



INDIANA PESTICIDE REVIEW BOARD

170th IPRB Meeting

August 9, 2022

9:05 am – 12:40pm

Daniel Turfgrass Center
1340 Cherry Lane
West Lafayette, Indiana, 47907

Members Present:	Members Present Virtually:	Ex officio
Ronald Hellenthal (Chair)		David Scott
Megan Abraham		Mark LeBlanc, State Chemist
Robert Andrews		Fred Whitford
Julia Tipton-Hogan		
Jamey Thomas		
Mike Titus		
Lee Green		
John Bacone		<u>Members Absent:</u>
Bruce Bordelon		Stuart Orr
Scott Robbins		Martha Clark-Mettler
Jim Hawbaker		Bill Johnson
Christian Krupke		Kevin Underwood

1. Approval of the meeting agenda

MOTION to approve by Bruce Bordelon, seconded by Mike Titus; **VOTE** was unanimous;
https://oisc.purdue.edu/pesticide/iprb/iprb_170_draft_agenda_070622.pdf

2. Approval of previous meeting minutes (May 10, 2022)

MOTION to approve by Megan Abraham, seconded by Jamey Thomas; **VOTE** was unanimous; https://oisc.purdue.edu/pesticide/iprb/iprb_170_169_draft_minutes.pdf

3. Review of cases involving civil penalties since the last meeting

https://oisc.purdue.edu/pesticide/iprb/iprb_170_civil_penalties.pdf

Julia Tipton Hogan: in at least one case, it seemed like a lot of mitigation for the fine; concerned that we are mitigating too much.

Bruce Bordelon: the new civil penalty law went into effect July 1, 2021; the \$1,000 penalty for misuse of an RUP is not mitigatable; any mitigation will be dictated by law going forward.

George Saxton: in cases where we may have multiple drift violations within the same year, we must count each as a first-time violation until due process has been exhausted on any of the previous cases; the second offense may not be

documented until the following season.

Ron Hellenthal: Case #22-0144; \$1,000 fine, but 6th violation of a similar nature; when does OISC propose an applicator or business license action?

George: in this case, the company is already out of business.

Dave Scott: OISC still has the ability to deny/revoke/suspend a license; it is important to note that the current statute does not dictate to OISC when that occurs; guidance for license actions is currently addressed in the OISC Enforcement Repose Policy (ERP); whether a license action is taken against an applicator or the business is going to depend on which is responsible for the violative act.

4. 2022 OISC drift investigation data to date

https://oisc.purdue.edu/pesticide/iprb/iprb_170_drift_data.pdf

Dave Scott: on the table for the next meeting is do we maintain our current Highly Volatile Herbicide (HVH) permit for dicamba products with a June 20th application cutoff date or do we add temperature restriction to the permit as well?

Mike Titus: we know when the symptoms will show up; this was a dry hot year ; the dicamba exposure symptoms have lingered longer; predicted damage due to the dry year; believes that commercial applicators are following the regulations (June 20th cutoff); no matter what the cut-off date is the industry will rush to get the applications completed before the cutoff.

Jim Hawbaker: is there a need for seed cards to help identify what type of seed is in the field?

Dave Scott: DriftWatch now has a function that allows soybean growers to identify various tolerance traits in their fields, if they choose.

5. Proposed Revisions to the Atrazine Interim Registration Review Decision

https://oisc.purdue.edu/pesticide/iprb/iprb_170_mitigation_for_atrazine.pdf

Cress Hizer (Syngenta): atrazine is applied on 70% of US corn; it is a valuable tool in our system; no detects in IN waters for several years now; corn growers are requesting comments to be submitted; request to share background data to the board.

Ron Hellenthal: 20-ish years ago, there were major concerns about atrazine in public drinking water; there were links to high use and atrazine in water; it appears the mitigation measures from years ago were successful.

Cress Hizer: there are many factors for conservation efforts that have impacted this; if the board wants to comment, the deadline is Sept 6; it might be extended but has not been announced yet.

Fred Whitford: according to Bill Johnson, application rates could be up to 2.5 lbs./acre used on corn.

Mike Titus: atrazine is used on at least 80% of all corn.

Ron Hellenthal: how are we moving forward with comments?

Dave Scott: OISC will collaborate with board members on a comment if time permits.

6. Update on residential mosquito control questions posed to EPA

https://oisc.purdue.edu/pesticide/iprb/iprb_170_residential_mosquito.pdf

Julia Tipton Hogan: concerned why we are not identifying if this should be done.

Ron Hellenthal: IN's concerns are being represented nationally and with EPA.

