



## Minutes

### Pesticide Advisory Board Meeting June 16, 2021

**BOARD MEMBERS PRESENT:** Jessica Lenker, Larry Shrawder, Marty Overline, Joe Demko, Don Eggen, Sally Holbert, Tim McGinty, Lisa Murphy, Bob Williamson, Michael Myers, Chris Tipping

**ADDITIONAL ATTENDEES:** Ruth Welliver, Don Gilbert, Destiny Zeiders, Kerry Golden, Jon Johnson, Sharon Gripp, Jim Harvey, Ed Crow, Matt Helwig, Gregg Robertson, Chris Weidner, Galen Troxel, Dave Dressler, Karina Gonzalez, Nada Manmiller, John Lake

Motion to approve the March 24, 2021 minutes was made by Don Eggen and second by Tim McGinty.

#### **Membership update:**

New members: Dr. Lisa Murphy, PennVet, serving the role of toxicologist in public service  
Jessica Lenker representing the Department of Agriculture

New nominee: Ken Martin, representing the Food Processing Industry

Two vacancies: Fish and Boat Commission; Game Commission

#### **PA Fertilizer Bill SB51 - David Dressler, PDA Agronomic Program Specialist**

The bill is updating the current Fertilizer Law. The bill has passed the Senate and now is in the House Agricultural Affairs Committee. Dave's presentation only covered the parts of the bill that pertain to pesticides.

#### Turf fertilizer components:

All fertilizer labeled for turf:

- Minimum 20% Enhanced Efficiency nitrogen of the total nitrogen
- Contain no phosphorus (unless fertilizer is natural organic or organic based)

#### Applicator certification and record keeping sections:

This part of the SB51 has been modeled after the Pesticide Control Act of 1973 with some minor differences. A business license is required with at least one certified applicator. The applicators can be public or commercial and there will be fertilizer technicians. Reciprocal agreements for non-residents will be accepted and all businesses will be required to keep records of all applications of fertilizer. Finally, current certified pesticide applicators with specific categories will be grandfathered in.

#### Turf fertilizer applications rates:

- Shall not exceed 0.7 lbs. of available nitrogen per 1,000 sq. ft.
- Shall not exceed 0.9 lbs. of total nitrogen sq. ft., unless enhanced efficiency that doesn't release more than 0.7 lbs. of nitrogen per 1,000 square feet.
- Shall not contain phosphorus, unless establishing or repairing turf.

- Site-specific plan exemption
- No turf fertilizer can be applied to an impervious surface
- No fertilizer containing nitrogen or phosphorus can be applied to frozen ground.
- No fertilizer containing nitrogen or phosphorus can be applied between December 15 and March 1, unless applied by an applicator or technician (limited to 0.5 lbs. of total nitrogen per 1,000 sq. ft.)

Dave also discussed the established Prohibited Acts of businesses and individuals pertaining to SB051 and other provisions such as enforcement, confidentiality and exclusion of local laws.

### **Center for Water Quality Excellence (CWQE) Pilot Project - Sally Holbert, Pest Logics**

CWQE is a new initiative of PennVEST that advances the needed support and technology to assist in implementation of watershed based solutions to address the potential of non-point source pollution that may be running in with stormwater run-off and improve stormwater management infrastructure and practices.

PennVEST was founded in March 1, 1988 and serves the communities and citizens of Pennsylvania by funding sewer, stormwater and drinking water projects.

The service is offered to agricultural and forested landowners, owners of working landscapes, municipalities, business entities, and institutions and non-profit organizations. The pilot program will be in York and Lancaster Counties. During that time technical resource tools such as electronic record keeping (Pest Logics) will be available to try out.

The CWQE will provide free service via a virtual Support Hub, CWQE storefront, and mobile storefront. The CWQE storefront location will be 430 Walnut Street, Suite 303, Columbia Borough, Lancaster County. The mobile storefront will be a van. The pilot program will be available August 2021.

