “green” products with questionable efficacy claims.
...should we establish registration standards for these products if their usefulness in controlling bed bugs is questioned?
-Ed White (OISC)...some products (skin applied bug repellants) previously exempted from registration by US EPA as being relatively harmless are now being pulled back into the registration process.
-Ron Hellenthal...adequate bed bug control is possible, but experience is often required.
...product efficacy is more of a consumer protection than health/environmental protection issue.
-Greg Campbell...bed bugs are no different than any other pest when it comes to product efficacy; if we don’t have standards for cockroach or ant products we probably shouldn’t for these products.
-Jennifer House...would like to revisit this issue at a future meeting.
-Tim Gibb...a more universal question might be what is the role of this board relative to any consumer protection issue and what process should we be applying to that end?

Next meeting date:
- The next meeting will be held on Wednesday, February 29, 2012 at 9:00 a.m. at the Purdue University Daniels Turf Research & Diagnostic Center, Cherry Lane (SR 126), West Lafayette, Indiana.