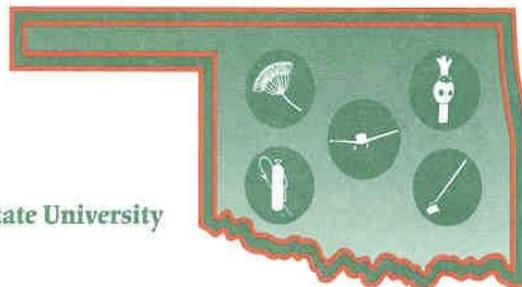


# PESTICIDE REPORTS

Division of Agricultural Sciences and Natural Resources • Oklahoma State University  
<http://pested.okstate.edu>



## September, 2010

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(PSEP)

### BAYER AGREES TO TERMINATE ALL TEMIK USES

The U.S. Environmental Protection Agency and Bayer CropScience, the manufacturer, have reached an agreement to end use of the pesticide aldicarb in the United States. A new risk assessment conducted by EPA based on recently submitted toxicity data indicates that aldicarb, an N-methyl carbamate insecticide, no longer meets the agency's rigorous food safety standards and may pose unacceptable dietary risks, especially to infants and young children.

To address the most significant risks, Bayer has agreed first to end aldicarb use on citrus and potatoes and will adopt risk mitigation measures for other uses to protect groundwater resources. New measures to protect shallow drinking water wells in vulnerable areas of the southeastern U.S. coastal plain and lower application rates will be immediately added to product labels for use on cotton, soybeans, and peanuts.

The company will voluntarily phase out production of aldicarb by December 31, 2014. All remaining aldicarb uses will end no later than August 2018. Additionally, EPA plans to revoke the tolerances (legal pesticide residues allowed in food) associated with these commodities. EPA did this to ensure we have the safest food supply possible. For more information go to [http://www.epa.gov/oppsrrd1/REDs/factsheets/aldicarb\\_fs.html](http://www.epa.gov/oppsrrd1/REDs/factsheets/aldicarb_fs.html) (EPA).

### FUMIGATION PRACTICAL

The final Fumigation Practical for 2010 will be held September 28 in Stillwater at the Stored Product Research Educational Center (SPREC). This will be the last Fumigation Practical for 2010. To enroll please go to <http://pested.okstate.edu/practical.htm>.

The next Fumigation Practical will be held in the spring of 2011 (OSU PSEP).

### UPDATED OKLAHOMA PESTICIDE LAWS & RULES

A new version of the Oklahoma Combined Pesticide Laws and Rules has just been released and is available on ODAFF's website. The most current version has a revision date of 8/01/10. You can download the new version at <http://www.oda.state.ok.us/forms/cps/cpl.pdf>.

## **LUCAS INTRODUCES FIX TO NPDES PERMIT**

Rep. **Frank Lucas** (R-OK), Ranking Member of the House Agriculture Committee, introduced legislation (H.R. 6087) in the House last week that would amend the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) to clarify that additional permits are not required for pesticide applications made in accordance with FIFRA. Lucas's bill is companion legislation to S. 3735 which was introduced earlier this month in the Senate by Sens. **Blanche Lincoln** (D-AR) and **Saxby Chambliss** (R-GA). Both bills would clarify that permits under the Clean Water Act (CWA), for example, are not required for pesticide applications that comply with FIFRA. (NASDA)

<http://www.nasda.org/cms/7197/9060/27947/27964.aspx?newsletter=true>

## **UTAH COMPANY FINED FOR IMPROPER FUMIGATION**

A Utah company has been fined \$48,500 for improper use of aluminum phosphide that resulted in the death of two young girls.

Back in February the applicator made an application for field mice next to the residence. The applicator did not follow the label and applied to close to the residence and exceeded the rate listed on the label. The applicator was charged with two counts of negligent homicide. For more information on this story follow the link below to the Salt Lake Tribune story.

<http://www.sltrib.com/sltrib/home/50142982-76/pesticide-state-company-fines.html.csp>

## **AG INDUSTRY FIRES BACK AT 'DIRTY DOZEN'**

California commodity growers have taken the gloves off in their fight to refute a list by the Environmental Working Group (EWG) that gives

the false impression that pesticide residue amounts on certain fruits and vegetables are toxic and should be avoided.

