

ODA PESTICIDE BULLETIN

Issue XLV

Fall 2014

Oregon Department of Agriculture Pesticides Program

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Oregon
Department
of Agriculture

DIRECTOR'S COLUMN: FINDING WAYS TO BE A GOOD NEIGHBOR HELPS SOLVE PROBLEMS

Part of what makes Oregon agriculture so dynamic also makes it challenging at times. I've often talked about the wonderful diversity of the agriculture we have, with more than 220 crops providing a bountiful array unmatched by most other states. I see that diversity as a strength of ours. Unlike some Midwest states, Oregon does not rely on one or two commodities for nearly all of its agricultural production. It's a good thing, in my mind, to drive throughout the Willamette Valley and see the variety of crops from A to Z: apples to zucchini.

The challenge comes from the differences between these crops. The practices used by the growers are not the same. Pest problems and the timing of pesticide applications are unique. The close proximity to each other can be problematic. Sometimes conflicts arise, which ruffle the otherwise peaceful co-existence between growers of different crops. Communication, consideration, and cooperation can establish or restore harmony among agricultural neighbors.



*ODA Director
Katy Coba*

This summer, a working group representing a variety of agricultural stakeholders in Oregon is addressing the issue of how to prevent or reduce pesticide drift incidents to vineyards. Wine grapes are sensitive to certain types of herbicides. There have been cases of damaged grapes or vines caused by an herbicide application on an adjoining property. Sometimes that application is made by a fellow winegrower. More often, it comes from someone who grows a different crop or perhaps a road crew making a nearby right-of-way application. The Oregon Winegrowers Association has been motivated to address the issue sooner rather than later, and asked the Oregon Department of Agriculture to convene a meeting of agricultural interests. Two meetings later, the consensus is that mutual outreach and education provides a pathway to resolving conflicts.

At the table are the Oregon Winegrowers Association, Oregonians for Food and Shelter, Oregon Forest Industries Council, Oregon Farm Bureau, Oregon Wheat League, Oregon Seed League, and the Oregon Association of Nurseries. As convener, ODA wants to broaden the conversation to include Oregon State University, the Oregon Association of Counties, the Oregon Department of Transportation, and distributors of pesticide products, such as Wilco. All parties understand the concerns, and each group is a willing participant in the creation of a multi-pronged educational strategy. We already have seen strong interest by the

COBA
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EPA REINSTATES NO-SPRAY BUFFER ZONES TO PROTECT SALMON

The U.S. Environmental Protection Agency has reinstated no-spray buffer zones in Oregon, California, and Washington to protect salmon as a result of final settlement agreement with the “Northwest Center for Alternatives to Pesticides v. EPA.”

As of Aug. 15, EPA brought back streamside no-spray buffer zones to protect endangered or threatened Pacific salmon and steelhead. This action is directed by a stipulated injunction agreed to by the parties that settles litigation brought against EPA by the Northwest Center for Alternatives to Pesticides and others, in U.S. District Court in Washington state.

The reinstated buffers are part of the final court order; however, they will not be included as labeling requirements under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

The no-spray buffer zones will be re-imposed for the following pesticides in waters that support salmon:

- Carbaryl (Sevin)
- Chlorpyrifos (Lorsban)
- Diazinon
- Malathion
- Methomyl (Lannate)

The no-spray buffer zones, 20 yards (60 feet) for ground pesticide applications and 100 yards (300 feet) for aerial pesticide applications.

The no-spray buffer zone restrictions will remain in place until EPA implements any necessary protections for Pacific salmon and steelhead based on reinstated consultations with the National Marine Fisheries Services.

To view the no-spray buffer zones, go to EPA’s Salmon Mapper at www2.epa.gov/endangered-species/salmon-mapper. The interactive map has been updated to include

the current list of chemicals subject to the restrictions, enhanced spatial resolution, and the most recent geospatial data depicting stream reaches where the buffer zones apply.

Under the settlement agreement, there are three use exemptions:

- Public health vector control administered by public entities
- National Marine Fisheries Services authorized programs
- Use of carbaryl under a Washington state-issued 24(c) registration for oyster beds in the estuarine mudflats of Willapa Bay and Grays Harbor.

In addition to the five pesticides being addressed by the injunction, buffers remain in effect for seven active ingredients that were included in the original WTC case, pending final biological opinions from the National Marine Fisheries Services. These active ingredients are:

- 1, 3-dichloropropene (Telone)
- Bromoxynil (Buctril)
- Diflufenzuron (Dimilin)
- Fenbutatin-oxide (Vendex)
- Prometryn (Caparol)
- Propargite (Comite)
- S-metolachlor (Dual)

For information on specific buffer zones and background on the Northwest Center for Alternatives to Pesticides v. EPA, go to www.epa.gov/oppfead1/endorsement/litstatus/ncap-v-epa.html.

Questions regarding the court-ordered buffers should be sent to espp@epa.gov.

