

Minutes

DATE	LOCATION	START TIME	END TIME
03/17/2021	Virtual meeting	9 AM	Noon

FACILITATOR	CONTACT EMAIL	CONTACT PHONE
Michael Babbitt	PARC@oda.state.or.us	503.986.6470

PARC Member Agencies Present

- Michael Babbitt**, PARC Board Co-Chair- *Oregon Department of Agriculture (ODA)*
Rose Kachadoorian- PARC Board Administrator, Pesticide Program Manager, *ODA*
Curtis Cude- PARC Board Co-Chair, *Oregon Health Authority (OHA)*
Stephanie Page- Director of the *ODA Natural Resources and Pesticides Program Area (NRPA)*
Toby Primbs- Program Manager, *ODA*
Jenny Marin- Pesticide Investigator, *ODA*
Nathan Agalzoff- Incentives Field Coordinator, *Oregon Department of Forestry (ODF)*
Amy Cross- Project Coordinator, *National Pesticide Information Center (NPIC)*
Chris Papenseck- Soil Waste Inspector, *Department of Environmental Quality (DEQ)*
Anne Hayden-Lesmeister- Water Quality, Quantity Program, *Ore. Dept of Fish and Wildlife (ODFW)*
Garnet Cooke- Pesticide Coordinator, *Oregon Occupational Safety and Health (OR-OSHA)*
Kate Jackson- Western Regional Liaison, *DEQ*
Jamie Komets- Special Operations Unit, *Office of the State Fire Marshal (OSFM)*
Christina Higby- Citizen Advocate Liaison, *ODA*

PARC Consultants Present

- Fred Berman**- Co-Investigator, NPIC, *Oregon Health and Science University (OHSU)*
Tim Schultz- Compliance Program Area Manager, *Washington State Dept of Agriculture (WSDA)*
Will Lackey- Vegetation Management Coordinator, *Oregon Department of Transportation (ODOT)*
Dr. Jeff Jenkins- Professor and Researcher, *NPIC, Oregon State University (OSU)*

Other Persons Present

- Crystal Weston**- Coordinator, Pesticide and Occupational Health Program, *OHA*
Lindsay Freedman- Community member affected by clopyralid
Katie Murray- Executive Director, *Oregonians for Food and Shelter (OFS)*
Ines Lawson- Waste Inspector, *Department of Environmental Quality (DEQ)*
Wym Matthews- Fertilizer Program Manager, *Oregon Department of Agriculture (ODA)*
Tim Stein- Eastern Washington Compliance Program Area Manager, *WSDA*
Keawe Molifua- Pesticide Investigator, *ODA*
Bob Barrows- Compost Program Manager, *DEQ*
Sherry Sullivan- Dairy Nutrient Management Program, *WSDA*
Will Ines- Waste Facility Inspector, *METRO*

Introductions and Meeting Minutes

Meeting called to order at 9:00 a.m. with housekeeping and review of the agenda. January's PARC Board minutes were reviewed, and accepted with a few corrections.

Agency Updates

Oregon OSHA, Garnet Cooke, Pesticide Coordinator

1. Cooke Reported that:
 - a. Annual report now online, on our pesticide page. Symposium now on April 7, 8.
 - b. Appreciation for ODA support at NW Ag Show's pesticide safety class on compost.

Oregon Dept. of Forestry (ODF), Nathan Agalzoff, Incentives Field Coordinator

1. Agalzoff Reported on:
 - a. Senate Bill 1602, effective January 1, 2021
 - i. Concerns additional protection requirements
 - ii. Additional functionality with the FERNS e-notification program.
 - iii. Utilizing it primarily as a communication tool via notifications and subscriber capabilities. It is currently under testing, and we are targeting a July live date. Still working on the phasing approach for notifying when software goes live. Ontrack to make it available to applicators this fall.
 - b. Staffing Changes
 - i. Several active job rotations. Interviews, eight new stewardship foresters.

Department of Environmental Quality (DEQ), Kate Jackson, Western Regional Liaison

1. Much work by the Board of Forestry and the Environmental Quality Commission:
 - a. To adopt a MOU regarding temperature standards and forest practices to reduce impacts of management on water quality. Early draft available with March meeting agendas of the Board or DEQ.

2. Fire Follow up

Portable water quality work group has formed as a sub group to one of the state recovery functions (fire recovery groups). To identify specific erosion and other risks to drinking water systems, such as settlement accumulation at the intakes.

3. Manufactured Home Parks in burned areas
 - a. These are the focus of the ODOT state-sponsored debris removal. Documenting that things are done properly. One park used an unregistered Florida firm that was not an asbestos certified contractor. \$75,000 fine levied against that firm.
 - b. Supporting proper asbestos disposal since December 2020. Meanwhile, some residents remained in the manufactured home parks throughout the work efforts. Allegations of exposure to asbestos, etc. in dust in their homes; ongoing PR.
4. Pesticide Stewardship Annual Report currently available online.

Oregon Department of Fish and Wildlife (ODFW), Anne Hayden-Lesmeister, Water Quality ...

