



# PEP-TALK

## OSU Pesticide Education Programs

Vol 1 Issue 14 November 1996



### Included In This Issue...

- I. Picture the Damage!
- II. EPA Must Disclose Inert Ingredients
- III. Consumers Union and IPM
- IV. WPS and Greenhouse Labeling
- V. Greenpeace Argues Against Genetically Modified Food
- VI. Chemical and Label Update
- VII. Limited Nationwide Recall of Adulterated ORTHO  
Diazinon
- VIII. Pet Pesticide Product Label Statements
- IX. Drift, Drift and More Drift: Courts Say You Spray,  
You Pay
- X. Psst...

### Picture The Damage!

Plant damage diagnosticians, grounds managers, agrichemical specialists, horticulturists, weed scientists, insurance claim adjusters, and others now have a resource available to aid in assessing herbicide damage on 21 landscape ornamentals. *Picture The Damage!* Is a photo CD of more than 500 images of foliar damage caused by misapplication of herbicides to trees, shrubs, ground covers, and herbaceous perennials. Diagnosis of plant damage is possible simply by selecting the plant you want to see, then choosing the herbicide you suspect caused the damage. If the picture doesn't match the damage on your plant, it's easy to go back to the main menu for another try. Contact the OSU PAT office or Dr. Mike Dana, (317) 494-5923, for additional information.  
(The Label, October 1996)

### EPA To Disclose Inerts

#### EPA MUST DISCLOSE INERT INGREDIENTS

A federal court judge has ruled that EPA must provide the Northwest Coalition for Alternatives to Pesticides and the National Coalition Against the Misuse of Pesticides with a list of all inert ingredients in Aatrex 80W, Roundup and Velpar, and some of the inerts in Weedone-LV4, Garlon 3A and Tordon 101. The American Crop Protection Association joined EPA in the suit arguing that the Freedom of Information Act "protects trade secrets and commercial or financial information obtained from a person that are privileged and confidential."

The environmental groups cited a memoranda issued by President Bill Clinton and Attorney General Janet Reno, ascertaining that the new information "broadened federal agencies' obligations to disclose information."  
(P&T News, October 23, 1996)

### Consumers Union & IPM

*Pest Management at the Crossroads* is a new book published by Consumers Union that calls for sweeping changes to encourage IPM. The author states "While pesticide use has risen since the early 1970's, crop losses to pests have not declined. Not only do chemical methods of pest control not work as well as they should, they pose substantial ecological and economic risks. What's needed to get off this treadmill is a quicker shift to safer, ecologically sounder and more cost-effective IPM methods."

The author is Charles Benbrook, former executive director of the National Academy of Science's Board on Agriculture. He calls for "High IPM" to be "driven primarily by market forces"...only becoming status quo "when it becomes more profitable for pest managers to control pests through IPM." Many recommendations are included as well as a goal of reducing pesticide use by 75% by the year 2025.  
(P&T News, October 23, 1996)

## WPS & Greenhouse

### WPS AND GREENHOUSE LABELING WPS

Over a year ago, a question regarding labeling of Greenhouse products arose. The question was whether or not pesticidal products to be used in greenhouses needed the words "Greenhouse Use" on the label even if the actual site was already labeled. The concern was that some greenhouse applicators may escape WPS compliance by using "homeowner" products which lack WPS labeling but have the plant and pest sites listed. EPA Region 5 believes that "Greenhouse Use" must be on the label for legal use within greenhouses. This interpretation generated much discussion. Some States consider it a misuse if home use products were used within greenhouses, while other States believed that this was fine as long as the site (plant) was listed on the label.

Eventually, the question landed at the EPA Registration Division (RD). RD informed the regions that it has decided to draft a new PRN (Pesticide Registration Notice) Requiring registrants to amend their labels to reflect "greenhouse use" if indeed they wish their products to be used within these environments. This would also require full WPS labeling as well and possibly the submission of new data to support the use. RD estimates that this may require some 3,000 label amendments. This greenhouse PRN will be shared with the States for comment in the future.

