



# INDIANA PESTICIDE REVIEW BOARD

November 12, 2009  
Purdue University Agronomy Center for Research and Education (ACRE)  
4540 U.S. 52 West  
West Lafayette, Indiana

## AGENDA

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### 9:00 a.m.

1. Approval of previous meeting minutes (August 5, 2009)
2. Review of case summaries involving civil penalties since the last meeting
3. 2009 compliance/enforcement recap summary
4. Drift research in sensitive crops
5. Measures to minimize drift & volatilization impacts in Indiana & other states
6. Plans for implementing pesticide NPDES permitting under the Clean Water Act
7. Draft rule on pesticide use in schools

### 1:30 p.m. Adjourn



# INDIANA PESTICIDE REVIEW BOARD

TO: Board Members and Interested Parties

FROM: Dave Scott, Board Secretary

DATE: September 21, 2009

SUBJECT: November 12, 2009 Pesticide Review Board Meeting

The next Board meeting has been scheduled for Thursday, November 12, 2009 9:00 a.m. – 1:30 p.m. at the Purdue University Agronomy Center for Research and Education (ACRE), 4540 U.S. 52 West, West Lafayette, Indiana.

If you have not done so already, I ask that each of you (both Board members and interested parties) who know that you will be attending please contact Sally Smith at (765) 494-1587, fax (765) 494-4331, or [smith706@purdue.edu](mailto:smith706@purdue.edu) as soon as possible to confirm that you will be present at that meeting.

Enclosed to assist you in preparing for the meeting are the following materials:

- the draft agenda
- meeting announcement
- minutes from the last meeting (August 5, 2009)
- a map of the Beck Center (ACRE) location

Thank you all for your cooperation and assistance.

DES/shs

Enclosures



# INDIANA PESTICIDE REVIEW BOARD

## MINUTES – 122nd MEETING

### Location of meeting:

Tippecanoe County Cooperative Extension Service  
3150 Sagamore Parkway South  
Lafayette, Indiana

### Date and Time:

August 5, 2009, 9:06 AM - 1:30 PM

### Members present:

John Vermillion  
Bob Andrews  
Raymond Brinkmeyer  
Julia Tipton Hogan  
Martha Clark Mettler  
Bruce Bordelon (Vice Chair)  
Ronald Hellenthal (Chair)  
Tim Gibb  
Philip T. Marshall  
Kevin Underwood  
Gary Reding

### Ex officio

Dave Scott  
Fred Whitford

### Members absent:

Rick Foster  
Steve Dlugosz  
Larry Clemens  
Mike Sinsko  
Ralph Kirkpatrick  
  
Robert Waltz

### Minutes from previous meeting:

The previous Board meeting was conducted on May 6, 2009. John Vermillion and Phil Marshall made a motion to accept the minutes of the 121<sup>st</sup> Board meeting as drafted. The vote was unanimous.

### Status report on Board appointments and 2009 formal rule making:

Dave Scott advised the Board that there has been no recent action on the Board appointments and re-appointments, but the Governor's office did send an e-mail to Scott prior to the meeting to let him know that a new staff person has been assigned to this task.

Scott advised the Board that the rules dealing with open burning of pesticide containers, labeling of service containers, pesticide applicator re-certification requirements, and certification requirements for golf course applicators have all been finalized and have become effective within the last month. Leo Reed and the certification staff at the Office of the Indiana State Chemist (OISC) began preparing for and implementing the provisions of the re-certification rule during this last license renewal season, so most of the challenging implementation work has already been done. The service container labeling rule and the container open burning rule will

not require any special implementation efforts, as most applicators are already in compliance. The golf course applicator rule will require considerably more implementation effort, since there are currently a significant number of Indiana golf courses without certified applicators. Joe Becovitz of OISC is preparing a direct mailer regarding the rule to send to all golf courses for which OISC has mailing addresses. Joe will also meet with numerous golf course and superintendant groups throughout the fall and winter to spread the message. OISC Compliance Officer George Saxton stated that the field staff will conduct inspections at golf courses this year and next to spread the word and monitor compliance. Actual enforcement for non-compliance will not be initiated until next year after the implementation efforts have been given a chance to work. Bob Andrews believes this rule will force ongoing pesticide education of golf course employees, which is a positive thing.

