

ODA PESTICIDE QUARTERLY

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Oregon Department of Agriculture Pesticides Division

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PESTICIDE USE REPORTING REQUIREMENTS CONTINUE

The Oregon Legislature, acting through its Emergency Board on October 4, 2002, decided not to provide funding needed to complete development of the Oregon Pesticide Use Reporting System (PURS). **However, the statutory requirement for pesticide users to report their use of pesticide products was not changed.** The department has paused further development of the various PURS computer components. Replacement of the current web site reporting system with an enhanced version, which would allow reporters to search, view, and edit previously submitted reports, and to copy information from previous reports to create new reports, will not be deployed during November as previously planned. Also paused is development of a system whereby reporters could report through electronic data submission (EDS). Available development funds have been diverted to maintain the existing web site reporting system. Department staff will continue outreach programs on how to comply with pesticide use reporting requirements.

Funding for the household use portion of the Pesticide Use Reporting System was not affected by the October Legislative decision. A household pesticide use survey pilot program is being completed this fall. The pilot survey has been sent to selected households from all around Oregon. Following the results of the pilot survey, a full statewide household use survey program will begin. The full survey is expected to be conducted in three-month intervals.

For more information on the Pesticide Use Reporting System, visit ODA's website at: <http://oda.state.or.us/purs>

SETTING METAL LEVELS IN FERTILIZERS STIRS CONTROVERSY

On August 3, 2001, Governor John Kitzhaber signed into law House Bill 3815, which amended Oregon statutes regulating fertilizer, agricultural amendment, agricultural mineral and lime products. The amended statutes require the Oregon Department of Agriculture (ODA) to establish numerical limits for certain metals in fertilizer, agricultural amendment, agricultural mineral and lime products. The administrative rule declaring the maximum level of arsenic, cadmium, lead, mercury and nickel allowed in fertilizer type products is to become operative by January 1, 2003. Oregon has never before regulated metals in fertilizer type products. Setting these levels is therefore a step in a larger process to address metals in our environment.

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TESTING FEES TO BE PAID BY APPLICANTS

Beginning November 1, 2002, ODA stopped paying testing fees to pesticide testing centers on behalf of applicants for pesticide consultant, applicator, and trainee licenses. Mandatory cost-cutting measures required the department to take this step to reduce expenditures. Applicants are now required to pay the testing center directly at the time of testing. Fees may vary from \$10 to \$25 per test, depending on the center selected. For this reason, applicants are encouraged to inquire at the time of registration about fees and forms of payment accepted. In addition, the Pesticides Division is no longer providing testing services for special training sessions sponsored by private organizations and community colleges not affiliated with a pesticide testing center. Sponsors of these sessions should contact the nearest pesticide testing center to arrange for testing services, or direct students to make their own arrangements at a center convenient to them. Information regarding pesticide tests, licensing, and testing centers is available on the Pesticides Division Web Page at <http://oda.state.or.us/pesticide> (click "Pesticide Licensing"), or by contacting the Pesticides Division at (503) 986-4635.

NO MORE FORM 4018 INSURANCE REMINDERS!

After January 1, 2003, Oregon pesticide operators **will no longer be reminded** to provide ODA with a completed 4018 form signed by their insurance companies as proof of insurance for a pesticide operator license. Although this form will continue to be required for initial and renewed licenses, ODA has traditionally sent reminders to operators when their insurance expired. This reminder has been a courtesy of the department that has proven to be costly and redundant. **The pesticide operator must continue to provide Form 4018 to ODA upon any change in insurance coverage, renewal dates, etc. The only change is that ODA will not remind you to do so!** The operator's requirement to have insurance coverage for property damage

and bodily damage attributed to pesticide application activities has not changed. **Remember: An operator license is not valid if the required insurance is not in force. It is also a violation of state law (ORS 634) not to have the appropriate insurance as a licensed pesticide operator.**

COMPANIES MUST STOP MARKETING UNREGISTERED ANTHRAX DECONTAMINATION PRODUCTS

The U.S. Environmental Protection Agency issued a stop-sale order to both Aerotech Laboratories Inc., Phoenix, AZ., and American Security and Control Inc., Falls Church, VA., to cease advertising and selling their respective products which allegedly protect against anthrax. The companies both marketed their unregistered pesticides over the Internet.

The Agency registers no pesticides for the control of anthrax. Selling or distributing unregistered pesticides is prohibited under the Federal Insecticide, Fungicide and Rodenticide Act and ORS 634.