EWG's "Dirty Dozen list" of commodity fruits and vegetables – or its "Shoppers Guide," as EWG describes it – has been around for almost two decades, but in the last few years has been getting an exorbitant amount of press coverage almost daily. So much publicity, in fact, that consumers have begun avoiding buying these commodities out of fear for their health and the well-being of their families.

This steady drip-drip of bad publicity has begun transforming consumer buying habits into preferring organically grown produce over the conventionally grown fruits and vegetables named on the Dirty Dozen list. Or, if unaffordable, avoiding them all together, despite the proven health benefits afforded by these food items. As you can well imagine, agricultural commodity groups and medical experts as well – quite perplexed and alarmed by this troubling trend – finally put their heads together in combating a threat that they see as based on unscientific, misleading, or outright bogus claims targeting conventionally grown produce. They asked the obvious question: Are the commodities listed on the Dirty Dozen list really dangerous as EWG claims?

In an attempt to find out the science used to arrive at the Dirty Dozen list, an expert panel of toxicologists, risk assessors and nutritionists was commissioned by the Alliance for Food and Farming (AFF located in Watsonville) – a small but stalwart band dedicated to preventing the defamation of the farmer.

During a series of AFF webinars presented in July to agricultural groups as well as health specialists and journalists, the panel concluded that consumers should not be afraid of eating any fruit or vegetable because of pesticide residues, despite claims to the contrary generated by the Dirty Dozen list. In addition, AFF launched a new Web site located at [www.safefruitsandveggies.com](http://www.safefruitsandveggies.com) that focuses on the research conducted by its panel of experts. Below is what they found:

- The Dirty Dozen list is misleading to consumers because it is based only on exposure data while remaining silent about available information on the toxicity of pesticides present in the diet. Merely detecting a residue does not mean it is unsafe.

- The U.S. EPA's process for evaluating the potential risks of pesticides on food is rigorous and health-protective. The EPA's testing requirements for pesticides used on food are more extensive than for chemicals used in any other category, and include testing targeted specifically to assess the potential risks to fetuses, infants and children.

- Given the widespread media attention devoted to the Dirty Dozen list, it is disconcerting that the group behind the list has not shared its algorithm with the scientific community or the public, nor has the report been subjected to outside peer review. Put another way, EWG assigned each commodity a score of 1 to 100, with 100 being the worst. However, the details on how the scoring for each commodity involving six different measurements was integrated into a composite score have never been provided. Thus, the scores cannot be readily reproduced.

- The currently available scientific evidence does not conclude that there is any risk associated with the pesticide residues found on fresh fruits and vegetables.

AFF's webinars were quickly countered by a media teleconference by the Washington, D.C.-based EWG. Group President Ken Cook said that a main reason "Big Agriculture" is attacking the Dirty Dozen list is because of the quickly growing organic produce market. He said consumers are saying they like pesticide-free produce, adding, "What Big Agriculture seems to be saying is, 'Shut up and eat your pesticides.'"

Now I'll interject my 2 cents. I think it's a good idea to give people all of the information that we can about pesticides. But the myth that organic foods don't have pesticides used on them is one that really needs to go away. You see, the federal National Organic Program and the California Department of Pesticide Regulation registers

pesticides for use on organic crops, so the message that organic crops don't use pesticides is in fact a misnomer.

These organic pesticides may be present at higher concentrations than synthetic pesticides and may have similar effects on humans. No farmer, organic or non-organic, wants to use anymore pesticides than the crop requires. Certain crops are rarely sprayed regardless of whether they're produced organically or not. Pesticides are expensive, but when faced with the potential loss of a crop, growers will do what they need to do to avoid losing their crop, and if that means applying pesticides then that is what has to be done.