1. Vector Control Districts
 - a. Submitted pesticide use plans last Feb.; working on approvals. New streamlined format, with help from districts. Will report on efficacy upon completion.

Office of the State Fire Marshal (OSFM), Jamie Kometz, Special Operations Unit

1. E-board emergency funds
 - a) The E-board approved emergency funds to OSFM in the amount of \$4,000,000. These funds create 25 LD positions within the OSFM and created a grant program for locals to assist in prevention programs, PPE, training and fire department needs. These funds need to be spent by the end of the biennium and OSFM focusing on hiring these positions quickly. OSFM will be seeking permanent funding for these positions during the 2021 legislative session.
2. Hazmat Program
 - a) For our RHMERT program we continue to operate business as usual however we are limited by public health restrictions presenting a challenge with training for the RHMERT's and is impacting the number of available HM Technicians due to not being able to offer our Technician Academy in the format we have in previous years.
 - b) 4 teams will be receiving new vehicles including a heavy rescue and initial response vehicle – Roseburg, Klamath Falls, Linn/Benton, and Coos Bay
3. Community Right to Know (CR2K)

b) Reportable amounts are generally 500 pounds, gallons or cubic feet unless the chemical is an extremely hazardous substance. Anyone with access to CHS Manager, can look at the reported inventories and access the safety data sheets. Searches can be done to look specifically for reported pesticides.

Oregon Health Authority (OHA), Curtis Cude, Program Manager and PARC co-chair

1. House Bill 2192
 - a. Would create an inter-agency science review panel for pesticides, but has apparently been withdrawn.

Oregon Health Authority (OHA), Crystal Weston, Coordinator, Pesticide and Occupational Health

1. Data Back Log
 - a. Shifted course since apparent HB 2192 demise. Working on old cases, closing out of data backlog. Preparing the last from 2015 due to an underway study. Working with SENSOR (Sentinel Event Notification System for Occupational Risks) and other states due to a request for additional studies.
1. Incoming Cases
 - a. Somewhat slow at the moment, but starting to ramp up for summer busy season.
2. Industry and Occupation Fields in the Pesticide Program
 - a. Now coded according to CDC codes. Will make data analysis much easier; can now really efficiently categorize work-related pesticide incidents.

Oregon Department of Agriculture (ODA), Rose Kachadoorian, PARC Board Administrator

1. A rule limiting the use of chlorpyrifos was adopted by ODA on December 15, 2020.
 - a. In the rule: Starting March 1, 2021, in order to mix and load chlorpyrifos, you must be a certified applicator or undergo an ODA-approved chlorpyrifos mixer loader training. The [Chlorpyrifos Training](#) is now online along with FAQs. Today we should have a Spanish version online.
2. Newsletter
 - a. Will cover numerous topics, including reinforcement of special training requirements for paraquat that came at a federal level. Certain atrazine uses will likely be lost, including some forestry.
3. Advocacy Groups
 - a. Providing responses to questions regarding school IPM. This is still a hot topic and ODA will continue to work with advocacy groups.
4. House Bill 2031
 - a. Placing revisions for compliance with federal certification and training standards.

Oregon Health and Science University (OHSU)

Dr. Fred Berman, Co-Investigator, NPIC

1. OR-OSHA Pesticide Symposium
 - a. I will be speaking on the toxicology of Paraquat and Diquat

Oregon Department of Transportation (ODOT), Will Lackey, Vegetation Management Coordinator

1. Recovery;
 - a. Still cleaning up from fire and ice. Still in winter mode, gearing up for summer.

AFTER ACTION REVIEW- THE CLOPYRALID INCIDENTS

Stephanie Page, Director of ODA's Natural Resources Program Area (NRPA)

1. Introduction
 - a. Many folks reported contaminated compost to ODA. We investigated together with many of the PARC board member agencies and other organizations represented here. We would now like to come together and have a discussion concerning those incidents. After action reviews are all about continuous improvement. They are about observing what could have been better and what worked well: "If we were to do this again, what would we do differently?" We will discuss the role our agency played in the investigation, the scope of the follow up work that has occurred since the incident, and prevention strategies.
2. Questions