PESTICIDE ADVISORY: ZINC PHOSPHIDE

As a reminder: To protect migratory geese, all above ground-use of zinc phosphide on grasses grown for seed ended Aug. 31. Below-ground use of zinc phosphide on grasses grown for seed may be conducted year round using currently registered Oregon SLN products.

TO VIEW ALL SLN LABELS: <http://picolsln.wsu.edu/default.aspx>



New!

Simple structure

Design

Clean, simple, and responsive design for your desktop, laptop, tablet, and smartphone.

Navigation

Find your way easily, common tasks are up front. All pages are linked from menus.

Content

Useful and usable information to accomplish your task or get you on the right track. Easy to read and accessible for all users.

Search

Smart search helps you find the results you need faster.



Useful information

Calendar

Upcoming meetings and events all located on one calendar.

Featured information

Highlights current news, alerts, and important services.

News

Breaking news and stories of the week along with the latest buzz from social media all in one place.

Quick links

Contact information and quick links always available at the bottom of the page.

WE'VE MOVED! HERE'S THE NEW PESTICIDE AND FERTILIZER PROGRAM WEB ADDRESS:

Oregon.gov/ODA/programs/Pesticides/Pages/AboutPesticides.aspx

IMPROVED WEBSITE GREETES VISITORS TO OREGON.GOV/ ODA

The Oregon Department of Agriculture's website underwent a major revamp in late August. The new streamlined site is task-oriented and mobile-friendly. However, for our long-term users, negotiating the new site and finding information that you previously had bookmarked might be challenging.

The left sidebar will expand to subpages if there is a "+" symbol next to a title heading. For example: Licensing Information will expand to 13 sub pages, including license types, fees, and forms.

Are you looking for forms, applications, publications or websites that used to be on the old site? In most cases, the information is on the new website. Links to documents or websites are listed under "Resources" toward the bottom of each webpage.

If a webpage has a link to another ODA webpage, that link will be found at the upper right sidebar. The link will be blue.

Are you looking for important, up-to-the-minute news relating to pesticides? Our "Current Issues" page, www.oregon.gov/ODA/programs/Pesticides/Pages/PesticidesCurrentIssues.aspx, will be updated continually with the timely information you may need. Remember to check it often!

Want to read about all the news from the Oregon Department of Agriculture? Visit ODA's new blog at <http://odanews.wpengine.com>.

IT'S TIME TO CHECK YOUR PESTICIDE CREDIT HISTORY REPORT

Now is the time to check your pesticide credit history report, also known as recertification credit hours.

You will need your license number to access your credit history report. The report will provide a list of all the classes that you have attended for recertification. It also will include a breakdown of how many credit hours you received during your recertification period and will show how many credit hours you still might need to renew your license. The credit hours needed for each license type are:

COMMERCIAL PESTICIDE APPLICATOR: 40 credit hours in the five-year recertification period. Only 15 credit hours will be applied in any one year.

PUBLIC PESTICIDE APPLICATOR: 40 credit hours in the five-year recertification period. Only 15 credit hours will be applied in any one year.

CHECK YOUR CREDIT HOURS: Oregon.gov/ODA/programs/Pesticides/Licensing/Pages/RenewalRecertification.aspx

PROBLEM WITH YOUR CREDIT HISTORY REPORT? Go to www.oregon.gov/ODA/shared/Documents/PesticidesPARC/AttendanceRecordReviewForm.pdf

CONSULTANT: 40 credit hours in the five-year recertification period. Only 15 credit hours will be applied in any one year.

PRIVATE PESTICIDE APPLICATOR: 16 credit hours in the five-year recertification period. Only eight credit hours will be applied in any one year. Four of the 16 credit hours must be "Core" credits.

PESTICIDE APPRENTICE: Eight credit hours are needed during the licensing period. Four of the eight credit hours must be "core" credits.

GET RID OF YOUR PESTICIDE WASTE AT UPCOMING COLLECTION EVENTS

Old and unused pesticides can enter waterways through leaching, flooding, or runoff and pose an exposure threat to humans and wildlife.

To combat the problem, the Oregon Department of Agriculture, in collaboration with the Oregon Department of Environmental Quality, has received funding from the Oregon Legislature to support local collection events for agricultural waste pesticides.

Five collection events have been scheduled for 2014. The first event was held July 22 in Milton-Freewater. More than 15,000 pounds of waste pesticides and 3,000 pounds of empty, triple-rinsed plastic pesticide containers were collected at that event.

Take advantage of this opportunity to safely and anonymously dispose of old and unusable pesticides. You must pre-register with the disposal service so that they are prepared to receive your chemicals. Announcements regarding the availability of registration applications via Clean Harbors Environmental Services or your local OSU County Extension Office will be made available through Oregon.gov/ODA about four weeks before your area's scheduled event.

You also will be able to recycle clean, dirt- and residue-free, triple-rinsed plastic pesticide containers.