### **Pesticide Safety Education – Resources and Outreach for Applicators and the Public – Jon Johnson, PSU Pesticide Education Program**

Jon informed the Board of a few of the many resources and outreach for pesticide applicators and the public. For certified pesticide applicators there is PSU Resources, PA Department of Agriculture, Federal Government, National Pesticide Information Center, and Professional Organizations and Product Manufacturers/Dealers to name a few. Jon went through each group explaining what they had to offer to applicators and the public.

Example: Penn State University resources/outreach includes Pesticide Education Program, Penn State Extension, Extension website, Extension Educators/Specialist, and Labs/clinics. Within each group there are more resources/outreach that can be utilized. So, within Penn State there are numerous resources and outreach for the applicators and the public.

### **Board Discussion of March public comments:**

#### **Ruth Welliver, PDA**

Ruth addressed the Board on the comments that Galen Troxell and Chris Baugher had made at the March meeting to see if the Board wanted more information related to these comments, in order to discuss them in depth or if the Board wanted to advise the Secretary to pursue any of the changes suggested.

Chris Baugher commented that many Spanish-speaking agricultural workers are unable to pass the certification exam. He questioned whether more could be done to allow these individuals to become

licensed? Currently, EPA requires pesticide labels to be in English. Passing the exam is considered a demonstration of the applicator's ability to understand those labels. PDA and Penn State have been exploring some additional training opportunities for Spanish-speaking individuals.

Ruth asked the Board if they would advise any further action?

Sally Holbert felt that it should be addressed. She suggested that a consideration of a pilot program to work with a couple of the manufacturers and see if they would put the effort into creating Spanish labels for products sold in Pennsylvania. To explore the opportunity for the labels to be in both languages.

Mike Myers questioned if there was data on how many individuals this affects. Is there a significant number of Spanish-speaking individuals that need this service?

Ruth Welliver replied that she did not have those kinds of statistics currently and explained that the exams do not capture demographics. The only data that could be given at this time is how many pass or fail the exams.

Chairman Shrawder replied to the questioned on how many Spanish-speaking people are being affect by the licensing of pesticides. He stated that in the utility, fruits and vegetables industries that there are a lot of Hispanic individuals that are actively spraying. Their inability to read a label is only a small portion of their training and what licensing is involved with. They also have to learn about protective gear and when and how to apply. Because they cannot pass the exam, they are not getting the other important parts of training. If you would ask most individuals that are spraying, you would find that they rarely read the entire label. Most of the time they get their information from professional Agronomist or chemical representative. He agrees with what Sally Holbert suggested and felt that many of the chemicals in the U.S. are also in Spanish-speaking countries and that chemical companies already have the Spanish labels.

Marty Overline stated that he looked up 5 common chemicals he uses daily and they all had Spanish labels. He does not feel the labels are the problem but it is the exam and the training.

Tim McGinty has been dealing with the issue of Spanish-speaking individuals not being able to pass the pesticide exam. He is definitely for looking into this problem.

Sally Holbert suggested that an amendment be placed on SB251 Fertilizer Bill for language on label. Hopefully, this might set a precedent for the pesticide laws.

Chairman Shrawder recommended a sub-committee be put in place to look further into the issues that were discussed and to report back to the Board with further recommendation. Members of the sub-committee are Tim McGinty (Chairman), Jessica Lenker, Mike Myers and Larry Shrawder.

**Galen Troxell had 3 comments** on "Sharing a Guiding Vision" written by Russell Redding that was published in Lancaster Farming.

1. Targeted investment to grow opportunities and remover barriers -  
Leverage PA's 1-million-dollar annual investment in the wine and grape industry by protecting grape growers from phenoxy herbicide drift.

Ruth Welliver asked the Board if they would be interested in making any recommendation as a Board to the Secretary about the use of funds or any other item on Galen's suggestion list.

Chairman Shrawder explained to the Board that there is a million dollars a year put into the wine industry from a tax on direct ship wine to the state and direct ship wine to the consumers. The tax is approximately fifty cents a bottle and this goes to the funds at the PA Liquor Control Board. Fifty percent of these funds go to marketing and the other fifty percent goes to research. Do we want to make a recommendation to the Secretary who oversees that program through a Wine Marketing and Research Board to use some of those funds for research on lower volatility pesticides?

