

# PESTICIDE REPORTS

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



**April, 2012**

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## ELEVATOR WORKSHOPS

April is the month for OSU Elevator Workshops around the state. Three locations have been scheduled for April. The first will be at the Cherokee Restaurant east of Clinton on April 11 starting at 11:30 am and finishing at 3:30 pm. The second workshop will occur the evening of April 11 in Enid at the Garfield County Extension Center and will run from 5:30 pm to 9:30 pm. The final workshop will be April 12 in Catoosa at the Port Office from 5:30 to 9:30 pm.

Pre-registration is \$75 before April 3 and \$100 after April 3 or at the door. A meal will be provided at each location. CEUs are pending Registration information can be found at <http://pested.okstate.edu/practical.htm>. (PSEP)

## NPDES PESTICIDE GENERAL PERMIT MEETING TO BE HELD IN NORMAN APRIL 13

OKVMA is hosting a meeting in Norman over the National Pollutant Discharge Elimination System (NPDES) Pesticide General Permit (PGP). This meeting will be held April 13 at the Norman Embassy Suites Conference Center. The meeting will start at 10 am.

This meeting will include staff from EPA headquarters as well as the EPA Region Six office in Dallas presenting information regarding the Pesticide General Permit and how it will affect Oklahoma applicators. EPA representatives will answer questions from applicators after the presentations. For more information please contact Kathy Markham OKVMA Secretary at 918-256-9302 or Kenny Naylor ODAFF Environmental Resource Section at 405-522-5974.

## OSU PSEP TEST HELP SESSION

The OSU Pesticide Safety Education Program will its next test help session April 12<sup>th</sup> in Oklahoma City. The meetings will be held at the Oklahoma County Extension Center at 930 N Portland.

This testing session will focus on information covered in the core/service tech test. OSU PSEP will also answer any questions over other category tests during this session.

Cost of registration is \$30 if received by April 6<sup>th</sup>. Registration will increase to \$50 after by April 6<sup>th</sup> or on site (if space available). **ODAFF Testing fees are not included in the registration fee and must be paid separately.** Register online at the Pesticide Safety Education Program (PSEP) website at <http://pested.okstate.edu/practical.htm>. Registration forms can also be downloaded from the website. More dates have been scheduled for Oklahoma City and Tulsa for 2012 please check the website or watch the newsletter for future dates. The next test help will be May 30<sup>th</sup> in Tulsa at the Tulsa County Extension Center.

Registration will start at 8:45 and the program will run from 9:00 am to 12:30 pm. Testing will begin at 1:30 pm.

**NO CEU's will be given for this program!**

## ENTOMOLOGISTS CONCERNED ABOUT PEST RESISTANCE TO BT CORN

Some 22 entomologists across the United States and Canada are sounding the alarm about corn rootworms developing resistance to genetically engineered *Bt* corn, thereby threatening crops critical to food, feed and ethanol production.

*Bt* corn is genetically engineered to express toxins that kill specific plant pests, such as corn rootworms.

In a seven-page comment letter, sent March 5 to Steven Bradbury, director of EPA's Office of Pesticide Programs, the scientists respond to agency findings that *Bt*-resistant strains of corn rootworms are suspected in parts of Illinois, Iowa, Minnesota and Nebraska.

"We are troubled about the immediate implications of these observations for the durability of pyramid toxin rootworm-protected corn, as well as their potential long-term impact on corn production," the entomologists declare.

The scientists are concerned that EPA's requirement for a 5% "refuge" — a non-biotech buffer zone surrounding biotech crops — may be inadequate for protection against insect resistance. The Cry3Bb1 toxin is stacked with Cry34Ab1/Cry35Ab1 in Monsanto/Dow AgroSciences' SmartStax corn.

"We strongly recommend that this possibility [of insect resistance] be taken into account in determination of the appropriate refuge size for SmartStax corn in problem areas of resistance to Cry3Bb1," the scientists say.

In a two-page summary of lessons learned from the *Bt* corn experience, the letter says the appearance of resistance to Cry3Bb1 corn "has reinforced some of our underlying concerns about the role of *Bt* hybrids in [management] of corn rootworm. Rootworm-protected transgenic corn was introduced into an existing ... system that promoted multiple practices to control the insect. These include crop rotation, scouting, and application of insecticides when and where necessary."

