

PESTICIDE REPORTS

Division of Agricultural Sciences and Natural Resources • Oklahoma State University

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July, 2011

CHEM

- 1 OSU PSEP Lawn Care CEU Program
- 1 Senate Ag Committee Exempts Pesticides From CWA Permits
- 2 EPA Rejects Request for Sulfuryl Fluoride Tolerance Hearing
- 3 Cardin, Boxer Place Senate Hold On Bill To Exempt Pesticides From Clean Water Act Permits
- 4 Dicofol Cancellation
- 4 Chlorpyrifos Human Health Risk Assessment
- 5 Apples Tops EWG "Dirty Dozen List"
- 7 Monsanto Defends Roundup
- 8 Rozol Rodenticide Registration in Jeopardy
- 10 In-State CEU
- 11 Online CEU Links
- 11 ODAFF Test Session Dates

Registration cost is \$30 for pre-registration by June 30 and \$50 after June 30. You can find registration forms or register online at <http://pested.okstate.edu/practical.htm>. Please contact Charles Luper at 405-744-5808 for any questions. (PSEP)

SENATE AG COMMITTEE EXEMPTS PESTICIDE APPLICATIONS FROM CLEAN WATER ACT REQUIREMENTS

The Senate Agriculture, Nutrition and Forestry Committee on Tuesday approved by voice vote legislation to exempt FIFRA-compliant pesticide applications from permitting requirements under the Clean Water Act.

Only Sen. Patrick Leahy (D-Vt.) and Sen. Kirsten Gillibrand (D-N.Y.) opposed the measure. No amendments to the bill were offered during the markup.

The move comes a bit more than four months before a court decision requiring National Pollutant Discharge Elimination System Permits for certain pesticide applications to, over or near waters of the U.S. goes into effect.

OSU PSEP Lawn Care Pest Management Programs 2011

The OSU Pesticide Safety Education Program will conduct two Lawn care CEU programs in July. They will be held July 7 at the Oklahoma County Extension Office (930 N Portland) and July 13 at the Tulsa County Extension Office (4116 E. 15th). The program will run from 9 am to 12:30 pm. 3 CEU's for categories 3A and 10 will be available

Topics to be covered: The Plant Disease and Diagnostic Laboratory at OSU, Weed Control and mulches for ornamentals, and ODAFF Facility Inspections for Pesticide Applicators.

The House passed the bill, H.R. 872, on March 31 by 292 to 130.

Questions have been raised about whether the Senate Environment and Public Works Committee, chaired by Sen. Barbara Boxer (D-Calif.), also has jurisdiction over the bill because of its Clean Water Act component. Several sources have told *Pesticide & Chemical Policy* the Senate agriculture committee has exclusive jurisdiction.

Sen. Debbie Stabenow (D-Mich.), chair of the ag committee, told reporters after the vote that Boxer has expressed concerns, but she did not provide any details about what those concerns are. "Certainly Sen. Boxer will have input on the floor. I think that before anything would be considered on the floor for action, any concerns that she had or others will certainly be taken into consideration," Stabenow said.

House members are already pushing for action on the floor. Shortly after the Senate committee vote, Rep. Frank Lucas (R-Okla.), chair of the House Agriculture Committee, urged Senate Majority Leader Harry Reid (D-Nev.) to send the bill to the floor for a vote.

House agriculture committee members, Reps. Renee Elmers (R-N.C.), Scott DesJarlais (R-Tenn.) and Bob Gibbs (R-Ohio), who introduced H.R. 872, have issued similar statements.

Grower and pesticide groups have joined in their call and welcome the Senate ag committee's vote.

"Policymakers in the U.S. House and Senate have come together in bipartisan support of H.R. 872, and the need for a return to sound regulation," Jay Vroom, president and CEO of CropLife America, says in a June 22 statement. "Ultimately the passage of this legislation reestablishes FIFRA as the leading legislation guiding crop protection and specialty pesticide products."

Reid's office did not respond to a request for comment.