a. *What did you set out to achieve?*

- i. **Toby Primbs** (*Pesticide Enforcement, ODA*)- The pesticide that will be discussed here today is called clopyralid. It is bio-active at very low concentrations, often below what our analytical laboratories can detect. Which is just one challenge. Secondly it is persistent for a long period of time. When it is sprayed in a field, a horse could go out graze in that area, defecate, then that manure may find its way to a garden, affecting sensitive plants. It does not affect all plants. It is primarily for dicots such as tomatoes and beans, but if you put it on your lawn, you are not going to see an effect. Having introduced the pesticide and a little about its nature, I would like to explain what we set out to achieve. The pesticide enforcement unit at ODA investigated the matter to assess if there were any violations of Oregon's Pesticide Control Act. There are parties here today that were dealing with groups in the regulation community that we do not regulate ourselves. Therefore, they were outside of our scope of authority and outside our jurisdiction. So, collaboration was another thing we set out to accomplish while working on this project. For example, the composters are regulated by DEQ, so they were outside of our jurisdiction. As our investigative process unfolded, we found that some of these parties were in the state of Washington, again outside of our jurisdiction. So, getting together with other regulators and sharing information was very important. We also set out to achieve an outreach component due to the volume of questions beyond what we had answers for. So, reaching out to other organizations such as OSU was great. They, and others, were very effective at getting information out into the community and increasing overall awareness to pesticide applicators/dealers. They were reminded of the chemistry of this AI and the importance of good communication. In conclusion, we did set out to achieve a successful investigation, but also coordination, collaboration, and outreach.
- ii. **Bob Barrows** (*Compost, DEQ*)- This was new to us. In our opinion it's really great to work with other agencies in a cooperative mode. First we wanted to learn what the process was concerning the other agencies involved in this. Collaboration and coordination were at the center of our goals. One thing we should point out is that there are soil blenders that DEQ does not regulate, but there are composters that we do. The key question is, does the facility take solid waste? That is where we have a regulatory role. Soil blenders take already composted material, mix, and sell "magic blends" at high prices. They were some of the problem parties in this incident.
- iii. **Wym Matthews** (*Fertilizers, ODA*)- Our role in the fertilizer program on this was somewhat limited. It was basically in response to work performed by the ODA pesticide team. Some of these products that were found to contain clopyralid were required to be registered as an agricultural amendment based on how they label these products and the claims made concerning these products would fall under the fertilizer program. We worked with Toby and his group on looking at results of sampling that they did and comparing that with products that we had registered. We also looked at the claims of products that were not registered. While this is a companion activity with different rules and authorities than the Pesticide Program, the coordination between the programs was very helpful. Remember agencies are limited by the authorities that they have. The questions that we received from the public were along the lines of "Why did you let this happen?". We would do our best to refer and remind the individual or group that we are limited by what falls within our jurisdiction and authority. We observe the facts of a case and what the science is telling us, and we base our response on the subsequent findings. We did a lot of outreach to our registrants to provide them with information about the ongoing cases concerning clopyralid. This was done in order to talk to them about proper sampling, advertising, and registration. We should look to legislature both state and federal for expansion of or changes in authority among programs or agencies, or even changes in certain activities. If people choose to just say that a product is simply "compost" with no other claims, we do not require them to be registered.
- iv. **Curtis Cude** (*PARC Co-Chair, OHA*)- Our role in operating the pesticide exposure and safety tracking program is to evaluate and report acute pesticide exposure and injury. We look at the available evidence and records that come to us, we do interviews, evaluate the toxicology to determine the certainty with which we can say the exposure was linked to those health outcomes.
- v. **Amy Cross** (*Project Coordinator, NPIC*)- Our purpose is in response and to answer questions about specific risks, using whatever information we have available to help the individual understand their risk tolerance and what they feel is an appropriate/not appropriate amount of risk. We understand there is some unknown amount of risk in this situation and our goal is to fill in the gaps.
- vi. **Christina Higby** (*Citizen Advocate Liaison, ODA*)- As a citizen advocate, I set out to make sure from a citizen standpoint that they are heard and corresponded with, after that we are able to coordinate the agencies so that we can be as responsive to our citizens as we can. Making sure we receive reliable info often and respond in a timely manner.