The entomologists are worried, in particular, about the "escalating use" of insecticides in areas of the Corn Belt where rootworm densities are low. The widespread recommendations to apply insecticides to protect transgenic *Bt* rootworm corn "strikes us as a clear admission that the Cry3Bb1 toxin is no longer providing control adequate to protect yield,

and that economic value derived from the toxin is declining,” they say.

“When insecticides overlay transgenic technology, the economic and environmental advantages of rootworm-protected corn quickly disappear,” they stress. “We are concerned that high commodity prices and other factors have fuelled an insurance-based approach to corn rootworm management, one that violates many tenets of IPM [integrated pest management] and that will only increase insect resistance development in the long term.”

The comment letter is signed by entomologists based at Texas A&M University, University of Wisconsin, USDA’s Agricultural Research Service, University of Guelph (Canada), Michigan State, University of Minnesota, Kansas State, North Carolina State, Iowa State, University of Illinois, Ohio State, Purdue, University of Minnesota, Cornell University, Penn State and Virginia Tech.

‘A common vision,’ says Monsanto

In a statement issued on its website (<http://bit.ly/GHxirV>) March 8 as a response to the entomologists’ letter, Monsanto says that it “shares a common vision with the academic community: we all want to ensure that *Bt* traits remain a viable tool for farmers. We continue to collaborate with entomologists and agronomists from across the Corn Belt to better understand how to minimize the potential for insects to develop resistance to *Bt* technologies.

“While the vast majority of farmers experienced excellent performance on more than 99.8% of the acres planted with Monsanto corn rootworm traits in 2011, we are working closely with farmers, academics and the EPA to evaluate reports of greater-than-expected damage in certain fields.”

Monsanto says rootworm performance inquiries last year were isolated to 437 fields in 11 states in the Corn Belt, totaling less than 0.2% of the acres planted with Monsanto rootworm-traited corn hybrids.

“In all of these cases, Monsanto is working closely with the farmer and has provided best management practices for the 2012 season on each of these fields,” the company states.

(Pesticide & Chemical Policy, March 23 2012, Volume: 40 Issue: 15)

## ORKIN RELEASES LIST OF TOP 50 BED BUG CITIES

Orkin, a wholly-owned subsidiary of Rollins Inc., announced its top 50 bed bug cities for 2011, and several of them are popular spring break destinations. Last year, Orkin's parent company, Rollins, which operates seven pest control brands, saw a 33.6 percent increase in bed bug business compared to 2010. The following cities are ranked in order of the number of bed bug treatments Orkin performed from January to December 2011 along with their shift, if any, in ranking compared to January to December 2010.

1. Cincinnati	26. San Diego (+13)
	27.
2. Chicago	Seattle/Tacoma, Wash. (-3)
3. Detroit (+1)	28. Omaha, Neb. (-11)
4. Denver (+2)	29. Buffalo, N.Y. (-16)
5. Los Angeles (+20)	30. Pittsburgh (-3)
6. Columbus, Ohio (-3)	31. Indianapolis (-12)
7. Dallas/Fort Worth, Texas (+43)	32. Milwaukee (+6)
8. Washington, D.C. (-3)	33. Charlotte, N.C. (+13)
9. New York (-2)	34. Phoenix (+19)

10. Richmond/Petersburg, Va. (+6)	35. Louisville, Ky. (-3)
11. Houston (- 1)	36. Hartford/New Haven, Conn. (-16)
12. San Francisco/Oakland/San Jose, Calif. (+35)	37. Grand Junction/Montrose, Colo. (+30)
13. Cleveland/Akron/Canton, Ohio (+1)	38. Knoxville, Tenn. (+4)
14. Boston (+4)	39. Grand Rapids/Kalamazoo/ Battle Creek, Mich. (-17)
15. Dayton, Ohio (- 7)	40. Nashville, Tenn. (+15)
16. Las Vegas (- 1)	41. Sacramento/Stockt on/Modesto, Calif. (+24)
17. Honolulu (+55)	42. Des Moines/Ames, Iowa (-13)
18. Baltimore (- 6)	43. Salisbury, Md. (+46)
19. Raleigh/Durham/Fayetteville, N.C. (+9)	44. Albany/Schenectad y/Troy, N.Y. (-23)
20. Philadelphia (- 9)	45. Cedar Rapids/Waterloo, Iowa (-22)
21. Atlanta (+24)	46. Minneapolis/St. Paul, Minn. (-20)
22. Lexington, Ky. (- 13)	47. Lincoln/Hastings/K earney, Neb. (-17)
23. Syracuse, N.Y. (+25)	48. Salt Lake City (-8)
24. Miami/Fort Lauderdale, Fla. (+27)	49. Charleston/Hunting ton, W.Va. (-13)
25. Colorado Springs/Pueblo, Colo. (+19)	50. West Palm Beach/Ft. Pierce, Fla. (+6)

