INDIANA PESTICIDE REVIEW BOARD

MINUTES – 135th MEETING

Location of meeting: Tippecanoe County Cooperative Extension Office
3150 Sagamore Parkway South (U.S. 52)
Lafayette, Indiana 47905

Date and Time: February 28, 2013; 9:05 AM-2:00 PM

Members present: Ex officio
Raymond Brinkmeyer Dave Scott
Phil Marshall Fred Whitford
Julia Tipton Hogan Robert Waltz
Cyndi Wagner for Martha Clark Mettler
Kevin Underwood
Ronald Hellenthal (Chair)
Bruce Bordelon
Bob Andrews
Lee Green for Jennifer House
Tim Gibb
Steve Dlugosz

Members absent:
Larry Clemens
Greg Campbell
Michael Titus
Rick Foster

Approval of the meeting agenda:
-Tim Gibb & Julia Tipton Hogan...motion to approve the agenda as written; vote was unanimous.

Approval of previous meeting minutes:
-Phil Marshall & Steve Dlugosz...motion to approve the minutes of the 134th meeting, as drafted; the vote was unanimous.

Review of cases involving civil penalties since the last meeting:
-Ron Hellenthal...case #2011/1301 has 72 counts of violation; please provide some background.
-Jay Kelley (lead investigator)...originated from a former employee complaint of being instructed by Ecolab management to use fipronil illegally inside for difficult to control ant problems; investigation expanded to numerous applications at numerous locations, by several different employees.
-Bruce Bordelon...lots of expensive investigation work; can OISC do cost recovery?
-Bob Waltz...no, investigation expenses are covered by fees & general operating budgets.
-Ray Brinkmeyer & Steve Dlugosz...why mitigate penalty amounts if so expensive to investigate?
-George Saxton...standard OISC penalty determination process was followed, as is routine; OISC got considerable cooperation from Ecolab during investigation.
Cyndi Wagner...IDEM Land Quality Division has a cost recovery procedure for environmental clean ups; would be willing to share process & mechanism, if desired.

**Current status and future plans for dicamba and 2,4-D tolerant crops and potential risks to non-target sites:**

-Matt Helms (Monsanto)...gave presentation on need for new crop tolerant technology based on glyphosate resistant weed pressures that have developed; the technology will be called Roundup Ready Xtend Crop System; a limited launch of the seed technology and the new lower volatility formulation of the glyphosate/dicamba pesticide are anticipated for 2014; the herbicide product label will allow application to weeds up to four inches in height; distributed a handout differentiating between label application requirements/restrictions and recommendations.

-Steve Dlugosz...would application at zero m.p.h. wind speed be off label?
-Steve Dlugosz...suggest outreach to applicators on what impacts to expect when spray nozzles start to wear out.

-Matt Helms...Humidome studies suggest volatility of new formulation is reduced by 95%, but again, drift rather than volatility is the biggest concern.

-Matt Helms...invited Board to visit a local “Learning Center” in the July-August time frame to view the new technology.

-Steve Dlugosz...how will OISC document compliance with some of these time-of-application label restrictions?

-Dave Scott...just as with many currently labeled pesticides, compliance with some requirements is very difficult to do; that is not a new issue.

-Steve Dlugosz...will BASF version of this new dicamba formulation have the same label restrictions? Jeff Birk (BASF)...yes, EPA will certainly insist on the same safeguards on both labels.

-Fred Whitford...requests that all new technology product manufacturers work cooperatively with Purdue CES to develop a joint consistent message and compliance education materials for delivery to growers and applicators; a consistent message will be a key to successful outreach; would like to consider making this outreach the required regulatory topic for training of private applicators (farmers) next year.

-Tim Gibb...impressed with the educational approach; would like to see a preview at a future Board meeting.

