

ODA PESTICIDE BULLETIN

Issue XXXIV

Summer 2007

Oregon Department of Agriculture Pesticides Division

News In Brief

Page 1

- Maximum Civil Penalty Increases
- Product Fee Cap Increased
- New Dealer Requirement

Page 2

- USDA Record Inspections
- PURS Update
- New Proposed Crop Grouping
- New EPA Publication

Page 3

- West Nile Found in Portland
- Ammonium Thiosulfate (ATS) as a Blossom Thinning Agent
- Unregistered Antimicrobials
- Changing Your Name?
- Rangeland vs Non-crop

Page 4

- Upcoming Recertification Classes
- Internet & Correspondence Classes
- No Partial Credit Will Be Given
- New Testing Centers

Page 5

- 24(c) or Special Local Need (SLN) Pesticide Registrations

Page 6

- Pesticide Violations
- A Case Review

Page 7

- Recent Fertilizer Violations
- Active and Pending Section 18 Exemptions

Page 8

- Q&A: Pesticidal Claims

MAXIMUM CIVIL PENALTY INCREASES

Through passage of a bill introduced by industry, the Pesticides Division has been granted authority to issue civil penalties up to \$10,000 for pesticide-related violations involving "gross negligence" or "willful misconduct." This penalty became effective June 4, 2007 and can be issued for first and subsequent violations.

Other pesticide violations would be subject to regular enforcement actions. These actions include: notice of violation, license suspension, embargo, cease and desist order, and/or civil penalties of up to \$1,000 per offense for first-time offenders.



PRODUCT FEE CAP INCREASED

The 2007 Oregon Legislature passed an amendment to ORS 634 increasing the maximum allowable fee charged for annual pesticide product registration from \$160 to \$250. Prior to this change, the actual fee for registering a pesticide product was at the existing maximum level of \$160. The department intends to keep the fee at the lowest possible amount to maintain base program activities at existing levels. The 2008 fee is anticipated to remain at \$160. The statute change allows for flexibility to match possible increases in base program costs in the future. This action did not affect pesticide applicator, trainee, dealer or consultant license types, nor did it change the amount (\$40/product) that goes to support the Oregon Pesticide Use Reporting System.

Three important changes came out of the 2007 legislative session. Pesticide dealers, applicators and registrants will likely be affected. Those changes are described on this page and continued on page 2.

NEW DEALER REQUIREMENT

Under an amendment to administrative rule enacted March 2007, pesticide dealers distributing products containing the active ingredient carbofuran must now submit reports to Oregon Department of Agriculture. The new requirement comes in response to recent cases involving carbofuran misuse on onions. Under the new requirements, a dealer must report the following information within five days of product distribution:

- The names and addresses of the purchasers of such pesticides, and the license or certificate numbers of the purchasers
- The date of sale
- The trade name (and the formulation if applicable) of such pesticides
- The quantity of each sale of such pesticides
- The name and address of the person who received the product when the product

was not delivered directly to the purchaser*

- The crop(s) to which the product will be applied*
- The acreage of each crop to which the product will be applied*
- The amount of product that will be applied to each acre of each crop*
- The intended date of application to each crop*

*These elements are required to be kept only for carbofuran-containing pesticides.

Dealers may submit this information by standard mail, fax or email to:

Oregon Department of Agriculture
Pesticides Division
635 Capitol St NE
Salem, OR 97301
Fax: 503-986-4735
Email: carbo@oda.state.or.us

USDA RECORD INSPECTIONS

The Oregon Department of Agriculture has contacted Private Pesticide Applicators to review their records of restricted-use pesticide applications. These records are required by federal law, administered by USDA. From a pool of the state's 4,949 Private Applicators, ODA selected 65 individuals. Each selected individual received a pre-notification letter. A representative of ODA conducted reviews of pesticide application records for these individuals.



To request a copy of the USDA recordkeeping requirements brochure, please call ODA at (503) 986-4635 or email pestx@oda.state.or.us.

