



# INDIANA PESTICIDE REVIEW BOARD

**158th Meeting Minutes**  
**August 7, 2019; 8:58 am – 12:13 pm**  
**Daniel Turf Research and Diagnostic Center**  
**1340 Cherry Lane**  
**West Lafayette, IN 47907**

**Members Present:**

Bob Andrews  
John Bacone  
Bruce Bordelon  
Cyndi Wagner  
Steve Dlugosz  
Rick Foster  
Tim Gibb  
Lee Green  
Jim Hawbaker  
Ron Hellenthal (Chair)  
Stuart Orr  
Scott Robbins  
Jamey Thomas  
Julia Tipton-Hogan  
Mike Titus  
Kevin Underwood

**Ex officio**

David Scott  
Bob Waltz

**Members Absent**

Megan Abraham

- 1. Approval of the meeting agenda...MOTION...** to approve by Steve Dlugosz and Bruce Bordelon; **VOTE...** was unanimous
- 2. Approval of the previous meeting minutes (April 8, 2019). MOTION...** to accept by Mike Titus and Bob Andrews; **VOTE...** was unanimous
- 3. Review of cases involving civil penalties since the last meeting...**  
Scott Robbins – Case 2017/0299 – Restricted Use Product (RUP) case – These cases are often fumigants. The fine structure seems a little lax for RUP dealers selling to an unlicensed person.  
Ron Hellenthal – Are you saying we need larger fines?  
Scott Robbins – Yes.

Ron Hellenthal – This is a concern that is shared by the board. The fines are determined by the legislature and the Board cannot mess around with those without going back to the legislature.

Dave Scott – We will be talking about the enforcement response policy later in the meeting. The hope to change violator behavior though small civil penalties are not effective anymore. Look at how our response policy has changed. Our agency should not be the party to initiate the conversation with the legislatures for the fine adjustment. Might be considered self-serving

Ron Hellenthal– Case 2018-0629- The company is accused of emptying 2000 gallons onto the ground. What happens if we find large scale pesticide dumping into the environment? At what point do we alert other agencies.

George Saxton–This case was sent to us by IDEM.

Cyndi Wagner– Emergency response. That would be the land department. They have a process they follow and contacting OISC is a step in that process.

Dave Scott – If we would have felt that there was a threat to the public, we would have done further investigation and elevated the case higher.

Bob Waltz – We do investigations partnering with the other agencies.

Julia Tipton-Hogan – Case 2018-0853 - We now have a new remedy for bed bugs? Flour? People are victimized and they are just so desperate for help.

Ron Hellenthal – George will you comment on pesticide sold that was unregistered in Indiana. The company insisted that they only sell to Mexico. The manufacturing company was still held accountable for the product being sold in Indiana. How can they still be fined?

George Saxton – We have had this happen before. If a person goes home to China and brings something back with them, then it is not the manufacturer's fault. This case was thru distributors that brought it back into the state. We held the manufacturer accountable for not making sure the distributor did not allow it to come back into the state. Looked at whether they are doing their due diligence to make sure product is not being sold in the states and we felt they had not.

#### **4. Finalizing private citizen appeal of citation & civil penalty process (2018/0589)...**

Bruce Bordelon provided a summary of the hearing held on Tuesday, August 6, 2019. The respondent appealed the case and the IPRB hearing appeal panel included Ron Hellenthal, Tim Gibb and Bruce Bordelon.

Bruce Bordelon – We listened to three witnesses from OISC and the respondent. A neighbor claimed he saw her spraying RTU Roundup plus Poison Ivy Tough Brush Killer. The respondent said she sprayed her part of the property and then used a sickle on the rest. There was reasonable doubt of one of the witness' testimony. There were credibility issues. We have that responsibility to take into consideration the credibility of a witness. One gallon of the product could not spray the entire island.

Ron Hellenthal – The witness said he saw the respondent spraying on someone else's property, and then later on said he had pictures and a video, but he could not produce them. He was not an unbiased witness. He was the one that reported this to the property owner.