The stop sale orders became effective immediately. Because of the orders, both companies have removed their unauthorized anthrax advertisements from their respective Internet sites. The Agency will be monitoring compliance with its orders, which included a request that each company withdraw all unregistered products.

Anthrax can present a serious threat to public health and only properly trained emergency health and safety personnel should investigate and handle suspected anthrax contamination. Anyone who suspects anthrax contamination should contact their local police, or health and safety authorities.

For information about ongoing activities in the EPA Office of Pesticide Programs, visit their homepage at: <http://www.epa.gov/pesticides>

ACTIVE SECTION 18 EMERGENCY EXEMPTIONS FOR 2002-2003

Crop	Pest	Product	EPA Reg #	OR Sec 18 #	Valid until
Cranberries	lotus, Douglas aster, clovers	Stinger	62719-73	2002OR001	12/31/02
Mint, East of Cascades	redroot pigweed, Kochia	Prowl 3.3EC	241-337	2002OR002	12/31/02
Honey bees	Varroa mite, small hive beetle	CheckMite+ Bee Hive Pest Strips	N.R.	2002OR003	2/1/03
Strawberries	broadleaf weeds	Spartan 4F	279-3189	2002OR008	2/28/03
Barley (in storage)	lesser grain borer	Storcide	N.R.	2002OR025	7/31/03
Wheat (in storage)	lesser grain borer	Storcide	N.R.	2002OR025	7/31/03
Potatoes (in storage)	late blight - storage rot	Purogene	9804-5	2002OR027	8/31/03
Potatoes (in storage)	late blight - storage rot	Anthium 200	9150-3	2002OR028	8/31/03
Wheat & Triticale	hoelon-resistant annual ryegrass	Axiom DF	3125-488	2002OR029	6/30/03

THE PARTNERSHIP AND ASSUMED RESPONSIBILITY

The department recently finalized adjudication of an incident resulting in Notices of Violation being issued to a commercial pesticide operator, applicator and the farm owner for faulty, careless or negligent application of a pesticide, a violation of ORS 634.372(4).

Although this newsletter usually does not report specific incidents of pesticide violations, this one presents some valuable lessons to be learned.

In this particular matter, a farm operator employed or contracted with a commercial pesticide operator to apply a pesticide through an irrigation circle. The farmer owned or leased the irrigation circle and the associated equipment.

The pesticide application commenced with the commercial operator and applicator setting up and activating the process to inject the pesticide into the circle irrigation system. Approximately a month after the pesticide was applied, a neighbor adjacent to the chemigated field contacted the Oregon Department of Agriculture alleging the pesticide application caused damage to his property. Investigation by the department determined that vegetation on the neighbor's property had been damaged by the pesticide applied to the circle. It was quite obvious that the "end guns" on the circle irrigation system had sprayed the pesticide beyond the limits of the circle and into the neighbors fields. None of the parties involved seemed to question what had happened.

There was little question that the commercial pesticide operator and applicator had not taken adequate steps to reduce the output of the end guns of the circle system. As with most instances where a commercial operator was contracted for a custom application, they were determined to be responsible for allowing the pesticide to move onto the neighbor's fields.

However, this incident was unique, as are most chemigations, in that the equipment used belonged to, or was under the control of the farmer. In most custom applications the equipment is owned, or controlled by the commercial pesticide operator, whether it be a tractor pulled sprayer, a swamp buggy, an airplane, etc. Most custom or contract pesticide applications make a definite distinction between operator/ applicator (contractor) and the crop owner. With the farmer providing the application equipment, he has entered into a partnership, however informal, with the custom pesticide operator. The farmer has assumed an

implied responsibility that he will provide equipment adequate to do the job.

In the case at hand, the department determined that the farmer knew, or should have known, that the circle irrigation system would have performed just as it did, with the end guns applying the pesticide onto the neighbor's field. It is inherent in the design of a circle irrigation system to apply large quantities on the outside perimeter and often beyond the boundaries of the field. The investigation determined the farmer took no action to correct that situation or advise the contractor to shut off the end guns prior to the application. A duty of care existed and was not exercised. The department determined this was faulty, carelessness or negligence on part of the farmer.

Had the circle irrigation system been under the ownership or control of the commercial pesticide operator, the farmer probably would not have been found in violation of the pesticide control law. The department made no determination that one party or the other was more responsible, or contributory, for what happened. That would be for the partnership to sort out. In this case it was determined the farmer contributed enough to be responsible and thus in violation.

The lesson to be learned from this incident is that the department will take enforcement actions against someone who hires a commercial operator and does not exercise a reasonable duty of care when that responsibility is obvious, apparent or implied. Whether it be equipment or some other aspect of the operation. You might take a look at your own operation to see how this lesson may apply.