Meanwhile, environmental advocates say the Senate ag committee has given polluters a pass. "Chemical companies have tried to argue that they shouldn't have to meet the requirements of the Clean Water Act, since pesticides are approved by the EPA. But EPA's general approval does not take into account how each pesticide affects our already polluted waterways, nor does it factor in specific impacts on particular rivers and streams," Jason Rylander, staff attorney for Defenders of Wildlife, says in a June 21 statement. (*Pesticide & Chemical Policy*, June 24 2011, Volume: 39 Issue: 30)

EPA REJECTS REQUEST FOR HEARING RELATED TO SULFURYL FLUORIDE TOLERANCE REVOCATION

EPA last month rejected a Feb. 18 request by Dow AgroSciences to hold an administrative hearing under FIFRA related to EPA's proposed decision to revoke tolerances for the insecticide sulfonyl fluoride and fluoride, a breakdown product.

Administrative hearings related to tolerance revocations are normally held pursuant to the Federal Food, Drug, and Cosmetic Act. However, the courts have recently determined that EPA has wide discretion under FFDCA on whether to grant a request for an administrative hearing when it revokes a tolerance. EPA lacks such discretion when it comes to cancelling pesticides - under FIFRA, it must hold a hearing, if requested by a registrant, after issuing a Notice of Intent to Cancel a pesticide.

Dow AgroSciences argues that since EPA's proposed order revoking tolerances would require it to take action to cancel the underlying uses, the revocation is "in effect a Notice of Intent to Cancel [its] food-use registrations for" sulfonyl fluoride, which should be subject to the hearing requirements under FIFRA.

But EPA is denying the request for a hearing because it "has neither issued a formal Notice of Intent to Cancel under FIFRA for the sulfonyl fluoride registrations nor can the proposed FFDCA

order be considered a constructive Notice of Intent to Cancel," Steve Owens, assistant administrator in EPA's Office of Chemical Safety and Pollution Prevention, writes in a May 13 letter to Dow AgroSciences' counsel Stanley Abramson and Donald McLean, of Arent Fox. The letter was made available June 8 in EPA's public docket for its proposed sulfuryl fluoride order.

"Nothing in FIFRA or the FFDCA short circuits FFDCA procedures on establishing or revoking tolerances in this manner or mandates that an EPA finding that a tolerance fails to meet the FFDCA statutory safety standard only can be adjudicated under FIFRA procedures if a registration relying on those tolerances exists. To the contrary, to the extent that FIFRA and the FFDCA speak to coordination of actions under the two statutes, they both provide EPA with broad discretion regarding when action must be taken under FIFRA in response to a related FFDCA proceeding," the letter continues.

Owens further notes that while Dow AgroSciences is dismissive of the ongoing FFDCA proceeding, it hasn't explained why the current comment process on the proposed tolerance revocation "in any way limits its ability to attack the basis of the proposed FFDCA order or to present evidence contradicting EPA's conclusions."

EPA published its proposed decision to revoke sulfuryl fluoride and fluoride tolerances, which stems from objections filed by several non-governmental organizations, in the Jan. 19 *Federal Register*. Comments on the proposal are due by July 5. (Pesticide & Chemical Policy, June 17 2011)

CARDIN, BOXER PLACE HOLD ON BILL TO EXEMPT PESTICIDES FROM CLEAN WATER ACT PERMITS

Sen. Ben Cardin (D-Md.), chair of the Environment and Public Works Subcommittee on Water and Wildlife, along with EPW Committee chair, Sen.

Barbara Boxer (D-Calif.), have placed a hold on H.R. 872, a spokesperson for Cardin confirmed today.

The Senate Agriculture, Nutrition & Forestry Committee approved the bill, which would exempt FIFRA-compliant pesticide applications from permitting requirements under the Clean Water Act, by voice vote on June 21. But questions have been raised about whether EPW also has jurisdiction over the bill because of its Clean Water Act component. Several sources have told *Pesticide & Chemical Policy* the Senate agriculture committee has exclusive jurisdiction.

The bill was referred to and approved by two committees in the House -- the Transportation and Infrastructure Committee, which has jurisdiction over the Clean Water Act, and the Agriculture Committee, which has jurisdiction over FIFRA -- before ultimately being approved by the House 292-130. But the Senate ag committee was the sole recipient of the bill in the upper chamber.