- vii. **Will Ines** (Waste Facility Inspector, *METRO*)- We regulate compost facilities in the tri-county area and yard debris re-load facilities. We learned about this incident from a Facebook gardening group. We set out to figure out what was going on and get information to the facility operators. This was a record year for compost facilities from the increase in people staying at home and gardening. We waited for the investigation to play out until around late summer. We found that in light of what happened last spring, the facilities that are making the blends are now doing more of their due diligence regarding where they are getting their products from as well as doing more testing on site before selling to the public.
 - viii. **Tim Schultz**- (Compliance Program Area Manager, *WSDA*)- Sheri Sullivan certainly could add any perspective from her position with our Dairy Nutrient Program. Tim Stein who is listening in may also have additional information to add. Washington State has been involved with clopyralid as a compost issue over the last 22 years. It first came on to our radar in compost in 1999. It had been used in Agriculture around 1998 and moved into the landscape market as an herbicide in some of the non-agricultural settings which is what started or compost concerns up in Spokane. As far as compost facilities in Washington State, when ODA reached out to us we had not yet heard of the incident. This was a similar reoccurrence for us of past experiences finding which facilities were involved as well as finding compost sources. In Washington there were two that came to the forefront. One was a compost facility getting manure from dairy in the Yakima Valley area and the other was a mushroom farm getting their straw materials from different vendors. We do have rules in place in WA to deal with compost in this type of scenario. We also saw that in 2020 due to Covid and increases in home gardening, we saw a significant increase in volume of use and need. One compost facility in the Walla Walla area was using fresher material pulled directly off of the scraping floor. Using it fresh, not allowing it to get separated out was something that precipitated clopyralid residue detection. Whereas in the past it was below detection even though the facility had been doing laboratory testing. So out of Spokane we started looking to assist Oregon in detection. No direct violations were found, but we did remind composters to know their sources and be cautious.
- b. *What went well and why during the investigation and follow up? Also, what could have gone better?*
- i. **Toby Primbs** (*Pesticide Enforcement, ODA*)- As you have heard from folks what went well was the coordination and collaboration. We got a lot of experience from a lot of different angles. In pesticide enforcement we do not regulate the soil blenders or the composters. So, tracing things back for us took a lot of work. During 2020 a lot of folks were home gardening. Typically, over the years I have seen compost and soil blends as low-cost commodities that don't travel too far, but 2020 had such high demand that we had stuff moving across borders. It was also a year where we were limited on getting out and interacting. Fortunately, we had samples provided to us from Washington. The coordination could not have happened without that. Another thing is the role of our citizen advocate. Christina played a big role in terms of coordinating bi-weekly meetings with regulatory agencies to share information and getting information for outreach. We created a pesticide advisory, which Wym got to the CAFOs. We sent it out to all pesticide applicators and dealers. We created space on our website for helpful information. We quickly drafted an FAQ sheet that included lots of helpful input on risk. Getting that information out was huge. This also came at a time when there was an open comment period on clopyralid with the EPA concerning registration. So, in collaboration with Washington, we submitted comments to that. Washington provided a great history there. The letter has summaries, history, and recommendations we have for the EPA regarding label modifications in the future.
 - ii. **Bob Barrows** (Compost Program Manager, *DEQ*)- I agree with Toby. The cooperation was great. Pulling the group together and learning the different roles and working with different people was really helpful. Due to sampling we did find the sources of contamination. Which was huge. Personally, I got to go on site with a couple investigators from ODA (Jenny Marin and Keawe Molifua) to see what they do. It was great to see how they do the sampling to see where the sources of contamination were. The letter with the EPA was great. ODA allowed us to take a look at it and make some comments as well. That was great synchronicity to have that registration review open at the time that this was going on. This should continue on in the future, because this problem isn't going to just go away. Another good thing is that we were able to educate soil blenders and composters about being more aware of their sources. DEQ came up with a fact sheet for composters. We brought up different questions to ask about feed stock and agricultural waste. The fact sheet points them to Washington State and several different websites to distinguish susceptible and usable plants.
 - iii. **Wym Matthews** (*Fertilizers, ODA*)- A couple things I believe could have gone better. Toby and I had a conversation with the Natural Composting Council, in relation to the clopyralid issues. This issue hit other states in 2020 as well. One thing that they were going to work on is the standardization of bio assay

across the country so that everyone would be doing the same thing and use the same plants as Bob just mentioned. 2020 was a challenging year for many reasons, but I think that when demand is really strong, people are willing to work even with suppliers lacking a good past relationship. Demand was driving usage in a very unique way. Folks went out of their comfort zone and may have helped introduce this activity into the system. It doesn't make it right or wrong, but I do think that we need to recognize that we should remind people of the importance of bio assays and source checking before blending a product and putting it to market. This will take time but it is important to confirm sources.

- iv. **Curtis Cude** (PARC Co-Chair, OHA)- OHA's success given the challenges was our ability to reach out to folks who were reporting symptoms, conducting interviews, collect records and assessing those exposures.
- v. **Christina Higby** (Citizen Advocate Liaison, ODA)- The email I received from citizens was astronomical. One day it was over a hundred emails. Responding to all of these individuals in the timely manner that they deserve was not something I could accomplish alone. I really appreciate the coordination with ODA staff and other agencies. The quick response that I got from everybody to collect and provide summaries in a reasonable amount of time for folks was great. The turnaround time for the FAQ was so quick. We were able to collect this information and make it understandable and easy to read. Then we were able to disseminate it out to folks so that they have a better understanding of what's going on and that they know who to contact when they need more information. From a citizen's standpoint I would like to hear from them what they think could have gone better. I got a lot of positive feedback from the people I responded to.
Although there was some frustration regarding registration, and the allowance of clopyralid in the market. They did not understand how or why. We could work on better understanding and explaining limitations and what we can and cannot do. There was a great deal of frustration among citizens on that standpoint.
- vi. **Toby Primbs** (Pesticide Enforcement, ODA)- One thing that could have gone better, last year OSU fulfilled that. Early on we had to triage. Some folks we found were planting directly in compost. OSU had some questions about informing home gardeners on how to use compost as a soil amendment instead of direct planting. OSU did a publication on that topic, and it is accessible to people now. OSU also did a publication on recognizing and distinguishing herbicides, viruses, and poor nutrition. This was something we had last year that we wish had more of now.
- vii. **Curtis Cude** (PARC Co-Chair, OHA)- Our primary focus was COVID contact tracing at that time, especially in August. It was a challenge but we met our obligations to contact folks re clopyralid as well.
- viii. **Kate Jackson** (Western Regional Liaison, DEQ)- There has to be some kind of flex capacity for bringing in (through non-profits or volunteer groups) support just for answering questions. We could have all the right answers, but we also need more focused and personal communication with the community. People tire of seeking answers online. They need someone to ask, but it's this flex capacity and the legislature is considering how to fund that. Perhaps local non-profits and community groups could be our extension arms of reliable information.
- ix. **Stephanie Page** (Director of NRPA, ODA)- Should we pull in folks from other ODA programs to help with responses? We did get such help with handling email. Individuals took ownership of particular aspects and kept the others apprised. We had an Excel spreadsheet of everybody who had reached out to us and who had followed up with them and when. Christina and the group worked on several updates to effected citizens and interested parties that went out just to keep folks up to speed. Christina and the pesticide staff spent a lot of time on the phone with people answering questions. Another helpful thing was that at another point in the process the agencies collaborated on some FAQs and continued to add to ensure that we were telling people the same thing. Could we have borrowed additional folks from other program areas or agencies? Would this have been helpful?
- x. **Toby Primbs** (Pesticide Enforcement, ODA)- Early on we listed Christina's name as a contact. We quickly realized that she would need additional support. Also, early on our investigators were doing a good job, but they were getting tied up just talking to folks. This prevented them from progressing in their investigations. If one program is stressed, we should look to additional program areas for help, especially with communications.
- xi. **Christina Higby** (Citizen Advocate Liaison, ODA)- Because I sought help early, we were able to respond to people in a timely manner; generally within 48 hours. We were very responsive 99% of the time.
- xii. **Amy Cross** (Project Coordinator, NPIC)- As a hotline we have good holistic conversations with people. I enjoyed access to follow-up and FAQs posted by Christina. It was a collaborative effort not just to write the information, but also to distill the information in an understandable way. Callers like access to that on