AG-PLASTICS RECYCLING BIG BONUS FOR OREGON

Agri-Plas Inc. specializes in recycling of agricultural plastic waste products. They process a wide variety of agricultural plastics including baling twine, ground cover, flower pots, fertilizer bags, and triple rinsed pesticide container and 55 gallon drums. This facility will service your ag business **at your facility** and find uses for your waste plastic products. According to Agri-Plas, there are approximately 20 million pounds of ag plastics left in fields every year. Do your part and RECYCLE your ag plastics responsibly. Agri-Plas Inc. may be reached at (503) 390-2381 or (503) 390-5454 fax.

UPCOMING RECERTIFICATION CLASSES

Date	Locatoin	Class Title	Cr	Contact	Telephone
10/28/02	Danville, IL	Bunge Smnr-GMPS/Food Industry	15	David Barnes	(217) 443-9875
10/29/02	Bend	OROSHA Hazcom Trng 205	3	Reggie Robb	(503) 947-7443
10/30/02	Bend	OROSHA WPS Core Training	4	Reggie Robb	(503) 947-7443
10/31/02	Aurora	OSU Oktoberpest-Sampling	3	Jan Egli	(503) 678-1264
11/1/02	White City	RCC O & T I-F Training	4	Jeanne Howell	(541) 245-7900
11/1/02-11/2/02	Roseburg	UCC Pesticide Laws & Safety	8	Sherry Buchko	(541) 677-3211
11/4/02-11/5/02	Spokane, WA	PNAAA Recert Conference	11	Linda Fender	(509) 397-4516
11/5/02	Oregon City	CLCC Insect ID Course-Hor 236	15	Bruce Nelson	(503) 657-6958 X2786
11/5/02	Pendleton	OACFA Stwrdshp Core Smnr-PM	4	Richard Kosesan	(503) 370-7024
11/5/02	Pendleton	OACFA Stwrdshp Smnr-AM	4	Richard Kosesan	(503) 370-7024
11/6/02-11/7/02	Oregon City	CLCC/ODOT Fall Hort Smnr	5	William Frank	(503) 657-6958
11/6/02	Eugene	OACFA Stwrdshp Core Smnr-PM	4	Richard Kosesan	(503) 370-7024
11/6/02	Eugene	OACFA Stwrdshp Smnr-AM	4	Richard Kosesan	(503) 370-7024
11/6/02-11/8/02	Yakima, WA	WA State Weed Conerence	V	Wendy Peay	(509) 547-5538
11/7/02	Wilsonville	OACFA Stwrdshp Core Smnr-PM	4	Richard Kosesan	(503) 370-7024
11/7/02	Wilsonville	OACFA Stwrdshp Smnr-AM	4	Richard Kosesan	(503) 370-7024
11/13/02	Beaverton	OROSHA Hazcom Trng 205	3	Reggie Robb	(503) 947-7443
11/13/02	Chico, CA	PAPA Seminar	8	Charlotte Carson	(916) 487-8552
11/13/02	Nashville, TN	PLCAA Lawn Care Workshop	3	Betsy Demoret	(700) 977-5222
11/13/02	Nashville, TN	PLCAA Tree & Shrub Workshop	5	Betsy Demoret	(700) 977-5222
11/13/02-11/14/02	Portland	PNW Veg Mgmt Conference	10	Carol Ramsay	(509) 335-9222
11/14/02	Ashland	OROSHA WPS Core Training	4	Reggie Robb	(503) 947-7443
