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Legislation Pending to Change Ohio Pesticide Law

The Ohio Department of Agriculture (ODA) is considering changes in the Ohio pesticide law to amend the definitions of direct supervision and trained servicemen. The changes, if passed, will mostly affect commercial pesticide applicators and public operators (applicators employed by counties, townships, school districts, etc.).

ODA is considering moving to a universal licensing requirement which means that most pesticide applications could only be made by the licensed applicator. This would change the definition of a "trained serviceman."

As of this printing, the legislation has not been introduced, so the complete details have not been determined. If passed, the new regulation would not go into effect until 2003. We will keep you posted.

U.S. Senate Passes Amendment for IPM in Schools

On June 19, the U.S. Senate passed the School Environment Protection Amendment. The amendment requires universal notification of parents three times a year to update them on the pest management program in their school, including progress reports and schedules of pesticide applications. Parents will have the option of signing up for a registry to receive at least 24-hour notification prior to any pesticide application.

Each state will be required to develop a school pest management plan that will be submitted to EPA for approval. Each local educational agency will be required to implement a school pest management policy which incorporates integrated pest

management (IPM). Schools will also have to post signs 24 hours prior to a pesticide application and remain posted for 24 hours. Record keeping of pesticide use and disclosure will also be required.

The amendment will be included as part of the Elementary and Secondary Education Authorization Bill. According to Sen. Robert G. Torricelli's (D-N.J.) office, the bill has passed both the U.S. Senate and the House of Representatives and awaits final consideration by a conference committee.

However, the Administration may have a different view of the School Environment Protection Amendment. According to the June 11 issue of the Pesticide & Toxic Chemical News, EPA Administrator Christie Whitman sent a letter in early June to Sen. Richard Lugar (R-Ind.), former Senate Agriculture Committee chair, that no additional legislative authority is required in order to promote IPM in the nation's schools. "We believe current federal authorities, which include a combination of rigorous scientific and regulatory review under FQPA, as well as voluntary partnerships to promote IPM, are adequate to provide a safe school environment for children, and therefore additional legislative authority is unnecessary," wrote Whitman.

CCA Debate Heats Up

EPA is fast-tracking the children's exposure review of chromated copper arsenate (CCA) used for treating wood. Wood treated with CCA is widely used in the United States by do-it-yourselfers and is also a common material in playgrounds, backyard decks, fence posts, etc. CCA has been blamed for increased arsenic levels in soils in some Florida playgrounds and recreational areas. Several of the areas have been closed and a class-action suit filed against nine companies who do business in treated wood in Florida.

Environmental and consumer groups have urged EPA to cancel registration of CCA to avoid exposure for children around treated wood. EPA has met with representatives of the industry to discuss improvements to the current voluntary consumer awareness program (CAP). EPA expects to complete the children's exposure portion of its ongoing review of CCA by the end of June. (Pesticide & Toxic Chemical News, June 4, 2001; page 4, May 14, 2001, page 9)

Seed Treatment Study Materials

The study materials for the Seed Treatment (category 2d for commercial applicators) have been updated. An old fact sheet developed in Georgia has been replaced with OSU Bulletin 638, Seed Treatment, and OSU Bulletin 639-98, Seed Treatment for Agronomic Crops. Check it out on our website at www.ag.ohio-state.edu/~pested. Click on commercial applicator, then choose study materials.

New Agent Corner - FQPA and Product Cancellations

Lately, several pesticides have been cancelled for lawn, homes and food uses. Many of these cancellations are a direct result of the Food Quality and Protection Act (FQPA). The FQPA establishes new standards the EPA uses in reviewing pesticides. Passed in 1996, the law establishes a new standard for pesticide residues in all foods. Key considerations in evaluating risks of pesticides are:

- Consideration of all non-occupational sources of exposure, including drinking water.
- Consideration of exposure to other similar pesticides, such as evaluating all organophosphate exposures together.
- Special considerations are given to infants and children, with an additional safety factor of up to ten-fold (10x).

Because of the consideration of children and non-occupational sources of exposure, pesticides used in areas accessible to children have been scrutinized. This would include home lawns and gardens, schoolyards, parks, etc. During the review process, consideration is also given where there may be the potential for residue on food products. Other considerations include:

- Tolerance re-evaluation requires all existing tolerances be reviewed within ten years to meet the requirements of the new health-based safety standard.
- Potential endocrine disruption is to be part of the testing, with chemical manufacturers required to provide data on potential endocrine effects of their product. This focus includes how the pesticide may affect hormonal activities in humans.
- Enhanced enforcement allows the Food and Drug Administration to impose civil penalties for tolerance violations.

Most of the cancellations have been "voluntary," with EPA and the manufacturers reaching an agreement on the application sites for which the product will be licensed. While a product may be no longer available for use in homes and lawns, it may still be registered for some agricultural purposes. The active ingredients that have been cancelled for several home, lawn and garden uses through FQPA include: chlorpyrifos, diazinon and methoxychlor. EPA is working on reviewing more pesticides.

Why Is It Being Cancelled?

With the recent number of pesticide registrations being cancelled for home, lawn and garden use, you may be receiving questions from consumers and the media. Following is some information that may be helpful when that reporter corners you:

Why do we need pesticides?

Pesticides reduce hazards such as thistles, hornets, ticks, fleas and allergens that could be harmful to children and pets in lawn areas.

Why are these products being cancelled?

In recent years, there have been newer, safer alternatives developed which are widely available and the older chemistry is being voluntarily phased out (as chemicals go through the re-registration process under the Food Quality and Protection Act's stricter standards).

Should homeowners throw away what they have?

The safest method for the environment is for homeowners to use the older products according to the label directions rather than sending the pesticide to a landfill.

What can consumers do to protect their families?

Most pesticide poisonings are a result of children and pets getting into stored product. We remind homeowners to protect children and pets by: - keeping all pesticides stored in a locked cabinet - always keeping pesticides in original containers; never store in unmarked or food containers - always read and follow label directions, especially any warning statements and be sure to keep children and pets out of treated areas for the recommended time

Media tips - - keep it short, keep it simple and smile, smile, smile