



Minutes

Pesticide Advisory Board Meeting

March 16, 2022

BOARD MEMBERS PRESENT: Jessica Lenker, Larry Shrawder, Joe Demko, Don Eggen, Beth Gugino, Sally Holbert, Tim McGinty, Lisa Murphy, Bob Williamson, Michael Myers, Tim Haydt, Ken Martin, Heather Smiles, Martin Overline, Richard Swiat

ADDITIONAL ATTENDEES: Ruth Welliver, Don Gilbert, Matt Kohan, James Cunningham, Daniel Duer, Fred Strathmeyer, Jon Johnson, Sharon Gripp, Ed Crow, Destiny Zeiders, John Lake, Gregg Robertson

A motion to approve the December 1, 2021 minutes was made by Bob Williamson and second by Marty Overline.

Rodenticide Effects on Carnivores PA Game Commission Update:

Tim Haydt, PGC and Dr. Lisa Murphy, PennVet gave an update on the current study on rodenticide effects on carnivores, specifically fisher, bobcats, and river otters. There is no concern in Pennsylvania populations of these animals but there is evidence in other states, particularly in western United States where this may be playing a factor in decreasing populations. The current study being conducted is primarily to get a baseline of PA's populations. The main concern for other states is secondary exposure or relay toxicosis. The study is looking at anticoagulants in particular.

In 2021, the University of Pennsylvania School of Veterinary Medicine received multiyear funding from DCNR specifically for this initiative. In the first year of the study they sampled 155 total animals. At the time of this meeting, they've sampled about 80 animals for this year's study. Analysis is currently underway along with some mapping. Data will include which species were sampled, which were positive at what levels, and where these animals were found. Mapping will show where the sampling gaps may be. Over time, the mapping will show the findings for different areas and species which may lead to determining the sources of the pesticides in question based on specific pesticide related activities in that area.

Wildlife samples are mostly submitted by trappers and fur takers.

Marty Overline, representing the structural pest control industry, commented on EPA moving towards registering anticoagulant rodenticides as restricted use pesticides. While the structural industry agrees with this decision there are some concerns with the additional respirator requirements and some of the post application procedures.

PA Dept of Ag Program Updates:

The Pennsylvania Department of Agriculture program specialists gave pertinent program updates.

Daniel Duer, Pesticide Registration Specialist, provided product updates on Chlorpyrifos, Enlist One and Enlist Duo. Effective 2/28/2022 chlorpyrifos products cannot be used on food crops. Both Enlist One and Enlist Duo underwent a re-registration ESA evaluation and identified glyphosate concerns in PA breadbasket counties.

Enlist Duo applications are banned in Adams, Berks, Chester, Cumberland, Lancaster, Lebanon, and York counties.

Jim Cunningham, Pesticide Environmental Programs Specialist, provided data from the 2021 ChemSweep, Household Hazardous Waste (HHW), and Plastic Pesticide Container Recycling (PPCR) programs, including pesticide and plastic pounds collected per location. The 2022 ChemSweep and HHW schedule was provided. The new PPCR interactive web map was introduced. This application will help identify plastic pesticide container recycling locations.

Matt Kohan, Pesticide Certification Specialist, provided updates and reminders regarding the pesticide certification exam process, recertification credit options, and current licensing issues.

Don Gilbert, Pesticide Enforcement Specialist, provide data on the inspections and enforcement actions during the fiscal period. The PDA conducted 654 pesticide related inspections and investigations. Two of the investigations were agricultural drift related. There were no paraquat misuse incidents reported in 2021. Overall, 80 enforcement actions were taken consisting of 65 civil penalties, 7 notices of warning, and 8 requests for compliance. Civil penalties range from \$100 to \$7,900.

See attached presentations for details.

Board Member Roundtable:

The drift subcommittee presented a summary of their recommended findings. Recommendations include:

- The PDA should consider changing the classification of some forms of 2,4-D and Dicamba to a restricted use pesticide.
- The PDA and PSU extension should provide additional and targeted drift training to pesticide applicators.
- A drift flyer should be developed to provide to resellers of 2,4-D ester and 2,4-D amine products to hand out when a sale is made.