PURS UPDATE

Don't forget! Oregon's Pesticide Use Reporting System (PURS) is in effect this year. Those who apply pesticides in the course of business, for a government agency or in a public place during 2007 must report those uses online.

Also, if you are looking for additional assistance filing your PURS reports, look for a PURS help class coming this fall. Fall classes (starting in October) will be posted on the PURS web site as scheduled. For more information visit the PURS web site at:

http://oregon.gov/ODA/PEST/purs_index.shtml

or call the PURS Information Line at (503) 986-6472.

As of June 2007, PURS has more than 1,500 reporters, and more than 34,000 reports have been filed.

NEW PROPOSED CROP GROUPING

Minor crop producers and consumers will be the primary beneficiaries of a recent EPA proposal to revise its pesticide tolerance crop grouping regulations. This revision will allow the establishment of tolerances for multiple, related crops based upon data from a representative set of crops. The proposed revision, published in a May 23, 2007, Federal Register notice, would create a new crop group for edible fungi (mushrooms), expand existing crop groups by adding new commodities, establish new crop subgroups, and revise the representative crops in some groups. These proposed changes reflect the global competition for new or ethnic commodities. EPA expects these revisions to promote greater use of crop groupings for tolerance-setting purposes and to improve pesticide availability for minor crop uses. This is the first in a series of regulatory crop group updates.

The current proposal is based upon a petition submitted to EPA by the U.S. Department of Agriculture's Inter-regional Research Project No. 4 (IR-4), along with the governments of Canada and Mexico, working with over 180 crop, agrichemical, and regulatory experts representing more than 30 countries. The petition and supporting documents can be found under docket EPA-HQ-OPP-2006-0766 at www.regulations.gov. This proposal is intended as a burden-reducing regulation. Comments are due on or before July 23, 2007. The Federal Register notice announcing the proposal can be found at

<http://www.epa.gov/EPA-PEST/2007/May/Day-23/p9595.htm>.

NEW EPA PUBLICATION

EPA has developed a new online publication that contains a summary of all EPA administered laws that might affect agricultural producers. The document includes information on the SDWA, CWA, FIFRA, FQPA, ESA, RCRA, TSCA, CERCLA, CAA, and EPCRA. If you don't know what all of these acronyms stand for, or simply want to know if these laws apply to you, pick up your copy at:

<http://www.epa.gov/oecaagct/agmatrix.pdf>

This 23 page publication "Major Existing EPA Laws and Programs That Could Affect Agricultural Producers" attempts to summarize these complex laws and provide growers with the essential compliance information they need. It is available in printable PDF format.



Pesticides Superhero Guy says: Never burn empty pesticide containers. Instead, clean them and take them to a recycler that accepts agricultural plastics.

WEST NILE FOUND IN PORTLAND

Public health officials confirmed that a dead crow found in Multnomah County tested positive for West Nile virus. The crow was reported on June 25, 2007 in the vicinity of Portland's Roseway neighborhood and sent to the Oregon Public Health Laboratory.

"This is the first appearance of West Nile virus in Multnomah County this year," says Chris Wirth, Manager of Multnomah County's Vector and Nuisance Control. "We have not seen any human cases, but it does mean that people need to take precautions against mosquitoes."

West Nile Virus is primarily an infection of birds. It is spread when a mosquito feeds on an infected bird and then bites a human. Birds cannot transmit the disease to humans, nor can it be transmitted through person-to-person contact, according to Wirth.

"Most people infected with West Nile virus will have no symptoms or a mild, flu-like illness," states Gary Oxman, Multnomah County Public Health Officer. "Less than one percent of infected individuals will develop brain or nervous system illness such as meningitis or encephalitis.

The infection is more serious for people over the age of 50, and perhaps also in people with suppressed immune systems. We are encouraging people to take precautions to protect themselves and their families from mosquito bites," adds Oxman.

As a reminder, commercial operators, applicators and trainees who treat for mosquitos must have the Public Health/Vector Control category on their license.