Bob Wulforst at ODA and Joanne Kick-Raack at OSU both feel that the proposed PRN may result in further limiting the number of products available to greenhouse growers. (E-Mail Don Baumgartner EPA, April 19, 1996)

## Greenpeace & Genetics

### GREENPEACE ARGUES AGAINST GENETICALLY MODIFIED FOOD

Greenpeace is against using foods that are genetically modified and they are campaigning against Monsanto's Roundup-Ready soybeans and Ciba's corn that will hit global markets this fall. Greenpeace maintains that Monsanto has "no real idea of the environmental consequence," of these genetically modified foods and they want food processors to separate genetically engineered food from other crops.

Norway informed the US embassy that they "would not sell soy products from the U.S. unless genetically altered ones are clearly identified." Approximately one-quarter of the American soybean harvest is exported to Europe.

In Australia, Japan and the U.S., genetically engineered corn and soybeans have been approved and the countries state that the crops "pose no environmental or health threats." Company

representatives highlight that the products are "good for sustainable agriculture and lead to lower pesticide use." (P&T News, October 23, 1996)

## Chemical & Label Update

The following information provides registration status of particular pesticides and should not be considered as pesticide recommendations by OSU Extension.

### LIVESTOCK

**Trichlorfon (Dylox)--Bayer--** Bayer plans to delete Livestock uses from their labels due to the cost of reregistration. They will maintain the uses of this insecticide on farm premises, ornamentals, and nonagricultural sites. Bayer will also be maintaining the tolerances for meat and associated products to allow the import of meat products treated with trichlorfon outside the US. (NAPIAP, USDA September 16, 1996.)

### ORNAMENTAL

#### Cut-Roses -- Request for Exception to WPS

Roses, Inc. a rose-grower association, has requested an exception to the WPS to allow workers to harvest roses by hand before restricted entry intervals (REIs) have expired. The exception request covers all cut-rose production in greenhouses across the United States and all pesticide products registered for use on roses. A previous exception for this industry, granted on June 10, 1994, expired on June 10, 1996. Roses, Inc. has stated that, without such an exception, the cut-rose industry cannot survive economically. Comments, data, or evidence in response to this notice must be received on or before November 29, 1996. (Federal Register, October 30, 1996)

## Recall of ORTHO

### LIMITED NATIONWIDE RECALL OF ADULTERATED ORTHO DIAZINON

EPA Region 9 recently received information from The Solaris Group (a Division of Monsanto), that they have initiated a voluntary limited nationwide recall of ORTHO Diazinon Plus Insect Spray because it was not properly formulated during the May 3 and 6, 1996, production runs. 44,160 pints of the product were adulterated in that the product lacked the emulsifier ingredient listed in the product's certified statement of formula. The product is in green one pint plastic containers.

The adulterated product visibly separates when mixed with water, potentially resulting in uneven applications and over-tolerance residues on fruits and vegetables. In its press

release of October 24, 1996, Solaris instructs consumers who have questions to call the ORTHO Consumer Hotline at 1-800-225-2883.

Should you have any questions, please contact Marcy Katzin, Region 9, at (415) 744-1097 for a copy of the label and the press release issued by Solaris.  
(E-mail, John Ward EPA, October 31, 1996)

## Pet Pesticide Labels

### PET PESTICIDE PRODUCT LABEL STATEMENTS

The Environmental Protection Agency (the Agency) has received reports of adverse reactions due to the application of various types of pesticide products registered for use on dogs and/or cats. While most of the reports involve exposure to cats, some involve exposure to dogs and humans. Many of the reports appear to be the result of product misuse or accidental exposure to animals. More specifically, some animal and human adverse reactions appear to be due to overdose or repeated applications at too frequent intervals, or simultaneous application of multiple pesticide products to pets and their environment.

In the future, EPA will require the following types of statements to be included on labels for all end-use pesticide products in addition to statements that are currently required on labels.

