MINUTES – 134th MEETING

Location of meeting: Stewart Center, Room 218 A & B
Purdue University
West Lafayette, Indiana 47909

Date and Time: November 20, 2012; 9:34 AM-12:00 PM

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

Ex officio: Dave Scott  
Fred Whitford

Members absent:  
Kevin Underwood

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

Approval of previous meeting minutes:  
-Rick Foster & Mike Titus…motion to approve the minutes of the 133rd meeting, as drafted; the vote was unanimous.

Review of implementation plan for methomyl fly bait Restricted Use Pesticide status:  
-Dave Scott…the rule is now final and effective; product manufacturers and current RUP dealers will be notified of implementation requirements via direct mail from OISC; OISC will seek their assistance to notify their distribution chains; OISC will conduct compliance assistance inspections at historic vendor sites in Indiana.
-Fred Whitford…OISC could utilize Master Gardeners to outreach if useful.
-Ron Hellenthal…need to include in the implementation plan provisions for existing stocks in channels of trade.

Review of cases involving civil penalties since the last meeting:  
-Ron Hellenthal…for case #2012/0749 why 17 versus 19 counts of violation?
-George Saxton...there were 19 different sites investigated but violations in only 17; OISC will clarify the case summary.
-Fred Whitford...for case #2012/0841 was mitigation consideration given by OISC?
-George Saxton...no, this was aggravating consideration for repeat offense.

**Demonstration of on-line case summary report search engine:**
-Mark Sobers (OISC IT Manager)...conducted a live demonstration via the OISC web site;
populated with case files from last 5 years; Google type search capabilities of almost anything in
the text of the case summaries; presented in order of the latest date finalized; can conduct a
search on any of the highlighted data fields or combinations thereof.
-Steve Dlugosz...any help pages with search tips?
-Sobers...will be added as people start to use it.
-Fred Whitford...add a comment/suggestion button?
-Bob Andrews...violations should be listed by company rather than applicator.
-Sobers...it does both.
-Ron Hellenthal...do we archive cases older than 5 years?
-George Saxton...we keep paper case files indefinitely.
-Hellenthal...can specialized reports be generated from this?
-Sobers...not designed as a data base.
-Bruce Bordelon...could do a search and capture as a work around for reports.
-Hellenthal...will this replace the reports provided to the IPRB now/
-Saxton...current reports will continue.

**Vote to readopt LSA #12-582 (pesticide violator public listing rule; pesticide drift rule):**
-Tim Gibb & Bob Andrews...motion to readopt both rules unchanged; vote was unanimous.

**Review of final adoption of LSA #12134 (pesticide liability insurance rule):**
-Dave Scott...minor non-substantive changes were made to the proposed rule based on
comments received at the public hearing by the State Surety Bond Association; they
recommended retaining the surety bond option in the existing rule; OISC capitulated to their
request because it didn’t really impact any of the proposed revisions; IPRB vote is not necessary
since this is an OISC rule adopted as final by the State Chemist.
-Phil Marshall...should check with the AG to insure there is no fiscal impact from this change.

**Vote on final adoption of LSA #12-513 (consolidation of civil penalty rules; storage &
handling of pesticides in wellhead protection areas rule):**
-Dave Scott...the only change from the proposed rule as discussed at the last meeting is the
striking of the “consultant registration requirements” from the list of rules and sections being
repealed by this rule; Legislative Services Agency pointed out that the consultant rule would
expire based on failure to readopt before this rule repealing it could be finalized; after
consultation with the AG, it was determined that this conflict could be addressed via a simple
text change with explanation in the rule making process; that will be included in the final rule
package sent to the AG by Scott.
-Ron Hellenthal...are there any proposed changes to the civil penalty dollar amounts in this rule?
-Scott...no proposed changes to civil penalties, since the maximums are established by law.
-Steve Dlugosz & Greg Campbell...motion to adopt final rule as proposed, with the text change;
vote was unanimous.

**Review of final adoption of LSA #12-517 (pesticide & fertilizer applicator licensing rule):**
-Dave Scott...minimum age requirements for applicator certification discussed at the last
meeting were removed from the proposed rule based on counsel that such a proposal would
likely draw unnecessary political attention to the rule; in practice this has been largely a non-
issue, since it has been many years since a commercial applicator or farmer younger than 18 has
attempted to become certified; IPRB vote is not necessary since this is an OISC rule adopted as final by the State Chemist.

-Julia Tipton Hogan…the logic of not drawing unnecessary attention to the proposed rule is good.

-Bruce Bordelon…the definition of “competent person” in the rule includes the ability to read but does not specify which language; does it matter?

-Fred Whitford…some manufacturers are providing Spanish labels and PPP has developed a Spanish core training manual.

-Leo Reed…EPA does not recognize Spanish equivalent labels; states that are currently offering Spanish certification exams have very poor pass rates of those examinees; it is more of an issue of poor reading skills rather than a language barrier.

**Pesticide use in schools; emergency procedures for stinging insects:**

-Dave Scott…during OISC compliance inspections at schools, one question that is often repeated by those who hire licensed contractors for pest control services is “what do we do between contractor visits for the occurrence of stinging insects that may pose a bigger health risk to students than exposure to pesticides?”; can non-certified staff be allowed to address the isolated emergency with pesticides?

-Ron Hellenthal…this would require a rule change.

-Fred Whitford…this is an understandable request.

-Martha Clark Mettler…what would constitute a necessity to spray in rule language?

-Tim Gibb…can’t imagine a scenario where child safety would be improved by allowing untrained teachers and staff to use a pesticide around children; spraying stinging pests may actually stir them up into a stinging mode.

-Steve Dlugosz…why not try avoidance of the area, which is an IPM strategy?

-Gibb…education about management strategies would be preferred to rule allowances.

-Whitford…we should invite Beth Carter to present the case being made to her by the schools.

-Julia Tipton Hogan…we should also invite the IKE IPM coordinator to participate in that discussion.

-Greg Campbell…agree that spraying can often stir up docile stinging pests, making the hazard worse; recommend avoiding the area and alerting your licensed contractor.

-Bruce Bordelon…do we have any data on # of stings per year at schools?

-Gibb…these infestations don’t occur over night but develop due to a set of manageable site conditions over time.

-Hellenthal…this allowance would require storage of pesticides on site at the school to be prepared; would also require that staff be trained to properly ID the pest.

-Hellenthal/Whitford/Tipton Hogan…invite stakeholders to a subsequent meeting to facilitate a more informed discussion.

**2012 OISC pesticide annual summary:**

-Dave Scott…the distributed one page annual summary has become a two page summary to facilitate a reasonable font size; this summary will be updated with a new print date as 2012 data on the summary evolves with time.

**Agenda items for next meeting:**

-Imprelis follow-up?

-Seed treatment insecticides and bee health/

-Status report & next steps for issues surrounding dicamba and 2,4-D tolerant crops

**Next meeting:**

-February 28, 2013 at the Tippecanoe County Extension Service office or the Turfgrass Research Center. Targeted date is Tuesday, November 20, 2012, location to be determined.