Full details of the drift subcommittee recommendations are attached.

Public Comment Period:

Public comment was submitted by John Lake for consideration of the Board. Full comment text is attached.

Richard Swiat made motion to adjourn and Marty Overline second.



Registration Update

Daniel Duer

Spring 2022

Chlorpyrifos

- Food tolerance revocation effective 2/28/22
- No permissible food use at this time
- Remaining registered chlorpyrifos products cannot be used on food
- Existing stocks provision not applicable

Enlist One & Enlist Duo

- Enlist One: 2,4-D
- Enlist Duo: 2,4-D+ Glyphosate
- Both re-registrations underwent ESA evaluation
- Identified glyphosate concerns in Pennsylvania's breadbasket

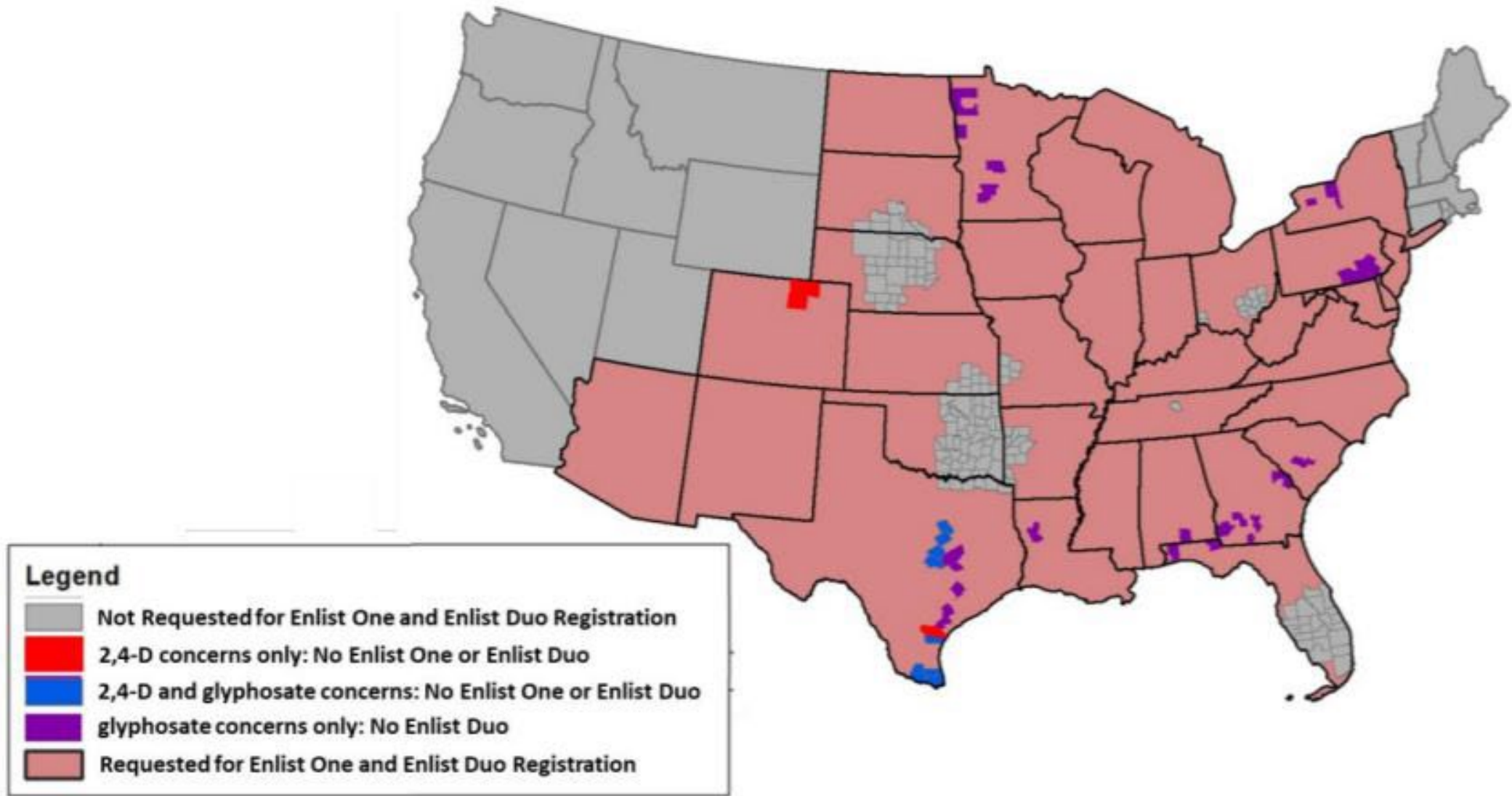


Figure 1. Distribution of the proposed use area (pink) for Enlist One and Enlist Duo. The use of Enlist One and Enlist Duo are prohibited in the red and blue areas. Enlist One may be used in the purple areas, while the use of Enlist Duo is prohibited in these areas.

Enlist One & Enlist Duo

- Enlist Duo banned in Adams, Berks, Chester, Cumberland, Lancaster, Lebanon, and York
- Corteva required to send updated labeling to all customers 2017-present
- Corteva must coordinate with all customers in impacted counties to withdraw product
- Corteva expects to refund and accept all product

Enlist One & Enlist Duo

- Ironically, Enlist One may be applied with glyphosate in same region
- EPA has a justification for their decision

From “Endangered Species Act Section 7(d) Consistency Determination with Respect to a Request to Amend the Enlist One Registration:”

“...EPA is aware that Enlist One may be tank mixed with other products that may include glyphosate. EPA has determined that restricting the use of Enlist One to prohibit mixing with glyphosate products is not necessary during the pendency of consultation. As discussed above, the Enlist One label includes runoff mitigation that includes a prohibition of applications within 48 hours of when rainfall is predicted or irrigation occurs, and to saturated soils. When tank mixing, users must follow the most restrictive directions for use from any of the mixed products...”