In January 2009, the 6th Circuit Court of Appeals vacated EPA's rule claiming pesticides applied to, over or near water in accordance with FIFRA are not pollutants and therefore do not require a National Pollutant Discharge Elimination System permit under CWA. EPA opted not to challenge the decision, much to the chagrin of the pesticide industry and grower groups that unsuccessfully appealed to the Supreme Court for review.

The 6th Circuit's ruling is set to take effect Oct. 31 after a stay is lifted -- it was granted at EPA's request to provide the agency time to develop a general permitting program. Industry has been hoping a legislative fix would be enacted before the stay ends and subjects the regulated community to what it says is an unnecessary burden because pesticides are already thoroughly studied and regulated by EPA under FIFRA. But Cardin's and Boxer's hold prevents H.R. 872 from coming to the Senate floor for a vote. (Pesticide & Chemical Policy, June 27 2011)

REGISTRANTS REQUEST VOLUNTARY CANCELLATION OF DICOFOL

In a Memorandum of Agreement with EPA dated May 17, 2011, the registrants of dicofol requested voluntary cancellation of all their dicofol registrations. EPA is requesting comment for 30 days on the registrants' request, which would terminate the last dicofol products registered in the United States. EPA plans to grant the registrants' request at the close of the comment period unless substantive comments require further deliberation. Dicofol is the last organochlorine pesticide to go through a cancellation process to terminate all its remaining uses in the U.S.

The registrants, Agan Chemical Manufacturing, Ltd. and Makhteshim Agan of North America, Inc., ceased all production of dicofol as of May 17, 2011, and have agreed to cease all sales and distribution of the pesticide by October 31, 2013. The companies also have agreed to amend product labels for existing stocks by August 31, 2011, to prohibit use of dicofol after October 31, 2016. EPA plans to revoke the tolerances associated with commodities treated with dicofol effective October 31, 2016.

Dicofol is registered for use as a miticide on cotton and several other agricultural crops and on non-residential lawns and ornamentals. Use of dicofol has significantly declined since the amended Reregistration Eligibility Decision (RED) in 2006. The 2006 amended RED significantly increased the re-entry interval for most crops in order to protect workers harvesting the crops after application of dicofol.

Submit comments by July 22, 2011 on the dicofol voluntary cancellation request through docket EPA-HQ-OPP-2005-0220 at Regulations.gov. The Memorandum of Agreement is also available in the

dicofol reregistration docket; see EPA-HQ-OPP-2005-0220-0016 at Regulations.gov. (EPA June 23, 2011)

http://epa.gov/oppfead1/cb/csb_page/updates/2011/vc-dicofol.html

CHLORPYRIFOS PRELIMINARY HUMAN HEALTH RISK ASSESSMENT AVAILABLE FOR COMMENT

EPA is inviting comment on a preliminary human health risk assessment for the pesticide chlorpyrifos. EPA's 2011 chlorpyrifos preliminary human health risk assessment is the most current scientific review to date. It includes the results of extensive new research and the findings of a number of new studies that have become available since the agency's last human health risk assessment for chlorpyrifos, completed in June 2000.

EPA is requesting comment and input on key areas in the preliminary risk assessment, including the appropriate FQPA safety factor to use in the final risk assessment, the limitations of assessing residential bystander inhalation exposure, the conversion of chlorpyrifos to the more toxic degradate chlorpyrifos oxon during drinking water treatment and distribution, and the impact of alternative drinking water treatment processes on chlorpyrifos and the oxon in finished drinking water. As discussed in a Reader's Guide accompanying the preliminary risk assessment, such data and information will be useful to the agency in further refining and developing the final chlorpyrifos human health risk assessment. In developing the final assessment, the agency will consider the weight of evidence of all available data, including animal and epidemiology data that just recently became available, as well as comments and new information received during the comment period on the preliminary risk assessment.

The preliminary risk assessment is part of EPA's registration review program that ensures all registered pesticides continue to meet current safety standards for registration; that is, they will not cause unreasonable adverse effects when used according to label directions and precautions. Issuing the chlorpyrifos preliminary human health risk assessment also fulfills a legal commitment in a December 2010 Stipulation and Order addressing a July 2010 lawsuit by the Natural Resources Defense Council (NRDC) and Pesticide Action Network North America (PANNA). This lawsuit alleged that EPA had "unreasonably delayed" its response to their 2007 petition to revoke all tolerances and cancel all registrations for chlorpyrifos. EPA plans to respond NRDC and PANNA's petition by the November 23, 2011, due date.