**Review of case summaries involving civil penalties since the last meeting:**

The Board asked about the numerous cases regarding the sale of Restricted Use Pesticides (RUP) by Rural King locations to non-certified individuals. George Saxton explained that the over-the-counter to the general public business at Rural King stores led OISC to question their ability to limit sales of RUPs to only certified applicators. Soon after issuing RUP dealer credentials to the Rural King locations, OISC conducted field investigations to test compliance. Unfortunately most locations had serious problems with compliance. OISC was able to get the practice stopped before the traditional pesticide use season arrived.

The Board also asked about the numerous cases involving Ag Chem Solutions (ACS), another agrichemicals dealer. Saxton was careful not to be too specific in his comments, since OISC still had a number of related cases pending. Saxton did point out that through cutting edge analytical work by the OISC laboratory, OISC was able to determine with certainty that ACS was substituting and mislabeling one brand of herbicide for another and delivering it to unsuspecting customers.

Regarding a case where one non-certified individual was fraudulently attending a re-certification training session posing as and taking credit for a Private Applicator (farmer), Fred Whitford asked the Board what they felt the role of the Cooperative Extension Service (CES) should be in cases such as this. CES Educators are very closely tied to the re-certification process for Private Applicators. The Board felt that the response action by CES and OISC in this case seemed appropriate. The Board also cautioned against making too many changes to a seemingly workable system for one bad actor.

**Review of sample listing of violations and violators:**

George Saxton prepared and distributed to the Board a copy of an abbreviated synopsis of the dispositions for all enforcement case summaries normally reviewed by the Board during each meeting. The Board liked the synopsis because it was easier to search based on applicator and company name, but also liked the detail made available in the case summaries. It was determined that OISC would make both the synopsis and the case summaries available to the Board as well as posting them for public review on the enforcement page of the OISC web site [http://www.isco.purdue.edu/pesticide/enforcement\\_actions.html](http://www.isco.purdue.edu/pesticide/enforcement_actions.html). OISC will continue to work with in-house IT staff to seek development of a name searchable listing of enforcement actions.

**Driftwatch (Pesticide Sensitive Crops and Habitats Registry) update:**

Dave Scott distributed to the Board a sample of the point-of-sale poster being distributed to agricultural dealers and CES to help advertise this voluntary drift prevention communication tool. Leo Reed of OISC demonstrated some of the new improvements made recently to the driftwatch web site <http://www.driftwatch.org>. The site is now more user-friendly, and map pins locating sensitive sites on the Google Maps feature are now easier to find. Bruce Bordelon told the Board about some of the CES efforts to further develop and champion the site.

**Draft rule on termiticide preconstruction applications:**

Dave Scott explained that based on comments received at the last meeting, OISC met with a workgroup representing the Indiana Pest Management Association (IPMA). As a result of the workgroup meeting a few minor but important revisions were made to the draft rule discussed at the last Board meeting. In addition, IPMA requested that OISC identify the priority that would be given to inspection of preconstruction treatments. George Saxton said that these inspections would be a high priority for OISC. Ray Siegel, representing the IPMA workgroup, stated that IPMA supports the current draft of this rule (7-22-09). Julia Tipton Hogan and Gary Reding made a motion to send this draft into the formal rulemaking procedure. The vote was unanimous. The Board thanked the IPMA for their cooperation and effort on this rule.