Bruce Bordelon - Would have liked to see the sprayer and see if there was any product left in the jug. See if it could actually have sprayed the whole 1000 square feet of the island.

Ron – I want to say how OISC does a great job at the investigations. The recommendation of the panel is that the complaint be dismissed and no fine issued. The full board must make the final decision.

Bob Andrews –It is our duty to support the panel.

**Cyndi Wagner and Bob Andrews made motions to approve the panel's recommendation to set aside the action of the State Chemist. Vote to approve... Unanimous**

**5. Update on request to include IDNR nature preserves into Drift Watch...**

Dave Scott - We have been in contact recently with Drift Watch and know they have been addressing this as a board. They have not finalized decisions on nature preserves and protected areas that are in proximity to pesticide areas. September 24<sup>th</sup> is the next meeting with more discussion and hopefully a finalization answer.

Alisha Kemp – There is not a delay in that we do not want to do it, but Illinois has submitted other restrictions and trying to get the states to be consistent and this is what is taking the time to get the consistency.

**6. Hemp regulation & pesticide acceptable for use on hemp...PowerPoint presentation by Sarah Caffery...**

Sarah Caffery – Right now this presentation is a for your information type of item.

Now there is a connection in Indiana and pesticide usage. Looking for this board to set criteria for pesticide usage on hemp in the future.

Jamey Thomas – The goal is to develop a list of approved product for use on hemp?

Sarah Caffery – Yes.

Dave Scott – Would ideally like to have a list of fully approved Section 3 products. Probably will be a listing of a lot of 25(b) products that EPA does not regulate. 24c is a state label use in your state, but 24c is only for special local need and this is not a special local need, as other states need these regulations also.

[https://www.oisc.purdue.edu/pesticide/iprb/iprb\\_158\\_hemp\\_regs\\_pest\\_use.pdf](https://www.oisc.purdue.edu/pesticide/iprb/iprb_158_hemp_regs_pest_use.pdf)

**7. Changes to state applicator certification & training rules...PowerPoint presentation by Leo Reed...**

Ron – They are asking OISC for new rules to accommodate the changes in the regulations that the federal government has enacted. Is the board in favor of OISC making the proposed changes and moving forward? Each one of these changes has to go thru hearings and processes as regulated for changes by the legislature. Is anyone on the board against OISC presenting us with a set of changes? There was general consensus to have OISC proceed with state rule revision drafting for the next meeting.

[https://www.oisc.purdue.edu/pesticide/iprb/iprb\\_158\\_fed\\_cert\\_rule\\_update.pdf](https://www.oisc.purdue.edu/pesticide/iprb/iprb_158_fed_cert_rule_update.pdf)

**8. Dicamba off-target movement response efforts update...PowerPoint presentation by David Scott ...**

David Scott – This is continuing dialogue and we are not asking for a vote today.

[https://www.oisc.purdue.edu/pesticide/iprb/iprb\\_158\\_dicamba\\_update.pdf](https://www.oisc.purdue.edu/pesticide/iprb/iprb_158_dicamba_update.pdf)

**9. Revised OISC Enforcement Response Policy necessitated by drift & Dicamba...**

PowerPoint presentation by David Scott...

David Scott - Is there anything about the response strategy that in your opinion is askew?

Julia Tipton-Hogan – What kind of education are you giving to get this word out for this new chart?

Dave Scott – Maybe we can get the industries to help get the word out

Bruce Bordelon – we do not have the authority to adjust the fines but we can revoke licenses?

Ron Hellenthal – Yes. The statues allows this

Amy Cornell- I would encourage for you to take up Julia's idea. The trades would be happy to partner with you to get the information out so that we eliminate potential confusion.

[https://www.oisc.purdue.edu/pesticide/iprb/iprb\\_158\\_fy2019\\_pest\\_enf\\_response\\_policy.pdf](https://www.oisc.purdue.edu/pesticide/iprb/iprb_158_fy2019_pest_enf_response_policy.pdf)

**10. Next Meeting...** Scheduled for November 6, 2019 at the William H Daniel Turf Center, 1340 Cherry Lane, West Lafayette, IN 47907