The chlorpyrifos preliminary human health risk assessment and a related Reader's Guide are available on the chlorpyrifos registration review status [Web page](#). On July 6, 2011, EPA will open a 60-day comment period on the chlorpyrifos preliminary risk assessment. Comments may then be submitted to docket EPA-HQ-OPP-2008-0850 at [Regulations.gov](#).

For more information: Chlorpyrifos registration review,
http://www.epa.gov/oppsrrd1/registration_review/chlorpyrifos/

(EPA July 1, 2011)
http://epa.gov/oppfead1/cb/csb_page/updates/2011/chlorpyrifos.html

APPLES RANK FIRST ON EWG'S LATEST "DIRTY DOZEN" PESTICIDE LIST

Apples, celery and strawberries take the top three spots in this year's version of the Environmental

Work Group's "Dirty Dozen" fruits and vegetables with the most pesticide residues.

Much to the consternation of grower groups, every year since 1995 EWG has created its *Shopper's Guide to Pesticides in Produce*, ranking the most consumed fruits and vegetables according to their pesticide residue load. This year's list, which is based on FDA and USDA data collected from 2000 to 2009, ranks 53 total types of produce, including the top 12 offenders.

In the #1 position: apples. Following the discovery of pesticides on 98% of the more than 700 samples tested in 2009, the fruit has bumped celery to second on the list, EWG reports. Strawberries are third.

Rounding out the "Dirty Dozen," in rank order: peaches, spinach, imported nectarines, imported grapes, sweet bell peppers, potatoes, domestic blueberries, lettuce and kale/collard greens.

Making an appearance for the first time in the *Shopper's Guide* are cilantro, green onions, cranberries and mushrooms. Cilantro, which previously hadn't been tested by USDA, is ranked #13, with 33 unapproved pesticides showing up on 44% of samples tested, EWG says.

Green onions and cranberries ranked #29 and #36, respectively, but mushrooms actually earned the last spot on the "Clean 15" -- fruits and vegetables with the smallest pesticide load. EWG says consumers who eat five servings of fruits and vegetables a day from the "Clean 15," rather than the "Dirty Dozen," consume fewer than two pesticides a day versus an average of 14 pesticides a day.

"Though buying organic is always the best choice, we know that sometimes people do not have access to that produce or cannot afford it," EWG President Ken Cook says in a statement issued Monday. "Our guide helps consumers concerned about pesticides to make better choices among conventional produce, and lets them know which fruits and vegetables they may want to buy organic."

Rounding out the "Clean 15," in rank order: onions, sweet corn, pineapple, avocado, asparagus, frozen sweet peas, mangoes, eggplant, domestic cantaloupe, kiwi, cabbage, watermelon, sweet potatoes and grapefruit.

Residues meet safety standards

In a one-page press release issued Monday in response to the EWG report, the US Apple Association (USAA) stresses that the "vast majority [of the 700+ apples tested by the USDA] fell well below EPA approved safety levels" for pesticide residues.

"The nation's apple industry urges strict enforcement of the law to prevent any possible over-tolerances residues," the association says.

"Reporting on lists that encourage consumers to unfairly stay away from their healthy favorites, makes the process of getting Americans to eat better, that much more difficult," USAA says.

While EWG stresses that the benefits of eating a diet rich in fruits and vegetables outweigh the risks from pesticide exposure, grower groups frequently attack the "Dirty Dozen" list, saying it is a misrepresentation of data that ultimately harms farmers because consumers might avoid their produce based on the guide.

EWG acknowledges, in its latest report, that its guide "is not built on a complex assessment of pesticide risks but instead reflects the overall pesticide loads of common fruits and vegetables." However, the group also says its approach "best captures the uncertainties of the risks of pesticide exposure."

To compile its report, EWG explains that its analysts rank produce based on a composite score that gives equal weight to six factors:

Percent of samples tested with detectable pesticides;

Percent of samples with two or more pesticides;

Average number of pesticides found on a single sample;

Average amount of all pesticides found;

Maximum number of pesticides found on a single sample; and

Total number of pesticides found on a commodity.

