



INDIANA PESTICIDE REVIEW BOARD

MINUTES – 142nd MEETING

Location of meeting: Tippecanoe County Cooperative Extension Service Office
3150 Sagamore Parkway South (U.S. 52)
Lafayette, IN 47905

Date and Time: February 26, 2015; 9:21 AM-12:10 PM

Members present:

Raymond Brinkmeyer
Steve Dlugosz
Bruce Bordelon
Julia Tipton Hogan
Bob Andrews
Michael Titus
Ronald Hellenthal (Chair)
Rick Foster
Lee Green
Cyndi Wagner for Martha Clark Mettler
Ellen Jacquart
Megan Abraham for Phil Marshall

Ex officio

Dave Scott

Bob Waltz
Fred Whitford

Members absent:

Kevin Underwood

Greg Campbell
Tim Gibb
Phil Marshall

Approval of the meeting agenda:

-Motion to approve the meeting agenda; Steve Dlugosz & Bruce Bordelon; the vote was unanimous.

Approval of previous meeting minutes:

- Motion to approve the minutes of the November 21, 2014 meeting; Steve Dlugosz & Mike Titus; the vote was unanimous.

Review of cases involving civil penalties since the last meeting:

-The Board agreed that for future meetings, rather than send out meeting announcements with attachments and rather than provide paper copies for review at the meetings, we would post all meeting preparation materials to the IPRB web site and we would attempt to project electronic copies of documents being discussed during the meeting onto the projector screen; at least 48 hour advance posting was requested.

-OISC briefed the Board on a criminal case being pursued by OISC and EPA in conjunction with local health departments in two northern counties; the case involves the misuse of a federally unregistered dichlorvos insecticide in two different motels for the control of bedbugs; the Board recommended that OISC and PPP outreach with state health department associations and hotel associations to alert them of the associated problems and dangers regarding pesticide misuse; mechanisms already exist to coordinate with local health departments, but communicating with the hotels and motels that are in greatest need of the message is much more difficult; Board

members suggested revisiting the discussion of mandatory licensing for applicators applying pesticides in hotels and motels.

- The Board discussed the low level of civil penalties assessed in some cases involving violations in particularly sensitive sites like schools; it was explained that civil penalty (fine) maximums were set by law; the Board requested that adjusting fine maximums be pursued the next time there was a bill introduced to amend the pesticide law; the Board was counseled to be prepared with a specific proposal and to garner the support of legislators, industry, and other groups when such an opportunity might arise.

- The Board asked how OISC learns about those pesticide businesses operating without a license; OISC advised that tips and inquiries, both from the industry and anonymous are the most frequent mechanisms.

- The Board noted the penalties assessed for Golden Malrin fly bait product distribution, noting that this is one of the few products ever state restricted that was not also federally restricted; Michigan and Wisconsin may also be pursuing state restriction, but as of now EPA is not pursuing federal restriction.

2015 state legislative update for pesticides:

- The Board was briefed on Senate Bill No. 307; this is a proposed amendment to consumer protection legislation that would impact certain pesticide law regulated industries such as lawn care, landscaping and structural pest control; it could mandate written contracts for some of those for-hire pesticide application services.

Status of business license insurance rule (355 IAC 4-3) revision process:

- OISC recounted that rule revisions proposed by the Board at previous meetings included:

 - reduce the amount of the liability insurance required for a pesticide business license;

 - simplify the acceptable proof of insurance requirement;

 - simplify the type of insurance coverage requirement;

- Rule revision process steps include:

 - notice of intent to adopt a rule published in the Indiana Register...1-7-15;

 - submission to State Budget Agency...1-8-15

 - approval by State Budget agency...1-23-15;

 - proposed rule published in Indiana Register...3-4-15;

 - public hearing notice in newspaper...3-5-15

 - public hearing to be held...3-26-15;

- Home inspection industry spokespersons commented that they were very pleased with the progress of the rule revision and that it was unusual to find a government board or agency to be so open and responsive to industry concerns.

Status of 2,4-D and dicamba tolerant crop herbicide product registrations:

- The Board commented that it is believed that Dow Agro Sciences plans to monitor the areas surrounding the fields to which Duo Enlist Herbicide is to be applied in 2015;

- The Board asked if OISC has plans to monitor for illegal dicamba use in 2015 if the dicamba tolerant seed is available but the new corresponding dicamba herbicides are not yet approved; the Board suggested calling a timely special Board meeting for review and discussion of any new dicamba labels submitted for consideration of state registration; it is still unclear how any risks to endangered species are to be mitigated by label restrictions; new label restrictions will probably require changes to existing training of applicators; effective sprayer cleanout will also become much more important than it has been in the past; PPP is developing a new training publication and video to assist with sprayer cleanout.

-Discussions turned to Drift Watch as a mechanism to identify and mitigate risk to sensitive sites like nature preserves; Indiana Drift Watch does not currently have a sensitive site data layer for nature preserves but may have had such a data layer at some point in the past; the OISC data steward for Drift Watch has been seeking more well-defined acceptance criteria for those who wish to register their sites; OISC advised that some applicators choose not to consult Drift Watch before pesticide applications because of the lack of any actual ground-truthing step for the sensitive site data.

Pollinator Protection Plan development for Indiana:

-The Board workgroup assigned to coordinate a process for development of a plan for Indiana reported on the arrangements and the agenda for the March 31, 2015 stakeholder information collection meeting at the Beck Agricultural Center; the Board commented that the agenda seemed to be heavy on honey bee pollinators and recommended to the work group that a discussion of protecting native pollinators be included; since most existing state plans seem to focus heavily on Best Management Practices (BMPs), the Board discussed mechanisms for developing and outreaching those BMPs; varying BMPs would need to be developed for various stakeholder groups; numerous pollinator protection BMPs already exist; the Board will include plan review as an agenda item for future Board meetings.

Update on pesticide use in child care facilities:

-The Board revisited the history of previous Board efforts at developing state policy for pesticide use in child care facilities, much as the Board had done for schools; due to the widely variable nature of licensed, faith-based, and exempt child care facilities in the state and the surrounding political considerations, the Board elected to develop policy guidance rather than pursue regulation; the Board policy recommendations were provided to IDEM for sharing through their voluntary Five Star Program for child care providers; acceptance and implementation through that mechanism has been limited and sporadic; this effort lost steam when the Board got bogged down with exploring regulatory options for pesticide use in a wide variety of publicly accessible places (i.e. hotels, motels, restaurants, parks, etc.); the principal reason for re-visiting the issue is the re-emergence of bedbugs as a major pest; there is significant concern that untrained and unqualified child care operators may try to treat for difficult-to-control bedbugs themselves; the Board proposed to re-elevate the issue within IDEM; the Board asked that we start the process of issue development by reviewing previous child care facility policy documents at a future meeting.

Next meeting:

-The next meeting was set for June 10, 2015 at the Tippecanoe County Cooperative Extension Service office.