AMMONIUM THIOSULFATE (ATS) AS A BLOSSOM THINNING AGENT

ODA reminds pesticide dealers, fertilizer distributors, pesticide consultants, commercial pesticide applicators, and tree fruit growers that the use of any product as a blossom thinning agent is considered to be a pesticidal use under state and federal law. "Blossom thinning" products must be registered as pesticides by the U.S. EPA and the ODA prior to distribution in Oregon.



West nile virus is spread by mosquitos to various animals, including humans. Birds, such as the crow, can indicate the presence of the virus in an area.

Ammonium thiosulfate (ATS) is not registered for distribution as a pesticide in Oregon. It is a violation of the Federal Insecticide, Fungicide and Rodenticide Act and the Oregon Pesticide Control Act to knowingly distribute ATS as a blossom thinning agent.

Although research has been conducted on the use of ATS as a blossom thinning agent for tree fruits, including apples and cherries, it is illegal to use ATS as a blossom thinning agent since it has not been registered for this use.

UNREGISTERED ANTIMICROBIALS

Antimicrobial treatments for structural timbers, HVAC systems and mold and mildew remediation are gaining in popularity, but some product manufacturers are offering products that are not registered in Oregon to operators. Some of these antimicrobials have not even received federal registration. In such cases, using the products on a customer's property would be a violation of state and federal law. Please check our web site to make sure that the products you are using are registered. If you are unsure, you may call ODA to verify registration status of a particular product.

CHANGING YOUR NAME?

Name changes as a result of marriage, divorce or other circumstances require you to update your information with many state and federal agencies. Please remember if you hold a professional license with ODA, such as a pesticide applicator license, you must keep us informed of your new name. In order to process name changes, we require that you provide documentation, such as a marriage certificate, divorce decree, or name change authorized by a judge or court.

RANGELAND VS NON-CROP

An increasing number of individuals have posed questions about using pesticides (mostly herbicides) labeled for non-crop uses on rangeland. Non-crop sites are areas where no food products are being produced, such as industrial gravel lots. Rangeland is intended to support the growth of livestock and EPA considers it to be different from a non-crop site. Of course, if a pesticide is labeled for both non-crop and rangeland, it can be used on rangeland. Products that are labeled for non-crop use, but not for rangeland must not be used on rangeland, even when livestock are not actively grazing the area. Pasture, as an application site, would also have to be specifically mentioned on the pesticide label.



UPCOMING RECERTIFICATION CLASSES

Search our web site for the most up-to-date recertification class information - <http://oregon.gov/ODA/PEST>

Date	Location	Class Name	Cr	Contact Phone
7/10/07	Salem, OR	Chemeketa Community College - Laws & Safety Review	8	(503) 399-5139
7/12/07	Roseburg, OR	Univar USA - Slugs, Mosquito Control & West Nile Update	2	(503) 222-6249
7/13/07	Portland, OR	Univar USA - Slugs, Mosquito Control & West Nile Update	2	(503) 222-6249
7/19/07	Salem, OR	Chemeketa Community College Private Applicator Training	6	(503) 399-5139
7/21/07	Salem, OR	Chemeketa Community College Private Applicator Training in Spanish Day 1	4	(503) 399-5139
7/25/07	White City, OR	Rogue Community College - Laws & Safety Review	4	(541) 245-7909
7/28/07	Salem, OR	Chemeketa Community College Private Applicator Training in Spanish Day 2	4	(503) 399-5139
8/1/07	White City, OR	Rogue Community College - Ornamental & Turf Insecticide and Fungicide Training	4	(541) 245-7909
8/2/07	Coos Bay, OR	Oregon OSHA - Hazard Communication Program # 205	3	(503) 947-7443
8/6/07	Salem, OR	Chemeketa Community College - Ornamental & Turf Herbicide Pesticide Applicator Training	8	(503) 399-5139
8/14/07	Jackpot, NV	Far West Agribusiness Association - 1 Day Hazwoper Refresher Training	6	(509) 465-5055
8/15/07	Jackpot, NV	Far West Agribusiness Association - 2 Day Hazwoper Material Spill Training (Attendance both days is required 8/15 & 8/16)	15	(509) 465-5055
8/15/07	White City, OR	Rogue Community College - Ornamental & Turf Herbicide Pesticide Applicator Training	4	(541) 245-7909
8/21/07	Kansas City, MO	FISA- 2007 Tech. Conference Food Safety Pest Management (Day 1)	7	(913) 782-7600
8/22/07	Eugene, OR	Oregon OSHA - Hazard Communication Program # 205	3	(503) 947-7443
8/22/07	Eugene, OR	Oregon Occupational Safety & Health Administration - Worker Protection Standard #401	4	(503) 947-7443
8/22/07	Kansas City, MO	FISA- 2007 Tech. Conference Food Safety Pest Management (Day 2)	7	(913) 782-7600
8/24/07	Salem, OR	Chemeketa Community College - Worker Protection Standard	4	(503) 399-5139
9/6/07	Hermiston, OR	Oregon OSHA - Hazard Communication Program # 205	3	(503) 947-7443