**Purdue Pesticide Programs (PPP) publications:**

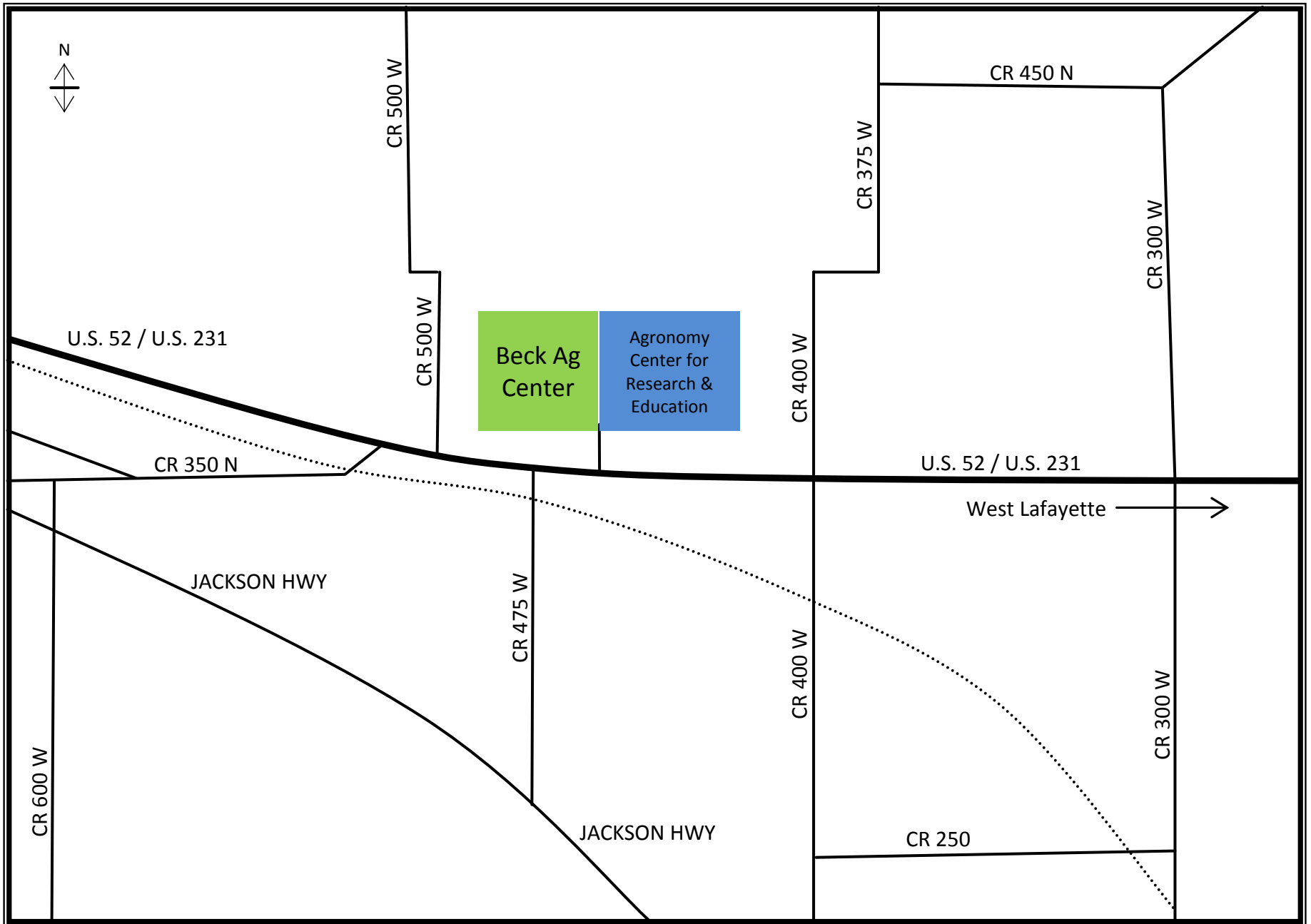
Fred Whitford, Coordinator of Purdue Pesticide Programs (Purdue Extension) distributed to the Board the following publications: 1) PPP-78 “Pesticide Benefits Assessment”, 2) PPP-79 “What Killed the Fish...Using Observation, Sampling, and Science to Solve the Mystery”, and 3) a companion piece PPP-80 “Solving the Fish Kill Mystery...Questions to Ask.”

**Draft rule on pesticide use in schools:**

Dave Scott distributed to the Board a 7-27-09 draft rule for use of pesticides at schools and a copy of the Board’s own “Model Pest Control in Indiana Schools Policy” and accompanying “Model Pest Control in Schools Procedures” from several years ago. The model policy and procedures were the basis for much of the draft rule. Board members made several suggestions to the language in the draft. Scott was asked to incorporate those suggestions into a draft for the next meeting. Tim Gibb asked why we were working on a rule that would force adoption of parts of a voluntary policy that the Board had adopted previously. Several Board members felt that the objective was to level the playing field for those schools that have not adopted a policy or have adopted but not implemented their policy. Others felt it was in response to the relatively low rate of policy adoption by schools statewide. Greg Long from IPMA stated that it was a response in part by the Board to address his industry’s request to level the certification requirements playing field for applicators using pesticides in and around sensitive populations such as children at schools. Schools just happen to be first on the list. Gibb pointed out that there was no one representing schools in attendance for these discussions. They would need to be invited. The fiscal impact will be a key component of this rule. Janet McCabe of Improving Kids Environment recognizes that advance notification and a registry at the school may be hot button issues, but believes that they are vital parts of a proposal like this.

**Next meeting date:**

The next meeting will be held on Thursday, November 12, 2009. It was subsequently determined that the meeting will be held at the Purdue University Agronomy Center for Research and Education (ACRE), 4540 U.S. 52 West, West Lafayette, IN, starting at 9:00 AM.



Beck Ag Center • 4540 U.S. 52 West • West Lafayette, IN 47906