Los Angeles moved from 25th to 5th, San Francisco moved from 47th to 12th and Honolulu was not in the top 50 list at 72nd in 2010, but now ranks 17th. Miami/Fort Lauderdale, Fla. also jumped in the rankings from 51st to 24th along with West Palm Beach, Fla., which was not in the top 50 in 2010. New Orleans, La. ranked 31st in 2010 and is no longer in the top 50. Also no longer in the top 50 are Sioux City, Iowa; Fort Wayne, Ind.; Davenport, Iowa/Moline, Ill.; Austin, Texas; Norfolk, Va.; Champaign, Ill.; Springfield, Ill.; and Tulsa, Okla.

"The changes in some cities' rankings show bed bugs continue to be a problem in most areas of the U.S.," said Orkin entomologist and technical services director Ron Harrison, Ph.D. "Several of the top 50 cities have large, busy airports, and there could be a correlation between increased travel and bed bug activity. The changes could also be because the bed bug population is increasing overall, or even because the public is becoming more aware of bed bugs and has become better adept at identifying them." (PCT March 22 2012)

[http://www.pctonline.com/Orkin-top-50-cities-20111.aspx?List\\_id=31](http://www.pctonline.com/Orkin-top-50-cities-20111.aspx?List_id=31)

## USDA PLANS TOUGHER ORGANIC INSPECTIONS AND UNANNOUNCED VISITS

USDA's National Organic Program is considering how to conduct unannounced inspections of certified organic operations and toughen qualification criteria for inspectors, according to a March 21 memo (<http://1.usa.gov/GKOTBO>) sent to the National Organic Standards Board (NOSB), an independent body that advises USDA on organic policy matters.

However, much of the spadework already has been done, Margaret Scoles, executive director of the Broadus, Mont.-based International Organic Inspectors Association (IOIA), tells *Pesticide & Chemical Policy*. The IOIA is a professional organization with some 237 members, two-thirds of whom operate in the United States and the rest in Canada and 13 other countries.

Organic inspectors are hired by USDA-accredited certifiers to inspect certified organic farm, livestock and processing operations to verify compliance with NOP rules. The certifiers bear the expense of inspection, and the cost is typically passed on to organic operators and from there to consumers.

In the March 21 memo, Miles McEvoy, deputy administrator of USDA's Agricultural Marketing Service with responsibility for the NOP, responds to recommendations from the NOSB's fall meeting, in Savannah, Ga. The NOSB recommended that the NOP develop guidance on baseline qualification for organic inspectors to include:

- Baseline pre-requisite expertise for initial "organic inspector" status;
- Continuing education requirements for inspectors; and
- Accreditation criteria for certifying agents to ensure adequate monitoring and oversight.

Scoles reports that McEvoy asked the IOIA to propose qualifications for inspectors last June and, at the same time, put out a bid for contract proposals. The IOIA won the \$45,000 contract and completed the work by the December deadline, she says.

Asked if unannounced inspections and increased qualifications will be burdensome to the organic industry, Scoles comments, "I don't think it's enough." She decries a lack of "witness audits," in which certifiers observe firsthand inspectors doing their jobs. Montana requires that certifiers watch inspectors, but many certifiers in other states don't do it, she says.

"The concept of witness audits isn't done enough, and continuing education is important," she says,

adding that growers often engage in "certifier shopping" to get cheap inspectors at bargain prices. "This is an effort to create a baseline [of inspection] that everyone has to meet," she adds.

McEvoy says in his March 21 memo that the NOP has commissioned "additional work in this area," under contract with IOIA.

"Do they have more in mind?" asks Scoles, noting that the previous contract work was completed last year.

#### Unannounced inspections

Responding to the NOSB recommendation for unannounced inspections, McEvoy says the NOP will "explore ways to implement inspection requirements to enhance organic integrity."

