MINUTES – 123rd MEETING

Location of meeting: Tippecanoe County Cooperative Extension Service
3150 Sagamore Parkway South
Lafayette, Indiana

Date and Time: November 12, 2009, 9:00 AM – 12:43 PM

Members present:
John Vermillion
Bob Andrews
Raymond Brinkmeyer
Philip T. Marshall
Larry Clemens
Bruce Bordelon (Vice Chair)
Mike Sinsko
Ronald Hellenthal (Chair)

Ex officio
Dave Scott
Fred Whitford

Members absent:
Rick Foster
Steve Dlugosz
Martha Clark Mettler
Kevin Underwood
Ralph Kirkpatrick
Gary Reding
Tim Gibb
Julia Tipton Hogan
Robert Waltz

Minutes from previous meeting:
The previous Board meeting was conducted on August 5, 2009. No vote was taken to approve the minutes because we did not have a quorum present. There were no comments on the drafted minutes.

Review of case summaries involving civil penalties since the last meeting:
Board members asked questions about case numbers 2009/0372 and 2009/0579. Office of Indiana State Chemist (OISC) compliance officer George Saxton responded to the Board inquiries. George also advised the board of two potential enforcement action appeal hearings before this board. It was agreed that the current three member Administrative Law Judge (ALJ) panel of the board would continue to serve, if needed, for these hearings.

Plans for implementing pesticide NPDES permitting under the Clean Water Act:
Board secretary Dave Scott distributed to the board a one page discussion paper outlining the major issues and the proposed timelines for development and implementation of the pesticide NPDES permitting requirements. The permitting process is to be developed and implemented for pesticide applications made “to, over or near waters of the U.S.” by April, 2011. IDEM is the permitting agency for Indiana. IDEM and OISC will be coordinating to develop the permitting and outreach programs for Indiana applicators. They will keep the board apprised of the progress on this issue.
Off-target pesticide movement to sensitive crops research at Purdue:
Purdue researcher Dr. Steve Weller made a presentation on the work he has done over the last several years regarding sensitive crop exposure to herbicide drift and volatilization. Most of his recent work has been with phenoxy herbicides and glyphosate and preventing non-target crop injury. The problems in Indiana and other states seems to be escalating as crop diversity with high value crops becomes more common. Dave Scott reported on what some other states with similar cropping issues have done to try to address non-target injury. Dr. Weller and the board discussed potential solutions including time of day application restrictions, education of and communication between relevant parties, product formulation restrictions, and equipment restrictions. Board members and audience members raised the issue of the www.driftwatch.org web site as a potential communication tool to help combat some of these pesticide off-target movement issues.

Measures to minimize drift & volatilization impacts in Indiana & other states:
See discussion above.

Draft rule on pesticide use in schools:
Dave Scott distributed to the Board a 11-12-09 draft rule. The last draft that had been discussed by the board prior to this was dated 7-27-09. A purpose statement and an applicability section have been added to the 11-12-09 draft along with revisions recommended at the last board meeting. The board asked if this draft has been shared with the school officials yet. Dave Scott advised that it has not. The board asked OISC to further develop fiscal impact materials to be submitted to the State Budget Agency. Board Chair Ron Hellethal asked the board to come prepared at the next meeting to consider moving this proposal into the formal rulemaking process.

Next meeting date:
The board discussed the concept of setting all of the meeting dates for 2010, as was attempted last year. It was determined that one meeting date would be set at a time, but the board would stick to a quarterly meeting schedule to avoid falling behind on important board business. The next meeting will be held on Tuesday, February 16, 2010.