PESTICIDE WASTE COLLECTION SCHEDULE

Date/Time	Community/Address
TUESDAY, OCT. 21 10 a.m. to 3 p.m.	HERMISTON OSU Hermiston Agricultural Research & Extension Center 2121 S First St. Hermiston, OR 97838
WEDNESDAY, OCT. 22 10 a.m. to 4 p.m.	ONTARIO Simplot Grower Solutions 1700 SW Fourth St. Ontario, OR 97914
WEDNESDAY, NOV. 12 10 a.m. to 4 p.m.	MADRAS OSU Central Oregon Agricultural Research Center 850 NW Dogwood Lane Madras, OR 97741
SATURDAY, DEC. 6 8 a.m. to 2 p.m.	McMINNVILLE Wilco Whiteson Agronomy 14000 S Highway 99W McMinnville, OR 97128

For triple-rinse procedures, see the AG Container Recycling Council website at www.acrecycle.org and select the link for Container Rinsing. All size containers, up to 55-gallon capacity plastic drums can be accepted. Containers need to be made from high density polyethylene (HDPE) and embossed with recycling symbol #2. No registration is needed for dropping off empty, triple-rinsed pesticide containers. This service is free.

FIFRA SECTION 24(C) SPECIAL LOCAL NEED (SLN) PESTICIDE REGISTRATIONS

Activities from March 1, 2014 to Oct. 3, 2014

NEW SLNs						
Product	Ingredient	Crop	Pest	Registrant	EPA Reg #	OR SLN #
Reflex Herbicide	Fomesafen	Summer squash, winter squash	Black and hairy nightshade	Syngenta	100-993	OR-140003
Slugger 4.0 Slug & Snail Bait	Metaldehyde	Clover grown for seed and certain small-seeded vegetable crops	Slugs and snails	OR-CAL	71096-13	OR-140004a
Wilco Blue 4.0 Slug & Snail Bait	Metaldehyde	Clover grown for seed and certain small-seeded vegetable crops	Slugs and snails	OR-CAL	71096-13	OR-140004b
Metarex Snail & Slug Bait	Metaldehyde	Clover grown for seed and certain small-seeded vegetable crops	Slugs and snails	Liphatech	7173-257	OR-140005
Prowl H2O	Pendimethalin	Clover grown for seed	Weeds	BASF Corp.	241-418	OR-140006
Prozap Zinc Phosphide Rodent Pellets AG	Zinc phosphide	Grape vineyards	Voles, mice	HACCO, Inc.	61282-56	OR-140007
Deadline M-Ps Mini-Pellets	Metaldehyde	Clover grown for seed and certain small-seeded vegetable crops	Slugs and snails	AMVAC	5481-507	OR-140008
Parazone 3 SL	Paraquat	Alfalfa grown for seed	Harvest aid desiccant	Makhteshim-Agan	66222-130	OR-140009
Ro-Neet Herbicide	Cycloate	Spinach	Weeds	Helm Agro US	74530-16	OR-140010
Forfeit 280	Glufosinate-ammonium	Grasses grown for seed	Weeds	Loveland Products	34704-1080	OR-140011
Willowood Glufosinate 280 SL	Glufosinate-ammonium	Grasses grown for seed	Weeds	Willowood, LLC	87290-41	OR-140012
Royal Brand 4 Flowable Fungicide	Iprodione	Brassica, Raphanus, Sinapis (mustards) grown for seed	Black leg disease	FMC Corporation	279-9564	OR-140013
Prozap Zinc Phosphide Oat Bait	Zinc phosphide	Grasses grown for seed	Voles, mice	HACCO, Inc.	61282-14	OR-140014
Prozap Zinc Phosphide Pellets	Zinc phosphide	Blueberries, below ground	Voles, mice	HACCO, Inc.	61282-49	OR-140015

REVISED SLNs						
Product	Ingredient	Crop	Pest	Registrant	EPA Reg #	OR SLN #
Reglone Desiccant	Diquat dibromide	Add coriander and rutabaga grown for seed	Harvest aid desiccant	Syngenta	100-1061	OR-080025
Mertect 340-F	Thiabendazole	Add Brassica, Raphanus, Sinapis crops for seed	Black leg disease	Syngenta	100-889	OR-100014

PENDING SLNs						
Product	Ingredient	Crop	Pest	Registrant	EPA Reg #	OR SLN #
Linex 4L Herbicide	Linuron	Potatoes	Pigweed, lambs-quarters, nightshades	Tessenderlo Kerley	61842-21	

CANCELED SLNs							
Product	Ingredient	Crop	Pest	Registrant	EPA Reg #	OR SLN #	Cancel Reason
Supracide 2E	Methidathion	Alfalfa grown for seed	Aphids, lygus, weevils	Gowan Company	10163-236	OR-000010	EPA cancelled
Supracide 2E	Methidathion	Timothy hay, timothy/alfalfa hay	Spider mites, thrips	Gowan Company	10163-236	OR-020018	EPA cancelled

CURRENT SECTION 18 EXEMPTIONS

There is one active FIFRA Section 18 emergency exemption at this time. This exemption authorizes applications of products containing potassium salts of hop beta acids to control Varroa mites in honey bees. Two products manufactured by BetaTec Hop Products may be applied: The original HopGuard; and a newer formulation, HopGuard II. Use of these products is valid until December 31, 2014. The Section 18 labels are available on the ODA's Pesticides website at: www.oregon.gov/ODA/Programs/Pesticides/PesticideProductInformation/Pages/SearchRegisteredPesticides.aspx.