The NOSB, in its recommendations to the NOP (<http://1.usa.gov/H3Zs3y>) lists three specific recommendations regarding unannounced inspections: (1) mandatory unannounced inspections for at least 5% of certified operations each year; (2) unannounced inspections may be random, risk-based or the result of a complaint or investigation; (3) unannounced inspections may be limited in scope, depth and breadth, with the collection of samples depending on individual situations. If a full inspection is conducted, it could serve as the annual on-site inspection for a certified operation.

The NOSB also recommended that the NOP actively regulate organizations that review materials for the NOP's *National List of Allowed and Prohibited Substances*, requiring the following steps:

- Obtain accreditation from the NOP to review materials for compliance with NOP regulations;
- Use the NOP's material classification guidance (under development) when deciding whether a substance is synthetic or non-synthetic;
- Be accredited to ISO Guide 65 standards, which require implementation of a quality

management system with detailed review protocols and policies;

- Use the NOP's guidance for permitted generic substances (under development);
- Be at least partially financed by manufacturers of products seeking review; and
- Adopt the appeals process used by certifying agents and be subject to compliance and enforcement actions of the NOP.

McEvoy says the NOP will report back to the NOSB at upcoming meetings "on how we plan to proceed with these recommendations." (Pesticide & Chemical Policy, March 30 2012, Volume: 40 Issue: 16)

## **EPA REVISES ITS 2008 RODENTICIDE RISK MITIGATION DECISION FOR PROFESSIONAL USE PRODUCTS**

NPMA and the Association of Structural Pest Control Regulatory Officials (ASPCRO) today received notice from the U.S. Environmental Protection Agency (EPA) of notable changes to rodenticide labels, revisions NPMA and ASPCRO worked on with Agency officials in the last several months and that provide additional, much needed flexibility for PMPs to manage rodent infestations. Specifically, the new label language:

- Extends the distance from which rodenticides can be placed from buildings from 50 feet to 100 feet and replace the word "building" with the term "man-made structures" (The phrase "man-made structures" is broadly defined, however, it expressly excludes "fence and perimeter baiting, beyond 100 from a structure...").
- Permits the use of first-generation anticoagulant and non-anticoagulant professional products to treat burrows that are further than 100 feet from buildings and man-made structures.

These changes will begin appearing on rodenticide labels in the coming months. As always, PMPs should read all product labels very carefully, especially rodenticide labels, since there will be three very different labels in the marketplace. (PCT March 13 2012) [http://www.pctonline.com/EPA-revises-rodenticide-label-decision.aspx?List\\_id=31](http://www.pctonline.com/EPA-revises-rodenticide-label-decision.aspx?List_id=31)

## **EPA PRESSING AHEAD WITH WEB-DISTRIBUTED LABELING INITIATIVE, DESPITE INDUSTRY CONCERNS**

EPA is moving forward with its plan to introduce voluntary web-distributed pesticide labels despite continuing strong opposition by some industry stakeholders, whose concerns were detailed at last week's annual meeting of the Association of American Pesticide Control Officials.

Michelle Arling, an EPA official from the Office of Pesticide Programs who heads the agency's web-distributed labeling initiative, provided a brief overview of the history and basic elements of web-distributed labels.

Unlike previous versions of the initiative, the current model is to have both a complete label for a product as well as a reference statement pointing users to a website where they could enter a unique identifier and receive streamlined information for a particular state and use site.

Previously, the idea was to have a streamlined label on the container with key information, including precautionary statements, but EPA has decided to retain the full label.

Both versions of the label — the printed one that accompanies the product and the streamlined web version — would be valid, Arling noted. But in case of conflict between the two versions, the user would be able to choose which version of the labeling to follow and would have to stick with that version.

By allowing a more streamlined label the hope among EPA and other supporters of the initiative is that the label will be easier to comprehend and thus more likely to be followed.

In addition, supporters say web-based tools could be provided with the online label, such as calculators to determine the correct rate of pesticide application.

Within the next month or so, Arling said EPA hopes to issue a draft Pesticide Registration notice that provides guidance to registrants and “hopefully moves web-distributed labels closer to reality.”

According to Arling, the initiative is voluntary and EPA has no plans to make it mandatory.

#### Strong industry opposition

But given the strong opposition from registrants, who see it as an unnecessary burden fraught with liability risks, EPA is facing an uphill battle. Some of their concerns were laid out at the meeting, where participants seemed to have more questions than answers.

