



# INDIANA PESTICIDE REVIEW BOARD

## MINUTES – 143rd MEETING

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

**Date and Time:** June 10, 2015; 9:10 AM-1:06 PM

**Members present:**

Kevin Underwood  
Phil Marshall  
Julia Tipton Hogan  
Tim Gibb  
Bob Andrews  
Michael Titus  
Ronald Hellenthal (Chair)  
Rick Foster  
Bruce Bordelon  
Lee Green  
Cyndi Wagner for Martha Clark Mettler  
Ellen Jacquart  
Phil Marshall

**Ex officio**

Dave Scott  
Fred Whitford

**Members absent:**

Raymond Brinkmeyer  
Greg Campbell  
Steve Dlugosz

**Approval of the meeting agenda:**

-Motion to approve the meeting agenda; Mike Titus & Kevin Underwood; the vote was unanimous.

**Approval of previous meeting minutes:**

- Motion to approve the minutes of the February 26, 2015 meeting; Ellen Jaquart & Bruce Bordelon; the vote was unanimous.

**Review of cases involving civil penalties since the last meeting:**

-OISC advised the Board that OISC had printed the second edition of *The Prosecutor's Guide to Pesticides*. This pamphlet is intended to familiarize local prosecutors with state pesticide laws and regulations. Fertilizer (manure) use and storage provisions have been incorporated.

-The Board noted that it appeared that about 55% of the civil penalties levied by OISC had been forwarded for collection by Purdue or the Attorney General. They asked if a new collection strategy should be explored.

- OISC noted that the figure may be misleading in that many of the civil penalties are collected, albeit late, after successful collection efforts and prior to subsequent licensing application actions.

- The Board asked OISC/Saxton to research penalty revision proposals so that the Board could be prepared if there arose a legislative opportunity to increase penalty levels in the future.

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

-The Board reviewed the history of the recent rule revision process that was entered into by the Board at the request of several industry groups, most notably wood destroying pest inspectors and aerial applicators.

-OISC noted that the revised rule became effective June 8, 2015. OISC already had the revisions posted on their web site and had already begun implementation, with few if any problems.

-The Board noted that this rule revision process had occurred almost as quickly as procedurally possible.

-Home inspection industry spokespersons again thanked the Board and OISC for their willingness to address the issue with such haste.

**Status of federal label registration process for dicamba tolerant crop herbicides:**

-BASF representatives briefed the Board on the status of their federal registration process with EPA. BASF is pursuing a no effect decision on endangered species in a core group of 30-35 states, including Indiana. Label discussions with EPA currently include mandatory spray nozzles and buffer requirements, but no details yet on size of buffers. They anticipate a decision from EPA sometime in the third quarter of this year.

-The Board asked about lower volatility of the newer dicamba formulations (Monsanto *Vapor Grip* and BASF *Inginia*) reported it as somewhat less volatile but still points to drift rather than volatility for the most significant off-target movement.

-BASF will have allowable tank mix options posted on a web site, much like Dow Agro does with *Duo Enlist*.

-BASF does not anticipate any new or different temperature or humidity restrictions.

-The 10 mph maximum wind restriction on the label will apply to gusts.

-BASF and Monsanto identified over 200 non-target crops for development of *Indirect Residue Tolerances* (allowable residues for marketable crops). This may be the first time EPA has allowed for this resulting from anything other than residues from irrigation water.

-Red Gold Tomato and Save Our Crops representative recounted history of expressed concern since 2008, and discussed a February, 2015 meeting with BASF and Monsanto in which there seemed to be agreement that the label should include a requirement that wind must be blowing away from sensitive crops at the time of application. It was pointed out that this does not help homeowners.

-Arkansas established a 400 foot buffer zone around target treatment sites based on concerns for volatility.

- Ammonium sulfate (AMS) additives to spray tank mixes make the dicamba formulation more volatile, but adjuvant manufacturers are working on an alternative to AMS.

-Red Gold is still concerned about the lack of existing tolerances for non-target crops and the potential off-label use of generic dicamba products on these tolerant crops.

-BASF reported that these non-target tolerances probably will not be available at time of federal registration.

-Farmers are concerned about assigning responsibility if the dicamba volatilizes weeks after application. Therefore, request making this product a state restricted use pesticide to force application recordkeeping to help with the damage claims process.