PESTICIDE VIOLATIONS

Notices of Violation Issued

From January to June 2014

Party Cited	Violation*
Aldaco, Jose L.	ORS 634.372(2)
D & K Pest Control Inc.	ORS 634.372(2)
D & K Pest Control Inc.	ORS 634.372(5)
Do It Best Corp.	ORS 634.372(17)
Fosdick, Gary L.	ORS 634.372(4)
Glass Tree Care & Spray Service, Inc.	ORS 634.372(4)
Grissell, Tevor W.	ORS 634.372(4)
Gutierrez, Raul	ORS 634.372(8)
Hammer, Randy R.	ORS 634.372(2)
Lagunas, Alex Z.	ORS 634.372(5)
Orellana, Jose	ORS 634.372(8)
Razorback Buggy Service	ORS 634.372(4)
Schult, Michael J.	ORS 634.372(5)
SH Weed & Pest Control LLC	ORS 634.372(5)
Stevens, Jeremy T.	ORS 634.372(8)
The Brickman Group Ltd. LLC	ORS 634.372(2)
The Brickman Group Ltd. LLC	ORS 634.372(5)
Toscuento, Vincente	ORS 634.372(8)
Wahl, John B.	ORS 634.372(2)
Wildhorse Helicopter Company, Inc.	ORS 634.372(2)

Civil Penalties Issued

From January to June 2014

Party Cited	Violation*	Amount
Aldaco, Jose L.	ORS 634.372(8)	\$555.00
Farmers Supply Cooperative	ORS 634.372(4)	\$407.00
Lagunas, Alex Z.	ORS 634.372(4)	\$7,215.00
Schult, Michael J.	ORS 634.372(2)	\$3,000.00
SH Weed & Pest Control LLC	ORS 634.372(2)	\$1,500.00
Taylor, Tyler John	ORS 634.372(4)	\$407.00
The Brickman Group Ltd. LLC	ORS 634.372(9)	\$555.00
Towne, James A.	ORS 634.372(2)	\$1,628.00
TruGreen LandCare LLC	ORS 634.372(9)	\$1,894.00

*Pesticide Violations:

- ORS 634.372(1) - Make false or misleading claims through any media, relating to the effect of pesticides or application methods to be utilized.
- ORS 634.372(2) - As a pesticide applicator or operator, intentionally or willfully apply or use a worthless pesticide or any pesticide inconsistent with its labeling, or as a pesticide consultant or dealer, recommend or distribute such pesticides.
- ORS 634.372(3) - Operate a faulty or unsafe pesticide spray apparatus, aircraft or other application device or equipment.

- ORS 634.372(4) - Perform pesticide application activities in a faulty, careless or negligent manner.
- ORS 634.372(5) - Refuse or neglect to prepare and maintain records required to be kept by the provisions of this chapter.
- ORS 634.372(8) As a pesticide applicator, work or engage in the application of any classes of pesticides without first obtaining and maintaining a pesticide applicator's license, or apply pesticides that are not specifically authorized by such license.
- ORS 634.372(9) - As a pesticide operator, engage in the business of, or represent or advertise as being in the business of, applying pesticides upon the land or property of another, without first obtaining and maintaining a pesticide operator's license. The operator also may not engage in a class of pesticide application business that is not specifically authorized by license issued by the State Department of Agriculture. The operator also may not employ or use any person to apply or spray pesticides who is not a licensed pesticide applicator or pesticide trainee.
- ORS 634.372(15) - Deliver, distribute sell or offer for sale any pesticide that is misbranded
- ORS 634.372(17) - Formulate, deliver, sell or offer for sale any pesticide that has not been registered or required by ORS 634.016.

Note: The Notices of Violation and Civil Penalties listed above have been confirmed as or followed by Final Orders.

TEMPORARY RULE PROHIBITS USE OF DINOTEFURAN AND IMIDACLOPRID ON LINDEN TREES

ODA enacted a temporary rule earlier this year prohibiting the use of any product containing the neonicotinoid insecticides, dinotefuran or imidacloprid, regardless of application method, on linden trees.

The temporary rule is in effect until Dec. 23, 2014. ODA took this action because of numerous bee kills in 2013 and 2014. It is the department's intent to make this prohibition permanent in Oregon Administrative Rule. Newer pesticide labels already reflect this prohibition.

