



# INDIANA PESTICIDE REVIEW BOARD

**151<sup>st</sup> Meeting Minutes**  
**August 30, 2017; 9:03am – 12:41pm**  
**Beck Agricultural Center**  
**4550 US Highway 52 West**  
**West Lafayette, IN 47906**

**Members Present:**

Bob Andrews  
John Bacone  
Bruce Bordelon  
Ray Brinkmeyer  
Martha Clark-Mettler  
Steve Dlugosz  
Rick Foster  
Tim Gibb  
Lee Green  
Ron Hellenthal(Chair)  
Philip Marshall  
Julia Tipton-Hogan  
Mike Titus  
Kevin Underwood

**Ex officio**

David Scott  
Bob Waltz  
Fred Whitford

**Members Absent**

1. **Approval of the meeting agenda. MOTION..** to approve by Mike Titus and Rick Foster; **VOTE...** was unanimous
2. **Approval of the previous meeting minutes (June 1, 2017). MOTION...**to accept by Steve Dlugosz and Lee Green; **VOTE...** was unanimous
3. **Review of cases involving civil penalties since the last meeting...**Bob Andrews made a suggestion of adding a one-line synopsis of the infraction in front of each disposition in the summary. George Saxton stated this will be included in future summaries.
4. **Report from IPRB work group drafting guidance/options for consistently and equitable addressing penalty mitigation provisions under the civil penalty rule (357 IAC 1-6)...** George Saxton provided the recommendation from the work group discussion that the words “without approval of the Board” be added to the 357 IAC 1-6-2 Schedule of civil penalties, referring to the \* notation. The \* notation states: **“\* This penalty shall not be subject to the potential for mitigation listed in section 5 of this rule.”** This addition would give the IPRB the authority to approve a mitigated settlement if they

chose to do so. This would not affect the offender's rights to an appeal. A vote was taken to propose to begin the process to change the rule to say **“\*This penalty shall not be subject to the potential for mitigation listed in section 5 of this rule without approval of the Board.”** MOTION... to approve by Robert Andrews and Ray Brinkmeyer; VOTE... was unanimous.

5. **The history & current priorities & activities of Purdue Pesticide Programs...** Fred Whitford and his team from the Purdue Pesticide Programs (PPP) provided a presentation on the current and historic operation and staffing of PPP. Fred spoke of the close coordination of PPP, OISC, and IPRB. The Power Point presented is available at [http://www.oisc.purdue.edu/pesticide/pdf/iprb\\_151\\_history\\_of\\_ppp.pdf](http://www.oisc.purdue.edu/pesticide/pdf/iprb_151_history_of_ppp.pdf).

6. **What we know about 2017 dicamba use & related activities to date...** David Scott provided a presentation on the historic and recent regulatory actions surrounding both the new and older formulations of dicamba containing herbicides, including Indiana and nationwide off-target movement complaint response activities occurring in 2017. The Power Point presented is available at [http://www.oisc.purdue.edu/pesticide/iprb/iprb\\_151\\_dicamba\\_to\\_date.pdf](http://www.oisc.purdue.edu/pesticide/iprb/iprb_151_dicamba_to_date.pdf).

Joe Ikley, Purdue CES Weed Scientist, provided a presentation “Dicamba Update August 30, 2017 Bill Johnson Joe Ikley” – Purdue Extension, Weed Science. Among other details, the presentation addressed a summary of the actual number of legally spray able days in Indiana during 2017 for dicamba herbicides, based on label restrictions. The presentation is available at [https://www.oisc.purdue.edu/pesticide/pdf/iprb\\_151\\_dicamba\\_update\\_weed\\_science.pdf](https://www.oisc.purdue.edu/pesticide/pdf/iprb_151_dicamba_update_weed_science.pdf)

7. **Review of OISC's Enforcement Response Policy for 2017.** The most current revision to OISC's Enforcement Response Policy(ERP), filed annually with U.S. EPA as part of the cooperative enforcement agreement between OISC and EPA, was shared. The ERP has been revised to address the handling of the dicamba drift complaint response, specifically. The ERP is available at [http://www.oisc.purdue.edu/pesticide/pdf/iprb\\_151\\_fy2017\\_enforcement\\_response\\_policy.pdf](http://www.oisc.purdue.edu/pesticide/pdf/iprb_151_fy2017_enforcement_response_policy.pdf).

8. **Rulemaking status of State RUP classification of all dicamba containing agricultural herbicides...review of public hearing comments & final adoption(?)...**The proposed rule being considered for a final IPRB vote follows:

357 IAC 1-17-1

Sec. 1. Pesticide products defined by the following categories or active ingredients are designated and classified as restricted use pesticides in the state of Indiana:

(1) Any pesticide classified by the U.S. Environmental Protection Agency as a restricted use pesticide.

(2) All formulations containing methomyl (Chemical Abstracts Service Reg. No. 16752-77-5).

**(3) Any dicamba containing pesticide product bearing a label indicating the herbicide:**

**(A) contains a dicamba active ingredient concentration greater than or equal to six and one-half percent (6.5%); and**

**(B) is intended for agricultural production uses but:**

**(i) does not also contain 2,4-D as an active ingredient; or**

**(ii) is not labeled solely for use on turf or other nonagricultural use sites.**

Much discussion from the board and the audience was heard regarding changing the status of Dicamba from General Use to Restricted Use Pesticide (RUP). Custom applicators noted the increased use of old labeled dicamba on corn in 2017(legal use) that

may have contributed to some of the increased complaint numbers this season. Record drift complaint numbers in 2017, even without dicamba complaints was also noted. Formal comments submitted through the public hearing process for the proposed rule were overwhelmingly supportive of making all ag dicamba products RUPs in Indiana. Deb Miller, representing the Indiana Wine and Vineyard Association, made a public statement to the IPRB in support of RUP classification and added that actual grape yield and economic losses to her industry, resulting from phenoxy herbicide exposure may not be fully realized for five years or more. Her association would also support RUP classification for other phenoxyes like 2,4-D. They would also support much higher penalties for pesticide misuse violations. Martha Clark-Mettler made the suggestion of replacing the words “bearing a label indicating the herbicide” with the word “that.” The IPRB supported that simplifying revision. A vote was taken to adopt as final this proposed rule. **MOTION**...to approve with suggested simplifying language by Mike Titus and Steve Dlugosz... **VOTE**... unanimous.

- 9. Preparing for dicamba use in 2018...**David Scott shared that no additional regulatory proposals for dicamba products and use beyond RUP classification should be considered for 2018 until results of the 2017 complaint investigations could be analyzed. Complaint analysis is going to take many months to complete. OISC will share complaint processing status with IPRB at the next meeting.

- 10. Next Meeting ...** Scheduled for November 15, 2017