What happens if in the web-distributed label the registrant “goofs” and doesn’t include all of the necessary information for that reduced label, one participant asked.

Among other questions, participants asked: Who will be the gatekeeper? Who will ensure the web version is consistent with the label version and doesn’t leave anything out? Does the registrant incur liability if they leave something out that’s required? Are you going to hold the applicator to the container label or the web-distributed label?

But the gist of the response from state officials at the meeting was that such questions are a red herring. A web-distributed label would be a complete label — the user would only download the portion suitable for the application they’re making, it was noted.

“We’re mixing up registration and what’s going to be on the web,” Chuck Andrews, associate director

at the California Department of Pesticide Regulation, said. “If you’re going to make a change to a label, assume it has to be submitted to any state to get approved. What goes out on the web after that is the entire label, which could be manipulated through the web page to download certain pieces of that.”

But omission or not, one participant insisted that if there is misuse, responsibility will fall on the basic registrant, not the applicator. There are a lot of “what ifs, a lot of kinks that still need to be worked out,” the participant said.

Other participants noted that while web-distributed labels may create opportunities for users to have more access to tools, small companies won’t be able to afford “flashy websites,” and other registrants may not find it worthwhile to spend the money.

There is a lot of apprehension about the concept, another participant noted. But when examining the logistics of it, it’s really just a new version of addressing a lot of the issues that the industry currently faces, the participant said. States will continue to enforce things as they are; it’s not going to be a whole lot different than it is today, the participant said.

If web-distributed labels really make things better, if an applicator is more apt to read a two-page label than an 80-page label, does the fact there may be problems out there mean you should throw out the benefits of a simplified label, another participant asked.

Jim Gray, who is director of the Pesticide, Feed, and Fertilizer Division with the North Dakota Department of Agriculture and one of three state representatives on EPA’s web-distributed labeling workgroup, questioned if anybody had a better idea for making user-friendly labels than web-distributed labels. “It’s going to take a whole lot of time and effort to create this model — is it worth it?” he asked.

“It’s really a question for registrants,” one participant responded. “If it’s a voluntary program

and they say no, it just won't happen. The question is really one for them."

If registrants say it's too expensive and see a lot of additional liability for themselves and decide it's not worth it, then it's a moot point, he added.

Given the opposition from pesticide manufacturers and EPA's commitment to keeping web-distributed labels voluntary, it may be necessary to have the user community drive the adoption of web-distributed labels, a participant noted.

Registrants may not want to go there, but the user community may drive the industry toward web-based labels.

Another participant noted the trend for everything these days to go online and said he "finds it really hard to believe ... this [trend] shouldn't also migrate to the agchem industry. It's showing up everywhere else, I can't believe one industry would choose to leave themselves behind," he said. (Pesticide & Chemical Policy, March 16 2012, Volume: 40 Issue: 14)

## **RESEARCHER: ATRAZINE ACCOUNTS FOR UP TO 85,000 U.S. JOBS ANNUALLY**

An updated jobs analysis by Don L. Coursey, Ph.D., Ameritech Professor of Public Policy Studies at the University of Chicago Harris School, shows [atrazine](#) supports up to 85,000 American jobs annually.

The 50-year-old herbicide continues to be a popular choice of farmers for controlling weeds.

Coursey's new estimate is based on 2010 price and production figures and new research by a team of ag experts, who calculate atrazine's value to the U.S. economy at up to \$9 billion. It represents jobs

related to atrazine in corn, grain sorghum, sugar cane and other production crops.

"We put this data about atrazine into a jobs perspective because people want to know the impact on the average consumer," said Coursey.

A suite of new research showcases the importance of atrazine in employing people, protecting the environment, and increasing crop yields to feed a world population now topping 7 billion people.

[Syngenta](#), principal registrant for atrazine, commissioned the broad assessment of atrazine's value. It includes the following five papers as well as Coursey's report:

- "[A biological analysis of the use and benefits of chloro-s-triazine herbicides in U.S. corn and sorghum production](#)," David C. Bridges, Ph.D., president, Abraham Baldwin Agricultural College
- "[Economic assessment of the benefits of chloro-s-triazine herbicides to U.S. corn, sorghum, and sugar cane producers](#)" and "[Estimating soil erosion and fuel use changes and their monetary values with AGSIM: A case study for triazine herbicides](#)," Paul D. Mitchell, Ph.D., associate professor, University of Wisconsin-Madison
- "[Efficacy of best management practices for reducing runoff of chloro-s-triazine herbicides to surface water: a review](#)," Richard S. Fawcett, Ph.D., former professor of agronomy, Iowa State University
- "[The importance of atrazine in the integrated management of herbicide-resistance weeds](#)," Micheal D. K. Owen, Ph.D., professor of agronomy, Iowa State University

"If atrazine were to become unavailable, and all atrazine-dependent jobs were taken solely from the agricultural sector, its unemployment rate would increase by as much as 3.8 percent," Coursey added.