...EPA expects that growers would forego the use of Enlist One and instead use glyphosate alone or with other companion herbicides for resistance management. Since glyphosate labels do not currently include mitigations to avoid exposure to these listed animals nor do they contain mitigations to address potential run-off to the same extent, restricting the Enlist One product would potentially lead to increased likelihood of jeopardy and adverse modification where other glyphosate end use products are used in lieu of Enlist One...

Enlist One & Enlist Duo

- During ESA review, glyphosate concerns were noted
- The glyphosate product under review was consequently banned from certain areas
- The non-glyphosate product was approved

Enlist One & Enlist Duo

- Currently available glyphosate products have not undergone the same level of ESA review
- As this action doesn't pertain to all glyphosate products, they are not banned/restricted by this decision
- If Enlist One prohibited glyphosate mixing, farmers would likely eschew Enlist for glyphosate. Enlist One's label is considered more protective of ESA concerns than current glyphosate label

Pesticide Certification Updates

- Certification Exams –
 - PDA Exam Sessions – Paper and Pencil
 - Getting back to normal
 - Availability Issues – Last Minute Certification
 - Longer Processing Time (At least 4 weeks)
 - Metro Institute Exam Sessions – On a computer at a third-party facility
 - Various locations including Pittsburgh, Philadelphia, Scranton, Richboro, Bloomsburg
 - Availability – Dates and Times different for each Test Center
 - Immediate results
 - **No online exams**

Pesticide Certification Updates

- Recertification Credits
 - In Person Meetings
 - Also getting back to normal
 - Hybrid – In-person and Webinar
 - Virtual Options
 - Online and Webinar options available
 - Correspondence
 - Option for PC and Core
- License Issues
 - Lapsed and Closed
 - Covid-19



CHEMSWEEP

2021 RESULTS

POUNDS COLLECTED

- R1 1,023 McKean, Warren
- R2 24,162 Columbia, Montour,
Northumberland
- R3 1,350 Bradford, Sullivan
- R4 2,050 Butler, Lawrence
- R5 2,990 Bedford, Fulton
- R6 15,666 Cumberland, York
- R7 13,937 Berks, Schuylkill

- TOTAL 61,177

HHW POUNDS COLLECTED

• Berks County	13,347
• Clinton	1,021
• Centre	6,533
• NTWSA	3,065
• Blair	1,974
• Cumberland	10,026
• Lehigh	3,745
• TOTAL	39,510