1. **Direct User to Read Entire Label Before Each Use.**
2. **Clearly Indicate Registered Species.** "Use only on (dogs, cats...)" or "Do not use on (specific breed)."
3. **Clarify Reapplication Limitation.** To be product specific.
4. **Clearly Indicate Minimum Age Of Animals.**
5. **Include Statement Concerning Debilitated, Aged, Pregnant or Nursing Animals.**
6. **Include Adverse Reaction Information.**
7. **Include Information for Medicated Animals.**
8. **Include A Statement Pertaining to Cholinesterase Inhibitors.**
9. **Replace The Label Section Header "Statement of Practical Treatment" With The Header "First Aid."**
10. **Include Telephone Number on Label for Animal Poison Control Center, or other emergency telephone number.**

The Agency believes that the statements outlined in this notice should reduce adverse effects to pets and humans. All products released for shipment by registrants after October 1, 1998 should bear labeling that is consistent with this notice. After these dates, the Agency may either issue a notice of Intent to Cancel or bring enforcement action against products not bearing the necessary labeling.

If you have questions regarding this notice, contact the Labeling Unit (703-308-8641).  
(Pesticide Regulation (PR) Notice, Stephen L. Johnson, Director October 1, 1996)

## Drift, Drift and Drift

### DRIFT, DRIFT AND MORE DRIFT: COURTS SAY YOU SPRAY, YOU PAY

One day a farmer contacted his commercial agricultural pesticide applicator to spray 2,4-D and Atrazine on his crop. The farmer warned the applicator that his next-door neighbors from the city had a garden and lots of fruit trees.

These were neighbors who had moved to the country to enjoy the peace and quiet. All around them were scenic farms. Returning home, the neighbors discovered that their orchard and garden were severely damaged. The sister-in-law who had been home stated that the field had been sprayed and that the smell of the spray was so strong she'd had to close windows.

The neighbors exercised their legal rights and took both the farmer and the commercial applicator to court. The farmer's lawyer argued that his client should not be part of the lawsuit because he had nothing to do with the herbicide application. He argued that the commercial applicator was an independent contractor and that, as such, he alone was responsible for the drift and any damage it caused. The neighbors' lawyer argued that the farmer was partially responsible because the use of a ground boom to apply herbicides is an abnormally dangerous activity, and that the act of spraying carries a high likelihood of chemical trespass. However, the court indicated that the commercial applicator's being an independent contractor did not necessarily absolve the farmer from responsibility. The court said that parties engaged in inherently dangerous activities cannot insulate themselves from responsibility, so a determination was needed as to whether the farmer was engaged in an inherently dangerous activity.

The following criteria were used by the court to determine whether the act of spraying herbicide with a ground boom was abnormally dangerous:

- \*Existence of a high degree of risk of some harm to the person, land, or chattels of others
- \*Likelihood that the harm that results from it will be great
- \*Inability to eliminate risk by the exercise of reasonable care
- \*Extent to which the activity is not a matter of common usage
- \*Inappropriateness of the activity to the place where it is carried on
- \*Extent to which its value to the community is outweighed by its dangerous attributes

The court in this instance ruled that ground-based application of herbicides in rural and agricultural environments is not abnormally dangerous. The court also placed the responsibility on the commercial pesticide applicator because he was, in fact, licensed by the state to apply chemicals. Other than arranging with the applicator to have his field sprayed, the court ruled that the farmer "did not otherwise act" in the spraying operation. The court ruled that the neighbors' claim against the farmer should be thrown out of court. So who was left holding the bag? The commercial applicator.  
(Reprinted from The Label, October 1996)

## Psst...

PAT's first commercial applicator recertification school is on the horizon. The school will be on **November 26, 1996** in Cleveland. If you will be needing proceedings manuals for the coming year, reserve them now at \$2.00 per copy. Contact June Allen.

Another date to mark on your calendar is the **Agent In-Service on January 8-9, 1997** at the Fawcett Center in Columbus. Agents will receive a registration form soon.

Camille Roush-Kopczewski  
Editor, Extension Associate  
Pesticide Applicator Training  
E-mail:  
roush-kopczewski.16@osu.edu

Joanne Kick-Raack  
Coordinator  
Pesticide Applicator Training  
E-mail:  
kick-raack.1@osu.edu

Pesticide Applicator Training Office  
Rm. 249 Howlett Hall  
2001 Fyffe Ct.  
Columbus, OH 43210-1096  
Phone: (614)292-4070  
Fax:(614)292-3505