

PEP-Talk, March, 2011

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BEAL NAMED CHIEF OF PLANT INDUSTRY

Matt Beal has been named the Chief of Plant Industry at the Ohio Department of Agriculture. Beal was formerly the acting chief and administrator of the pesticide/fertilizer section. We congratulate Matt in his new position.

NPDES UPDATE

EPA has requested an extension from the court to allow more time for the National Pollution Discharge Elimination System (NPDES) permit requirement for pesticide applications. The permit is in response to a court ruling that the Clean Water Act requires a permit for registered pesticides that are applied to water. Prior, these registered pesticides were under the Federal Insecticide, Rodenticide and Fungicide Act (FIFRA). EPA has requested that the permit deadline be extended from April 9, 2011 to October 31, 2011.

Meanwhile, a bipartisan bill, HR 872 (Reducing Regulator Burdens Act of 2011), was introduced to the House on March 1. The legislation would eliminate the requirements of a NPDES permit for the use of a FIFRA-registered pesticide product by amending FIFRA and the Clean Water Act to clarify congressional intent.

(Source: EPA Office of Wastewater Management, Delta Farm Press, March 4, 2011)

COMMENT PERIOD OPEN FOR WEB-DISTRIBUTED LABELING

EPA is seeking comments on whether to continue consideration of a web-distributed labeling program. This new initiative would require pesticide applicators to use the internet to obtain pesticide labels for the products they use. EPA is working on the project

to replace the paper-based system which they predict will produce simplified labels that are easier for applicators to read.

The pesticide container would have a label with only the basic ingredient and safety information. All crop uses and use directions would have to be accessed through the web-based system. If applicators do not have access to the internet, they would have to obtain the labels through their dealer or by calling a toll-free number to have the labels mailed.

Several industry and commodity groups have voiced their concerns with the web-distributed labeling and contend that it will not increase access to information and improve reading and understanding of labels. The groups point out the registrants, distributors, applicators and customers are not asking for this option and that implementing this method would be costly for EPA.

The comment period about implementing this web-distributed labeling is open until March 29. To submit comments, go to: <http://edocket.access.gpo.gov/2010/2010-32036.htm>. The pilot website to try out the system is available at: <http://wdlprogram.com>. EPA's assessment of the program is available at: <http://www.epa.gov/pesticides/regulating/labels/distribution/>. (Chemically Speaking, University of Florida Extension, February, 2011; OSU Extension PEP-Talk, Jan. 2011)

INDUSTRY WINS MISBRANDING ACTION RULING

A federal court has ruled that EPA cannot use a misbranding action as means to cancel a pesticide product. The lawsuit was brought by a rodenticide manufacturer after EPA threatened to cancel the registration for the product if the manufacturer did not comply with the May 2008 risk mitigation decision.

The manufacturer maintained that EPA was using misbranding action to circumvent the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) section which details procedures that must be followed to cancel a product. The court agreed that if Congress had specified the steps that must be taken to cancel a product, EPA was required to follow cancellation process provided for in the statute.

The case is of interest to industry people who are concerned EPA's decision to revoke all tolerances of carbofuran instead of conducting the cancellation procedures detailed in FIFRA. The industry has requested a hearing regarding the carbofuran decision by EPA. (Source: Pesticide & Chemical Policy, Feb. 4, 2011)

ILLINOIS IMPLEMENTS RESTRICTIONS ON TURF PHOSPHORUS APPLICATIONS

Last summer, Illinois began restricting phosphorus applications to turf. The new law, signed by the governor in July, prohibits lawn care services from applying phosphorus fertilizer on residential lawns unless the lawn is new or a recently conducted soil test

indicates a phosphorus deficiency. Fertilizer also cannot be applied to lawns that are frozen or already saturated.

The law also contains restrictions on fertilizer applications near bodies of water. For more information, go to: <http://www.agr.state.il.us/newsrels/r0703101.html>.

(Source: Illinois Department of Agriculture; Branham, B., Illinois Pesticide Review, University of Illinois Extension, January/February 2011)

REPORT SHOWS DECLINE IN PESTICIDE USE

EPA has released the Pesticide Industry Sales and Usage Market Estimates for 2006 and 2007. Overall, the total pounds of U.S. pesticide used have declined eight percent from 2000 to 2007. Other highlights include the use of conventional pesticides which decreased by three percent from 2002 to 2007 and organophosphate insecticide usage declined 63 percent from 2000 to 2007.

Herbicides remained the most widely used type of pesticide in the agricultural, home and garden, industrial, commercial and governmental market sectors. More information about the report is available at: <http://www.epa.gov/opp00001/pestsales/>.

(Source: EPA Office of Pesticide Programs)

FEWER PESTICIDE INCIDENTS IN AGRICULTURE

In 2008, San Joaquin County in California had the fewest pesticide illnesses reported since 2000. There were 22 incidents in 2008 which was down from 58 such reports in 2007. Statewide in California, there was a 14 percent drop in pesticide illness cases in 2008 compared to the previous year. In Oregon, most recent pesticide poisoning reports were non-agriculture related. More than two-thirds of reported harmful exposures happened in the home with 22 percent of those being pesticides to control weeds, bacteria, rodents, birds or deer.

(Source: Chemically Speaking, University of Florida Extension, January 2011)

INDICTMENTS IN UTAH FUMIGATION DEATHS

The pest control applicator and the company that employed him have been indicted by a federal grand jury for three counts of unlawful use of a registered pesticide. Too much fumigant was applied too close to a home in Layton, Utah, which led to the death of a 4-year-old and 15-month-old. The applicator is also awaiting trial for negligent homicide in the case.

(Source: The Salt Lake Tribune, February 3, 2011)

PESTICIDE CROP WATCH

REVIEW SCHEDULE FOR PESTICIDE REGISTRATIONS

EPA has established a schedule for reviewing current pesticide registrations. The review schedule is through 2014. To see the schedule, go to:

http://www.epa.gov/opsrrd1/registration_review/schedule.htm.

UPCOMING EVENTS

More information about these events at: <http://pested.osu.edu>.

2011 PESTICIDE SAFETY TRAINING (NEW APPLICATORS)

All classes taught at the Ohio Department of Agriculture, Reynoldsburg
Categories covered: Core (commercial & private), Commercial 8, 5, 6c, 2c
March 30, 2011
April 20, 2011
May 18, 2011
August 24, 2011
September 28, 2011

WOOD-DESTROYING INSECT INSPECTION TRAINING

All classes taught at the Ohio Department of Agriculture, Reynoldsburg
Mandatory training for Commercial Category 12
March 31, 2011
September 14, 2011

OSU EXTENSION EDUCATOR INSERVICE

December 7 & 8, 2011, Ohio 4-H Center, Columbus OSU Campus

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