2021 TOTAL
POUNDS
PESTICIDE
COLLECTIONS

100,687

2022 CHEMSWEEP SCHEDULE

- R1 Elk, Jefferson
- R2 Cameron, Clinton, Potter
- R3 Carbon, Monroe, Pike
- R4 Allegheny, Beaver, Washington
- R5 Centre, Clearfield
- R6 Adams, Franklin, Lancaster
- R7 Chester, Lehigh, Northampton

2022 HHW EVENTS SCHEDULED

- Berks
- Centre
- Northampton
- NTSWA
- Blair
- Cumberland
- Pike
- Perry

Plastic Pesticide
Container
Recycling Program



2021 pounds
collected and
granulated

100,800


Program Locations

- 57 Public drop off locations
- 102 Private sites

Web Information

- Newly designed web has an interactive map to help the public locate drop off locations.
- www.agriculture.pa.gov
 - >Plants, Land & Water
 - >Plant Industry
 - >Health & Safety
 - >Environmental Programs
 - >Plastic Pesticide Container Recycling

MAP SEARCH

 **Plastic Pesticide Plastic Container Recycling Program** PA Department of Agriculture

PLEASE CONTACT RECYCLING LOCATIONS PRIOR TO VISIT

Search for an address to find recycling locations in the nearby. If you don't know the address, use one of these search methods:

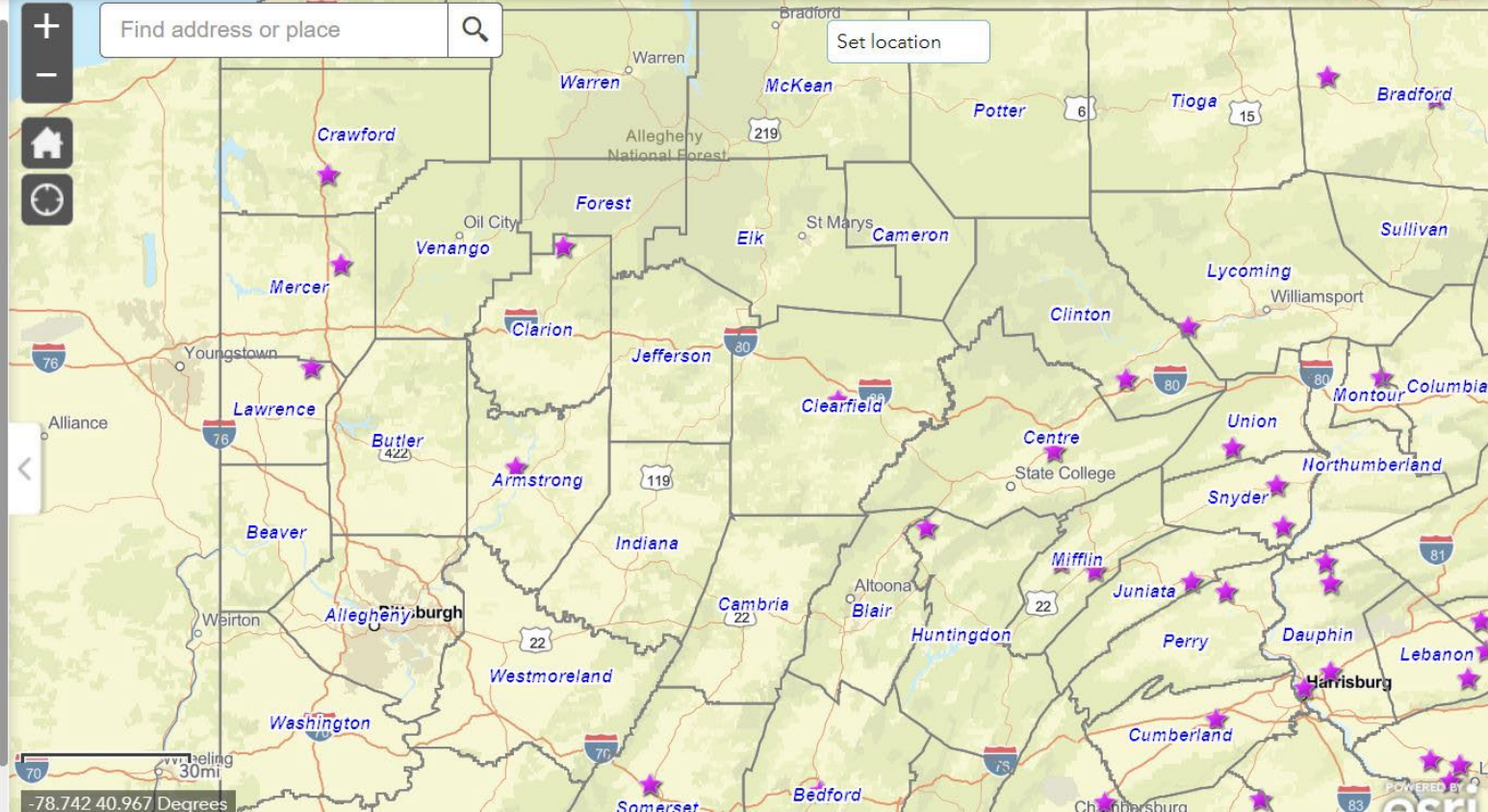
- Click the search box and type in an address or choose **Use current location**
- Click within the map

