

**Pesticide Analytical & Response Center
Minutes for Board Meeting of March 21, 2007
ODA Conference Room D**

Board Members Present

Chris Kirby – PARC Board Administrator
Dale Mitchell – ODA Co-Chair
Dave Miller – State Fire Marshal
Greg Pettit – DEQ
Brad Knotts – ODF
Richard Kepler – ODF&W
Garnet Cooke – OR-OSHA

Board Members Absent

Michael Heumann – OPHD Co-Chair
Sandy Giffin – OHSU/Poison Control

Consultants Absent

Kathleen Harvey, ODA, PARC
Will Lackey – ODOT

Consultants Present

Rose Kachadoorian – ODA, PARC
Dr. Fred Berman – CROET
Dr. Dan Sudakin – OSU
Justin Waltz – OPHD
Dr. Jeff Jenkins – OSU

Guests Present

Lorena (Lori) Barck, OPHD
Laura Power, OSU
Jim Stinebaugh, USFWS
Marganne Allen, ODF

I. Introductions:

- a. All present were introduced. Called to order: approximately 9:10 am.
- b. One amendment to the meeting minutes was made: correct the spelling of Laura Power's name.
- c. Minutes from the January 24, 2007 meeting were accepted, as amended.

**II. Presentation - Jim Stinebaugh, Special Agent, U.S. Fish and Wildlife Service,
Title: (USFWS) Law Enforcement**

Agent Stinebaugh discussed various Acts. Including the Lacey Act, Marine Mammals Protection Act, Endangered Species Act, Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act (more restrictive than Migratory Bird Treaty Act).

The Lacey Act is one of the most important tools used by USFWS law enforcement to protect animals domestically and abroad. It prohibits trade in wildlife, fish, and plants that have been illegally taken, possessed, transported or sold. It also prohibits the falsification of documents for shipments of wildlife, importation of injurious species, and shipment in an inhumane manner.

Agent Stinebaugh mentioned the Moon Lake case, in which an electric utility co. was sentenced for federal wildlife violations involving the electrocution of protected eagles and hawks on the company's power lines and poles. The Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act were the basis for criminal prosecution.

He discussed CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora), an international agreement between governments. Examples provided included the import/export of caviar or venomous snakes; and the selling of rhino horn, and both leopard and seal skin coats. He also discussed the increase of wolf sightings in Oregon and the response of some individuals in the NW including, the illegal poisoning of wolves in Idaho with pesticides. In Idaho, the poisoning of wolves was promoted by a particular individual and the highly illegal but suggested method was to fill hotdogs with Temik (a.i. aldicarb).

Agent Stinebaugh also discussed a situation in which PARC had been initially contacted because of a suspected eagle poisoning in association with two horse carcasses.

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USFWS discovered that the unburied and exposed horses had been euthanized with Phenobarbital and the eagle died from feeding on the contaminated carcasses.

He also discussed another case in which PARC had been involved, but then referred to USFWS and FDA. In this situation, Warbex (a.i. famphur) was responsible for death of starlings and red-tailed hawks. The Warbex had been illegally placed in meatballs and used to bait wildlife. EPA cancelled all famphur containing pesticide products in 1990, and it is now regulated as a drug.

He provided an example involving a PARC, USFWS and ODA. In this case, an herbicide from an aerial application near a National Wildlife Refuge impacted a federally endangered plant species: Bradshaw's lomatium (*Lomatium bradshawii*).

III. Old Business:

Resmethrin RED

- a. Rose Kachadoorian read part of an email from Michael Heumann concerning the ventilation requirement in the resmethrin RED. M. Heumann agreed that it made sense to increase the recommended ventilation times for both occupant self-application as well as for commercial applications. And since the product concentrations and application methods and rates differ, it is reasonable that commercial applications should have a longer wait to re-enter the space and a longer ventilation period. However, he questioned what does 'ventilation' actually mean and how do you achieve effective ventilation in indoor spaces. Most residential settings, are not equipped with mechanical HVAC systems, and most homes with central furnaces and fans draw air from within the enclosed space--and thus simple recirculate the air that is already in the space. Moreover, just opening windows does not assure that the air will circulate through the space and properly ventilate it. Open windows and fans do a better job. Without a definition of 'ventilation' it will be hard to assure that the new guidelines will necessarily prevent folks from possibly being exposed and developing symptoms.

- b. The following is from the RED:
"Because the residential indoor aerosol spray application risk estimate is dependant upon residents not entering sprayed spaces for 2 hours after application, a statement must be placed on aerosol space spray residential labels indicating that residents must not enter fogged spaces for 2 hours after application. A ventilation requirement will also be required on labels indicating that residents must ventilate the sprayed space for 10 minutes with fresh air before occupying the room. Similar label requirements must also be placed on labels of products used by pest control operators (PCOs) that they must inform residents to not enter sprayed spaces for 4 hours and ventilate for 20-120 minutes depending on the size of the treated area before occupying the sprayed space. No additional mitigation is necessary for these scenarios. "

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Waldport Working Group Update

- a. No PARC member's agencies have been contacted since the last meeting, and no member agencies have seen the petition.

Florence Case

- a. Rose Kachadoorian read a portion of an email from Michael Heumann. He had a conversation with the assistant to the Attorney for the person involved with the Florence case (there is civil litigation.). He suggested for her to contact PARC or ODA. He also told the assistant that PARC is waiting to hear back from the US EPA, through the Oregon Department of Agriculture.
- b. The question regarding if there was a misapplication will be answered upon conclusion of the case.