11/14/02-11/15/02	Yakima, WA	WPCA Conference	V	Wendy Peay	(509) 547-5538
11/16/02	Dallas	CCC Private Applicator Trng	6	D Craig Anderson	(503) 399-5139
11/18/02	Klamath Falls	CITI Struct P & D Insp Smnr	5	Ron Cloyd	(541) 273-1901
11/19/02 & 11/21/02	Salem	CCC Core Env Protection Trng	4	D Craig Anderson	(503) 399-5139
11/19/02	Portland	Target Gen Pest Control Smnr	5	Andrea Vogt	(800) 352-3870
11/19/02	Portland	Target Turf & Landscape Smnr	6	Andrea Vogt	(800) 352-3870
11/20/02- 11/21/02	Salem	CCC Forest Pesticide Trng	12	D Craig Anderson	(503) 399-5139
11/20/02	Yakima, WA	ODA Ag Water Qual Conf-Pestic	1	Matt Haynes	(503) 986-6471
11/20/02	Eugene	ODA/OSU Groundwater Prot .	2	Stephanie Page	(503) 986-6486
11/20/02	Spokane, WA	WSCIA Mtg-Fieldmen/Mgr Ssn	2	Doug Boze	(509) 966-2234
11/20/02-11/21/02	Lynnwood, WA	WSU Last Chance Recert Trng	4	Carrie Foss	(509) 335-2830
11/21/02	The Dalles	OROSHA WPS Core Training	4	Reggie Robb	(503) 947-7443
11/21/02	Nampa, ID	Seed Growers Workshop	7	Roger Batt	(208) 888-0988
11/21/02	Seattle	Target Gen Pest Control Smnr	5	Andrea Vogt	(800) 352-3870
11/22/02 & 12/6/02	Salem	CCC Core Ag Worker Safety Trng	4	D Craig Anderson	(503) 399-5139
11/22/02	White City	RCC O & T Herbicide Training	4	Jeanne Howell	(541) 245-7900
11/23/02	Woodburn	CCC Core IPM Training	4	D Craig Anderson	(503) 399-5139
11/25/02	North Syracuse, NY	Duke's Sewer Line Root Ctrl	10	Gail Dailey	(315) 472-4781
12/2/02	Ontario	ES Private Applicator Core Trng	4	Ben Simko	(541) 881-1417
12/3 & 12/5/02	Salem	CCC Core IPM Training	4	D Craig Anderson	(503) 399-5139
12/3/02	Kansas City, MO	Deangelo Bros Weed Ctrl Trng	8	Jen Harris	(816) 483-4478
12/3/02	Portland	OGCSA Pesticide Smnr	10	Allan Clemans	(800) 738-1617
12/7/02	Woodburn	CCC Core Env Protection Trng	4	D Craig Anderson	(503) 399-5139
12/7/02	Salem	CCC Private Applicator Trng	6	D Craig Anderson	(503) 399-5139
12/12 -12/13/02	Reno, NV	ES Alfalfa/Forage Conference	3	Ben Simko	(541) 881-1417
12/12/02	Eugene	ES Private Applicator Core Tng	4	Ross Penhallegon	(541) 682-4243
12/18/02	Beaverton	OROSHA WPS Core Training	4	Reggie Robb	(503) 947-7443
12/19/02	Salem	OROSHA WPS Core Training	4	Reggie Robb	(503) 947-7443
1/7/03	Eugene	OROSHA Hazcom Trng 205	3	Reggie Robb	(503) 947-7443
1/8-1/9/03	Vancouver, WA	WSU Recert Trng	10	Carrie Foss	(509) 335-2830
1/9-1/11/03	Seattle, WA	WWHA Convention	V	Paul Lacroix	(306) 424-7327