In a statement issued June 15, CropLife America calls EWG's approach "unscientific." CLA President and CEO Jay Vroom says the group "mistakes the mere presence of pesticide residue for risk, which only promotes a misguided agenda that scares and misleads consumers."

Lack of context

EWG released its guide a little more than two weeks after USDA released its annual summary report on pesticide residue levels in various commodities -- a report EWG relies on to create its report. EWG had been pressing the USDA to release its findings, while grower groups asked the agency to publish a report that "clearly reflects the strength of the regulatory system and the safety of products used to bring fresh fruits and vegetables to consumers."

The USDA's annual summary report includes an enhanced consumer information section that more prominently discusses key elements of pesticide regulation in the U.S. and asserts overall residues found on foods are at levels below tolerances established by EPA (see *P&CP* May 27, Page 4).

But when the USDA report was released, Alliance for Food and Farming Executive Director Marilyn Dolan told *Pesticide & Chemical Policy* that, unlike AFF's residue calculator, which shows consumers would have to eat hundreds to thousands of produce servings a day before seeing any effect from pesticide residues, the report fails to put residue detections in a context that would allow consumers to understand the safety of the food supply.

That lack of context allows groups to misconstrue the report, which will continue to be a problem, she said.

A June 13 statement from the alliance asserts that USDA sampling data show farmers are meeting safety standards established by EPA. "The crops sampled by USDA are shown to have either no residues at all or residues [that] are 10 times to 100 times below the already stringent safety limits," Dolan says in the statement. (Pesticide & Chemical Policy, June 17 2011, Volume: 39 Issue: 29)

MONSANTO DEFENDS ROUNDUP FROM ANOTHER ATTACK

Monsanto in recent weeks has been defending its herbicide Roundup and Roundup Ready biotech crops from attacks from a variety of sources. The latest: In "Roundup and birth defects -- Is the public being kept in the dark?," a 52-page report issued last week, a group of eight scientists calling itself Earth Open Source allege that glyphosate, the active ingredient in Roundup, causes birth defects in test animals at concentrations lower than those used in agricultural formulations.

The European Commission has ignored this and other adverse health findings, the group asserts. It says that "shortly after the commission was notified of the latest research showing that glyphosate and Roundup cause birth defects, it quietly passed a directive delaying the review of glyphosate and 38 other dangerous pesticides until 2015. This delay is being challenged in a lawsuit brought against the Commission by Pesticide Action Network Europe and Greenpeace."

Founded by Iowa-based biologist and author John Fagan, the group says it "uses open source collaboration to advance sustainable food production." Fagan is the author of a book titled "*Genetic Engineering: The Hazards; Vedic Engineering: The Solution.*"

Monsanto says it's aware of the Earth Open Source report regarding Roundup herbicides and

glyphosate and is reviewing the report in detail. "Based on our initial review, the Earth Open Source report does not appear to contain any new health or toxicological evidence regarding glyphosate," the company says in a June 9 statement, adding:

"Regulatory authorities and independent experts around the world agree that glyphosate does not cause adverse reproductive effects in adult animals or birth defects in offspring of these adults exposed to glyphosate, even at doses far higher than relevant environmental or occupational exposures."

Monsanto says the report's authors "create an account of glyphosate toxicity from a selected set of scientific studies, while they ignored much of the comprehensive data establishing the safety of the product. Regulatory agencies around the world have concluded that glyphosate is not a reproductive toxin or teratogen (cause of birth defects) based on in-depth review of the comprehensive data sets available."

Monsanto also cites "anecdotal results from first-hand experience of millions of farmers and home gardeners who have used this product for decades. Roundup agricultural herbicide provides environmental and economic benefits of conservation tillage which are sustainable and provide effective weed management."

Monsanto notes that glyphosate inhibits an enzyme that is essential to plant growth but isn't found in humans or other animals, "contributing to the low risk to human health from the use of glyphosate according to label directions."