the website. They can have a conversation with us and then walk away feeling empowered with this document. They leave with information (from various groups around the state) further explaining what we just talked about. I am happy to be one of the contacts that can take on some of the burden when a program is beginning to feel overwhelmed.

- xiii. **Toby Primbs** (*Pesticide Enforcement, ODA*)- The FAQ that was posted to the site was also sent out as broadly as we could, to growers, through a news group and social media.
- c. *How do we prevent similar situations in the future?*
- i. **Dr. Jeff Jenkins** (Professor and Researcher, NPIC/ OSU)- The overarching hope is that clopyralid remains on the site, is efficacious, and then goes away and it doesn't leave the site. That is the general concept that is involved in the registration of pesticides. This persistent chemical that is leaving the site as grass clippings or hay and being magnified in the environment by its redistribution in compost. Where I think the education may be most useful is with the primary users. This should be considered to keep that chemical, based on its registered use, on the site. We have kind of a unique situation here where we have a very persistent chemical that is also very bio active. Tiny amounts can have real social and economic impacts when they contaminate compost. There is a real need for education directly to the consumer, but I think we need to identify products like clopyralid. How they might be magnified in the environment when they leave the application site, especially if they have the potential to be redistributed in the environment in different ways. In messaging to the public we should use this situation as an example of what to be mindful of concerning these types of persistent pesticides. This is a story that can be told, and we all need to pay attention to the pesticide products that we are using. It is difficult to find another pesticide or another pesticide use practice that has the potential outcome of clopyralid. Years ago there were concerns about grass seed screenings as animal feed. That doesn't have near the consequences. Those screenings went into feed and were not distributed across the landscape like compost is, but that is another way a product could leave the farm and have unintended consequences. So, if we educate at the point of use and stop the magnification there, that could give you the greatest preventative bang for the buck.
 - ii. **Tim Schultz**- (Compliance Program Area Manager, WSDA)- It is important to communicate how the compost material moves from one source to the next. However, we have found that it has some very serious disconnects as far as messaging relayed from one party to the next. Currently the label for clopyralid and a couple other chemistries have compost warnings on the label. The information as was listed earlier in the comment period from the EPA was to increase such information on the label. The onus is placed on the applicator or the farmer using the product on the farm, and as long as it stays on the farm, there isn't an obvious issue. The disconnect is when hay, etc. gets sold. The clopyralid message the purchaser needs goes undelivered. In Washington a third-party broker who buys the straw material may have been told by the farm about the application, but they could very well sell that to another party who then in turn sells it to a third or fourth party down the road and there is no regulatory requirement for them to share that message. This is another thing that has been relayed to EPA. As for composters, or anyone obtaining materials for compost, they need to be asking those vendor sources "Do you know where your straw materials came from?" If manure, the question should be asked "Do you know what materials went into this manure or the source?" The composter doing chemical analysis and bio assay should analyze their end product to ensure safe use.
 - iii. **Toby Primbs** (*Pesticide Enforcement, ODA*)- We have been doing a lot of outreach to pesticide users. Starting last year, we created a pesticide advisory that was sent to every licensed applicator and dealer in the state. Throughout this winter season where applicators are buckling down to look at presentations to obtain credits, we were presenting this issue. On the applicator side, yes, definitely important. I think that Tim just nailed it. From the time something is used, if you look at how much this stuff changes hands, having awareness throughout that chain and having a lot of education for our applicators, composters, and on the farm level is vital. We sent some great comments to the EPA on some risk mitigation methods and label clarification. We encouraged the EPA on the outreach front to have the registrants do more outreach in education on this national issue. A catch phrase we use a lot: "Communication is the key."
 - iv. **Bob Barrows** (Compost Program Manager, DEQ)- One consequence I have noticed: If the contamination problem continues, composters will stop taking agricultural waste. They are actually starting to stop. Some have been burned on horse manure enough that they just don't take it anymore. That's unfortunate because crop residue in manures are great compost feed stock. That is not a good outcome. So, we would like to fix this. It would be great if we had some kind of deterrent in place to address this. DEQ's scheme is based on deterrent. You track it back up to where the problem is and there is some consequence to get people to stop doing it. I am aware that there is not a