In addition, the department might be considering a recommendation to broaden this rule. All proposed administrative rules must undergo a public comment period, and may involve a hearing.

MORE ABOUT LINDEN TREES AND INSECTICIDES: See the brochure "Bumble Bees, Trees, and Neonicotinoids" at Oregon.gov/ODA/programs/Pesticides/RegulatoryIssues/Pages/PollinatorIssues.aspx

FERTILIZER VIOLATIONS

Notices of Violation Issued

Party Cited	Violation*
Barenburg USA, Inc.	ORS 633.366(1)(e)
Beneficial Biologics	ORS 633.366(1)(e)
Beneficial Biologics	ORS 633.366(1)(a)
Bloom Brothers Garden Supply, Inc.	ORS 633.366(1)(a)
Central Oregon Basalt Products, LLC	ORS 633.366(1)(a)
Coastal Farm & Home Supply, LLC	ORS 633.366(1)(e)
CXI	ORS 633.366(1)(a)
Do it Best Corp	ORS 633.366(1)(e)
ENP, Inc.	ORS 633.366(1)(a)
Florikan-E.S.A., LLC	ORS 633.366(1)(e)
Good Earth, Inc.	ORS 633.366(1)(a)
Green Industries, Inc.	ORS 633.366(1)(a)
Growth Products, Ltd.	ORS 633.366(1)(a)
Growth Products, Ltd.	ORS 633.366(1)(e)
Infinity Fertilizer, Inc.	ORS 633.366(1)(a)
Kellogg Supply, Inc.	ORS 633.366(1)(e)
Marco Industries, Inc.	ORS 633.366(1)(a)
Marco Industries, Inc.	ORS 633.366(1)(e)
Oregon Global Distribution, Inc. (NPK Industries)	ORS 633.366(1)(a)
Perfect Blend, LLC	ORS 633.366(1)(e)
Pierce County Department of Public Works and Utilities	ORS 633.366(1)(a)
Plant Revolution, Inc.	ORS 633.366(1)(e)
Plant Revolution, Inc.	ORS 633.366(1)(a)
Sunlight Supply, Inc.	ORS 633.366(1)(a)
Sustainable Community Development, LLC (SCD Probiotics)	ORS 633.366(1)(a)
Sustainable Community Development, LLC (SCD Probiotics)	ORS 633.366(1)(e)
The Doggett Corporation	ORS 633.366(1)(e)
Tulsi Enterprises Ltd.	ORS 633.366(1)(a)
Tulsi Enterprises Ltd.	ORS 633.366(1)(c)
X-Seed, Inc.	ORS 633.366(1)(g)
X-Seed, Inc.	ORS 633.366(1)(n)
Zinc Nacional SA	ORS 633.366(1)(a)

Civil Penalties Issued

Party Cited	Violation*	Amount
Art Wilson Co.	ORS 633.366(1)(e)	\$125
Aurora Innovations, Inc.	ORS 633.366(1)(a)	\$250
Bonide Products	ORS 633.366(1)(e)	\$125
Canna Continental	ORS 633.366(1)(e)	\$125
Canna Continental	ORS 633.366(1)(j)	\$500
Central Garden & Pet Company	ORS 633.366(1)(a)	\$5,000
Central Garden & Pet Company	ORS 633.366(1)(e)	\$1,500
Dr. Earth, Inc.	ORS 633.366(1)(a)	\$375
Florikan-E.S.A., LLC	ORS 633.366(1)(a)	\$1,000
Good Earth, Inc.	ORS 633.366(1)(e)	\$1,125
Hydrofarm, Inc.	ORS 633.366(1)(e)	\$1,875
J.R. Peters, Inc.	ORS 633.366(1)(a)	\$125
J.R. Simplot Company	ORS 633.366(1)(a)	\$2,625
J.R. Simplot Company	ORS 633.366(1)(e)	\$1,250
OGM (Hydro-Organics Wholesale)	ORS 633.366(1)(a)	\$125
Perfect Blend, LLC	ORS 633.366(1)(a)	\$500
Redox Chemicals, LLC	ORS 633.366(1)(a)	\$375
Reforestation Technologies International	ORS 633.366(1)(e)	\$375
Reforestation Technologies International	ORS 633.366(1)(a)	\$375
Sun Gro Horticulture Distribution, Inc.	ORS 633.366(1)(e)	\$3,375
Sun Gro Horticulture Distribution, Inc.	ORS 633.366(1)(a)	\$125
Technaflora Plant Products, Ltd.	ORS 633.366(1)(a)	\$750

**Fertilizer Violations:*

- *ORS 633.366(1)(a) Distribute mislabeled products*
- *ORS 633.366(1)(c) Distribute adulterated products*
- *ORS 633.366(1)(e) Distribute a fertilizer, agricultural amendment, agricultural mineral or lime product that is not registered with the State Department of Agriculture under ORS 633.362*
- *ORS 633.366(1)(j) Distribute, use or remove any product subjected to a stop sale, use or removal order until the product has been released in accordance with ORS 633.445*
- *ORS 633.366(1)(g) Make false or fraudulent applications, records, invoices or reports*
- *ORS 633.366(1)(h) Fail, refuse or neglect to provide notification to the department as required by ORS 633.318(5) or 633.362(8)*
- *ORS 633.366(1)(n) Fail, refuse, or neglect to pay inspection fees required under ORS 633.461*

Note: The Notices of Violation and Civil Penalties listed above have been confirmed as or followed by Final Orders.