Dave Scott: Fred Whitford's mosquito publication does have some national review; we are sending it to other SLAs and EPA; we rely on EPA for risk assessment and scientific background; human exposure data relative to product labeling would be from EPA; that's their job; Fred's publication does help identify what constitutes a good location for useful and safe application.

Mark LeBlanc: we will still have these conversations; we need to include any steps and efforts that we can do to move the issues forward; well done on the work to date; there is still work to do

Written Virtual Comment: From Mary Ellen Gadski to Everyone 11:51 AM

When an investigator from the Office of the State Chemist came to our house on a complaint, he told me that the pyrethroid compounds in mosquito fogging applications can persist for 30 days. I was worried that six days had elapsed since the application, during which time it had rained, and maybe nothing would be found. So do not minimize the risk to humans when six times the amount specified on the label (50 psi) can be coming out of the foggers and drifting into my yard. When a board member held up a pint water bottle and said this is all the chemical being applied. my husband, a PhD biochemist with 40 years of lab experience in experimental

biology, said that the demonstration was pure ignorance. What's important is toxicity, efficacy, half-life in the environment, uptake by humans--not the size of the bottle.

7. Update on rulemaking process for draft revisions to pesticide rules

https://oisc.purdue.edu/pesticide/iprb/iprb_170_rule_making_update.pdf

Dave Scott: OISC has already addressed and made revisions based numerous concerns expressed by OMB; at present OMB is checking on acceptability of one of those revisions with aerial applicators; the one-year clock to complete an initiated rulemaking starts once we are in the formal rulemaking; we are not there yet; we need OMB approval first.

8. Update on OISC customer service efforts identified at last meeting

OISC licensing, enforcement, IT, and product registration program managers, each identified what has occurred since the last meeting in their departments to improve customer service; a product registration status report for 2022 is provided at the end of the minutes.

Fred Whitford: request that OISC consult with CES on possible data access improvements, as S is a big user of the OISC applicator data.

9. 2022 National Assessment-Pollinator Protection Plans

https://oisc.purdue.edu/pesticide/iprb/iprb_170_pp_survey.pdf

National PPP survey results are available on the AAPCO website.

10. Process for review of Indiana Pollinator Protection Plan

https://oisc.purdue.edu/pesticide/iprb/iprb_170_pp_plan.pdf

What is the best approach for review and revision, as needed, of the IN PPP?

Question for IPRB/public forum: time to review plan; evaluate; improvements; new measures for success; other SLAs success stories; need to engage the right communities; hobby beekeepers; not all registered; best tracking on BeeCheck is voluntary; need to recontact original interest and stakeholder groups; do we have some data on improvements? can we compare pre-PPP data to years since original PPP? Can we compare our data with other SLAs? identifying that there is a plan helps with pending legislator issues; original workgroup had a lot of emotion from all sides; we did develop several educational documents; \$50K was originally allotted to provide educational materials; we did not receive any negative feedback on PPP elements; we did receive notifications that honeybees was the focus instead of native pollinators; for now, IPRB should look over the plan and then identify ideas by next meeting to move forward; identify groups that are interested.

OISC Pesticide Product Registration Tracking:

- Total Checks = pending applications
- Total Products = total amount of funds pending/\$170
- Oldest Check = pending application; oldest date
- Backlog Checks = number of pending applications : year received
- New July 2nd + Checks = applications received after July 1st. July 1st is the expiration date of OISC's Conditional Registration Policy because of COVID. Available here:
https://oisc.purdue.edu/pesticide/pesticide_products.html
- New Products Registered (through month) = first number = total products registered, also includes total devices and 25(b) products
- Held Checks = checks that are not deposited; typically because they are received without paperwork

Contact Sarah Caffery with any questions: scaffery@purdue.edu

2022	Jan	Feb	Mar	Apr	May	June	July	Aug
Total Checks	1,215	996	926	750	721	632	621	558
Total Products	3,079	2,589	2,111	1,346	1,294	1,100	1,130	1,053
Oldest Check	3/19	3/19	3/19	10/21/19	10/21/19	10/21/19	10/21/19	10/21/19
Backlog Checks (#:YR)	4:19 85:20 934:21 188:22	4:19 82:20 770:21 138:22	4:19 81:20 587:21 254:22	1:19 11:20 410:21 328:22	1:19 10:20 343:21 366:22	1:19 10:20 219:21 401:22	1:19 7:20 134:21 479:22	1:19 7:20 94:21 406:22
New July 2nd + Checks								49 apps 103 products
New Products Registered (through month)	442 Dev: 55 25(b): 9	342 Dev:23 25b: 52	538 Dev: 361 25b: 9	234 Dev:72 25(b) 6	393 Dev: 53 25(b) 1	248 Dev:85 25b: 45	268 Dev: 104 25(b): 7	
Held Checks						5	4	3