- regulator handle at this point, but I thought I would just throw that out there.
- v. **Stephanie Page** (Director of NRPA, ODA)- The ODA ag water quality program is trying to find a place for a farmer to get rid of a very large amount of horse manure. The local composter started requiring affidavits that clopyralid has not been applied to the manure. This seems like an intermediate strategy. It is presenting a problem in finding a place for the manure, but it is also protecting the downstream users of that compost and the compost company themselves. Concerned and affected citizens want to know the regulatory measures and education that could be helpful in prevention. Part of that conversation has involved discussion around what ODA's authorities are and are not as well as other agencies. One question has been about the chain of custody of materials. Is there a way to require records to accompany materials through the chain of custody from the user all the way to the finished compost product? That is not something that ODA has the authority to do, and there would be logistical challenges in regulation & enforcement. This is due to the sheer number of parties involved. Another idea (I would also like to know what the additional regulations are) would be, should we be looking at limiting the types of sites where clopyralid could be used? What would be the unintended consequences of doing so?
 - d. *What regulations are in place in each state regarding clopyralid already? What are your thoughts on new rule considerations for clopyralid?*
 - i. **Toby Primbs** (Pesticide Enforcement, ODA)- In the early 2000s (aughts) clopyralid was an issue. It was grass clippings. Then a rule limited the sites where it could be used in Oregon. Since then, it has only been allowed in agricultural, forest, right-of-way, golf course, and cemetery sites. Grass clippings or materials from sites treated with clopyralid should not go to compost. With so many steps the trace back is really hard. Another phrase we use in pesticide enforcement is "The label is the law." Going back to what the label says is really important. That's why those comments to the EPA on label modification are important. We suggested labels requiring that if you hire an applicator to spray your horse pasture, they would have to leave records.
 - ii. **Rose Kachadoorian** (Pesticide Program Manager, ODA)- One of the things we commented on was the application rate on grass. The rate on grass pastures was quite high. Perhaps if that is lowered there would be less residue going into and out of the animals. It's also a general use product. So, the applicator (unless commercial or public) does not need to keep records. I don't think the EPA has any plans to make this class of products restricted use. ODA has direct access to licensed applicators, and to many unlicensed users through organizations like the Farm Bureau and OFS. Equestrians are hard to reach but we should try.
 - e. *Are there any states that have really solved this puzzle related to clopyralid? Have you seen any innovative rules or policies there?*
 - i. **Rose Kachadoorian** (Pesticide Program Manager, ODA)- It is a challenge also with treated articles. When you are not the pesticide applicator, it may become difficult for a pesticide regulator agency to address issues, when laws are focused on regulating pesticide use. This presents several major challenges. For example, an applicator tells the farmer not to let certain materials (such as manure) get into the compost. Then the individual who is not an applicator directly or indirectly allows it to get into the compost chain. For our specialty crop seeds we have a rule talking about seed screenings and what they can and cannot do with seed screenings. We had to go to rule making for that because we couldn't enforce that just by the pesticide label. If we were trying to enforce it off of the pesticide label, we are trying to regulate someone who was not the applicator. So, you cannot do that very easily through the pesticide label.
 - ii. **Tim Schultz** (Compliance Program Area Manager, WSDA)- In 1999 WA removed it from the landscaping industry, by rule. However, with composting becoming quite popular some years ago, everyone was sending their lawn clippings into the compost facilities. This was great for the composting industry, but with clopyralid being a very effective and popular herbicide for weed control, it exasperated the situation. We did remove it from the landscape environment outside of a few certain uses such as golf courses with their materials not being allowed to leave the site. There were some additional precautions with agricultural uses, but as Rose said, if the person moving the hay isn't the applicator or enough time passes to forget about the application, we still end up having a disconnect. WA does have some rules. We did take some action a few years ago on people who did not pay attention to the use restrictions. It is considered a restricted use herbicide in sections of Washington. We have raised the bar with some restrictions, but not totally for agricultural uses where it still may persist. So here our only answer is the caution of "buyer beware."