Earth Open Source authors take issue with the decision by the European Commission to place higher priority on reviewing other pesticide ingredients first under the new EU pesticide regulations, "citing again the flawed studies as the rationale," Monsanto notes, concluding, "While glyphosate and all other pesticide ingredients will be reviewed, the commission has decided that glyphosate appropriately falls in a category that doesn't warrant immediate attention."

Others identified as authors of the report include: Michael Antoniou, Kings College School of Medicine, U.K.; Mohamed Ezz El-Din Mostafa Habib, UNICAMP Biology Institute, Sao Paulo, Brazil; C. Vyvayan Howard, University of Ulster, Northern Ireland; Richard C. Jennings, University of Cambridge, U.K.; Carlo Leifert, Newcastle University, U.K.; Rubens Onore Nodari, Federal University of Catarina, Brazil; and Claire Robinson, Earth Open Source researcher and writer.

Scientists follow earlier dismissed report

Earlier this year, Don Huber, a retired Purdue University plant pathology professor, sent a letter critical of Roundup to Agriculture Secretary Tom Vilsack prior to USDA's deregulation of Roundup Ready alfalfa. "A team of senior plant and animal scientists have recently brought to my attention the discovery of an electron microscopic pathogen that appears to significantly impact the health of plants, animals, and probably human beings," Huber wrote, elaborating:

"Based on a review of the data, it is widespread, very serious, and is in much higher concentrations in Roundup Ready soybeans and corn -- suggesting a link with the RR gene or more likely the presence of Roundup. This organism appears NEW to science!" He adds that this finding is "highly sensitive information that could result in a collapse of U.S. soy and crop export markets and significant disruption of domestic food and feed supplies. On the other hand, this new organism may already be responsible for significant harm."

Huber's warnings, which were picked up by *Reuters* and other news outlets, were dismissed as seriously flawed by Monsanto and by agronomists at Purdue and Iowa State University. (*Pesticide & Chemical Policy*, June 17 2011, Volume: 39 Issue: 29)

ROZOL RODENTICIDE REGISTRATION IN JEOPARDY AFTER COURT RULES EPA FAILED TO CONCLUDE ESA CONSULTATIONS

EPA violated the Endangered Species Act by registering a rodenticide used to kill prairie dogs without first consulting with the U.S. Fish and Wildlife Service on the impacts the product may have on other species, a federal judge concluded in a June 14 ruling.

But as EPA has begun consultations with FWS, U.S. District Judge Ellen Huvelle held off on banning use of Liphatech's Rozol rodenticide and instead called on the affected parties to provide further information about whether further restrictions are warranted until the agency has fully complied with the ESA.

"The court must determine whether a complete injunction of the use of Rozol pending the conclusion of the consultation process would be appropriate," she writes in the 38-page ruling.

Al Smith, business director of Liphatech's agricultural division, notes that the case only affects Rozol's prairie dog bait, not its other rodenticide products.

Liphatech believes that its prairie dog bait -- a restricted use pesticide -- "when used according to the label, provides users with a valuable tool in the production of food to feed the American population," Smith says.

The court suggested several options for how to proceed, he tells *Pesticide & Chemical Policy*, and the "no injunction option could easily be the outcome."

But the decision is -- at least for now -- a partial victory for environmental groups, who challenged EPA's May 2009 registration for Rozol.

The controversy stems back to 2004, when EPA began approving use of the anticoagulant rodenticide in six states under FIFRA's special local need (SLN) provision for the stated purpose of controlling the black-tailed prairie dog population.

The small mammals are considered public health pests because they can host fleas that may carry plague and can be a nuisance for ranchers and farmers, competing with livestock for forage and water.

EPA's SLN approvals were based on its 1997 determination that chlorophacinone -- the active ingredient in Rozol -- was eligible for reregistration.

The agency made that decision after consulting with FWS and noting that the chemical poses a risk to non-target species. It also concluded that "additional consultation" with the wildlife service may be necessary to determine if steps are needed to protect newly listed species from new uses of chlorophacinone.

In January 2008 Liphatech asked EPA to register Rozol for use in all states where black-footed prairie dogs live, promising to cancel all SLN registrations immediately following the issuance of a general registration. EPA's subsequent risk assessment of the product expressed concerns about exposure to an array of migratory birds and other species, including the endangered black-footed ferret.

