

## Examples of Mitigation Options Oregon Department of Agriculture Chlorpyrifos Workgroup

Below are eight (11) examples of mitigation measures (ways to reduce possible risk) that have been previously mentioned, discussed or presented in written comments.

*These examples are not meant to be all-inclusive or limiting. You may have additional ideas and suggestions.*

Please review these previously discussed ideas and/or provide any others you may have, and **submit your suggestions to ODA by March 16, 2020**. Suggestions will be discussed on March 30, 2020.

- (1) Increase current label buffers near sensitive sites<sup>a</sup>, particularly near schools.

**Table 2. Synopsis of Buffers<sup>5</sup> Currently in Effect for Chlorpyrifos**

To Be Protected	Source	Required Setback (Buffer Zones) (feet)		
		Aerial	Airblast***	Ground
Bystanders / Sensitive areas*	Pesticide Label <sup>b</sup>	10 - 80	10	10
Aquatic	Pesticide Label	150	50	25****
Salmonids	Court-Ordered**	300	60	60

\* Includes all listed sensitive sites

\*\* Neither ODA nor EPA have the legal authority to enforce court-ordered buffers.

\*\*\* Airblast application equipment is most typically used in fruit orchards, some nurseries, and on hazelnuts and berry crops.

\*\*\*\* Does not include application by airblast

- (2) Adopt court-ordered buffer zone widths near aquatic areas\* into Oregon rule (law), to help address concerns expressed about drinking water.

\* Areas adjacent to permanent bodies of water such as rivers, natural ponds, lakes, streams, reservoirs, marshes, estuaries, and commercial fish ponds.

- (3) Increase the Restricted Entry Interval (REI)<sup>c</sup> for certain formulations or use patterns. For most crops in Oregon is 24 hours.

Example language is below.

*Do not enter or allow entry into treated areas during the restricted entry interval (REI) of **X days** following application, except under the early entry provisions established by the Worker Protection Standard, Code of Federal Regulations, Title 40, Part 170.*

March 2, 2020

(4) Establish a pre-harvest interval (PHI), which is a mandatory time period between the last application and when harvest is allowed, to address concerns expressed about Christmas trees (a nonfood/nonfeed crop) not having a PHI. For more information on PHIs, see <http://npic.orst.edu/health/phi.html>

(5) Mandate that all chlorpyrifos products immediately be categorized as Restricted Use Products (RUP), this would include the 12 general use chlorpyrifos products currently registered. Exception: Chlorpyrifos products contained in cattle ear tags shall be RUP's starting in Jan. 1, 2023.

(6) Require that only certified and licensed applicators apply chlorpyrifos and that all applicators go through a specialized training. This concept is similar to new EPA requirements for users of the herbicide paraquat, <https://campus.extension.org/enrol/index.php?id=1660>

(7) Require all pesticide applicators to prepare and maintain records of all chlorpyrifos applications for a period of at least three years, and ensure that such records are available to appropriate State officials.

(8) Review *advisory* best management practices and other statements, and determine if they should be made into *mandatory requirements*. Example label (tip: search the linked document for the word, droplet): [http://oda.state.or.us/pest\\_labels/ppr/labels/143536/145059/35335/Product-Label/97251.pdf](http://oda.state.or.us/pest_labels/ppr/labels/143536/145059/35335/Product-Label/97251.pdf)

(9) Discuss current application methods. Consider additional restrictions, and address concerns expressed about the possibilities of drift and inhalation exposure.

Application Methods include:

- Aerial
- Airblast (type of ground equipment)
- Foliar treatments with boom application equipment (ground)
- Chemigation
- Trunk or bark application
- Seed treatment
- Soil treatments applied with ground equipment, which include: pre-plant broadcast, including incorporation; at-planting in-furrow; at-planting T-band over the row; and post-plant broadcast (boom application).

(10) Modernize the respirator requirements on chlorpyrifos labels (per Oregon OSHA guidance).

Current respirator requirements on labels. Labels have not been recently updated.

- A NIOSH-approved dust mist filtering respirator with MSHA/NIOSH approval number prefix TC-21C or a NIOSH-approved respirator with any R, P, or HE filter (EPA Reg. No. 62719-591)
- A NIOSH approved respirator with any R, P, or HE filter (EPA Reg. No. 19713-520)

New proposed Respirator Requirement:

"Wear a minimum of a NIOSH-approved:

- Particulate filtering facepiece with any N, R, or P filter; or
- Elastomeric particulate respirator with any N, R, or P filter; or
- Powered air purifying respirator with HE filters."

(11) Prohibit use in greenhouses and other enclosed structures.

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#### Citations

<sup>a</sup> According to the Lorsban Advanced pesticide label (commonly used product):

"Sensitive sites are areas frequented by non-occupational bystanders (especially children). These include residential lawns, pedestrian sidewalks, outdoor recreational areas such as school grounds, athletic fields, parks and all property associated with buildings occupied by humans for residential or commercial purposes. Sensitive sites include homes, farmworker housing, or other residential buildings, schools, daycare centers, nursing homes, and hospitals.

Non-residential agricultural buildings, including barns, livestock facilities, sheds, and outhouses are not included in this prohibition.

<sup>b</sup> Buffer distances specified are the distances in feet that must exist to separate sensitive sites from the targeted application site. Buffers are measured from the edge of the sensitive site to the edge of the application site.

- Only pesticide handlers are permitted in the setback area during application of this product.
- Use of this product is prohibited if anyone other than a mixer, loader, or applicator, is in the setback area.
- Exception: Vehicles and persons riding bicycles that are passing through the setback area on public or private roadways are permitted.

Some labels have wider buffers for higher application rates. These were not included because either the crop is not grown in Oregon (e.g., citrus); or the application method is not employed (e.g., airblast on turf grown for sod)

<sup>c</sup> The restricted entry interval (REI) means the time after the end of a pesticide application during which entry into the treated area is restricted. The REIs for most crops grown commercially in Oregon is 24 hours, except for certain types of sprays onto specific fruit and nut trees, for which the REI is 4 days.