Results will include information about recycling locations within the distance defined above.
[Acceptable & Unacceptable PPCR Photo Guide \(PDF\)](#)

For additional assistance with the recycling program, please call 717-772-5210

Find address or place

Show results within (Miles)



Map search interface showing a map of Pennsylvania with recycling locations marked by purple stars. The map includes county names, major roads, and a search bar. A distance slider is set to 20 miles. The map shows recycling locations across various counties including Crawford, Mercer, Lawrence, Beaver, Allegheny, Westmoreland, Washington, Somerset, Bedford, Huntingdon, Blair, Mifflin, Juniata, Perry, Dauphin, Lebanon, Lancaster, York, Adams, Chester, and Philadelphia.

Enter your location. Map will populate public sites.


 **Plastic Pesticide Plastic Container Recycling Program** PA Department of Agriculture

Search for an address to find recycling locations in the nearby. If you don't know the address, use one of these search methods:

- Click the search box and type in an address or choose **Use current location**
- Click within the map

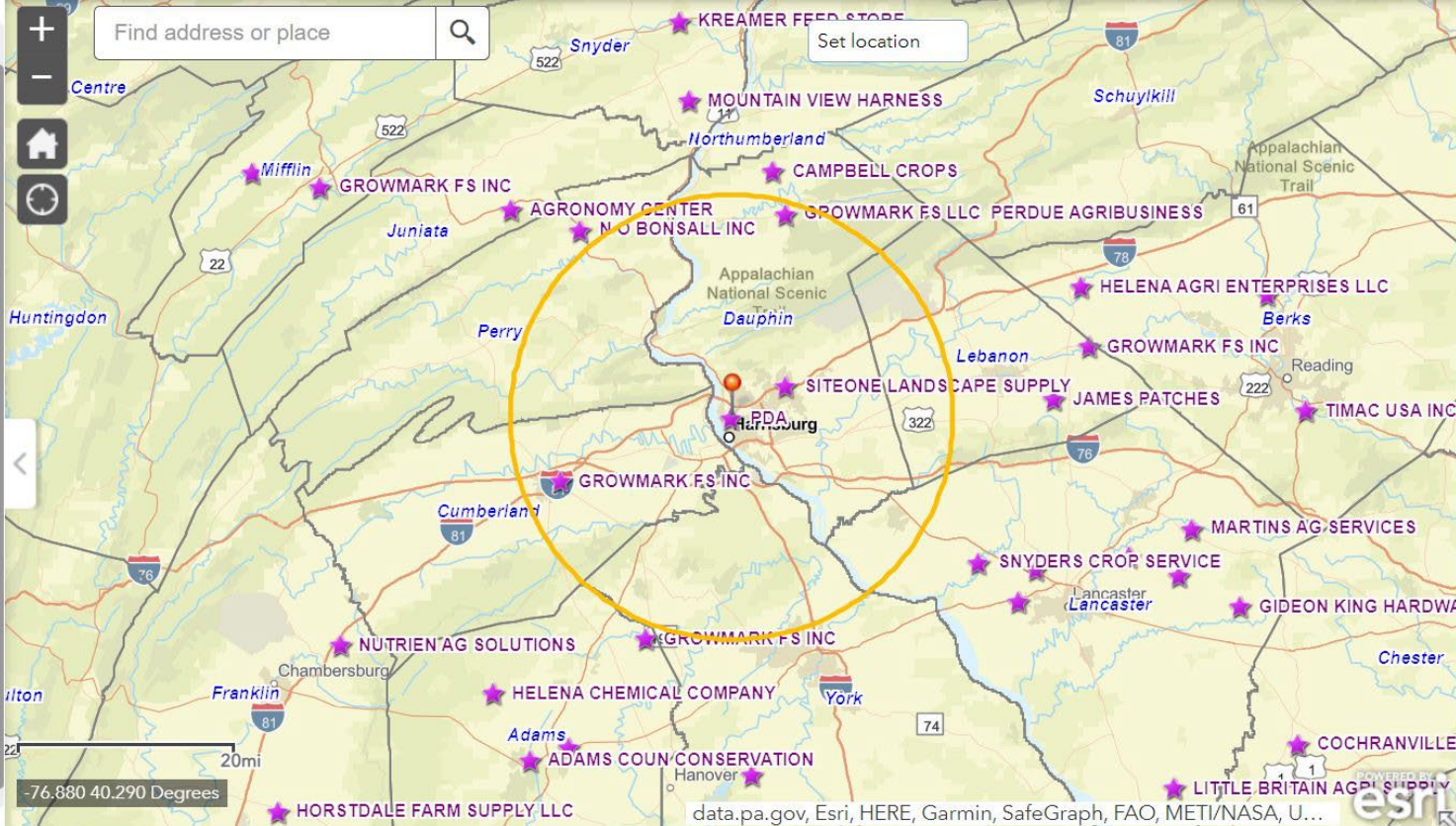
Results will include information about recycling locations within the distance defined above.
[Acceptable & Unacceptable PPCR Photo Guide](#) (PDF)

For additional assistance with the recycling program, please call 717-772-5210

2301 N Cameron St, Harrisburg X  

Show results within (Miles) 

PPCR Public Sites	(4)
PDA	0.07 mi



data.pa.gov, Esri, HERE, Garmin, SafeGraph, FAO, METI/NASA, U...