PUBLIC COMMENTS

Oregon Health Authority (OHA)

Curtis Cude, Program Manager and PARC co-chair

1. **Katie Murray**- Executive Director, *Oregonians for Food and Shelter*

a. What is the level of communication between PARC and the EPA? I ask this because you said that you were a part of the registration review that is ongoing right now with clopyralid. If you look in the EPA docket for clopyralid, there is a lot of useful information. Even before you all submitted your comments, EPA was working with the registrant and working on potential mitigations for this issue. If you look at the use, usage, and benefits document, it does outline pretty well what I assume to be the impending decision. There is to be a suite of mitigation measures including adding a pictogram to the clopyralid label. There will also be stewardship requirements for the registrant working through USDA that will include education and outreach. They were also clearer about the prohibition of impacted plant material or manure being exported off farm. That decision is due any day now by EPA. It was supposed to come out in the first quarter. Considering the potential restrictions on use, I think some communication with a regional EPA person may be helpful to be aware of what is pending federally. I would also like to say that I certainly agree with what a lot of people have said on the need for education from the primary user all the way to the end user. This is an issue of enforcement for ODA rather than for the restrictions. Preventing this use is already a part of the label requirements. I would just encourage ODA to think about how better to enforce that with education and outreach. If this is happening it is not because those uses aren't already restricted. According to the label this should not be happening. So I would like to encourage better enforcement there.

i. **Rose Kachadoorian** (Pesticide Program Manager, ODA)- It's interesting that enforcement works a lot more with their regional office, and yet the registration people work a lot more with headquarters. So, we do have exchange with national organizations of pesticide regulators. ODA will comment on federal register notices in several ways; including as a lone agency or by submitting comments jointly with OSU, Oregon sister agencies, other states in the region or through a national organization such as the Association of American Pesticide Control Officials (AAPCO). Sometimes when you see new or modified restrictions on labels, they are based on comments from state regulators. It's an indirect process where we are involved. We do read federal register notices and the various assessments. The labels for that class of pesticides have changed over the years because of comments from state agencies that have talked about some of the problems that they have seen. Rule making happens if something is not protective enough on that label.

2. **Lindsay Freedman** (Community member affected by clopyralid)

a. It started in a local organic gardening group; several experienced gardeners started seeing similar plant damage. Most of us got compost from the same place. Having Christina in the group with follow-up emails was important. I love the idea of non-profits responding to questions. It is endearing to hear of the agency collaboration. Collaboration to remove compost from purchasers? Many are still trying to remediate compost, which is very expensive if you want it to go faster than 3-5 years. Some of us purchased compost to grow food during shortages and pandemic. There was real panic. The timing could not have been worse. Several businesses lost entire vegetable crops. The composters have a higher level of responsibility; fingers were pointed at them but they were also greatly harmed. I have spoken with several people at ODA about more opportunities for tracking. I understand that might be difficult, but I think that it is important to think about the primary user. Education should not be the only consideration for the primary user, but also liability. If there is not a way to fine them, why should the CAFOs care? I love hearing that composters and CAFOs are getting education over the winter. Also, does anyone regulate the third-party compost brokers?

i. **Curtis Cude** (PARC Board Co-Chair, OHA)- Regarding disposal of solid waste. What would you recommend when it comes to that compost?

ii. **Bob Barrows** (Compost Program Manager, DEQ)- We currently don't have a regulatory tool to make that go away. This is a civil issue.

iii. **Curtis Cude** (PARC Board Co-Chair, OHA)- As we continue to evolve the FAQs, this is certainly something that we can look to address.

iv. **Michael Babbitt** (PARC Board Administrator, ODA)- OSU and NPIC have information on how to remove tainted compost.

v. **Christina Higby** (Citizen Advocate Liaison, ODA)- This comes down to personal choice. We are happy to discuss some of those choices and risks.

vi. **Tim Schultz** (Compliance Program Area Manager, WSDA)- Our jurisdiction ends with some of those third-party situations. Once it has gone beyond a certain level, it enters that grey area that label

changes may or may not address. A pesticide regulator can only go so far. Our jurisdiction also ends when product goes to a broker. That is where we have expressed concern to EPA. With compost or manure contamination, perhaps a person could arrange to spread it over a local pasture, such that material does not leave that farm. It could have a practical use.

- vii. **Wym Matthews** (*Fertilizers, ODA*)- If we find adulterated product that is registered with us, or being sold, we can see that as a violation and take action under the fertilizer statute.
- b. Can the registering agency put aside money to compensate people? Can registration fee revenue be set aside for injured parties?
 - i. **Rose Kachadoorian** (Pesticide Program Manager, *ODA*)- We don't have any legal mechanism to do that. The legislature is in charge of our budget. An agency cannot independently make the decision to give money away for any particular situation. That would all have to be through the legislature. State agencies do not have authority to make those kinds of decisions. Two Examples where the legislature directed us to take a certain portion of our pesticide registration dollars for a specific use: To OSU for pollinator education and also to OSU for pesticide education. ORS 634.326 appropriates those moneys to ODA for administrating and enforcing ORS 634. Whatever charge we have, that is how we are supposed to spend those dollars. What you are talking about is something completely different than what our charge is through the legislature.
 - ii. **Bob Barrows** (Compost Program Manager, *DEQ*)- In solid waste we regulate, we don't clean up. Our clean-up program has money only for very serious cases. Enforcement can get the land owner to clean up but it is not a best process.