Although we have done our best to ensure the accuracy of this list, please call the sponsor to confirm dates and credits ahead of time. Credits listed reflect the maximum level based on full attendance. Courses with a "V" have variable credits depending on which sessions are attended. Courses with a "TBD" have not been assigned credits as of this newsletter.

INTERNET & CORRESPONDENCE CLASSES

A wide variety of on-line, correspondence and CD-based courses have been accredited for 2007. Courses range in credits from 1 to 15 and most can be done on your own time frame. To find out more, visit the following web page:

http://oda.state.or.us/dbs/recert_classes/Search.lasso

ODA has accredited one or more courses for the following sponsors. Note: sponsors listed below may also offer courses that are not ODA accredited. Please check the ODA website before enrolling in a course.

Pesteducation.com http://pesteducation.com/	(714) 960-8022
American Institute of Bakers International https://www.aibonline.org/	(785) 537-4750
Pestnetwork.com Inc. http://pestnetwork.com/	(512) 990-3216
Oregon Occupational Safety and Health Administration http://www.cbs.state.or.us/external/osha/	(503) 947-7443
Washington State University Urban IPM & Pesticide Safety Education http://pep.wsu.edu	(509) 335-2830
Western Farm Press http://westernfarmpress.com/	(559) 298-6070

NO PARTIAL CREDIT WILL BE GIVEN

Oregon pesticide license holders attending pesticide recertification training session must stay for the entire training session in order to receive Oregon pesticide recertification credits. This means if a pesticide recertification training session has been accredited as a four hour block, you must stay for the entire session in order to receive any Oregon pesticide recertification credits.

NEW TESTING CENTERS

ODA has contracted with two additional community colleges to expand the locations where pesticide certification exams are offered. Linn Benton Community College in Albany and Clatsop Community College in Astoria are currently scheduling exam sessions. Appointments are required at both locations.

Albany testing: (541) 917-4738

Astoria testing: (503) 338-2426

Other testing centers and testing information is available on the Pesticides Division web site.

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

Activities from February 2007 - July 2007.

