

## **PEP-Talk, September, 2005**

Pesticide Education Program  
Ohio State University Extension  
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### **New Educator Inservice**

Feeling lost in the sea of Pesticide Applicator Training (PAT)? A half-day inservice is being planned for November 17 for new agriculture and natural resources extension educators to help prepare them for the upcoming pesticide training season. However, any educator or program assistant interested in reviewing the processes and requirements to conduct PAT programs is welcome to attend.

We will be covering the basic requirements for a pesticide license and recertification credits, how to apply for recertification credits and how to conduct training for private applicators. Diana Roll, Ohio Department of Agriculture, will be on hand to address educator questions and issues. Please contact Joanne at [kick-raack.1@osu.edu](mailto:kick-raack.1@osu.edu) or Cindy at [folck.2@osu.edu](mailto:folck.2@osu.edu) to register. There is no charge for this session.

### **Commercial New Applicator School**

Commercial applicators can attend a school designed to help them prepare for the licensing exam. The school will be held on October 11 at the Ohio Department of Agriculture in Reynoldsburg. The

morning session will begin at 9:00 a.m. and focus on the core exam.

### **WPS Videos Available On Web**

Video for Worker Protection Safety Training are available on the North Dakota Extension site. These videos can be viewed over the internet with a high speed connection. Growers who need a videotape copy for their worker protection training can order a videotape through Gempler's (<http://www.gemplers.com>).

Other Worker Protection Standard (WPS) information is available on the OSU Pesticide Education Program website at <http://pested.osu.edu> . Follow the information link for "Agent Information." Included is a WPS inspection checklist, an article with an overview of WPS and links to the EPA website. An updated "How to Comply" manual is scheduled to be released by EPA by winter.

Growers who are required to follow the WPS are farmers who employ workers other than immediate family who are working in crops that have had pesticides with WPS labeling applied within the last 30 days.

### **Court Case Involving PPE**

A controversial court case involving pesticide labels is making its way through the federal courts. The case, "Wuebker vs. Wilbur-Ellis Co." involves a farmer who used Agrox Premiere as a hopper-box seed treatment.

According to Pesticides & Toxic Chemical News, the farmer "argued that the product is defective because it is the same color as the soil where they live so it is impossible for someone to discern if they have the product or soil on their skin." The suit claims the manufacturer had a defective design, breach of implied warranty of fitness for a particular use, break of implied warranty of merchantability and recklessness." According to the suit, the farmer became sick as a result of using the product. The U.S. Court of Appeals for the 8th Circuit, ruled in favor of the farmer, a reversal

of an earlier court decision. The case has been sent back for further review in the lower courts.

Wilbur-Ellis Co., the manufacturer of the product, had argued that the farmer did not follow label instructions that required the usage of personal protective equipment while using the product. After the ruling, CropLife America issued a statement that they were “gravely disappointed” that a court ruled in favor of a grower who ignored the label instructions. The CropLife America spokesperson noted that the pesticide label was developed specifically by the manufacturer and approved by the U.S. EPA as guidance for the safe and effective use of the product.

This ruling continues the controversy of the preemption of FIFRA (Federal Insecticide, Fungicide and Rodenticide Act). Early this year, the Supreme Court ruled that 29 peanut farmers in Texas could proceed with their lawsuit against Dow AgroSciences. The farmers claim that Dow failed to warn of possible crop damage risks of Strongarm, a herbicide used by the farmers in 2000. A lower court dismissed the farmers’ claim, reasoning that federal law bars states from imposing labeling requirements on pesticides other than those set by EPA. The Supreme Court decision opinion said the farmers’ claims could also involve questions of whether the product or manufacturing was defective.

*(Sources: EPA Office of Pesticide Programs Update, August 25, 2005; Pesticide & Toxic Chemical News, Vol. 33, No. 44; EPA Office of Pesticide Programs Update, April 25, 2005.)*

### **Ohio Legislation Passed Regarding Fertilizer and Seed**

Counties, townships, towns and other political subdivisions in Ohio will not be able to enact or regulate legislations dealing with fertilizer or seed. This includes registration, packaging, labeling, transportation or distribution. The legislation was part of HB 66 (the Budget Bill) that was recently signed by Governor Taft. *(Ohio AgriBusiness Association, July 17, 2005)*

### **Pesticide Crop Watch**

## **HERBICIDES**

2, 4-D – EPA has released the reregistration eligibility decision (RED) for 2, 4-D. A common phenoxy herbicide used to control broadleaf weeds, 2, 4-D widely-used herbicide in agricultural and non-agricultural uses. EPA found no acute dietary (food risks) with 2, 4-D, but did have drinking water concerns with the chemical along with some concern for birds and some terrestrial mammals. EPA did not find any occupational risks to workers using 2, 4-D. The RED closes a 17-year investigation by EPA to any possible risks posed by the herbicide. EPA has determined that all products containing 2,4-D as the active ingredient are eligible for reregistration, with some changes to the label that reflect areas of concern. More information is available at:<http://www.epa.gov/oppsrrd1/reregistration/24d/>

DCPA (dacthal) – Some uses for DCPA have been terminated, including alfalfa, beans, chestnuts (soil treatment and nursery stock), crabapples (soil treatment and nursery stock), cucumber, eggplant, kale, peas, pepper, potatoes, residential uses (turf and ornamentals), squash (including pumpkins), sweet potatoes, walnuts (non-bearing and nursery stock). More information is available at:<http://www.epa.gov/oppsrrd1/reregistration/dcpa/>

*(Source for Pesticide Crop Watch: EPA Office of Pesticide Programs Update, August 3, 2005.)*

## **Upcoming Events**

### **Wood Destroying Insect Inspection**

September 28, 2005

9:00 a.m. – 4:00 p.m.

Taught at ODA in Reynoldsburg

Meets mandatory training requirement for Wood –Destroying Insect Inspection License

### **Commercial New Applicator Schools**

October 11, 2005

9:00 a.m. – 4:00 p.m.

Taught at ODA in Reynoldsburg  
Registration information at <http://pested.osu.edu>

**PAT Agent Inservice**

December 8 and 9, 2005  
Agriculture Administration Auditorium  
OSU Campus, Columbus

**Ohio Commercial Recertification Schools**

General Schools (turf, ornamental, industrial vegetation and pest control)  
Akron – November 22, 2005  
Perrysburg – December 17, 2005  
Dayton – February 2, 2006  
Columbus – February 23, 2006

**Field Crop Conferences (agronomic pest control)**

Lima – December 15, 2005  
Columbus – February 8, 2006

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