MINUTES – 136th MEETING

Location of meeting: Purdue University Agronomy Center for Research and Education
(Beck Center)
4540 US 52 West
West Lafayette, IN 47906

Date and Time: July 11, 2013; 9:07 AM-11:24 AM

Members present:
Rick Foster
Phil Marshall
Julia Tipton Hogan
Martha Clark Mettler
Michael Titus
Ronald Hellenthal (Chair)
Bruce Bordelon
Bob Andrews
Lee Green for Jennifer House
Tim Gibb
Steve Dlugosz
Larry Clemens

Ex officio
Dave Scott

Members absent:
Raymond Brinkmeyer
Greg Campbell
Kevin Underwood

Approval of the meeting agenda:
-Larry Clemens & Mike Titus…motion to approve the agenda as written; vote was unanimous.

Approval of previous meeting minutes:
-Tim Gibb & Larry Clemens…motion to approve the minutes of the 135th meeting, as drafted; the vote was unanimous.

Review of cases involving civil penalties since the last meeting:
-Bob Andrews…how vigorous are OISC’s penalty collection procedures?
-George Saxton (OISC Compliance Officer)…any uncollected penalties are referred for collection to Purdue University (under $1,000) or to the Attorney General (over $1,000).
-Bruce Bordelon…is there an additional charge or penalty for failure to pay in a timely fashion?
-George Saxton…license credentials are denied/suspended if unpaid penalties exist.
-Ron Hellenthal…some violators are cited for failure to have a license, but no financial penalty is applied; can they get by with only a citation forever?
-George Saxton…many of the unlicensed cases involve lawn mowing services that either get out of the business once cited or go on to obtain a license; plus the second violation of operating without a license is elevated to a Class A Misdemeanor, allowing for criminal prosecution.
-Ron Hellenthal…the Rural King in-store dog poisoning case with rodenticides seems rather egregious; does OISC pursue these cases with corporate authorities or just individual stores?
-George Saxton…this case was one of a chain-wide investigation to determine if similar practices were occurring at other stores; OISC did address this corporate-wide.
-Bruce Bordelon…does OISC have authority over the pesticide use activities of non-licensed applicators using general use pesticides (i.e. homeowners)?
-George Saxton…yes, everyone must follow label directions regardless of product or licensing.
-Bob Andrews…there are numerous quality educational and training opportunities for those applicators already in the licensing system; the problem is educating those folks outside of the licensing system.

Potential human health risks associated with siting public recreational areas immediately adjacent to heavily farmed agricultural fields:
-Dr. Allen Paris (public health physician)…presented several examples of incidents near his home and adjacent public recreational walking trail in which pesticide applications to adjacent farm fields resulted in exposure to humans using the trail; after contacting numerous government agencies and offices in pursuit of a multi-discipline review process for siting recreational trails and performing a human health assessment, the Indiana State Department of Agriculture referred him to OISC and the Board; concerned about inadequacy of human exposure assessment of new pesticides and non-target residues resulting from drift, volatilization, and runoff.
-Phil Marshall…are you requesting environmental risk assessments for each proposed trail?
-Julia Tipton Hogan…would signage on trails or siting trails as sensitive sites on DriftWatch help?
-Bruce Bordelon…would not the same concerns apply to non-target areas such as parks, county roads, and other publicly accessible areas?
-Allen Paris…most city kids using trails are not accustomed to being cautious in county settings.
-George Saxton…aerial applicators claim that pre-notification actually draws in curious types.
-Steve Dlugosz…establishing uniform effective buffer/no spray zones around all trails would be a difficult task.
-Ron Hellenthal…a voluntary approach of posting trails on DriftWatch to allow for informed decision making may be an approach with in the Board’s sphere of influence.
-Julia Tipton Hogan…what do ag applicators do now to avoid non-target human exposure?
-Mike Titus…we learn the location of sensitive sites near spray areas and implement stewardship measures where possible.
-Julia Tipton Hogan…education of applicators and voluntary measures like Drift Watch seem like “no-brainers”.
-Mike Titus…there are numerous additional sensitive sites adjacent to ag spray areas, i.e. schools, pools, laundry on the line, etc.
-Larry Clemens…perhaps a combination of posting hiking trails on Drift Watch and posting signs at the trail head might work.
-Ron Hellenthal…it is true that some folks ignore signage, but there are others who heed such warnings.
-Steve Dlugosz…perhaps a sign at the trail head suggesting, “this trail passes through agricultural areas where agricultural chemicals are used.”
-Ron Hellenthal…are there public meetings regarding construction of trails?
-Allen Paris…for the trail in question there was a public meeting with 73 testifying against construction and 3 in support, but the trail was built anyway.
Phil Marshall… it is important to remember that public hearings are usually for information gathering, they are not a forum for voting on the project; but comments should be in the record. 