GRANTED					
Registrant	Product	Crop	Pest	EPA Reg #	OR SLN #
Chemtura	Acramite 4SC	alfalfa grown for seed	spider mites	400-514	OR-070009
BASF	Endura	crimson clover grown for seed	sclerotinia	7969-197	OR-070001
Valent	Chateau	non-bearing raspberries	weeds (broadleaf)	59639-119	OR-070002
Syngenta	Dual Magnum	bell peppers- transplanted	weeds- broadleaf and grass	100-816	OR-070004
Chemtura	Acramite 4SC	mint	spider mites	400-514	OR-070010
Chemtura	Acramite 4SC	potato (adding chemigation)	spider mites	400-514	OR-070019
FMC	Brigade 2EC	clover grown for seed	insects	279-3313	OR-070013
FMC	Brigade 2EC	meadowfoam - for seed	scaptomyza fly (meadowfoam fly)	279-3313	OR-070012
FMC	Brigade 2EC	carrots and parsley grown for seed	aphids, lygus bugs and spider mites	279-3313	OR-070014
FMC	Brigade 2EC	alfalfa grown for seed	insects	279-3313	OR-070011
FMC	Brigade 2EC	Christmas trees	spruce mites and root weevils	279-3313	OR-070015
United Phosphorus	Asulox Herbicide	spinach grown for seed	weeds	70506-139	OR-070016
Makhteshim-Agan	Diazinon AG 500	parsnip	soil drench: carrot rust flies	66222-9	OR-070018
Cerexagi-Nisso	Assail 70WP	alfalfa grown for seed	lygus bugs	8033-23-82695	OR-070017b
Syngenta	Actara	sugar beets grown for seed	green peach aphid	100-938	OR-070020
Bayer CropScience	RTU-Vitavax-Thiram	grass grown for seed - export	seed diseases	264-943	OR-070022
Bayer CropScience	Mocap EC	newly planted mint	garden symphylans	264-458	OR-070021
Makhteshim-Agan	Galigan 2E	carrots grown for seed	weed control	66222-28	OR-070003
Lawn and Garden Products	Sucker-Stopper RTU	Christmas trees	leader length control	5481-460-54705	OR-070005
Syngenta	Dual Magnum	cabbage - transplanted	yellow nutsedge/other weeds	100-816	OR-070006
Bayer CropScience	Mocap EC	baby hops	garden symphylans	264-458	OR-070007
Gowan	Onager Miticide	alfalfa grown for seed	mites	10163-277	OR-070008
FMC Corporation	Beleaf 50SG	alfalfa grown for seed	lygus bugs	71512-10-279	OR-070023

PENDING				
Registrant	Product	Crop	Pest	EPA Reg #
Loveland Inc.	Stealth Herbicide	alfalfa grown for seed	weeds	34704-868
Loveland Inc.	Stealth Herbicide	clover grown for seed	weeds	34704-868
Loveland Inc.	Stealth Herbicide	grass grown for seed	weeds	34704-868
DECCO Cerexagri	DECCO 271 Aerosol	potatoes in storage	sprouting of potatoes in storage	2792-70

CANCELED					
Registrant	Product	Crop	EPA Reg #	SLN #	Reason
FarmSaver.com	Equus DF Chlorothalonil Fungicide	Chickpea / Garbonzo bean	72167-25-73220	OR-030008b	Product transfered to other registrant
Cerexagri	Des-i-cate	hops	4581-206	OR-030036	Product being discontinued
Gowan	Eptam 7-E Selective Herbicide	Idle Season Land	80225-3-10163	050026b	Replaced by OR-060001

WITHDRAWN				
Registrant	Product	Crop	EPA Reg #	Reason
Gowan	Onager Miticide	Carrots grown for seed	10163-277	Registrant unable/unwilling to submit data
Arysta LifeScience	Captan 50 WP	raspberries and blackberries	66330-234	Use on main label

PESTICIDE VIOLATIONS

Notices of Violation Issued

Party Cited	Violation*
Bansen, Timothy	ORS 634.372(13) (3 counts)
Delgado, Jose de Jesus	ORS 634.372(8) (2 counts)
Jeffrey Kuschnick	ORS 634.372(4)
JK Spray Service, Inc.	ORS 634.372(4)
Precision Applications, Inc	ORS 634.372(4)
Que Huong Market	ORS 634.372(17)
Solis, Victor	ORS 634.372(8) (3 counts)
Velasquez, Hector	ORS 634.372(8) (2 counts)

