



INDIANA PESTICIDE REVIEW BOARD

August 18, 2016; 9:05 a.m-1:14 p.m. Meeting Minutes

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

Members present:

Ray Brinkmeyer
Phil Marshall
Julia Tipton Hogan
Tim Gibb
Bob Andrews
Ronald Hellenthal (Chair)
Steve Dlugosz
Bruce Bordelon
Lee Green
Mike Titus
Kevin Underwood
Cyndi Wagner for Martha Clark Mettler
Rick Foster
John Bacone

Ex officio

Dave Scott
Fred Whitford
Bob Waltz

Members absent:

Ellen Jacquart

1. Approval of the meeting agenda...**motion** to approve by Mike Titus & Steve Dlugosz; vote was unanimous.
2. Approval of previous meeting minutes (April 20, 2016) ...**motion** to accept by Bruce Bordelon & Lee Green; vote was unanimous.
3. Review of cases involving civil penalties since the last meeting...Case # 2016/0547; use of a federally and state nonregistered insecticide smuggled into the U.S. and applied in apartments for bedbug control; OISC outreaches to local health departments and to licensed pest management professionals to develop tips but has been largely unsuccessful outreaching to consumers who may be at risk from misuse incidents; home inspectors might be able to develop tips if they were trained what to look for.

Notice of hearing request...**motion** to appoint an administrative law judge panel of Board members to hear cases and make recommendations to entire Board by Tim Gibb and Bob Andrews; vote was unanimous; Tim Gibb, Bob Andrews, and Julia Tipton Hogan volunteered to serve through 12-31-16.

4. Zika Virus update...Lee Green of Indiana State Department of Health advised that PPP & OISC provided extra Category 8 training & exam for about 40 local health department officials; no local transmission of Zika, travel related only; transmitting mosquitos are day time biters and have a small travel radius; move to day time adulticiding for some parts of country?; low risk of Zika in Indiana, but perception of risk has increased commercial capitalization of mosquito control products and services; concern about mosquito control services claiming permanent or long term control on residential properties (MosquitoSquad.net ?); March of Dimes now recommending pregnant women be tested for Zika.

5. Review and discussion of draft Pollinator Protection Plan (P³) for Indiana
 - a. Clear Choices Clean Water (CCCW)...Scott Minor made a presentation; this new PPP funded pollinator link as a social marketing, social indicator, knowledge providing site that can help identify barriers to adopting P3 supportive activities; making a pledge recognizes you on the pin map; still need to identify what all pledges for P3 will be; can geo-locate pledges; already conducting a survey with incentives for participation.
 - b. Purdue University Bee Garden ...Mindy Appold made a presentation; circulated sig-up sheet for those interested in Bee Farm activities; use native plantings in landscape design education; not just flowers, varying temporal bloomers; phase I of project Spring 2017; will it bring in native pollinators in addition to honey bees?; will there be hive pollen analysis to determine which plants are being foraged?; PPP contributed \$10,000 to project from product registration fees earmarked for pesticide education; good for Master Gardeners, CES, educators, researchers. IPRB to tour site at future meeting.
 - c. Status of BMP development...target for each is 4 pages; lawn and landscape, fruit and vegetable, pesticide applicator, agronomic crops BMPs all at printer now; available on-line too; next in que is pollinator gardener BMP; PPP master publication focusing on pollinator biology and EPA pesticide registration requirements is still in progress.
 - d. Native pollinator BMP work group report...focus will be native IN plantings attractive to native IN pollinators; projected to be 6-8 pages; PPP offered to edit and develop in the style of other BMPs in the P3 series.

6. Status of EPA decision to approve dicamba for use on genetically-modified crops... Tom Schmidt was present to answer IPRB questions; why was seed made available when herbicide to use on tolerant crop was not? Miscalculation by Monsanto; stewardship effort up to this point has been disappointing; new trend in seed production is stacking traits tolerant to many different herbicide active ingredients; no projected date for EPA decision on new dicamba registration; what should OISC do if EPA approves and we get an application for state registration?; hesitant to block new technology; use as a pre-plant burndown with restricted planting date would be huge benefit for growers; some commercial applicators are developing policies on customer requests to apply new dicamba uses; CES can help with education to users; **motion** by Steve Dlugosz and Tm Gibb to convene an IPRB work group to identify a regulatory strategy to address potential dicamba use since seed technology is already present; vote was unanimous; Dlugosz, Titus, Underwood, Brinkmeyer, Bordelon, Whitford, and Becovitz were identified for work group.

7. Statement by Rural King, Evansville regarding amount of civil penalty (#2016/0591)...Mike Hurley advised that he did not know an informal settlement conference was an option before appearing before the IPRB; as a corrective action, Rural King removed the filled uncontained minibulk from the store and changed policies to not ship filled minibulks to the store until a customer purchases it and agrees to pick it up from the store; failure to pick up within 30 days results in the minibulk being returned to a contained warehouse; feels it was one container found out of containment so it should be one count of violation; IPRB advised Hurley that he would need to appeal for mitigation of the penalty based on the ; IPRB to ask the AG if case can remain open until a determination could be made to revise the civil penalty rule to allow penalty mitigation; IPRB ALJ member asked to hear the appeal formally.
8. Civil penalty rule revision to remove restrictions for non-mitigation of penalties...some current members not on IPRB when non-mitigation revisions were added to the rule; opinion that intent of that rule provision is important; was it meant to be punitive corrective, or a deterrent to non-compliant behavior?; non-mitigatable items seem to be more egregious and a greater threat to society than some other violations; **motion** by Mike Titus and John Bacone to propose no changes to the current civil penalty rule; all but Tim Gibb voted for the motion (Bob Andrews had to leave prior to the vote being taken).
9. Bulk storage and containment rule revision to exempt some disinfectant users...this agenda item was deferred until the next meeting in the interest of time.
10. Criteria for evaluation of on-line instruction or training for CCH approval...Category 12 licensed wood destroying pest inspector Jim Schwarz asked the IPRB to consider encouraging OISC to accept on-line training for CCHs; justifications included: on-line training was not a common thing when the rule was written, it is now; Category 12 is not well served statewide with an abundance of affordable training opportunities; Cat.12 CCH credits are often spread throughout and interspersed with other larger CCH programs, the content of which have little relevance for inspectors; relevant CCH information and technology for inspectors does not change much from year to year; other accrediting bodies and institutions seem OK with recognizing on-line training for credits; relative to participant verification, on-line training relies heavily on the honor system; Inter NACHI is a good source of relevant on-line training for inspectors and includes verification mechanisms such as name, account #, company name, e-mail address, and on-line quizzes; Purdue University also has on-line correspondence course approved for CCHs; requested that OISC use Inter NACHI as a pilot to explore the feasibility; the IPRB needs to study the process and issue for the next meeting.