

## **PEP-Talk, September, 2009**

Pesticide Safety Education Program  
Ohio State University Extension  
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### **UPDATE ON NPDES PERMITS FOR PESTICIDE APPLICATIONS**

The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) governs the applications of pesticides in the U.S. EPA has continuously said that pesticides used in accordance to the label directions for applications to water or near water were permitted under FIFRA and did not need additional permits.

In January, the U.S. Court of Appeals for the 6th District ruled in favor of advocacy groups in a lawsuit that would require a National Pollutant Discharge Elimination System (NPDES) permit under the Clean Water Act (CWA) for any pesticides applied to water bodies or if pesticides could possibly enter the water body after application. This would apply even if the pesticide was labeled for aquatic use or for use near water bodies.

EPA decided not to appeal the decision and instead asked the court for a two-year stay to develop, propose and issue a final general permit for pesticide applicators under NPDES. The stay was granted and the permitting system is to be in place in April of 2011.

The Ohio EPA will be the permitting agency for applications in Ohio. U.S. EPA has indicated irrigation return flows and agricultural runoff will not require NPDES permits as they are specifically exempted from the CWA. The large categories indicated by U. S. EPA that will be required to obtain permits are:

- Mosquito larvicides and adulticides.
- Herbicides to control weeds in lakes, ponds, ditchbanks in agricultural drainage systems, and irrigation systems and other waterways.
- Insecticides used in wide-area insect suppression programs.
- Herbicides used in wide-area control programs directed at aquatic invasive plant species.
- Herbicides, insecticides and other pesticides used in forestry program when applied over waters of the U.S.
- Products applied to kill fish, mussels or other invasive aquatic species.

U.S. EPA has set up a team with members from the Office of Pesticide Programs (OPP) and the Office of Water (OW) to develop a model permit that can be used by states for the permitting process. (Sources: Office of Water, U.S. EPA, Wing Beats - trade magazine of the American Mosquito Control Association - Summer 2009 issue, Illinois Pesticide Review – University of Illinois Extension – July/August 2009 issue)

### **CONTACTS FOR OSU EXTENSION AREAS**

Ohio State University Extension has divided the state into Extension Education and Research Areas (EERA). There is an agriculture and natural resources educator designated in each area to be a contact for private pesticide training within the EERA. The contact also serves on the Pesticide Safety Education Program Advisory Committee. Following are the contacts for each EERA:

Curtis Young – Maumee Valley  
Steve Prochaska – Erie Basin  
Erik Draper – Western Reserve  
Mark Mechling - Crossroads  
John Barker – Heart of Ohio  
Wesley Haun – Top of Ohio  
Tony Nye – Miami Valley

David Dugan – Ohio Valley  
Hal Kneen – Buckeye Hills

The next advisory committee meeting is October 23. If you have anything you want discussed at the meeting, please contact your EERA representative.

#### **DATES SET FOR EDUCATOR INSERVICE**

The dates have been set for the Pesticide Applicator Training Educator Inservice. The inservice will be December 9 and 10, 2009, and held at the Ohio 4-H Center on OSU Campus in Columbus. Registration information will be available on the Pesticide Education Program website at: <http://pested.osu.edu> This inservice is for Extension educators, specialists, associates or program assistants involved with pesticide applicator training.

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#### **STUDY SAYS PESTICIDES NOT CAUSE OF CCD**

An international team of scientists published a paper studying the possible causes of Colony Collapse Disorder (CCD) which has affected managed honey bee colonies in the U.S. The study was published on PLoS ONE, a journal published by the Public Library of Science. The article is available at: <http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0006481#top>

The study compared the risk factors between hive populations afflicted by and not afflicted by CCD. The study found that bees in CCD colonies had higher pathogen levels than control populations. The affected hives were also co-infected with a greater number of pathogens. The researchers suggest that an increased exposure to pathogens or a reduced resistance of bees toward pathogens could

be a cause. The researchers, led by the Pennsylvania state apiarist Dennis vanEnglesdorp, suggest that CCD involved an interaction between pathogens and other stress factors.

