



# INDIANA PESTICIDE REVIEW BOARD

## **MINUTES – 145th MEETING**

### **Location of meeting:**

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

### **Date and Time:**

January 14, 2016; 9:06 AM-12:35 PM

### **Members present:**

Kevin Underwood  
Phil Marshall  
Julia Tipton Hogan  
Tim Gibb  
Bob Andrews  
Michael Titus  
Ronald Hellenthal (Chair)  
Steve Dlugosz  
Bruce Bordelon  
Lee Green  
Martha Clark Mettler  
Ellen Jacquart  
Rick Foster

### **Ex officio**

Dave Scott  
Fred Whitford

### **Members absent:**

Raymond Brinkmeyer

### **Approval of the meeting agenda:**

-Motion to approve the meeting agenda; Bob Andrews & Tim Gibb; the vote was unanimous.

### **Approval of previous meeting minutes:**

- Motion to approve the draft minutes of the September 9, 2016 meeting; Bruce Bordelon & Phil Marshall; the vote was unanimous.

### **Review of cases involving civil penalties since the last meeting:**

-There were no comments, questions, or Board discussion.

### **School rule: teachers using wasp & hornet spray for self-defense?**

-Board questioned why teachers would want to misuse hornet spray rather than use pepper spray designed for self-defense; internet traffic and blogs suggest that hornet spray projects further and is cheaper than pepper spray; it is not illegal for teachers to possess pepper spray in a class room; Board can not recommend or endorse such an unproven pesticide misuse, regardless of alleged

value; Board recommended that OISC contact the Indiana State Police to advise them that this practice is illegal; Board recommended that OISC post the E-extension publication *6 Reasons Why Wasp Spray is Not a Substitute for Pepper Spray* to the school rule section of the OISC web site.

### **Review and discussion of draft Pollinator Protection Plan for Indiana:**

-Board discussion included the following: the plan depends heavily on IBAT for providing access to stakeholder BMPs, what is the current progress of the IBAT efforts?; will IBAT take input from IDNR and others who may have a good handle on suitable, non-invasive plants for pollinator forage?; IBAT will add some non-CES types (Ellen Jacquart) to the BMP development review group; if the Board does not fully support the IBAT BMPs how should we proceed?; Xerces has some good information, but it is more regional rather than Indiana specific; how will IPRB be appraised of progress of plan and IBAT progress?; the turf grass BMP draft is near completion and will serve as a model for subsequent BMPs; PPP is preparing a master background coordinating publication that is currently about half way completed; mid-summer is the anticipated completion date; it is anticipated there will be 7-8 different stakeholder publications; we want to insure we do not recommend planting of invasive plant species; the Board requests IBAT share their final drafts with the Board; a potential web location and reporting mechanism to help chart progress/completion of any pro-pollinator activities identified in the plan could be an expansion of the Clear Choices Clean Water web site as a model for this <http://indiana.clearchoicescleanwater.org/>; might also consider hits on the IBAT BMP web site as a measure of plan acceptance and behavioral modification; if the plan is to include measures in the plan itself the Board will need more time to evaluate suitable measures; the Board should forward any suggestions on plan metrics or measures to OISC and discuss suggestions at future meetings; the proposed plan and suggested web site development fits well into the ISDA efforts to develop a web portal for pollinator efforts; Robert Jean of Environmental Solutions & Innovations, Inc. recommended inserting stronger native pollinator language in the plan, including native pollinator experts into the plan review process, using data that he has accessed as baseline data for native pollinator populations, and more strongly recommending native species plantings; farmers should be given a choice of planting neonic or non-neonic treated row crop seeds; IPMA thanked OISC and the Board for incorporating their comments and concerns into the plan development process; Bee Check has baseline data that can also be used as behavioral change metric data.

### **Review of ten years of drift investigation data**

-OISC reviewed a drift data table with the Board; Board requested that OISC return at a future meeting and present the data in graphic form with some anecdotal comments.

### **OISC 2016 Enforcement Response Policy (ERP) review**

-OISC shared their FY2016 Enforcement Response Policy filed with U.S. EPA as part of their annual enforcement cooperative agreement; Board felt the low civil penalty maximums were not an adequate deterrent to violators; U.S. EPA has made the same comments to OISC.

### **Request for review of civil penalty rule regarding bulk storage & containment**

-Board reviewed case #2015/1341 and a request from Scotts Lawn Service to re-evaluate the civil penalty rule which makes bulk pesticide storage and containment rule violations non-mitigatable; Board comments included: non-mitigatable provision should be removed from the rule; these rules are not new and agriculture has complied with them for many years now; this one penalty

accounts for 18% of the total civil penalties levied for the entire year and that seems out of line; most lawn care companies are small businesses and such a large fine could be devastating; should we consider caps on some of the penalty violations that are levied for multiple counts or days of non-compliance?; need to review each of the violations and penalties that have been determined as non-mitigatable in the rule; Board directed OISC to come to the next meeting with some draft rule revisions for consideration.

**Status of evaluation of rule for storage and containment of bulk disinfectants**

-There was inadequate time for this item so it was deferred until the next meeting.

**OISC & AAPCO comments on proposed EPA applicator certification & training rule**

-OISC shared their 33 pages of written January 4, 2016 draft comments to EPA with the Board; OISC made a slide presentation which summarized the major points being made in both the OISC and Association of American Pesticide Control Officials comments to EPA; Rick Foster and Martha Clark-Mettler made a motion to endorse OISC's comments and to use those comments as a basis for drafting Board comments to EPA on this proposed rule; vote was unanimous.

**Next meeting:**

-The next meeting was set for April 20, 2016 at the Daniels Turfgrass Research Center at Purdue University.