[CropLife America's November 2011](#) report supports Dr. Coursey's estimate. It shows crop

protection products, including but not limited to atrazine, create more than 1 million jobs and generate more than \$33 billion in wages for U.S. workers. The report details the economic, environmental and food production benefits of crop protection products, including pesticides, herbicides, insecticides, fungicides as well as biotechnology products.

Coursey's previous jobs report, which only measured atrazine's relationship to corn production jobs, was released July 2010. (Crop Life February 27, 2012)

<http://www.croplife.com/article/25970/researcher-atrazine-accounts-for-up-to-85-000-u-s-jobs-annually>

## **U.S. COURT DECISION ON RR ALFALFA SEEN AS GUIDEPPOST FOR INDUSTRY**

When a federal judge upheld USDA's decision earlier this year to allow farmers to grow Roundup Ready alfalfa without restriction, he brought a significant degree of regulatory certainty to the biotech industry, two attorneys assert in a four-page legal backgrounder released by a conservative think tank last week.

In "Will Court Case Bring Regulatory Certainty to Genetically Engineered Plants?" Alison Suthers, associate, and Nancy Bryson, partner, in the law firm Holland and Hart LLP's Washington, D.C. office, focus on the RR alfalfa lawsuit, *Center for Food Safety et al v. Vilsack* (Case No. 11-1310). The paper was published March 23 by the Washington Legal Foundation, a group that says it's dedicated to "help[ing] our government strengthen America's free enterprise system."

Consumer and environmental advocacy groups have in recent years filed a series of lawsuits based on the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA). The suits have required added time and expense from the agricultural biotechnology industry and slowed by months or years the deregulation process in USDA's Animal and Plant Health Inspection Service.

USDA fully deregulated RR alfalfa in January 2011 after completing a court-ordered environmental impact statement on the controversial biotech variety. In June, the Center for Food Safety (CFS) and other plaintiffs filed a motion asking the federal court for the Northern District of California to reverse USDA's decision. CFS claims that USDA didn't examine potential negative effects of deregulation on threatened and endangered species, as required by the ESA.

In a 35-page opinion issued Jan. 5, U.S. District Judge Samuel Conti, in San Francisco, says APHIS acted within its authority in deregulating RR alfalfa. Federal law doesn't require APHIS to "account for the effects of cross-pollination on other commercial crops" in assessing the plant protection risks, he argues.

Conti cites the agency's finding that "transgenic contamination" with either conventionally grown or organic alfalfa is "possible but unlikely." He adds that APHIS reasonably concluded it lacked authority to require buffers between RR alfalfa and other crops and could rely on voluntary agreements between growers and trade associations (see *P&CP* Jan. 13, 2012, Page 10).

"The decision is currently on appeal to the U.S. Court of Appeals for the Ninth Circuit but, if upheld, this clarification of regulatory authority could provide the biotechnology with additional certainty regarding future regulatory decisions," Suthers and Bryson say.

The authors note that APHIS often deregulates genetically engineered crops on the basis of an environmental assessment (EA) and a "finding of no significant impact" (FONSI) under the NEPA law, without preparing a full Environmental Impact Statement (EIS). Plaintiffs, such as CFS, have argued that legal precedent effectively requires an EIS if there is any possibility of gene flow.

"Such a bright line seems to conflict with careful, case-specific analysis required by NEPA, but a court has yet to approve the deregulation of a GE crop on the basis of an EA where plaintiffs have

raised gene flow as an issue in a NEPA challenge," the authors comment.

"The biotechnology industry argues that, depending on the biological characteristics of a particular species and other agronomic factors, the risk of gene flow may be so remote and the consequences so minor and easily remediable, that the potential impact of gene flow cannot be considered significant for NEPA purposes," they continue.