Phil Marshall… projects funded with federal money require an environmental risk assessment, those funded with state or local money don’t always.

Julia Tipton Hogan… there are numerous pesticide user groups (more than ag) that make applications that are adjacent to or intersect with sensitive sites; perhaps we could ask Purdue Pesticide Programs to include the concept of sensitive sites into applicator training programs/materials.

Bruce Bordelon… could we suggest to IDNR that no spray buffers be part of the easement letting process for these trail sites?

Allen Paris… buffers would be better than signage.

Martha Clark Mettler… wouldn’t pesticides also be used to maintain the buffer areas? ; signage would be fine as long as it is not so vague as to be uninformative; we would need to give some thought to providing guidance to concerned trail users about what to do and what not to do to protect themselves.

Ron Hellenthal… the things that may be within the Board’s ability to address include: 1) appoint a work group to develop guidance and BMPs to address pesticide use around sensitive areas such as trails; 2) pursue the question of adding hiking trails as a data layer on Drift Watch.

Julia Tipton Hogan… could we also ask PPP to incorporate the concept of sensitive site awareness into applicator training?

Leo Reed (OISC Certification & Licensing)… the concept of sensitive sites has already been incorporated into Core training and the concept of measures such as Drift Watch is/has been incorporated into applicable category materials and training.

Ron Hellenthal… can we get a report back at the next meeting on the possibility of implementing these suggestions?

Phil Marshall… will research what the IDNR Division of Outdoor Recreation might require for such trail development.

Status report on pesticide use restrictions in other states for in-house applicators at rental properties:

Dave Scott (OISC)… the focus of the current discussion is the application of pesticides for the control of bedbugs; distributed a summary from the National Conference of State Legislatures regarding legislative initiatives in 22 other states; most of these involve landlord tenant responsibilities, not the regulation of the application of pesticides.

Bruce Bordelon… who is the regulatory agency assigned to these laws?

Lee Green (for Jennifer House, ISDH)… many of these put the laws/regulations under the public health department authority; many of these make bedbugs a public health nuisance, not a public health pest per se, similar to head lice.

Julia Tipton Hogan… is there anything specific that the Board can do?

Bruce Bordelon… are we getting reports of documented human poisonings or just clueless applicators?

Ron Hellenthal… there does not seem to be a definitive course of action for the Board at this point.

Additional miscellaneous discussions:

Bruce Bordelon… is Golden Malrin still available in retail stores?
-Dave Scott…OISC is working with manufacturers to give retailers the opportunity to eliminate existing stocks and to implement new restricted use regulatory requirements if they wish to continue to carry it.
-Bob Andrews…lawn and landscape industry is seeing some new cases of Imprelis damage in ornamentals that was not noted in 2011 or 2012; the cool wet Spring may have contributed to the new occurrences.
-Joe Becovitz (OISC)…OISC still is getting inquiries from within and outside of Indiana; OISC re-visited and re-sampled some of the 2011 originally investigated sites; Imprelis is still detectable in the soil but is degrading over time; Imprelis levels in impacted plant tissue appears to be more stable and not degrading.
-Bob Andrews…the DuPont recommended tree care program for trees that were damaged but not killed was implemented by numerous customers; most of those customers electing that option have trees that are not showing a positive response; there has been little positive improvement; the trees still appear unhealthy.
-Phil Marshall…Gypsy Moth infestations have been documented on Purdue’s campus; perhaps a site visit could be coordinated with a Board meeting next year.

**Dicamba herbicide tolerant crops discussion and demonstration tour:**
-Ron Hellenthal…before adjourning wanted to thank Monsanto for hosting the planned field research tour to be held immediately following the meeting.
-Martin Lemon (Regulatory Affairs, Monsanto, St. Louis)…will be visiting some of the regulated trials conducted with this seed technology and dicamba herbicide applications; the purpose is to help educate the Board on Monsanto’s commitment to steward this technology; will also be conducting similar outreach efforts with stakeholders, growers, and applicators; there are 23 similar trial sites in Indiana; 2013 tours are primarily for Monsanto staff; 2014 tours will be for growers; the focus will be to try to change the stewardship culture of growers; before this technology can be marketed, it first requires USDA approval and then approval of the dicamba products by EPA.

**Next meeting:**
-October 2, 2013 was targeted for the next meeting *(meeting was subsequently postponed until December 2, 2013).*