-Elisha Kemp(Dow Agro Sciences)...did a tour of Lebanon research facility for the Board to educate on the new 2,4-D technology in 2012; distributed Enlist Weed Control System literature; new label will not specify nozzles but will specify droplet size; will also rely on grower agreements to ensure use of newer formulation 2,4-D with this seed technology; also testing which adjuvants work the best; also utilizing “Enlist 360” educational outreach centers approach with growers and applicators.
- Fred Whitford...will new formulation be an RUP so that distribution could be regulated and a record trail could be created?
- Elisha Kemp...no, there is concern that making it an RUP might push applicators to seek out the older or generic formulations of 2,4-D.
- Julia Tipton Hogan...is there a limit on the number of applications per season or pounds of material applied per acre per year?
- David Hillger (Dow Agro Sciences)...can apply up to 3 pounds per acre per year and up to the R2 stage of crop growth, not weed height.
- Julia Tipton Hogan...is there a point in the growing season at which neighboring sensitive crops might be more or less susceptible to these products?
- Steve Smith (Red Gold Tomatoes & Save Our Crops Coalition)...early burn down applications should create few problems for tomatoes, but exposure to 2,4-D, dicamba, and glyphosate during the tomato reproductive stage of May/June would definitely impact yields and maturity schedules; Red Gold and SOCC started discussions with Dow Agro Sciences in 2011; they started far apart originally but have moved closer to agreement on critical issues since that time; wind at the time of application is probably the most critical issue; a current concern about dicamba is the lack of an established tolerance for non-target food crops such as tomatoes; therefore, the legal tolerance for any dicamba residue on tomatoes is zero, making even slightly exposed tomatoes unsellable.
- Bruce Bordelon...shares the same concern for other sensitive non-target crops such as grapes.
- Steve Smith...most farmers do not carry enough drift insurance to address damage to non-target high cash value crops; there will be a cost to both the contracted farmer and the tomato processor.
- Elisha Kemp...worked with SOCC to develop label restrictions regarding winds blowing onto sensitive crops.
- Ron Hellenthal...increased laboratory detection capabilities and sensitivities is making finding zero residues less practical.
- Matt Helms...Monsanto and BASF are working together to establish some of those non-target food tolerances, but that will take some time.
- Jeff Birk...the same lack of tolerance argument could be made about a wide variety of currently used pesticides and non-target food crops; research to establish food tolerances has just been started for dicamba.
- Fred Whitford...do you believe these new formulations are less volatile than the older ones?
- Steve Smith...we believe that Enlist has past the lower volatility test; we believe that the new dicamba is less volatile, but not enough to be safe for use around sensitive crops; we need more regulatory teeth to ensure that older formulations of dicamba (Banvel and Clarity) are not used for these expanded use patterns; would prefer that the registration of Clarity be withdrawn in favor of the new formulation; weed height restrictions for application could result in worse decisions being made by applicators.
- Julia Tipton Hogan...does the Board have the authority to regulate the legal use of older chemical formulations?
- Dave Scott...yes, with adequate justification.
- Julia Tipton Hogan...it feels like both the EPA and the Board are being asked to choose one crop interest versus another.
- Bruce Bordelon...thinks technologies can co-exist, but we may need to just wait to see what happens rather than speculate; use of more new formulation and less older formulation would be a better thing.
-Ron Hellenthal...feels this discussion and recognition of the issues by the product manufacturers is helpful; there may need to be some refinements, but we seem to be moving in the right direction.

-Kip Tom (Tom Farms)...his family farming operation started 175 years ago and he does not want to jeopardize that; appreciates vetting of the issue by the Board; farms in northern Indiana, Missouri, and Argentina; the weed resistance issues described are real and are serious; other countries are now moving faster with new technologies than the U.S.; we can manage these new technologies.

-Ron Hellenthal...proud of the Board for all of the work done to date on this issue.

-Fred Whitford...is it time for a sub-committee to develop a list of options for full Board consideration?

-Steve Dlugosz & Bruce Bordelon...the issues are not new, we may have to wait to see how it plays out.

Industry stewardship efforts focusing on bee heath and seed treatment insecticides:

-Iain Kelly (Bayer Crop Sciences)...bee pollination of many crops is critical to a huge sector of American agriculture; there have been very few documentable incidents of significant bee kills from exposure to neonicotinoid insecticides through normal legal use; all neonicotinoid insecticides are currently going through the EPA re-registration process; seed treatments significantly reduce the need for spraying insecticides later in the growing season; these seed treatments have a very low mammalian toxicity.

-Dave Fischer (Bayer Crop Sciences)...these seed treatment technologies were introduced 8 years ago; last year was sort of unprecedented in that bee kills related to seed protectant treatments had not been previously noted in the U.S.; in the limited U.S. cases it is important to distinguish between acute bee kills and the much larger and complex issue of Colony Collapse Disorder, which is not attributed to the insecticide exposure; in insecticide bee kill cases the colonies most often recover; related bee kill incidents in Germany in 2008 were determined to be the result of improperly treated seed and a move from mechanical corn planters to air assist planters; seed treatment manufacturers and others have formed a Corn Dust Research Consortium to reduce undesirable movement of insecticide containing seed dust; successful laboratory research has been done; will be conducting field data research next season; have developed bee health stewardship educational materials for growers to address the issue; also working with seed coating manufacturers; some field data will be generated in the Midwest; have developed Bayer Bee Care Centers; pledged assistants to states in investigating any suspected insecticide bee kill complaints.

-Tim Gibb...these are systemic insecticides, concerned that some residues could migrate to the corn pollen.

Bed bug applications in rentals by untrained non-certified applicators:

-Lee Green...Indiana State Department of Health is concerned about the type of chemicals being used by untrained landlords to treat in rentals.

-David Fiess (Allen County Dept. of Health)...getting numerous complaints about bed bug applications in rentals, hotels, and motels; seems to be similar to schools in that occupants are unsuspecting of pesticide exposure hazards; applicators are completely untrained; the cost of professional bed bug control is significantly higher than ant or cockroach control resulting in much more untrained do-it-yourself applications; these applicators should be required to be certified by OISC, like school applicators.

-Julia Tipton Hogan...agree but the current political climate and the Governor’s moratorium on new rulemaking would make passage of such a new requirement difficult if not impossible at this time.

-Ron Hellenthal...at this time guidance or outreach on what to do and what not to do may be our best option; need to look at what already exists.

-Scott Robbins (Action Pest Control)...NPMA already has such guidance on their web site.
- Greg Long...do any other states already have such requirements?
- Ron Hellenthal...get a summary of what regulatory measures other states have mandated for next meeting.
  Steve Dlugosz...assessing effective measures would be helpful.

Next meeting:
- July 11, 2013 at the Purdue Agricultural Research Center (Beck Center).

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