The agency registered Rozol in 2009 with the conditions that Liphatech voluntarily withdraw all local registrations. It also required the company to conduct and submit a study of Rozol's effects on birds within three years, but the agency did not consult with FWS prior to approving the rodenticide.

Defenders of Wildlife, Audubon of Kansas and NRDC filed a total of two lawsuits challenging EPA's decisions, alleging violations of ESA, FIFRA, the Administrative Procedure Act and the Migratory Bird Treaty Act.

The cases were consolidated and both sides filed for summary judgment -- Huvelle dismissed all the claims bar the ESA complaint

EPA argued that it has not run afoul of ESA because it began the consultation process with FWS a week after the suit was filed, but Huvelle sided with NRDC, determining the agency is in violation of the statute until it finishes consulting with the wildlife service.

"The agency essentially admits that it utterly failed to satisfy the procedural requirements ... of the ESA before registering Rozol," Huvelle explains. "Moreover, plaintiffs allege that the current use of Rozol is harming endangered species. Thus, the court may enjoin the agency's registration of Rozol until it finishes its [formal] consultation with the FWS, since plaintiffs' claim is not moot because an 'effective remedy' is still possible."

But Huvelle finds that "several factors may caution against such a broad exercise of power." Liphatech voluntarily withdrew its local registrations in Colorado, Kansas, Nebraska, Oklahoma, Texas and Wyoming as a condition of its EPA registration, she notes, and an injunction would prevent the company from selling its product anywhere -- "even in a state like Kansas, where Rozol has been approved for use since 2004."

Huvelle adds that the rodenticide is currently being sold and used in 10 states to control the black-tailed prairie dog population and "the effects of an injunction on farmers and ranchers in these states are unclear."

Her June 14 order issued in conjunction with the ruling, calls on defendants to file a brief on the matter by June 22 and for plaintiffs to respond by June 29. Defendants will then have until July 7 to file a response prior to a July 14 hearing to determine "what injunctive relief, if any," is merited.

The decision "sends an unequivocal message to EPA that it can't shoot first and ask questions later," says NRDC attorney Niel Lawrence. "It has to go through ESA consultations for pesticide

registrations -- it is not enough simply to initiate consultations after the fact."

Lawrence declined to detail the exact scope of injunctive relief NRDC will seek.

"We want to see dangerous chemicals like Rozol used in the environment only with conditions and restrictions that generally assure that public health and environmental values are protected," he tells *Pesticide & Chemical Policy*. "I won't speculate on what those conditions would have to be for a chemical as active and dangerous as chlorophacinone -- it is EPA's job to determine that." (*Pesticide & Chemical Policy*, June 17 2011, Volume: 39 Issue: 29)

In-State CEU Meetings

Date: July 7 2011

Time: 9:00 am to 12:30pm

Title: OSU PSEP Lawncare

Location: OK County Extension Office

Contact: Charles Luper 405-744-5808

Course #: pending

CEU's: Category(s):

3 3a

3 10

Date: July 13 2011

Time: 9:00 am to 12:30pm

Title: OSU PSEP Lawncare

Location: Tulsa County Extension Office

Contact: Charles Luper 405-744-5808

Course #: pending

CEU's: Category(s):

3 3a

3 10

Date: July 15 2011

Time: 9:00 am to 12:30pm

Title: OSU Weed Science Field Tour

Location: Cimarron Valley Research Station
Perkins OK

Contact: Joe Armstrong 405-744-9588

Course #:OK-11-074

CEU's: Category(s):

3 1a

3 10

Date: July 21, 2011

Time: 9:15 am to 5:00 pm

Title: BWI's Summer Seminar

Location: Bass Pro Broken Arrow OK

Contact: Kelly Keech (918) 251-6461

Course #: OK-11-072

CEU's: Category(s):

4 3c

4 10

ODAFF Approved Online CEU Course Links

Wood Destroying Organism Inspection Course
www.nachi.org/wdocourse.htm

All Star Pro Training
www.allstarce.com

CTN Educational Services Inc
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

Pesticide applicator test sessions dates and locations for July/August 2011 are as follows:

July		August	
11	OKC	1	OKC
14	Tulsa	11	Tulsa
28	Tulsa	18	Enid
		22	OKC
		25	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