Civil Penalties Issued

Party Cited	Violation*	Amount
Bair, Duwane	ORS 634.372(4)	\$629.00
Berg, Kim	ORS 634.372(4)	\$520.00
Cindell, Kip	ORS 634.372(4) (4 counts)	\$2,220.00
Cruikshank, Scott	ORS 634.372(4) (3 counts)	\$2,109.00
Dauenhauer, Paul	ORS 634.372(6) (3 counts)	\$1,665.00
	ORS 634.372(8) (3 counts)	\$1,665.00
Froerer, Craig	ORS 634.372(4) (17 counts)	\$10,693.00
Fulleton, Dan	ORS 634.372(4)	\$555.00
Kesler, Paul	ORS 634.372(4) (5 counts)	\$3,330.00
Laubacher, Ken	ORS 634.372(4) (4 counts)	\$2,368.00
McGourty, Michael	ORS 634.372(4)	\$666.00
Mizuta, Jerry	ORS 634.372(4) (8 counts)	\$5,624.00
Trugreen Landcare LLC	ORS 634.372(9) (3 counts)	\$660.00
Wilco Farmers, McMinnville	ORS 634.372(4) (3 counts)	\$1,665.00
	ORS 634.372(6) (3 counts)	\$1,665.00

*Pesticide Violations:

- 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(4) - Perform pesticide application activities in a faulty, careless or negligent manner.
- ORS 634.372(6) - Make false, misleading or fraudulent records, reports or application forms required 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(13) - Apply any pesticide classified as a restricted-use or highly toxic pesticide to agricultural, horticultural or forest crops on land owned or leased by the person without first obtaining and maintaining a private applicator certificate.
- ORS 634.372(17) - Formulate, deliver, distribute, sell or offer for sale any pesticide that has not been registered as required by ORS 634.016.

Note: All Notices of Violation and Civil Penalties listed in the newsletter are considered "Final order issued."

This photo of a pesticide application was emailed to the department. Before applying a pesticide, applicators might take a moment to imagine how the application will appear to onlookers (read "A Case Review").



A CASE REVIEW

While not all high profile, ODA staff investigates many pesticide incidents that present valuable lessons for pesticide applicators. One recent case involved two individuals who were attempting to renovate a creek bank by applying herbicide to willows and replanting with other vegetation. The case began when an ODA investigator was emailed some photographs of the application. Two men in short sleeved shirts were pictured in a small boat; one was making the application to the willows with a backpack sprayer and the other was piloting the boat.

The photo raised some immediate questions. What was the individual spraying? Was the application being done in a lawful manner? Did the individual need to be licensed? Why were the individuals not wearing personal protective equipment? To find out the answers, the ODA investigator contacted the complainant (photographer), the applicator and the skipper to ask more questions. As it turns out, the product

used was Crossbow and upon label review, the department cited the applicator for several violations.

First, the Crossbow label stated that the product should be used on "...rangeland, permanent grass pastures, conservation reserve program (CRP) acres, fence rows, non-irrigation ditch banks, roadsides and industrial sites." Since creek-banks are not listed on this product label, application to this site was in violation of the use directions. The label also stated, "Do not apply directly to water or areas where surface water is present." In this case, the department concluded that it was not possible to make the application without spray droplets contacting the surface water. Finally, the label contained the following personal protective equipment (PPE) requirements "When mixing, loading or applying this product or repairing or cleaning equipment, wear long-sleeved shirt, long pants, socks, shoes, chemical-resistant gloves and eye protection (face shield or

RECENT FERTILIZER VIOLATIONS

The following Notices of Violation were issued.

Party Cited	Violation	ORS Section
Agro-Culture Liquid Fertilizers	Sell, offer for sale, or distribute mislabeled fertilizer products.	633.366(1)(e)
	Knowingly or intentionally making false or misleading representations in connection with the sale or distribution of a fertilizer product.	633.366(1)(L)
Bay Zinc Company, Inc	Sell, offer for sale, or distribute unregistered fertilizer and agricultural mineral products.	633.366(1)(a)
Hydro-Organics Wholesale	Sell, offer for sale, or distribute unregistered fertilizer products.	633.366(1)(e)

The following products were found to contain at least one guaranteed ingredient outside allowable levels. Products may contain the guaranteed amounts of other ingredients not listed below.