Lastly, I am living proof that conventional produce is not all that bad. I've been on this earth for 63 years and I have been eating fruits and vegetables with pesticide residues since I was a kid. I'm still kicking and so are a bunch of my friends who ate the same. And as far as avoiding conventional produce because of the Dirty Dozen list, it turns out that our moms were right: eat your fruits and vegetables, conventional or otherwise. For the good of your own health, it sure beats filling up on fast-food junk or Hostess Twinkies. [Western Farm Press](#) 8-19-2010

## **NEW REPORT RANKS TOP U.S. CITIES FOR BEDBUG INFESTATIONS**

MEMPHIS, Tenn. Bedbugs are shutting down office buildings and clothing stores and invading homes, and while no one is safe from these pests, a new report compiled from Terminix data shows 15 cities stand above the rest as the most bedbug-infested cities in the United States.

The list is topped by New York and includes other major cities such as Philadelphia, Los Angeles and Chicago. Surprisingly, Ohio receives the dubious distinction as the most bedbug-infested state, with three cities in the top 10 and four in the top 15.

The 2010 most bedbug-infested cities include:

- |                   |                        |
|-------------------|------------------------|
| 1. New York       | 9. Washington, D.C.    |
| 2. Philadelphia   | 10. Los Angeles        |
| 3. Detroit        | 11. Boston             |
| 4. Cincinnati     | 12. Indianapolis       |
| 5. Chicago        | 13. Louisville, Ky.    |
| 6. Denver         | 14. Cleveland          |
| 7. Columbus, Ohio | 15. Minneapolis, Minn. |
| 8. Dayton, Ohio   |                        |

The top 15 list was developed by Terminix and was created by compiling and analyzing market-specific call volume about bedbugs to the 350 Terminix service centers throughout the country. (Terminix Press Release)  
<http://www.terminix.com/Media/PressReleases.aspx>

## **EPA ISSUES CONSUMER ALERT FOR BED BUG CONTROL**

The U.S. Environmental Protection Agency (EPA) wants to alert consumers that there has been an increase of individuals or companies who offer to control bedbugs with unrealistic promises of effectiveness or low cost. Because bed bug infestations are so difficult to control, there have been situations where pesticides that are not intended for indoor residential applications have been improperly used or applied at greater rates than the label allows. While controlling bedbugs is challenging, consumers should never use, or allow anyone else to use, a pesticide indoors that is intended for outdoor use, as indicated on the label. Using the wrong pesticide or using it incorrectly to treat for bedbugs can make you, your family, and your pets sick. It can also make your home unsafe to live in – and may not solve the bedbug problem.

## **EPA TESTING WEB LABELING PILOT PROJECT**

EPA is inviting organizations to work with the Agency to conduct a “User Acceptance Pilot” to research the extent to which pesticide users would accept a system requiring them to obtain labeling via the internet. EPA believes that web-distributed labeling has the potential to improve compliance with labeled use instructions by making pesticide labels easier to read and comprehend. Web-

distributed labeling would accomplish this, in part, by only providing instructions for the location and intended use that the pesticide user specifies online.

Some benefits of the system would be faster access to new pesticide uses, quicker implementation of public health and environmental protective measures, and lower costs for industry and EPA.

To test the viability of online pesticide labeling, the EPA published a Federal Register Notice on August 18, 2010 inviting participation in the pilot. Stakeholders should notify EPA of their interest in participating no later than September 17, 2010. EPA's goal is to have all User Acceptance Pilot websites ready for users to test by October 15, 2010.(EPA)

## **AGREEMENT REACHED ON TIMELINE FOR ENDOSULFAN CANCELLATION**

Most uses of endosulfan will end within two years according to an agreement reached by EPA and three registrants of the organochlorine insecticide. However, some crop uses will be phased out over the next four years.

EPA publicly announced the agreement Aug. 3, about two months after it announced it would terminate all uses of endosulfan upon concluding the insecticide can persist in the environment and determining it poses unacceptable risks to farmworkers and wildlife.

EPA negotiated the agreement with technical registrant Makhteshim Agan of North America (MANA). MANA, technical registrant Drexel Chemical Company and end-use registrant KMG-Bernuth took turns signing the cancellation agreement on July 22 and July 23.