-Dow AgroSciences reported that their technical agreement with users for their *Duo Enlist* product requires recordkeeping even if not an RUP.

- The Board was concerned that regulators would not have access to those records.
- Mississippi and other states may have required application recordkeeping through the FIFRA 24(c) Special Local Need product registration process.
- A honey and grape producer commented that he is registered on DriftWatch, but some surrounding growers have been cooperative and some have not.
- The Board expressed concern about smaller growers suffering damages may not have the resources to pursue the claims process in court.
- Red Gold suggested that they have had good success in reducing damage claims by utilizing DriftWatch.

### **Review and discussion of draft Pollinator Protection Plan for Indiana:**

- The Board opened the discussion by asking if the first draft (5-31-15) of this plan represents a good entry into the process and if there are any obvious missing pieces.
- The current draft is primarily guidance rather than regulatory, as was the case with the pesticide use in schools process.
- We expect no federal funding assistance for development or implementation, but state and federal agencies can use the plan as a guide in developing policies and priorities.
- Should strengthen native pollinator focus.
- Should emphasize the neonicotinoid insecticide issue.
- Should keep the plan general and add specific fleshed out links to it, but some specifics would be helpful.
- Purdue Cooperative Extension Service has proposed an interdisciplinary action team to develop a variety of outreach and educational materials for implementation of the recommendations in the plan.
- Should include a recommendation to make non-treated seed available to growers.
- Should distinguish between need for targeted seed treatments versus universal seed treatments with neonics.
- Should organize differently based on targeted stakeholders (farmer, applicator, homeowner).
- OISC should identify a contact person for all things plan related.
- Should have a mechanism to track and report on all plan elements that are actually occurring.
- Should consider all relevant pesticide active ingredients if the neonics are going to be named.
- Should consider adding a treated seed planting notification/communication process if seed treatment dust at planting is a factor.
- Should include planting equipment recommendations if treated seed dust is an issue.
- Should consider making some of the recommendations/BMPs mandatory.
- Should include a variety of pollinator friendly plant recommendations that are pollinator species specific.
- Should include a reference to the INPAWS list of pollinator friendly plantings.
- Should change 48 hour advance notification to *BeeCheck*<sup>TM</sup> registrants to night before or 24 hours to accommodate variability of weather.
- Should explore options to expand use of *DriftWatch/BeeCheck*.
- Should create a mechanism for beekeepers to learn what pesticides are to be applied to a nearby site.
- Should consider total acres impacted and property manager contact mechanism if adding nature preserves to *DriftWatch/BeeCheck*.
- The seed treatment/planting talc lubricant dust issue is huge among beekeepers.
- Recommend starting with a less restrictive “pollinator awareness zone” size and increase if needed.

-The Board will incorporate comments and suggestions and review the second draft at the next meeting.

#### **Update on pesticide use in child care facilities:**

-Julia Tipton Hogan reported that she had researched this issue with FSSA (Bureau of Child Care) and learned that FSSA had not been actively promoting the guidance BMP and recommendations document developed and adopted by the Board many years ago. FSSA does have a “pest prevention” section buried in a very lengthy health and safety document and most of the Board recommendations could probably be found somewhere spread throughout the document.

-IDEM reported that the IPM policy approach is part of the *5 Star Child Care Guidelines* program at Star level 3, but that this program is voluntary and adoption has been limited.

-The Board discussed if there had been any incidents of pesticide misuse in child care facilities, but agreed there is no database of such incidents.

-ISDH reported that they do get inquiries from child care providers but primarily about control of bedbugs.

-The Board suggested inviting FSSA to a future meeting to discuss approach and possible guidance adoption, but suggested focusing on the high end of the most professional child care providers (early adopters), based on the experience of futility in effectively communicating with many of the others.

-The Board noted that even with a rule and legislative pressure, 100% adoption by schools did not occur, so additional action by the Board at this time would not be pursued.-

#### **Regulatory implications of aerial drone use for pesticide applications**

- This discussion was postponed until the subsequent meeting. The Board asked if the current training manual and exam adequately covered possible drone use. It was suggested to get a feel for where the industry might be headed and to demo a drone at a future meeting.

#### **Next meeting:**

-The next meeting was set for September 9, 2015 at the Daniels Turfgrass Research Center at Purdue University.