Distance, drive time, and suggested route provided.

pennsylvania DEPARTMENT OF AGRICULTURE **Plastic Pesticide Plastic Container Recycling Program** PA Department of Agriculture

- Click the search box and type in an address or choose **Use current location**
- Click within the map

Results will include information about recycling locations within the distance defined above.
[Acceptable & Unacceptable PPCR Photo Guide](#) (PDF)

For additional assistance with the recycling program, please call 717-772-5210

2301 N Cameron St, Harrisburg X Q

Show results within (Miles) 20

PPCR Public Sites

Information Directions

00:09
hr min

9 min typically
6.88 miles

Find address or place Set location

1 PDA 2 SITEONE LANDSCAPE SUPPLY

76.836 40.308 Degrees

powered by esri

data.pa.gov, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, ...

The screenshot displays a web-based map interface for the Pennsylvania Plastic Pesticide Plastic Container Recycling Program. The map shows a suggested route (blue line) between two locations: 'PDA' (marked with a green pin and '1') and 'SITEONE LANDSCAPE SUPPLY' (marked with a purple pin and '2'). The route starts at PDA, heads north, then east, and finally north again to reach Siteone. The map includes various geographical features like roads, rivers, and parks. The interface also features a search bar, a distance filter set to 20 miles, and a travel time/distance summary at the bottom left. The top of the page has the program's name and the PA Department of Agriculture logo.