(Source: EPA Office of Pesticide Programs)

### **FARMERS TO RECEIVE SETTLEMENT FOR DRIFT DAMAGE**

DuPont and the Department of Interior's Bureau of Land Management (BLM) have been found negligent in a herbicide drift case. The federal jury ruled in favor of four Idaho farmers who had crop losses after Oust herbicide, manufactured by DuPont, was applied to federally-owned rangeland in 1999-2000. The farmers were awarded \$18 million for lost crop income, compensation for mitigation costs and costs incurred when the farmers could not pay down their operating loans. The aerial applicators who were also defendants in the case were found by the jury to not be negligent.

The jury identified that the BLM was negligent in the selection of Oust for the application sites. The jury found DuPont negligent for the design of Oust, failing to give adequate warnings and selling a misbranded product in violation of FIFRA.

(Source: Pesticide & Toxic Chemical News, Vol. 37, No. 42)

### **WEST NILE VIRUS UPDATE**

The mosquito-borne disease West Nile Virus is still a concern in Ohio. To date, there have been 203 mosquito pools that have tested positive for the virus. These mosquitoes were from nine counties: Cuyahoga, Franklin, Greene, Hamilton, Lake, Licking, Lorain, Montgomery and Summit. There has been one human case in Ohio of West Nile Virus. The person resides in Cuyahoga County. Six horses have been tested, but none were positive for West Nile Virus.

In 2009, there have been two human cases of LaCrosse encephalitis, another mosquito-borne illness. One case was in Vinton County and the other in Wayne County. People are encouraged to remain diligent in avoiding mosquitoes by wearing repellent with DEET and, when possible, avoiding being outside when mosquitoes are most active. For more information about West Nile Virus, visit the Ohio Department of Health website

at: <http://www.odh.ohio.gov/odhPrograms/dis/zoonoses/wnv/wnv1.aspx>

## **PESTICIDE CROP WATCH**

MISC.

A petition by the American Bird Conservancy has asked EPA to revoke import tolerances for 13 pesticides to protect migratory birds. These pesticides are cadusafos, cyprocanazole, diazinon, dithianon, diquat, dimethoate, fenamiphos, mevinphos, methomyl, naled, phorate, terbufos and dichlorvos.

Currently, there is no U.S. registration for these pesticides so the tolerance would only affect imported food, mainly from Central and South America. The crops are primarily green coffee beans, bananas, and other fruits and vegetables. The American Bird Conservancy says that revoking import tolerances for these crops would protect U.S. migratory birds on their wintering grounds in other countries.

EPA has a 60-day comment period on this petition which will end on November 2, 2009. The information is available in the Federal Register (docket EPA-HQ-OPP-2009-0629)

at: <http://www.regulations.gov/search/Regs/home.html#documentDetail?R=0900006480a1a51f>

## **UPCOMING EVENTS**

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

### **TRAINED SERVICEPERSON AND NEW APPLICATOR COMMERCIAL SCHOOLS**

Recertification available in core, 8, 6c, 5 and 2c

September 30, 2009

Taught at Ohio Department of Agriculture, Reynoldsburg

### **WOOD-DESTROYING INSECT INSPECTION TRAINING**

Recertification credit also available in Core, 10b and 12.

September 16, 2009

Taught at Ohio Department of Agriculture, Reynoldsburg

### **FARM PESTICIDE COLLECTION DATES**

Noble County

September 15, 10:30 - 2:30

Noble County Fairgrounds  
Caldwell, OH 43724

OSU EXTENSION EDUCATOR INSERVICE  
December 9 and 10, 2009  
OSU Campus, Columbus

#### COMMERCIAL APPLICATOR RECERTIFICATION CONFERENCES

Field Crop Conference

December 16, 2009 – OSU – Lima Campus

January 13, 2010 – Dayton Convention Center

March 9, 2010 – Columbus Convention Center

General Conference

January 13, 2010 – Dayton Convention Center

February 17, 2010 – Sandusky, Kalahari Conference Center

March 3, 2010 – Akron, John S. Knight Center

March 9, 2010 – Columbus Convention Center

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