Pitchfork Rebellion

- a. No individuals have brought concerns to PARC. Reportedly, this group is concerned about pesticide related issues particularly in the forest environment. According to Justin Waltz, Cinzia Romoli sent the epidemiological study packet to Lane County Commissioner Bill Fleenor. Question asked at the PARC meeting: What kind of medical information is useful? Another question, do we have a cancer registry? Response – the public provides some information, and medical professionals report cancer incidents.

Garden Center Case

- a. In late fall 2006, a container of concentrated chlorpyrifos fell and spilled on an employee cleaning out a storage room in poor condition. The Fire Marshal ordered that the room be cleaned. Old, outdated pesticide containers were haphazardly placed and in poor condition. ODA and OR-OSHA conducted a site visit.
- b. Update: In March 2007, a Fire Marshal and DEQ Inspector went to the Garden Center for a re-inspection, and the pesticide fumes affected the DEQ Inspector. Dr. Sudakin provided medical information/ guidance to the attending physician. The pesticide containers have been placed in barrels, and it anticipated that they would be removed. Concerns of site contamination remain.
- c. It was discussed whether this room had been a pesticide storage area for a long period time. According to ODA, their investigator (not present at the meeting) previously commented that it appeared that it had been a storage room for 20-30 years. Older products such as Chorea were present in the storage room. In the room, there were a large number of pesticides and many of the pesticide labels were incomplete, degraded, discolored or torn. ODA does not have knowledge of a list being developed of the pesticides stored in the room, or a list being available. The ODA investigator had shared with the PARC Coordinator, that there were stains on the counters in the room, and that possibly the room had also been used as a mixing room. The storage room is in the same building as offices.

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- d. On March 14, 2007 OR-OSHA issued a \$14,550 citation.

Truck driver/Disinfectant Case

- a. ODA stated that based on EPA's interpretation, there was no label violation. According to EPA, the product can be legally used on fabrics to control mildew growth (which would include "mattress"). In addition, the cab of a truck would be allowed because it was similar to "ambulances", a use site on the label. ODA anticipates no further action at this time. PARC will discuss more fully at a later meeting, if ventilation requirements should be required if these types of products are used in confined areas.

III. New Business:

- a. Frequent caller in the forestry area is concerned that the pre-notification information is not timely. Brad Knotts said that the web was one quarter behind and they do not send out emails. However, they do mail timely information. The mailings have been well received by most people.
- b. Siuslaw Herbicide Forum (Two-part), March 28 and April 25, 2007
Herbicides in a Watershed Context, Part I: Herbicide Uses, Regulations, and Applications.
PARC Board member, Brad Knotts will be presenting on March 28. PARC Board Consultant Jeff Jenkins, will be presenting information on herbicide fate on April 25. Questions need to be submitted to the facilitator in advanced. US EPA Region 10 is sending a person to talk about regulations. In the past, Larry Curtis and Jeff Jenkins met with this group to discuss herbicides and the potential impacts on water quality.
- c. Town Hall meeting with Representative Kim Thatcher HD-25. There is interest in having ODA do more about educating the public about pesticides, and issues involving the ag/urban interface. Jeff Jenkins of OSU will be speaking about pesticide use and the ag/urban interface. Citizens are looking for background information. They want to know how drift is addressed (both state and federal regulations) and what are grower's options for controlling drift. There will be a question/answer session at the Town Hall meeting. The PARC Board discussed mitigation and what could be learned from the Hood River situation, how to mitigate drift (hedgerows, buffer zones, increased sensitivity of applicators etc.). The Board discussed that tree fruit growers may have the greatest challenges because of the type of equipment used to make pesticide applications. Brad Knotts said that in the Forest Practices Act, they used to have buffer zones around inhabited dwellings, but it was removed because the act was primarily environmentally focused. There was additional discussion around the concept of buffer zones, and who should have the buffer zone. Is a buffer zone a chemical free-zone?

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III. Agency Updates

Department of Fish & Wildlife

- a. No updates

Department of Forestry- Brad Knotts

- a. Discussed that Japanese Knotweed was being treated by injecting stems with glyphosate. There were some concerns that the glyphosate was leaking into the soil.
- b. Some groups believe that Forestry should try to detect contamination after peak run-off, in addition to focusing on direct drift.

Oregon Public Health Division-DHS

- a. Justin Waltz, the new coordinator for the Pesticide Poisoning Prevention Program, indicated that he was looking forward to getting medical records and preparing for phone calls.

Department of Agriculture

- a. There are a significant number of proposed pesticide related legislative proposals.
- b. There are continued discussions about water quality at the director level.
- c. Western Region Pesticide Meeting will be held May 16-17 in Portland.
- d. Kathleen Harvey will be back April 9, 2007.
- e. Next PARC meeting should involve the case classification process.

Department of Environmental Quality

- a. Pesticide Stewardship Program. There is no sustainable source of funding. The program is significantly underfunded. There are few peer-reviewed articles. Agencies/researchers need to do a better job of documenting programs and what is most effective.

State Fire Marshal

- a. Office will send out the annual Hazardous Substance Information Survey to various counties, including Coos, Curry, Jackson and Josephine. This will be Dave Miller's last meeting.

Oregon OSHA

- a. In reference to the Garden Center Case: Garnet Cooke indicated that Stan Thomas (OR-OSHA) had given the presentation that alerted the DEQ employee's doctor to PARC as a resource.
- b. Safety concerns about a product that is being promoted as a mold control product. The product is a sodium silicate and forms a sheet of glass on treated wood and other articles.

Adjourned at 11:30 a.m.

Next meeting is scheduled for May 16, 2007.