Registrant	Product Name	Element	Label Guarantee	Lab Analysis
Pendleton Grain Growers	33.37-0-11.21 Custom Mix	Total Nitrogen (N)	33.37%	30.28%
The Horticulturalist Choice Wholesale Garden Supply	2.5-12-2 Complete for Potting Soil	Available Phosphate (P2O5)	12%	11%
		Soluble Potash (K2O)	2%	0%

ACTIVE AND PENDING SECTION 18 EXEMPTIONS

Crop	Pest	Product	EPA Reg #	Start Date	End Date
Apples	fire blight	Mycoshield	55146-97	4/1/07	8/1/07
Apples	fire blight	FlameOut	80990-1-4581	4/1/07	8/1/07
Apples	fire blight	FlameOut	80990-1-82695	4/1/07	8/1/07
Carrots	cavity spot	Reason 500 SC	264-695	5/2/07	11/1/07
Containerized ornamentals	liverwort	Gentry 25 WP	NR	Withdrawn	
Cranberries	broadleaf weeds	Callisto	100-1131	3/30/07	10/31/07
Dry bulb onion	onion thrips, western flower thrips	Carzol Insecticide	10163-265	5/15/07	9/15/07
Grasses-seed	annual grass weeds	Puma 1 EC	264-666	3/29/07	9/15/07
Honey bees	varroa mite	Hivastan	N.R.	3/30/07	2/28/08
Mushrooms	green mold	Topsin M 70WP	4581-403,73545-11,73545-11-82695	10/25/06	10/26/07
Onion seed treatment	seed corn maggot	Regent TS	7969-223	Withdrawn	
Orchardgrass seed	western orchardgrass billbug	Brigade 2EC	279-3313	4/10/07	11/15/07
Rutabaga	cabbage maggot	Regent 4SC	7969-207	4/27/07	9/30/07
Strawberries	broadleaf weeds	Spartan 4F	279-3220	3/15/06	2/28/07
Sugar beets	beet leafhopper (BCTV vector)	Poncho 600	264-789	12/1/06	7/31/07
Turnip	cabbage maggot	Regent 4SC	7969-207	4/27/07	9/30/07
Winter squash	hairy nightshade, black nightshade	Outlook	7969-156	4/2/07	8/1/07

safety glasses).” The applicator in this case was clearly not wearing the minimum PPE required by the label.

Several lessons can be learned from this investigation. First, the application site was not listed on the label. In this case, the applicator should have selected a different pesticide that could be used on this unique application site. Second, this case highlights the importance of wearing personal protective equipment required by the pesticide label. PPE is required for the applicator’s own protection. If an applicator chooses not to wear PPE, they can be issued a violation.

Third, consideration should be given to the method of application. Standing in a small boat while spraying, did raise some concerns for the safety of the applicator. Finally, all applicators should realize that their actions do not occur in a bubble. Members of the public, neighbors or even ODA investigators might see and possibly photograph your actions. This is why reading and following the pesticide label is always the best way for applicators to prevent problems and cover themselves if there is a complaint.



- Web page: <http://oregon.gov/ODA/PEST>
- Phone: (503) 986-4635
- FAX: (503) 986-4735

Q&A: PESTICIDAL CLAIMS

What is the Agency’s policy in the event a registrant or manufacturer wants to remove pesticidal claims from a product label in order to avoid the obligation to register the product?

The lack of pesticidal claims on a product does not necessarily mean the product does not need to be registered. The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) [sec 2(u)] defines a pesticide in part as:

- “1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pests,*
- 2) any substance or mixture of substances intended or used as a plant regulator, defoliant, desiccant, and*
- 3) any nitrogen stabilizer”*

Regulations established under FIFRA (40 CFR part 152.15) state, in part:

“A substance is considered to be intended for a pesticidal purpose, and thus to be a pesticide requiring registration, if...”

“b) The substance consists of or contains one or more active ingredients and has no significant commercial value as distributed or sold other than

(1) use for a pesticidal purpose (by itself or in combination with any other substance),

(2) use for manufacture of a pesticide”

Intent for a pesticidal purpose is considered on a case-by-case basis and EPA may determine a product is a pesticide, and therefore requires a registration, regardless of the product’s label claims. If you are unsure whether your product is a pesticide, it would be prudent to contact the EPA Office of Pesticide Programs.

http://www.epa.gov/pesticides/regulating/labels/label_review_faq.htm