EPA PROPOSES CHANGES TO WORKER PROTECTION STANDARD

In 1992, the EPA drafted the Worker Protection Standard (WPS) in order to protect workers from agricultural pesticides on worksites such as greenhouses, farms, forests, and nurseries.

The WPS has been protecting agricultural workers for more than 20 years. After extensive stakeholder collaboration to identify areas of improvement, the EPA proposed changes to the WPS in February 2014.

Highlights of the proposed changes include:

- Train workers and handlers every year, as opposed to every five years, which is the current interval.
- Expand training content to include information on take-home exposure; there currently is no training on reducing take-home exposure.
- Reduce the “grace period” to two days, after which full WPS training is required; there is currently a five-day grace period.
- Require recordkeeping of training for two years; recordkeeping of training is not currently required.
- Require posting of treated areas when the restricted-entry interval (REI) is greater than 48 hours. Currently, either oral or posted notification is acceptable for REI of any length, unless the

pesticide labeling requires both.

- Require pesticide handlers and early-entry workers to be 16 years old (members of owner’s immediate family are exempt from this (and most other) requirements of the WPS. There is currently no minimum age requirement.
- Prohibit entry into 25-100 foot buffer areas around treated field during pesticide application on farms, forests, nurseries, and greenhouses. The 25-100 foot buffer area represents the border around the area that’s been sprayed, and not the entire field (if only a portion of the field has been treated).
- Move the central posting location to the employer’s main office.

Although ODA recognizes that EPA-proposed changes were intended to improve the existing WPS program, ODA and OR-OSHA responded with comments to EPA, detailing concerns the state agencies have with the proposals. The highlights of these comments are:

WPS

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winegrowers in particular to partner with other ag groups. For this effort to be effective, all participants must take an active role and commit to specific efforts that deal with the issue of pesticide drift to and from vineyards.

The strategic plan that emerges could include additional meetings between individual groups, and distribution of educational materials or guidelines about production and pesticide application — an exchange of information and communication that creates awareness among differing groups. As an example, grass seed growers need to know and care about wine grape operations. Winegrowers need to appreciate the practices of wheat growers.

How can a diverse agriculture co-exist? By having growers of different crops understand each other better. When there is better communication, there is a better understanding. When there is better understanding, ag groups can co-exist.

Raising the awareness level of all producers about the

sensitivity of pesticide applications to wine grapes is an important first step to achieve the goal of preventing drift. By next spring, all parties hope to have the strategy in place and begin sharing information and resources.

Decades ago, there was a question about the co-existence of organic vs. conventional agriculture. There were concerns about how a conventional grower might impact an organic grower located next door. But we haven’t had many complaints with regards to organic vs. conventional. Why is that? Simply, there is a better understanding and respect for different production practices. Growers are taking that into consideration and being good neighbors, often adjusting their practices to take into account the other guy.

This current effort is focused on pesticides. But in fostering the relationship, if other issues come forward, the ability for groups to talk to each other is now there and it should be easier to address some of those issues. I am confident that this is a roadmap for how we can continue to work with the diversity of Oregon agriculture and allow for co-existence.

CONTROLLING BLACK LEG AND TWO OTHER DISEASES IN CRUCIFER CROPS

Three fungal diseases have caused epidemics in the Willamette Valley on crops of the Brassicaceae family's cruciferous vegetables, as well as on related plants and weeds in 2014.

In surveys conducted by Oregon State University (OSU) scientists beginning in March, the diseases — black leg, light leaf spot, and white leaf spot — have been observed in fields of *Brassica* species vegetable crops (e.g., broccoli, cabbage, Chinese cabbage, collards, kale, mizuna, turnip) throughout the Willamette Valley.

The diseases also have been detected in fields of genetically related crops such as *Raphanus* species (radish and daikon), canola, forage brassicas, and in volunteers of these species found as weeds in other fields. All these crops are thought to be potentially susceptible to the pathogens, whether being grown for seed, for fresh market or processing vegetables, or as forage or cover crops.

In response to these disease detections, the ODA Plant Health Program adopted a temporary rule in July 2014 requiring that, before planting, seed stocks of susceptible crops either be tested and certified as free from black leg, or be treated with a fungicide or suitable alternative treatment. ODA's pesticide registrations team is working closely with OSU and ODA Plant Health pathologists, growers, and pesticide registrants to identify and obtain FIFRA Section 24(c) Special Local Need (SLN) registrations for effective products that growers can use to manage or prevent future disease outbreaks.