Sally Holbert agreed that it should be a priority in some of those research funds. Sally made the motion that some of the dollars that come in be allocated specifically towards the drift issue and research on lower volatility pesticides and their impact.

Chairman Shrawder suggested that a motion to recommend that the Secretary direct some of the research funds to resolving pesticide drift in specialty crops in Pennsylvania. A sub-committee was formed to look into the different ways that this could be done successfully for future recommendation. The sub-committee consists of Sally Holbert, Tim McGinty, Larry Shrawder and Michael Myers.

Motion was made by Sally Holbert and second by Don Eggen.

Michael Myers suggested that Oregon is a strong wine/grape state and should be on the list of states with pesticide restrictions with the grape industry more so than Texas or Michigan. The list consists of California, Washington, New York, Texas and Michigan.

2. Protection of environmental and plant health through regulatory oversight -  
This comment is related to the processes that PDA uses to do a drift investigation.

Ruth Welliver stated that PDA was working on short sheets that describes procedures and the what and why we do things. She suggested that it is probably more a communication problem. Ruth requested that this comment be discussed at a later meeting when more information has been put together to be more transparent and the Board will have a better understanding.

Chairman Shrawder commented that this is more than a communication problem and that he did not want to crossover Galen's experiences on trying to report pesticide drift. He also felt since Jessica Lenker has taken over Len Brylewski position that there will be changes and that Jessica could look into this situation going forward.

Ruth Welliver requested that PDA have time to get all the information together and make a presentation at a later meeting.

Chairman Shrawder agreed to wait until the next meeting to discuss the comment.

3. Accountability: Being responsible for our actions and hold yourself as well as other -  
Ruth Welliver stated that this comment deals with many aspects of the pesticide programming in Pennsylvania some of which would require changes to the law and/or regulations which is a

lengthy process. She asked the Board if they would like to hold this as a topic at another meeting or if the Board would like to make immediate action on any of the aspects.

Chairman Shrawder felt that there were a lot of deep topics in the comment and it should be given to the sub-committee on drift to look in to.

Ruth Welliver offered her assistant on the committee to address some of the legal issues and regulatory issues.

**Board Member Roundtable:**

Marty Overline informed the Board that recently a law was passed in California banning most uses of 2<sup>nd</sup> generation anticoagulant for rodent control. It is not much of a problem here, but he feels this movement might move across the country because Massachusetts is considering the same process currently. He does not feel it will affect Pennsylvania in the near future, but he just wanted to bring it up because it is of great importance to the structural industry with rodenticide to control rodents in our structures.

Don Eggen updated the Board on the Cooper Township Municipal Authority situation. The gypsy moth program was spraying and their water area was part of the stream that feeds into their reservoir is part of the area that was to be sprayed with Mimic. He sent a letter with information on Mimic and wanted to meet with them and they never responded to him so they conducted the program. A buffer was left around their area.

Chairman Shrawder informed the Board that he was contacted by Pennsylvania Association of Sustainable Agriculture (PASA) and they are seeing a dramatic increase of herbicide drift into organic crops. The same herbicides are being pulled into greenhouses through the ventilation fans. South Dakota has just made all their PGR restricted use. He feels it is getting very difficult to enforce the drift laws because it is getting harder and harder to determine where the products came from. It may come to a point where the non-restricted pesticides change to restricted use since there is no license to use them. South Dakota has taken non-restricted pesticides and made them restricted. He feels that these will be some of the issues that the Board will be looking at in the future.

Jessica Lenker questioned Chairman Shrawder about all the incidents he has been discussing. She wanted to know if he had a list of them or if it was just a handful.

**Public Comments:**

No comments

A motion to adjourn was made. Motion made by Bob Williamson and seconded by Sally Holbert. None opposed.

Minutes submitted by Nada Manmiller