

PEP-Talk, May, 2001

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Phase-Out of Benomyl Announced

Dupont announced last week that it will discontinue manufacturing of benomyl, a widely-used fungicide marketed as Benlate. The company expects to phase out distribution and sales of all benomyl products by the end of 2002. Benomyl is approved for use on about 70 fruit, nut, vegetable and field crops. No residential uses are approved.

The action was voluntary on DuPont's part, who cited global market conditions and other factors as reasons for the phase out. The company has recently announced restructuring to improve the overall competitiveness of its agriculture businesses.

Aquatic Herbicide Ruling - Court rules that Clean Water Act permit required for herbicide use

A federal appeals court in San Francisco has ruled that a municipal agency should have obtained a Clean Water Act (CWA) permit before applying an aquatic herbicide to an irrigation canal in Oregon.

This court case highlights the growing conflict between the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and the CWA. This decision marks the first time that the water law has out-muscled the pesticide law. FIFRA allows the use of chemicals to control pests and weeds if the benefits of their use outweigh their risks.

The case surrounds the application of acrolein for weed control to an irrigation canal in Oregon, which is used for irrigation purposes. A faulty headgate caused water to be released before the six day wait period identified on the label. Several thousand juvenile steelhead were killed in a nearby creek.

Unlike other laws and statutes, the CWA does not contain language exempting pesticides. The exemption usually says when a pesticide is applied according to the label, it is not a toxic waste or pollutant. The decision raises serious questions about the future of aquatic-pesticide regulation. While FIFRA is intended to limit the health and ecological risks from pesticide use, the CWA is designed to eliminate toxic discharges in toxic amounts to U.S. waters. If the toxicity of a discharge falls below this statutory threshold, EPA requires a National Pollutant Discharge Elimination System (NPDES) permit allowing its release to water. The case has been appealed. *Source: Pesticide & Toxic Chemical News, April 2, 2001, Volume 29, Number 23*

E-Commerce

Do you know applicators who are trying to save money by buying pesticides over the internet? They need to take notice, or they may end up with a headache bigger than their credit card bill.

Only pesticide products that are registered by the Ohio Department of Agriculture (ODA) can be used by Ohio growers. The grower would be liable for any products used but not registered with ODA. Also, applicators must be aware that it is illegal to purchase canceled or otherwise unregistered pesticides over the internet.

Drift Language for Labels

EPA is expected to issue a draft proposed rulemaking notice which will recommend general spray-drift language for all labels, but will not initially require buffer zones. This is according to an industry Spray Drift Task Force.

The task force encouraged the product label to state that minimizing spray drift at the application site is the responsibility of the applicator, but EPA is expected to use language that says, "Do not allow this product to drift."

The label may identify sensitive areas, while leaving the decision of buffer areas or other methods to avoid drift to the discretion of the applicator. *Source: Pesticide & Toxic Chemical News, April 9, 2001, Volume 29, Number 24*

Read the Label First!

Just a reminder that the EPA and its Consumer Labeling Initiative partners have developed a consumer focused public relations campaign to encourage safe use of pesticides for homeowners. Started in 2000, the campaign includes posters, brochures, clip art and articles usable for media releases.

At the Pesticide Education Program office, we have a stock of brochures and posters available for you to use at fair displays or other places where consumers will be picking up materials. Contact us at (614) 292-4070 for more information.

The Read the Label First! campaign is an important tool in pesticide safety and training. Children have a great risk of being exposed to pesticides through improper storage or application in their home environment. Encouraging consumers to follow the directions and storage safety on the label will help protect children from unnecessary exposure. For more information about the campaign and to order materials directly, visit www.epa.gov/oppt/labeling/campaign.htm

PAT Calendar of Events

- November 20, 2001 - Cleveland PAT Commercial Applicator Recertification School
- December 13, 2001 - Dayton PAT Commercial Applicator Recertification School
- January 8, 2002 - PAT New Agent Inservice
- January 9-10, 2002 - PAT Agent Inservice, Holiday Inn on the Lane, Columbus
- January 16, 2002 - Perrysburg PAT Commercial Applicator Recertification School
- January 30, 2002 - Columbus PAT Commercial Applicator Recertification School