ODA has granted two SLN registrations for seed treatment fungicides, and is working with a third company for an additional seed treatment SLN. In the upcoming months, ODA likely will grant one or more SLNs for fungicides that can be used as foliar applications to the growing crops to protect against wind-blown spores. These SLNs will be for products that have several modes of action, to provide options for disease resistance

TABLES OF THE SEED TREATMENT FUNGICIDES AND FOLIAR APPLICATION FUNGICIDES:
Oregon.gov/ODA/programs/Pesticides/Pages/PesticidesCurrentIssues.aspx

INFORMATION ON ODA'S BLACK LEG TEMPORARY RULE IS AVAILABLE IN OAR 603-052-0882:
http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_603/603_052.html

ADDITIONAL INFORMATION ON THE DISEASES:
<http://pnwhandbooks.org/plantdisease/seed-crop-crucifers-black-leg>
<http://pnwhandbooks.org/plantdisease/seed-crop-crucifers-light-leaf-spot>
<http://pnwhandbooks.org/plantdisease/seed-crop-crucifers-white-leaf-spot-and-gray-stem>

SLN LABELS: picolsn.wsu.edu

management.

The two recently registered seed treatment SLNs are for:

- 1.) Rovral Brand 4 Flowable, EPA Reg. No. 279-9564, EPA SLN No. OR-140013; and
- 2.) Mertect 340-F, EPA Reg. No. 100-889, EPA SLN No. OR-100014.

Note that this Mertect SLN is a new revision to an existing SLN that had been granted in 2010 for use on crimson clover seed. Also, these two SLNs are limited to treating seeds that will be planted to grow crops for seed only. The seeds harvested from crops grown from these treated seeds must be planted, and cannot be used for oil, sprouts, or other food or feed purposes. Residue

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REMINDER FOR PESTICIDE APPRENTICES

For license renewal, a Pesticide Apprentice must retake and pass the Laws and Safety exam or complete eight hours (at least four hours must be core credits) of continuing education classes for each year of a licensing period. A licensing period is the time from the date of issuance of an Apprentice license to December 31 of the year the license is issued.

Don't let this scenario happen to you: In early 2014,

you pass the Laws and Safety exam and receive your application for an apprentice license — but you do not submit your application to ODA. You then start taking education classes (earning credits), and apply for and receive your license after you have taken the education classes. ODA cannot apply credit hours from classes on an Apprentice license until the license is ISSUED. Credits can only be applied to an active Apprentice license.

AGENCIES EXPAND EFFORTS TO PROMOTE HEALTH OF POLLINATORS

Pollinators contribute substantially to the economy of the U.S., with honey bee pollination alone adding more than \$15 billion in value to agricultural crops each year. Unfortunately, there have been significant losses of pollinators in recent years, including honey bees, native bees, birds, bats, and butterflies. Scientists think the bee losses have likely been caused by a combination of stressors, including poor bee nutrition, loss of forage lands, parasites, pathogens, lack of genetic diversity, and exposure to pesticides.

Because of these pollinator declines, U.S. government agencies have been directed to expand ongoing efforts and take new steps to reverse these losses under a new National Pollinator Health Strategy. According to the June 2014 Presidential Memorandum describing the strategy, the situation requires immediate attention to ensure the sustainability of our food production systems, avoid additional economic impact on the agricultural sector, and protect the health of the environment.

The federal strategy includes establishment of a national Pollinator Health Task Force (at least 15 agencies), led by the USDA and EPA. By late 2014, the task force is to develop a National Pollinator Health Strategy, which involves developing best management practices, pollinator research, public education, and public-private partnerships to encourage the protection of pollinators and increase the quality and amount of habitat and forage available to them. There also are plans to establish a reserve of native seed mixes, including pollinator-friendly plants, for use on post-fire rehabilitation projects, restoration activities, and transportation corridors.

The EPA Office of Pesticide Programs has a Pollinator Protection Workgroup. EPA activities already in progress on pesticide-related aspects of the strategy include:

- Assessing the effects of pesticides, including neonicotinoids, on bee and other pollinator health.
- Expediting review of registration requests for new products targeting pests harmful to pollinators, such as Varroa mites.

FOR MORE INFORMATION ABOUT THE NATIONAL POLLINATOR HEALTH STRATEGY AND OTHER

LINKS: www.epa.gov/oppfead1/cb/csb_page/updates/2014/growers-beekeep.html

- Engaging state and tribal environmental, agricultural, and wildlife agencies in the development of state and tribal pollinator protection plans. On Aug. 12, EPA sent a letter requesting input from state regulatory agencies on the “necessary elements and approaches for establishing Pollinator Protection Plans.” Many of the possible elements tentatively discussed focus on the need for a communication system between pesticide users/farmers and beekeepers. Plans need to be developed through a public participation process and be periodically reviewed and modified as needed.