Note: Credits listed reflect the maximum based on full attendance. Programs with "V" have variable credit depending on how many and which sessions are attended.

UPCOMING RECERTIFICATION CLASSES

Date	Locatoin	Class Title	Cr	Contact	Telephone
1/15/03	Portland	OROSHA Hazcom Trng 205	3	Reggie Robb	(503) 947-7443
1/15 -1/16/03	Tacoma, WA	WSU Recert Trng	10	Carrie Foss	(509) 335-2830
1/15/03	Tacoma, WA	WSU Wood Treatment Course	5	Carrie Foss	(509) 335-2830
1/16/03	Tacoma, WA	WSU Spanish Recert Trng	5	Carrie Foss	(509) 335-2830
1/20/03	Danville, IL	Bunge Smnr-GMPS/Food Industry	15	David Barnes	(217) 443-9875
1/23-1/24/03	Lynnwood, WA	WSU Recert Trng	11	Carrie Foss	(509) 335-2830
1/28-1/30/03	Puyallup, WA	WSU Integrated Plnt Hlth Mgmt	V	Carrie Foss	(509) 335-2830
2/4-2/5/03	Corvallis	ES Non-Crop Veg Mgmt Smnr	15	Myron Shenk	(541) 737-6774
2/5-2/6/03	Kirkland, WA	WSU Recert Trng	10	Carrie Foss	(509) 335-2830
2/10-2/11/03	Lacey, WA	WSU Recert Trng	11	Carrie Foss	(509) 335-2830
2/13-2/14/03	Des Moines, WA	WSU Recert Trng	11	Carrie Foss	(509) 335-2830
2/18/03	Bend	ES Central Or Pest Mgmt SC	8	Myron Shenk	(541) 737-6774
2/19/03	Beaverton	OROSHA Hazcom Trng 205	3	Reggie Robb	(503) 947-7443
2/19-2/20/03	Bremerton, WA	WSU Recert Trng	10	Carrie Foss	(509) 335-2830
2/25/03	Oregon City	ES Urban Pest Mgmt SC	8	Myron Shenk	(541) 737-6774
3/3/03	Danville, IL	Bunge Smnr-GMPS/Food Industry	15	David Barnes	(217) 443-9875
3/5-3/6/03	Seattle, WA	WSU Recert Trng	12	Carrie Foss	(509) 335-2830
3/11/03	Puyallup, WA	WSU Aquatic Recert Trng	2	Carrie Foss	(509) 335-2830
3/26-3/27/03	Bellingham, WA	WSU Recert Trng	11	Carrie Foss	(509) 335-2830
4/1-4/2/03	Puyallup, WA	WSU Integrated Plt Hlth Mgmt	4	Carrie Foss	(509) 335-2830
4/17/03	Eugene	OROSHA Hazcom Trng 205	3	Reggie Robb	(503) 947-7443
4/18/03	Puyallup, WA	WSU Spanish Recert Trng	5	Carrie Foss	(509) 335-2830
4/23/03	Salem	OROSHA Hazcom Trng 205	3	Reggie Robb	(503) 947-7443
6/4/03	Beaverton	OROSHA Hazcom Trng 205	3	Reggie Robb	(503) 947-7443
6/19/03	Portland	OROSHA Hazcom Trng 205	3	Reggie Robb	(503) 947-7443
7/17/03	Coos Bay	OROSHA Hazcom Trng 205	3	Reggie Robb	(503) 947-7443
8/13/03	Eugene	OROSHA Hazcom Trng 205	3	Reggie Robb	(503) 947-7443
8/13/03	Salem	OROSHA Hazcom Trng 205	3	Reggie Robb	(503) 947-7443
9/17/03	Portland	OROSHA Hazcom Trng 205	3	Reggie Robb	(503) 947-7443
9/24/03	Beaverton	OROSHA Hazcom Trng 205	3	Reggie Robb	(503) 947-7443
9/25/03	Salem	OROSHA WPS Core Training	4	Reggie Robb	(503) 947-7443
Continuous	Compact Disk	Carpenter Ants-On Compact Disk	1	Richard S. Kaae	(909) 886-7445
Continuous	Compact Disk	Gen Entomology-On CD	13	Richard S. Kaae	(909) 886-7445
Continuous	Compact Disk	Medical Entomology-On CD	8	Richard S. Kaae	(909) 886-7445
Continuous	Internet	OROSHA Online HAZCOM Trng	3	Tomas Schwabe	(503) 947-7436
Continuous	Internet	OROSHA Online PPE Trng	3	Tomas Schwabe	(503) 947-7436
Continuous	Corresp Course	OSU Home-A-Syst Strg Ex	1	Gail Glick Andrews	(541) 737-6294
Continuous	Internet	Pestnetwork Beetle No Reinfest	1	Charles Cole	(512) 990-3216
Continuous	Internet	Pestnetwork Cockroach ID	1	Charles Cole	(512) 990-3216
Continuous	Internet	Pestnetwork Env Protection	1	Charles Cole	(512) 990-3216
Continuous	Internet	Pestnetwork IPM Facets	1	Charles Cole	(512) 990-3216
Continuous	Internet	Pestnetwork IPM In Field Crops	1	Charles Cole	(512) 990-3216
Continuous	Internet	Pestnetwork Orn Sucking Pests	1	Charles Cole	(512) 990-3216
Continuous	Internet	Pestnetwork Pesticide Families	1	Charles Cole	(512) 990-3216
Continuous	Internet	Pestnetwork Turf Pest Control	1	Charles Cole	(512) 990-3216
Continuous	Internet	Pestnetwork WD Beetle Reinfest	1	Charles Cole	(512) 990-3216
Continuous	Compact Disk	Pred Insects-On Compact Disk	2	Richard S. Kaae	(909) 886-7445
Continuous	Compact Disk	Spider ID-On Compact Disk	3	Richard S. Kaae	(909) 886-7445
Continuous	Compact Disk	Vert Pests-On Compact Disk	4	Richard S. Kaae	(909) 886-7445
Continuous	Internet	Whitmire Online Ant Biol-100	1	Darla Becker	(800) 777-8570
Continuous	Internet	Whitmire Online Trng-Carp Ants	1	Darla Becker	(800) 777-8570
Continuous	Internet	Whitmire Online Trng-IPM/Schls	2	Darla Becker	(800) 777-8570
Continuous	Compact Disk	Wood Destroy Beetle-On CD	2	Richard S. Kaae	(909) 886-7445