MANA Director of Global Governmental and Industry Relations Scott Rawlins previously said the company fundamentally disagrees with EPA's conclusions and that key uses are eligible for re-registration. But MANA opted to negotiate a

cancellation agreement because of the small size of the endosulfan market and the high cost of developing additional data to support registration. (Pesticide & Toxic Chemical News, August 9, 2010, Vol. 38, No 37)

## **COURT OFFERS MIXED RULING ON EPA RULE TO REVOKE CARBONFURAN TOLERANCES**

The D.C. Circuit Court of Appeals ruled July 23 that EPA acted within its discretion in denying a petition from carbonfuran registrant FMC for an administrative hearing to challenge the agency's May 2009 final rule revoking all tolerances of the pesticide. EPA's actions on the matter deserve a wide degree of deference, the court found.

But while a three-judge panel of the court ruled EPA acted within reason to ban domestic tolerances of carbonfuran, it rejected EPA's decision to ban import tolerances.

Under the Federal Food, Drug and Cosmetic Act (FFDCA) and applicable EPA regulations, the agency "must hold a hearing if it determines an objection raises a material issue of fact," the ruling notes.

FMC contends they raised four material issues with regard to the revocation of domestic tolerances, each of which warrants a hearing.

The issues include the concentrations of carbofuran in surface water and ground water, the half-life of carbofuran and the safe dose of carbofuran.

Since the petitioners failed to show a hearing is warranted based on the first two issues-in the court's opinion-the panel decided there was no need to review the other two issues since they are not outcome determinative, that is, resolution in the petitioners' favor "would not alter the outcome of the administrative proceeding."

Before examining the particulars of the issues raised by FMC, the panel explains the standard it is applying.

"The proper standard of review here, as we stated in another case arising under the FFDCA, is 'necessarily deferential,'" the court notes, citing a 1985 ruling in *Community Nutrition Institute v. Young*.

In that ruling, the court said it would "not substitute [its] judgment on highly technical and factual matters for that of the agency."

Instead, the court's review is "limited to an evaluation of whether [the agency] has given adequate consideration to all relevant evidence in the record."

And EPA did just that, the court ruled. (Pesticide & Toxic Chemical News, July 26, 2010, Vol. 38, No 35)

## **EPA PROPOSES FIRST NANOPESTICIDE REGISTRATION**

EPA announced on Aug. 13 that it is proposing to conditionally register, for four years, an antimicrobial pesticide product, HeiQ AGS-20, which contains nanosilver-making the product the first nanopesticide EPA has knowingly approved.

As a condition of registration EPA is proposing additional data requirements-based largely on input from the agency's FIFRA Scientific Advisory Panel during a November 2009 meeting on nanometal pesticide products (see *PTCN* Nov. 9, 2009, Page 1)

"EPA has determined that more extensive product chemistry, toxicology, exposure and environmental data are necessary," according to a 49-page proposed registration decision document dated Aug. 12. "Because the list of data requirements is being finalized with today's action, insufficient time has elapsed for HeiQ to have generated the data.

"Therefore, the agency is proposing to require these studies as a condition of registration, allowing sufficient time for the studies to be conducted and for the agency to review them. Ultimately, the

agency will use these data to determine whether the ingredient can be registered.”

HeiQ Materials Ag submitted its registration application for the product in September 2008, initially claiming HeiQ AGS-20 was similar to other registered silver-based antimicrobials. After reviewing product chemistry data, EPA concluded the active ingredient, nanosilver, differed from currently registered silver-based products.

EPA has determined that use of HeiQ AGS-20 is in the public interest and its use while required data are being developed won't cause unreasonable adverse effects.

The agency believes that textile preservative “offers potential benefits in terms of both conservation of the environment, through less use of silver, and consumer benefits, through prolonged efficacy.”

EPA further notes it has approved registrations of other antimicrobials containing nanosilver without knowing of its presence and without assessing the potential risks of the particles. The agency intends to require data similar to that required of HeiQ be developed to support the continued registration of these products.

EPA arrived at its determination that HeiQ's use-while additional data are developed-won't pose unreasonable adverse effects through a screening level risk assessment. The agency also reviewed scientific literature on the toxicity and fate of silver and nonosilver.