"Other industry proponents have argued that the impact of gene flow is purely economic and should not be considered an environmental impact at all. Future cases, including a currently pending case in the D. C. Federal District Court, will determine whether a deregulation on the basis of an EA/FONSI will withstand legal scrutiny," they say.

### **Endangered species risks raised**

CFS had argued that APHIS was required to consult with the U.S. Fish & Wildlife Service regarding potential effects of deregulation on endangered species, because increased use of Roundup (glyphosate) as an herbicide in alfalfa-growing areas could potentially affect wildlife. However, Judge Conti held that APHIS's deregulation wasn't the legally relevant cause of any increased glyphosate use that could result from the deregulation because EPA, not APHIS, has the authority to regulate how glyphosate is used.

"EPA has already authorized the use of glyphosate on GE alfalfa, and EPA has stated that it intends to conduct an endangered species assessment when it completes its registration review of glyphosate in 2015," the authors note.

CFS also argued that APHIS was required by the Plant Pest Act to investigate whether RR alfalfa also presented noxious weed risks, because Congress had granted the agency authority to regulate noxious weeds. APHIS countered that it wasn't required to consider noxious weed issues, because the appropriate regulatory procedures hadn't been triggered.

The court accepted APHIS's limited definition of its plant pest risk authority, the authors note, and it also upheld the agency's conclusion that it had no authority to impose regulations on Roundup Ready alfalfa production once it had determined that the GE crop didn't pose a plant pest risk.

### **"Helpful guideposts"**

In a summary paragraph on the impact of the *Center for Food Safety et al. v. Vilsack* case, the authors assert that the court's decision in January "establishes several helpful guideposts to define APHIS's obligations when the agency reviews a petition for deregulation." Although plaintiffs such as the Center for Food Safety invoke NEPA and ESA to challenge regulatory decisions, Judge Conti's decision "focuses on the narrow role Congress created for APHIS with the Plant Protection Act," they write, concluding:

"The decision therefore gives the biotechnology industry greater certainty about the scope of APHIS's review, and an increased ability to rely on a science-based conclusion that a product does not pose a plant pest risk as the sole basis for deregulation."

The full background paper is available at: <http://bit.ly/GVrb3p>

(Pesticide & Chemical Policy, March 28 2012)

## **In-State CEU Meetings**

Date: April 11, 2012

Title: OSU Elevator Workshops

Location: Clinton Cherokee Restaurant

11:30 am – 3:30 pm

Contact: Carol Jones (405) 744-6667

Edmond Bonjour (405) 744-8134

Course #: TBA

CEU's: Category(s):

TBA 7C

TBA 10

Date: April 11, 2012

Title: OSU Elevator Workshops

Location: Enid Garfield County Ext. Office

5:30 pm – 9:30 pm

Contact: Carol Jones (405) 744-6667

Edmond Bonjour (405) 744-8134

Course #: TBA

CEU's: Category(s):

TBA 7C

TBA 10

Date: April 11, 2012

Title: OSU Elevator Workshops

Location: Catoosa Port Office

5:30 pm – 9:30 pm

Contact: Carol Jones (405) 744-6667

Edmond Bonjour (405) 744-8134

Course #: TBA

CEU's: Category(s):

TBA 7C

TBA 10

Date: May 15, 2012

Title: Ewing Irrigation IPM Herbicides & Fungicides

8 am to Noon Fee: \$39

Location: Bass Pro Shops Broken Arrow OK

Contact: Dawn Norris (800)-343-9464 Ext. 229

<http://www.ewingeducationservices.com/>

Course #: Pending

CEU's: Category(s):

4 3A

4 10

Date: July 19, 2012

Title: BWI Tulsa Summer Seminar

Location: Bass Pro Shops Tulsa/Broken Arrow OK

Contact: Kelly Keech (918) 251-6461

Course #: OK-12-048

CEU's: Category(s):

4 3C

4 10

## **ODAFF Approved Online CEU Course Links**

**Technical Learning College**

<http://www.abctlc.com/>

**Green Applicator Training**

<http://www.greenapplicator.com/training.asp>

**All Star Pro Training**

[www.allstarce.com](http://www.allstarce.com)

**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

Pesticide applicator test sessions dates and locations for March/April 2012 are as follows:

April		May	
9	OKC	3	Enid
11	Lawton	7	OKC
12	Tulsa	10	Tulsa
23	OKC	22	OKC
26	Tulsa	24	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**