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The amended statutes also require products registered with ODA to declare if they are comprised in whole or in part from hazardous waste, solid waste or industrial waste as defined by Oregon Department of Environmental Quality (DEQ) statutes and rules. Regulating the recycling of hazardous wastes into fertilizer products is within the authority of the Resource Conservation and Recovery Act (RCRA), a federal act administered in Oregon by DEQ. Any hazardous waste to be recycled for use in or as, a fertilizer, agricultural amendment, agricultural mineral or lime product, must be in compliance with DEQ and RCRA requirements. ODA does not have the authority to specifically restrict the use of hazardous waste materials in products when that use meets DEQ and RCRA requirements. Where the authority exists to allow, or not allow, the use of waste materials in fertilizer type products has been one of several points of misunderstanding that has embroiled this rule making effort in controversy.

Following are some of the allegations heard regarding the proposed heavy metal standards. With each allegation is commentary drafted by Pesticides Division staff intended to clarify apparent misunderstandings.

Allegation: The standards are based on a risk assessment that was conducted for, and funded by, the fertilizer industry.

Comment: The proposed standards are based on several risk assessment models designed, conducted and/or commissioned by the United States Environmental Protection Agency (EPA), the California Department of Food and Agriculture (CDFA) and the Fertilizer Institute (TFI). CDFA retained the consulting firm Foster Wheeler to prepare a fertilizer risk assessment. TFI, an industry group, retained a consulting firm, The Weinberg Group, to prepare a fertilizer risk assessment. For the metals evaluated, these two different risk assessments yielded very similar “upper limit” results. “Lower limit” results were calculated by former Foster Wheeler scientists working for CDFA using EPA identified values for such model variables as Kd and plant uptake. The American Association of Plant Food Control Officials (AAPFCO), in preparing national model rules for maximum heavy metal limits in fertilizers, used mid-points between these “upper” and “lower limits”. The proposed Oregon standards are based upon the AAPFCO model rules.

Allegation: The standards are less stringent than California’s and Washington’s standards making Oregon a potential dumping ground.

Comment: The California levels of arsenic, cadmium and lead in phosphorus and micronutrient containing fertilizer

products are lower than the proposed Oregon standards. However, California does not have standards for the other fertilizer products, including agricultural minerals, agricultural amendments and lime products, to which the proposed Oregon standards would apply. Further, California does not set levels for mercury and for nickel, which the proposed Oregon standards do. Washington also does not have standards for all types of products that would be subject to the proposed Oregon standards. For the standards Washington does have, some are higher and some are lower than the proposed Oregon standards. Other than California, Oregon and Washington, Western states currently lack standards for these heavy metals in fertilizer products. The Oregon registration process requires the filing of analytical reports on the contents of each product. Beginning in January 2003, this information will be available to the public through an internet site maintained by ODA. Oregon would be an unlikely “dumping ground” for products compared to other states.

Allegation: The standards are not designed to protect water, soil quality, wildlife, etc.

Comment: The proposed Oregon standards are based on human health effects, for which risk assessment models have been developed. Similar models for ecological effects have not been developed. Some fifty years of fertilizer product use, during which time the heavy metal content of products was not regulated, has not resulted in data which identifies environmental harm resulting from the heavy metals contained in products used. The need for more ecological data to accurately reflect Oregon conditions is readily acknowledged, and has been identified as the main topic for future research funded through ODA.

Allegation: The proposed levels are several times higher than DEQ soil clean-up levels which may create new clean-up sites in the future. (Compares lead levels in zinc vs. lead clean-up levels)

Comment: Soil clean-up levels are determined based on sampling a solid soil profile to a given depth. Fertilizer products are applied on an occasional basis, with a specific amount of product spread over the surface of a large volume of soil (e.g. two lbs of a zinc micronutrient product applied over one acre one time per year, if needed for crop production). Many factors have been identified which reduce the amount of fertilizer material which remains associated with soil, including plant uptake and utilization. Some fifty years of fertilizer product use, during which time the heavy metal content of products was not regulated, has not resulted in data which identifies heavy metal accumulation throughout the soil profile to levels equivalent to superfund site levels.