PARC RECOMMENDATIONS

Oregon Department of Agriculture (ODA)

Rose Kachadoorian, PARC Board Administrator, Pesticide Program Manager

1. Trend Identification and Risk Mitigation
 - a. When there is an incident who does one reach out to and how?
 - b. How do we increase efficiency when completing a biennial report?
 - i. Focus on writing up events and assessing contributing factors in "real time". After a significant case has been completed, there should be an after case review and written summary (including recommendations), this would be the "PARC Report" on that case. It should be clear in the record who was investigating what, and each agency's determination.
 - c. If we are going to make a recommendation, what does that look like?
 - d. What does Risk Mitigation look like once we identify incident trends?
 - i. Other examples include swimming pool incidents and disinfectants.
 - e. All of these things are to be addressed in the next meeting's agenda.
2. **Kate Jackson** (Western Regional Liaison, *DEQ*)- We should start by using the HOTWASH concept introduced by Stephanie. Relevant agencies on an incident could take part before it rises to the level of PARC. That process can inform the PARC board as we work on the biennial reports. In this case we will have it incident by incident. The Umatilla incident, for example, was too early to be debriefed. There was already a need for quick coordination between at least DEQ and ODA on the incident as it unfolded.
3. **Rose Kachadoorian** (Pesticide Program Manager, *ODA*)- At some point that could be one of the topics. What does good coordination look like? How do people get the information that they need in a timely manner?
4. **Kate Jackson** (Western Regional Liaison, *DEQ*)- In this year's report where ODA was going to highlight the Ashland incident with Glyphosate, if this had been considered sooner, there would have been more opportunities for brainstorming where we could figure out some interesting strategies early on. If this was done during the processes rather than a year later involving PARC, everyone would have felt that we were more responsive.
5. **Stephanie Page** (Director of NRPA, *ODA*)- One of the things that went well with the clopyralid incident was we were having interagency calls in real time while the incident was going on. I believe that was what you were saying Kate. Over the past few years I built some experience into our Natural Resources Program that involve a large number of agencies. It does seem like the best way to deal with them is to get everyone on the phone together to determine who will do what, and to possibly assign a single point of contact to deal with the affected individual(s). One of the challenges with the Ashland situation where things tend to go sideways is, if folks end up calling agencies one by one and we tell them that we cannot address this part of your problem. We may refer them to another agency or tell them that there is no one to help them. What works well is getting all of the agencies on the phone together, then they can tell the affected person that everyone has had the opportunity to look at their issue. Here is who has a role in this and will follow up with you. It helps avoid the circle where folks bounce from agency to agency for a resolution to their problem. One challenge

- to what I am talking about is that it takes a lot of work. It can be difficult to heard all the people onto one phone call. This can take time, but I do believe it can save time later on in the process and it can prevent issues from escalating.
6. **Rose Kachadoorian** (Pesticide Program Manager, *ODA*)- At what point do you decide that we need to have more of a coordinated group effort here.
 7. **Garnet Cooke** (Pesticide Coordinator, *OR-OSHA*)- If there are three or more agencies involved in an investigation, we do coordinate. This is what we did with Tillamook and Coos (the child care facility). One of the problems is that agencies conduct their reports and investigations on a different timeline. This may be problematic, because if one agency goes first, and another takes longer to get an outcome, one may be in conflict with the other.
 8. **Rose Kachadoorian** (Pesticide Program Manager, *ODA*)- It's interesting that everyone has their own databases. PARC has a database; it isn't used by multiple agencies but we all know one another and work together. The coordination is great, but it can always be better. As Garnet mentioned, we are all on different timelines. While one is waiting for sample results, the other isn't. There are many different pieces. The time to combine these pieces is not during a biennial report, we need to bring them together and develop a single PARC summary report (synopsis) for significant incidents. We should avoid having separate PARC reports for each one of these cases. There are a lot of different agency reports. They are all good and well detailed, but we still need a small synopsis of what we have done with recommendations.
 9. **Curtis Cude** (PARC Board Co-Chair, *OHA*)- That is the role of the PARC database. It contains those elements of information on these cases. This is where all the agencies come together. There are different things that the different agencies have on the same cases. For example, we contain protected health information in our database. We cannot share that, but based on this data we are still able to collaborate with the PARC database. The pesticide regulatory database has different information as well. Coordination is great, but we need to continue to improve. We need to get more in real time with cases. We are getting close with the contributing factors discussions. Once the cases close, we need to continue to talk about it. Let's have these discussions and put the recommendations into the PARC database. There is room in the database for those recommendations or outcomes. From here we can determine what needs to be immediately communicated to whomever else needs to be involved. This will improve the productivity of the PARC Board.
 10. **Crystal Weston** (Coordinator, POHP, *OHA*)- Coordination is great, but we must keep in mind what the public needs. The end goal is addressing their concerns, protecting health and the environment. This is a way to an end; I hope we don't lose sight of our final goals.
 11. **Rose Kachadoorian** (Pesticide Program Manager, *ODA*)- Good point. I have seen situations where we have been so involved, where everything is so much "process," that you are tied up in "process" and you don't get anything done. If we are going to make a recommendation, what is reasonable without too much bureaucracy? Please speak up if you see so much process that things aren't getting done.
 12. **Michael Babbitt** (PARC Board Administrator, *ODA*)- Thank you Rose for bringing this point up. We can discuss it at the next PARC meeting (May 19); I look forward to that.