



# INDIANA PESTICIDE REVIEW BOARD

## MINUTES – 144th MEETING

### Location of meeting:

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

### Date and Time:

September 9, 2015; 9:10 AM-12:45 PM

### Members present:

Raymond Brinkmeyer  
Phil Marshall  
Julia Tipton Hogan  
Tim Gibb  
Bob Andrews  
Michael Titus  
Ronald Hellenthal (Chair)  
Steve Dlugosz  
Bruce Bordelon  
Lee Green  
Martha Clark Mettler  
Ellen Jacquart

### Ex officio

Dave Scott  
Fred Whitford

### Members absent:

Rick Foster  
Greg Campbell  
Kevin Underwood

### Approval of the meeting agenda:

-Motion to approve the meeting agenda; Tim Gibb & Steve Dlugosz; the vote was unanimous.

### Approval of previous meeting minutes:

- Motion to revise the draft minutes of the June 10, 2015 meeting by deleting the fifth and the eighth bullet items under the child care facility topic and then approve the minutes; Tim Gibb & Mike Titus; the vote was unanimous.

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

-Board asked that case summaries be posted sooner to allow adequate time for Board review prior to meeting.

-Board noted seed treater violations appearing all of a sudden. OISC responded that comprehensive inspections had been conducted whereas that industry had been largely ignored historically. Issues of pollinator protection were partially responsible for prioritization for inspection by OISC.

-Board suggested the following be added to case summaries to improve the utility to regulated industries and the public: 1) add applicator certification category; 2) add type of applicator

(farmer, commercial ag, homeowner/neighbor, lawn & landscape, aerial, right-of-way, seed treater, etc.); 3) report if civil penalty collection efforts had been successful.

### **Evaluation of need to revise rule for storage and containment of bulk disinfectants:**

-Robin Ridgeway, Director of Regulatory Services, Purdue University reported that there are numerous examples of public and private institutions and commercial, and industrial sites (public utilities, hospitals, convention centers, malls, etc.) that may store and use bulk disinfectant pesticides in containers ranging from 25 to 2500 gallons. Many of these facilities may have dikes around the tanks, but very few, if any, have mix/load pads that meet the OISC rule. She requested that Board/OISC consider allowing alternative precautionary technologies to mix/load pads and a petition process where cost or physical site restrictions are a limiting factor to compliance.

-Board comments and discussion included: Why did EPA exempt disinfectants from federal containment rules? Disinfectants are usually not environmentally persistent. What is worst case scenario if there is a release? Distinction between suppliers and users? Pool chemical suppliers have a release every 5 years or so. Relationship to IDEM's above ground storage (AGS) rules. Keep dike requirement but allow alternative to mix/load pad. Universe of non-compliant sites includes folks less-sophisticated about pesticides than typical pesticide operators. Retrofitting existing storage sites could be very costly. Even AGS registry for non-pesticide products met with considerable opposition in legislature. Could quickly overwhelm OISC compliance resource capabilities. Need to hear from all stakeholders before charting course of action. If OISC exempts from regulation do these facilities default to IDEM AGS tank regulation? Need to invite stakeholders to future Board meeting. Need to do an analysis of related rules before we invite industry stakeholders. Whitford, Clark-Mettler, Wagner, Pearson, and Scott will serve as the core group to research and organize further.

- Whitford added a discussion of PPP's publication and training developed for pesticide sprayer clean-out procedures, developed largely in response to the introduction of new 2,4-D/glyphosate and dicamba/glyphosate herbicide products and some of the issues related switching product type loads in season.

### **EPA certification & training proposed rule revision:**

-OISC summarized some issues/concerns with the proposed federal rule for which Indiana would be required to modify state rules and procedures in order to maintain an acceptable state applicator certification program, including: switching from a 5 year certification period/cycle to 3 years; adding a stand-alone soil fumigation category; segregate and track separately core CEUs and category CEUs; require at least half of CEUs be acquired by applicators in last 18 months of recertification cycle; create a new private applicator exam separate from the current core exam.

-OISC is participating on the state agency workgroup drafting state association comments on the rule for submission to EPA by December 23, 2015. OISC will also submit Indiana specific comments to EPA. EPA has seemed receptive to informal state comments to date, but cannot make specific responses or opinions on those comments.

-OISC will post the proposed rule and draft OISC comments.

### **Indiana applicator training and manual update:**

-Andrew Martin of PPP reported on the process used by PPP and OISC to develop and update commercial applicator certification exams and corresponding training manuals in tandem. Category 2, 7a, and 8 manuals and exams have been through the process most recently. Category 1 is under construction. About 1400 category manuals 1300 core manuals have been distributed

in 2015. In 2015 18 core training sessions and 11 category sessions were held. Approximately 2000 trainees attended these sessions.

-Board gave kudos for incorporating important invasive species into the revised Category 2 and 6 manuals. Category 5 manual has sufficient quality to serve as a textbook for aquatic pest control. Learning objectives being added to all of the revised manuals is a great training/learning aid. PPP has accommodated the lawn and landscape industry offering training in conjunction with some of their major scheduled events.

-Cheri Jansen of PPP reported on the process used by PPP and OISC to recertify private applicators (farmers). Attendance at 3 approved PARP trainings over 5 years is required. Improvements to the publicly accessible OISC applicator records database has made tracking progress on training much easier. Fertilizer applicator certification (category 14) has been rolled into the pesticide applicator initial and recertification process and accounts for much of the recent private applicator activity.

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

-Board discussion included: Need to adjust applicator certification or training to accommodate potential drone use? Current category 11 training manual covers at least 90% of what a drone pilot should probably be accountable for. Drone use requires FAA approval and only one known drone approved to date. Commercial ag dealers only dabbling with drones now, but that is limited to scouting, not application. Some seed dealers are using it for scouting. Small payload capacity makes it impractical for row crop spraying at this point. Have been used on a limited basis for mosquito larviciding in swimming pools in New Jersey. FAA regulates commercial use. For now category 11 training and exam seem to be adequate.

### **IDEM groundwater quality monitoring network results, year one:**

-Kevin Spindler, Senior Environmental Manager, IDEM Ground Water Section, reported on the year one results of IDEM's monitoring results. Monitoring began in 2008, includes 2300 samples, 1200 sites, 960 private wells, and 249 public wells. Phase 1 included 2008-2012. Network redesigned in 2013 to focus on ambient water. 146,000 statewide wells, 240 different hydro-geologic settings, Twenty different representative settings. 398 samples in year one. 87% had no detects above EPA MCL. Arsenic (38) and nitrate (43) had most hits above MCL. Only 1 atrazine detection above MCL in Dubois Co. Some pesticide degradates in 68 samples. None above MCL. Metolachlor ESA was highest at 7.8 ppb. 20 year one samples left to analyze. Looking to expand scope to include popular fungicides. Data is available upon request.

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

-The plan is a framework for who will be doing what activities. Will IBAT be seeking feedback as part of their BMP development process? Need to be clear on any differences for managed bees versus non-managed bees. Need to identify any time limited issues in the plan. Need to clarify the 48 hour versus 24 hour advance pesticide application communication with beekeeper issue. Need to identify a clearinghouse and reporting mechanism to help chart progress/completion of any pro-pollinator activities identified in the plan. Consider Clear Choices Clean Water web site as a model for this <http://indiana.clearchoicescleanwater.org/>.

### **Next meeting:**

-The next meeting was set for January 14, 2016 at the Daniels Turfgrass Research Center at Purdue University.