RECENT FERTILIZER VIOLATIONS

Stop Sales (Unregistered Products)

Manufacturer	Product	Start	End
Lesco, Inc	Lesco 0-0-7+Pre-M	9/13/02	On going
Lesco, Inc	Lesco 10-0-20+PCNB	9/13/02	On going
Lesco, Inc	Lesco 12-3-19	9/13/02	On going
Lesco, Inc	Lesco 13-2-5+Pre-M	9/13/02	On going
Lesco, Inc	Lesco 16-5-8	9/13/02	On going
Lesco, Inc	Lesco 19-1-16	9/13/02	On going
Lesco, Inc	Lesco 19-25-5	9/13/02	On going
Lesco, Inc	Lesco 19-3-7+Pre-M	9/13/02	On going
Lesco, Inc	Lesco 24-3-7+Team	9/13/02	On going
Lesco, Inc	Lesco 24-5-11+Dimension	9/13/02	On going
Lesco, Inc	Lesco 25-2-25+Pre-M	9/13/02	On going
Lesco, Inc	Lesco 25-5-10+Pre-M	9/13/02	On going
Lesco, Inc	Lesco 29-3-6	9/13/02	On going
Lesco, Inc	Lesco 30-5-10	9/13/02	On going
Lesco, Inc	Lesco 34-1-6	9/13/02	On going
Lesco, Inc	Lesco 38-0-0	9/13/02	On going
Lesco, Inc	Lesco 5-20-20	9/13/02	On going
Lesco, Inc	Lesco NuTurf 19-1-16	9/13/02	On going
Sadepan Chimica S.r.l.	Sazolene 39G	9/13/02	On going
Evergro Canada	K&S 0-0-25+17s	7/31/02	On going
Plant Products Co.	10-52-10 Plant Starter	7/31/02	On going
Plant Products Co.	15-0-15 Cal-Pot Special	7/31/02	On going
Plant Products Co.	20-10-20	7/31/02	On going
Plant Products Co.	20-5-30 High Potash	7/31/02	On going
Plant Products Co.	21-7-7	7/31/02	On going
Profile Products	Turface MVP	7/31/02	9/17/02
Glorious Gardens	Aluminum Sulfate	7/23/02	On going
Glorious Gardens	Blood Meal 12-0-0	7/23/02	On going
Glorious Gardens	Citrus Food 12-4-6	7/23/02	On going
Voluntary Purchasing Groups	ferti-lome Pre-Vent plus Lawn Food 18-6-12	7/23/02	On going
Spectrum Group	Peters Professional All Purpose 20-20-20	6/24/02	7/1/02
Woodstream Corp.	Ringer Compost Plus	6/24/02	On going
Ag Concepts	Charge with Boron	6/17/02	7/2/02
Ag Concepts	Flora Boost Zn	6/17/02	On going
EcoLogic	Crustacean Meal	6/17/02	On going
J.R. Simplot Co.	Apex 20-10-10 Evergreen	6/17/02	6/21/02
PBI-Gordon	Ferromec Liquid Iron 15-0-0	6/17/02	7/2/02
Rhodia, Inc.	Albright & Wilson Mexico DAP 20-53-0	6/17/02	On going
Nortrace, Ltd.	Citraplex 20% Manganese	5/31/02	9/9/02
Pace International	Sorba Spray Ca 6-0-0	5/31/02	6/5/02
Ag Specialties, LLC	Iron Man Iron Sulfate Fine	5/7/02	6/4/02
Cleary Chemical Corp.	Limestone F	5/7/02	On going
JH Biotech	Superzyme Powder	4/23/02	On going

Stop Sales (Unregisterable Products)

Manufacturer	Product	Start	End
Northwest Ag Products	Ful-Vac 3	6/17/02	On going

Violative Guarantee

Manufacturer	Product	Element	G%	Lab
Cenex Harvest States	16-16-16	Total Nitrogen (N)	16%	15.20%
Cenex Harvest States	30-10-0-8(S)	Sulfur (S)	8%	7.00%

Allegation: The levels are so lax that products currently registered are lower than the standards proposed, making the standards irrelevant.

Comment: The proposed standards are based upon risk, not the number of products that would be affected. Analysis of heavy metal contents of existing products does show that the vast majority of products registered in Oregon do not pose a risk if used properly. This analysis is supported by EPA, which has stated that studies of contaminants in fertilizers have indicated that the great majority of fertilizers are safe when used properly. This general finding is consistent with similar studies done by states such as Washington and California.

Allegation: The proposed standards ignore other dangerous chemicals that can occur in fertilizers such as dioxin.

Comment: The enabling statutes require ODA to adopt rules by January 1, 2003, which establish standards for arsenic, cadmium, lead, mercury and nickel in fertilizer products. No other contaminants are specifically named in the statutes. However, the statutes allow ODA to address other materials in fertilizer products which may be of concern. ODA is currently addressing the five metals as required to meet the January 1, 2003 deadline. This action does not preclude ODA from addressing other concerns in the future. Improved research, knowledge, expertise and analytical capabilities to address other possible contaminants in fertilizer products will assist ODA in evaluating these other materials of concern.

