



Oregon Department of Agriculture Chlorpyrifos Work Group Meeting Notes: Jan. 6, 2021

Participants

Rose Kachadoorian, ODA
Stephanie Page, ODA
Toby Primbs, ODA
Christy Brown, ODA
Christina Stucker-Gassi, Northwest Coalition for Alternatives to Pesticides (NCAP)
Christopher Adams, OSU
Alec MacDonald-Factor, office of Oregon Representative Andrea Salinas
Dominica Navarro, NCAP
Lisa Arkin, Beyond Toxics
Carol Saunders, Corteva
Dana Thomas, Spectrum Brands
Dani Lightle, OSU
David Farrer, Oregon Health Authority (OHA)
Gabriela Goldfarb, OHA
Dave Phipps, Golf Course Superintendents Association of America
Fred Berman, OHSU/OSU
Jeff Stone, OAN
Jeff Jenkins, OSU
Jenny Dresler, Oregon Farm Bureau and Oregon Hazelnuts
Judy Deal, Spectrum Brands
Karen Lewotsky, Oregon Environmental Council
Katie Murray, Oregonians for Food and Shelter
Navneet Kaur, OSU
Oliver Neher, Amalgamated Sugar
Roger Beyer, Oregon Seed Council
Scott Pace, Drexel Chemical Company
Silvia Rondon, OSU
Stuart Reitz, OSU
Chal Landgren, OSU

Welcome, introductions, purpose of meeting

Meeting attendees introduced themselves. Stephanie Page explained that the purpose of the meeting was to provide a briefing on the chlorpyrifos and restricted use pesticides final rules and make sure there was clear understanding of the provisions of the rules. The briefing will also include a discussion of notification and research needs. Unless otherwise noted, all requirements took effect upon filing (adoption) of the rule which was December 15, 2020.

Chlorpyrifos rule review

Stephanie Page provided a section by section summary of the chlorpyrifos rule.

- Section 1 makes chlorpyrifos products a restricted-use pesticide, meaning a person has to pass an exam, maintain a license, which would include taking continuing education, to be able to purchase any chlorpyrifos containing product, except cattle ear tags. This requirement took effect on January 1, 2021.

- Section 2(a) eliminates some uses immediately (mosquito vector control, golf courses) and further restricts greenhouse uses.
- Section 2(b) extends the restricted re-entry interval (REI) from 24 hours for most uses to 4 days. This allows additional time for the product to break down before workers re-enter without PPE. Workers could still re-enter treated areas during the REI, but only if they wear the proper PPE.
- Section 2(c) eliminates aerial application except for Christmas trees. This eliminates a potential drift pathway and is responsive to public comments.
- Section 2(d) only allows ground or aerial applications during a narrow window (April 1 to June 15) on Christmas trees. The limited use is allowed on Christmas trees to retain a critical use for a limited time while other alternatives are developed.
- Section 2(e) requires that anyone making a chlorpyrifos application needs to be certified and licensed. This means that a noncertified and unlicensed worker can no longer apply chlorpyrifos under their employer's license and supervision. All applicators must have passed the necessary ODA exam or exams to be eligible for a licensed. To renew the license, an applicator needs to earn continuing education credits or retest.
- Section 2(f) updates respirator requirements; these requirements are outdated on many chlorpyrifos labels and have not been updated to reflect national requirements requiring more protective equipment. Oregon-OSHA provided this language and they have been working with EPA to update labels nationally.
- Section 2(g) requires all applicators to keep chlorpyrifos application records. This is a way for ODA to determine if applicators are meeting all of the other rule requirements.
- Section 3 addresses mixing and loading which is a potential significant exposure pathway to chlorpyrifos in its concentrated form. It requires all mixers/loaders to either be certified and licensed or complete special, chlorpyrifos-specific training. We are partnering with OSU to develop that training. This requirement takes effect on March 1, 2021.
- Sections 4 and 5 create buffers around sensitive sites and bodies of water. These sections widen existing buffers far beyond those required by the label. Rose Kachadoorian noted that in response to public comments, exemptions were added for owner and owner family-occupied dwellings and for roads which already have protections in the federal Worker Protection Standard AEZ. Stephanie Page noted that the definition of bodies of water has also been more clearly tied directly back to the definition on product labels. This clarification was in response to public comments.
- Section 6 eliminates most uses effective December 31, 2023. It allows time for new products to come onto the market and be evaluated for Oregon's specialty crops; it allows time for currently funded research to conclude; and also tries to prevent large stockpiles of the product remaining onsite by allowing folks time to use up existing product.
 - The exemptions to the phase-out described in Sections 6 and 7 are lower risk uses involving granular products, seed treatments, and cattle ear tags. We are confident that we can tailor pesticide safety education to further reduce exposure from these low risk uses.
- Section 8 describes the penalties for failing to follow the rule.

Jeff Stone suggested creating a FAQ about the final rule and indicated he has provided some likely questions to Rose Kachadoorian. Katie Murray suggested creating a timeline showing when key compliance dates take effect. Rose thanked the group for these recommendations and indicated

that ODA will work with the group to create and review the FAQ. Because pesticide registrants also had additional questions and were on the call, ODA will be making a separate FAQ for their use.

Restricted use pesticide rule review

Rose Kachadoorian reviewed the final rule for restricted use pesticides and explained that this rulemaking was conducted to ensure consistency between the rule and Oregon's pesticide control act. In response to comments, a clarification was added to the rule that restricted use pesticides may include those that are injurious or detrimental to sensitive subgroups of people, and that ODA will consider the feedback of stakeholders in the establishment and maintenance of classifications of restricted use pesticides and devices.

Research needs and notification plans

Stephanie Page noted that ODA has funded two specialty crop block grant projects that are looking into alternatives for chlorpyrifos, and that an application period is currently open for specialty crop block grants. In addition, ODA has been working with OSU to explore funding some alternatives research with minor crops research funds that ODA provides to OSU for IR4 work.

Rose Kachadoorian indicated she is in discussions with Dani Lightle about the minor crop groups who are in need of alternative products to chlorpyrifos. They have been talking about how to identify groups' needs and the specific pests they need alternatives for. Katie Murray asked why this had not been done during the rulemaking process. Rose Kachadoorian indicated she had reached out to several folks at OSU but that the people she contacted were not available to conduct survey work to find out the specific pests that growers needed alternatives for. Katie Murray said that while she was at OSU, she had conducted a survey as part of preparing comments to EPA and would provide this information to ODA and to Dani Lightle.

Silvia Rondon asked if additional products will be restricted in the future and that it would be helpful to know further in advance. Rose Kachadoorian discussed the collective need to be more proactive when concerns are being expressed about a particular active ingredient, or additional restrictions are being proposed via EPA's Registration Review Process or through state actions. OSU, groups representing pesticide users and ODA should start having discussions well in advance of the implementations of federal or state limitations or restrictions. Efficacy studies looking at alternatives should be part of the initial process.

Rose Kachadoorian noted that in the past, ODA had a minor crops research committee and that the pesticides program is in the process of re-constituting and re-convening that committee. One of the tasks of this committee could include identifying products that are in need of alternatives research.

Rose Kachadoorian and Stephanie Page summarized the notifications that have already taken place regarding the chlorpyrifos rule to ODA license holders, registrants, and stakeholders. Rose noted that ODA plans additional outreach to commercial operators/applicators to ensure they are aware that products such as roach baits are now restricted use products. She also thanked participants for the suggestions for the FAQ sheet and timeline, and said she will develop a draft for folks to look at.

Stephanie Page thanked the work group members and other meeting participants for their engagement in this process over the past year and adjourned the meeting.