“Although the available data are limited, the EPA was able to complete a screening level risk assessment that indicated, with the exception of worker exposures, that the proposed use pattern for AGS-20 will likely lead to low levels of human and environmental exposure,” the proposed registration decision states. “Therefore, despite considerable uncertainty about the risk assessment, EPA concludes that the proposed registration will pose relatively little risk to consumers and the environment.”

Worker risks will be mitigated via label language and engineering controls to reduce potential exposures.

EPA will accept public comments on its proposed decision until Sept. 11.

There is currently one other pending registration application for a nonosilver material. (Pesticide & Toxic Chemical News, August 16, 2010, Vol. 38, No 38)

## In-State CEU Meetings

Date: September 9 - 10  
Title: OPCA Annual Conference  
Location: Oklahoma City, OK  
Contact: Denver Talley (405) 224-2322  
To Register:

Course #: OK-10-062

CEU's Approved:	Category(s):
5	10
4	All
3	7A
2	7B
2	3A

Date: September 20 - 22  
Title: OKVMA's Fall Training  
Location: Catoosa, OK  
Contact: Kathy Markham (918) 256-9302  
To Register:

Course #: OK-10-057

CEU's: Category(s):

General Session

3 5, Aquatic; 6, Right of Way; 10, D&R

1 3a, Ornamental/Turf

Vegetation Management Session

3 6, Right of Way; 10, D&R;

2 5, Aquatic & 1 3a, O&T

Date: October 12  
Title: Estes  
Location: Tulsa  
Contact: Amy McDonald (244) 445-4359  
To Register:

Course #: OK-10-060

CEU's: Category(s):

5 10

3 7A

3 3A

1 7B

1 8

1 All

Date: October 13  
Title: Estes CEU Workshop  
Location: Oklahoma City OK  
Contact: Amy McDonald (244) 445-4359  
To Register:

Course #: OK-10-061

CEU's: Category(s):

7 10

4 3A

2 7A

2 7B

2 6

1 8

1 All

## ODAFF Approved Online CEU Course Links

Wood Destroying Organism Inspection Course  
[www.nachi.org/wdocourse.htm](http://www.nachi.org/wdocourse.htm)

CTN Educational Services Inc  
[http://www.ctnedu.com/oklahoma\\_applicator.html](http://www.ctnedu.com/oklahoma_applicator.html)

Pest Network  
<http://www.pestnetwork.com/>

Univar USA  
<http://www.pestweb.com/>

Southwest Farm Press Spray Drift Mgmt  
<http://www.pentonag.com/nationalsdm>

SW Farm Press Weed Resistance Mgmt in Cotton  
<http://www.pentonag.com/CottonWRM>

Western Farm Press ABC's of MRLs  
<http://www.pentonag.com/mrl>

Western Farm Press Biopesticides Effective Use in Pest Management Programs  
<http://www.pentonag.com/biopesticides>

Western Farm Press Principles & Efficient Chemigation  
<http://www.pentonag.com/Valmont>

For more information and an updated list of CEU meetings, click on this link:  
<http://www.state.ok.us/~okag/cps-ceuhome.htm>

# ODAFF Test Information

## Testing Dates and Locations

Pesticide applicator test sessions for August/September 2010 are as follows:

September		October	
1	Altus	4	OKC
2	Enid	6	Hobart
9	Tulsa	13	Altus
13	OKC	14	Tulsa
27	OKC	25	OKC
30	Tulsa	28	Tulsa

Altus: Western OK State College  
2801 N Main, Room A23

Enid: Garfield County Extension Office,  
316 E. Oxford.

Goodwell: Okla. Panhandle Research &  
Extension Center, Rt. 1 Box 86M

Hobart: Kiowa County Extension Center  
Courthouse Annex, 302 N. Lincoln

Lawton: Great Plains Coliseum, Annex Rm.  
920 S. Sheridan Road.

McAlester: Kiamichi Tech Center on  
Highway 270 W of HWY 69

OKC: Oklahoma County Extension Office,  
930 N. Portland.

Tulsa: NE Campus of Tulsa Community  
College, (Apache & Harvard)  
Large Auditorium

**Pesticide Safety  
Education Program**