The public hearings on the proposed administrative rule setting levels of arsenic, cadmium, lead, mercury and nickel in fertilizer, agricultural amendment, agricultural mineral and lime products took place on September 24, in Pendleton, and September 26, in Salem. The public comment period on these proposed rules closed at 5:00 PM on September 26. The Oregon Department of Agriculture will determine the final rules to become effective January 1, 2003.

RECENT PESTICIDE CIVIL PENALTIES

Party Cited	Violation(s)	Fine	Disposition
Robert W. Worsham	ORS 634.372(8) No applicator license. ORS 634.372(9) No operator license.	\$440	Not contested. Paid. Final order issued.
Farmers Supply Cooperative	ORS 634.372(2) Distribute a pesticide inconsistent with its labeling. Sale of a restricted-use pesticide to an unlicensed applicator.	\$407	Not contested. Paid. Final order issued.
Western Farm Service, La Grande	ORS 634.372(2) Use a pesticide inconsistent with its labeling. ORS 634.372(4) Faulty, careless or negligent pesticide application. ORS 634.372(7) Failure to supervise pesticide trainee.	\$1160	Not contested. Paid. Final order issued.
Howard L. Harrod	ORS 634.372(2) Use a pesticide inconsistent with its labeling. ORS 634.372(4) Faulty, careless or negligent pesticide application. ORS 634.372(7) Failure to supervise pesticide trainee.	\$660	Not contested. Paid. Final order issued.



ODA PESTICIDE QUARTERLY

Pesticides Division

Oregon

Department
of Agriculture

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Salem, OR 97301-2532

Webpage: <http://oda.state.or.us/pesticide>

PH: (503) 986-4635

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24(C) OR SPECIAL LOCAL NEED (SLN) PESTICIDE REGISTRATIONS

ACTIVE					
Manufacturer	Product	EPA Reg #	Crop	OR SLN #	Pest
Griffin	Equus DF Fungicide	1812-440	chickpea/garbanzo bean	OR-020019	ascochyta blight
Monsanto	Roundup UltraMAX RT	524-512	dry peas, lentils and chickpeas	OR-020020	preharvest and spot treatment weeds
Gowan	Supracide 2E	10163-236	timothy and timothy/ alfalfa hay (Malheur cty.)	OR-020018	mites
BASF Corp	Acrobat 50 WP	241-410	hops	OR-020021	Downy mildew
Aventis	Rely Herbicide	264-652	potato desiccation	OR-020022	Reduce plant back restriction - grain
CANCELED					
Manufacturer	Product	EPA Reg #	Crop	OR SLN #	Reason
Syngenta	Gramoxone max	100-1074	peas grown for seed	OR-020016	Not eligible
Am.Cyanamid	Prowl 3.3 EC	241-337	carrots grown for seed	OR-930002	OR-000033 avail.
Elf Atochem	Deccoquin 305	2792-38	pears	OR-910021	Use on Sec. 3 label
Platte	Cheat stop 90 wdg	No EPA Reg.	wheat - winter	OR-880014	Product not avail.
Platte	Methoxychlor 2EC	34704-102	vetch for seed	OR-970018	Cancelled product
Gowan	Savey 2E	10163-253	alfalfa grown for seed	OR-000011	OR-010009 avail.
DENIED					
Manufacturer	Product	EPA Reg #	Crop	Pest	Reason
MicroFlo Co.	Endosulfan 3EC	51036-92	Christmas Trees	Cooley Spruce Adelgid Douglas Fir Needle Midge	No Data
PENDING					
Manufacturer	Product	EPA Reg No.	Crop	Pest	
Makhteshim Agan	Galigan 2E	66222-28	grass seed- fall seeded new planting of perennial ryegrass and tall fescue	weeds	
Gowan	Imidan 70-W	10163-169	Increased rate on potato	Colorado Potato Beetle	
Aventis	Temik	264-330	dry beans	mites, Lygus bug	
FMC Corporation	Furadan 4F	279-2876	onions grown for Seed	onion thrip	
Syngenta	Warrior with Zeon Tech.	100-1112	carrot, dill, parsley, & parsnip grown for seed	Lygus bug	
WITHDRAWN					
Manufacturer	Product	EPA Reg No.	Crop	Pest	
Monsanto Co.	Roundup UltraMAX RT	524-512	dry beans	preharvest and spot treatment weeds	