There are many uncertainties at this time regarding how the National Pollinator Health Strategy may affect Oregon growers and pesticide users. Options include, but are not limited to:

- Serve as a source of “pollinator-friendly” plant material (seeds or nursery stock);
- Encourage adopting voluntary best management practices for protecting pollinators;
- Possibly see new and more restrictive pesticide labels in the marketplace; and
- Required or encouraged (too early to tell) to only make certain types of pesticide applications under new State Pollinator Protection Plans.

Currently, the state of Oregon does not have a State Pollinator Protection Plan or an established set of Best Management Practices for pollinator protection, although development of both has been recommended in a draft report by Oregon’s Joint Interim Task Force on Pollinator Health (HB 4139). The final report will include recommendations for the Oregon State Legislature, and will be submitted to an interim committee of the Legislative Assembly related to agriculture in early October.

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tolerances have not been established for these chemicals to support use on seed/crops being grown for food, animal feed, or oils.

To further assist growers, the registrations team is developing outreach materials that identify the

fungicides available to help control these diseases, and the specific crops to which each product can be applied.

Tables of the seed treatment fungicides and the foliar application fungicides are available at oregon.gov/ODA/programs/Pesticides/Pages/PesticidesCurrentIssues.aspx.

LOCATION INFORMATION KEEPS INVESTIGATIONS ON THE RIGHT PATH

Location, location, location. It can seem tedious, but location is a vital element of pesticide application records. Unfortunately, it might be the element most often found inadequately documented in commercial and public pesticide applications.

One difficult part about defining the location is that it's hard to gauge the quality of the information until it's interpreted. What might meet the letter of the law might not adequately express what you did if someone were to file a complaint and you have to defend your work. The statute requires "the approximate location of the land or property on which the pesticide was applied" and "the specific property, crop or crops to which the pesticide was applied." For example, your record says you sprayed the shrubs in the yard at a particular address, but you only sprayed the shrubs in the front yard. Your record may not provide the detail necessary to give a clear picture. If a complaint were to be filed, the record may not adequately back up what the applicator says was done.

ODA recommends that applicators record more specific information such as address or geographic description and the size of the area treated. Our intent is to balance getting as much information as we can without causing a great imposition of time to complete the records.

The size of the area treated can be critical, whether it is acres, linear feet, square feet or cubic feet. In many cases, knowing the size of a treatment area can go a long way in describing the location. Without it, a precise point of location might mean little. It also can be critical in

understanding the rate of application, how much material was applied. The amount of pesticide applied is another record element that often is not clearly documented, sometimes because the size of the treatment area is not provided. These two elements, location (including size) and rate of application, are closely associated, and getting one well documented can help with the other.

Generally, when record information is lacking, we are able to get the information we need by talking to the applicator. This raises problems, however, in that none of us remember all the details of everything we do for long. And information provided long after the fact, when a concern or complaint has been raised, may be questionable as evidence, compared with information promptly and completely recorded.

As the public increasingly demands that health and environmental factors be considered in pest control operations, ODA increasingly is likely to find an inadequate record to be in violation of Oregon's State Pesticide Control Act, Oregon Revised Statutes (ORS) Chapter 634.

We have discussed the usefulness of making a template or suggested record forms available for use by applicators. We have had some requests for this in the past but want to know whether it would be useful. Let us know your thoughts. If you have a form that works, we won't suggest you change it. Contact Mike Odenthal at modenthal@oda.state.or.us or 503-986-4655.

WPS

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- Regarding the training frequency proposal, ODA and OR-OSHA support a meaningful and protective pesticide safety training program, however both would like to see more effective training than trainers showing a video year after year. Both agencies also want to see a simple and effective system that employers can use to confirm whether or not temporary and seasonal workers have already been trained for the current year.
- ODA and OR-OSHA are concerned that eliminating the central posting location, and requiring workers to go into the employer's main office, will discourage workers from obtaining useful information regarding the pesticides applied, and will detract from the main objective of the central posting location, which is worker safety.
- In response to the EPA's proposal to shorten

the five-day grace period to a two-day grace period, ODA and OR-OSHA think this will not be problematic for agricultural sites with more permanent workforces; however, for sites with short harvest windows, the proposal may lead to complications.

- EPA's proposed training requirement calling for personal information, such as birthdates of trainees to be listed on widely available training rosters, presents a security risk in this age of identity theft. ODA and OR-OSHA understand the necessity for age verification; however, another system needs to be developed.

The intent of EPA's proposed changes is to increase worker safety when dealing with pesticides. The exact implementation date of the proposed changes is unknown at this time. It is expected that there will be a balance struck between the many comments EPA has received from this substantial issue. Stay tuned.



ODA Pesticide Bulletin
Pesticides Program

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