PDA Pesticide Enforcement Update

Pesticide Advisory Board

3/16/22

Compliance & Enforcement 7/1/20 – 6/30/21

- SARS-CoV-2 Response Guidance Document
 - Streamlined the process to gather evidence, mostly by email:
 - Inspection forms & statements
 - Permission to gather photos & samples from complainant's property
 - Applicator Records
 - Acknowledgement of receipt of documents by complainant & applicator
 - Started as investigation-only response, morphed into routine inspections
 - Remote process appreciated by complainants, applicators & inspectors
- 654 pesticide-related inspections & investigations

Violation Summary FFY2021 (July 1, 2020 – June 30, 2021)

128.11	RUP Dealer Recordkeeping	8
128.31	Pesticide Business Licensing	25
128.33	Assignment of Work (not certified in proper category)	2
128.35	Pesticide Recordkeeping, Non-Agricultural	17
128.41 - .42	Commercial Applicator Licensing	39
128.51	Pesticide Technician Training	2
128.52	Pesticide Technician Registration	1
128.53	Pesticide Technician Training Records	2
128.62	Private Applicator Eligibility (expired private applicator permit)	1
128.65	Private Applicator RUP Records	2
128.82	Non-Ag RUP Notification, Lack of/incomplete Notification	2
128.103	Pesticide Handling, Misuse, Drift	23
128.112	Hypersensitivity Registry, Lack of/incomplete Notification	24
8(a), 8(s)	FIFRA Prohibited Acts (pesticide registration, RUP sales)	2

Common Violations

- **39 Commercial Applicator Licensing:** Lawn/Landscape (22), PCO (7), ROW (6), Campground (2), & Pool (2).
- **25 Business Licensing:** Lawn/Landscape (15), PCO (4), ROW (3), Pool (2), & Campground (1).
- **24 Hypersensitivity Registry:** Lawn/Landscape (13), PCO (7), ROW (4).
- **23 Pesticide Handling, Use, Drift:** Ag (11), PCO (9 – incl. Mosquito), Lawn/Landscape (4 – incl. SLF).
- **17 Recordkeeping, Non-Ag:** Lawn/Landscape (12), PCO (3), Campground (1), Golf (1).

PDA Enforcement Actions

- 80 enforcement actions taken consisting of **65 Civil Penalties, 7 Notices of Warning**, and **8 Requests for Compliance** to various Pennsylvania firms and individuals.
- Some actions contained multiple violations of the PPCA.
- Civil penalties ranged from \$100 to \$7,900.

PDA Enforcement Actions

- High-profile pigeon kill in downtown Pittsburgh.
- Involved civilian complainant, Pitt PD, building management (arrested & handcuffed), applicator and BU owner (also warrant for their arrest).
- Several TV & newspaper articles.
- 2 PDA inspectors in 2 regions.
- \$7900 penalty paid.
- EPA Region 3 Investigation of the Year



Dicamba: 2 Ag drift cases in CY 2021

- Both cases were DT soybean drift onto non-DT soybean.
- Dicamba symptomology was evident, but both case's samples were **negative for dicamba**.
- 1st case farmer had taken the required annual OTT RUP dicamba training, but **used non-OTT GUP formulation** (label violation).
- 2nd case farmer **had not taken** the required annual RUP dicamba training (label violation) and application made **upwind of adjacent sensitive crop** (label violation).

Paraquat

- **No misuse incidents** involving paraquat in CY 2021.
- Numerous phone calls from folks asking if they were exposed to paraquat in PA.
- Several RTK requests from attorneys trolling for paraquat use, misuse, and exposed people.
- Glyphosate RTK requests, too!

PAB Drift Subcommittee Recommendations

RE: PESTICIDE DRIFT

March 15, 2022

Subcommittee members: Sally B Holbert, Larry Shrawder, Ken Martin, Michael Myers, Tim McGinty

RECOMMENDATIONS TO FULL PAB and Department of Agriculture

1. **To address classification disparity** between the different forms of 2,4 -D and Dicamba we suggest the following:

Concern: 2,4-D ester is the most volatile and therefore the most likely to drift for miles, 2,4-D amine is less volatile over a shorter time but still drifts off of the target site. 2,4-D choline is considered very low volatility and Corteva, the manufacturer, claims it does not drift. In fact it is 98% less volatile than 2,4-D ester. None of these formulations are restricted use in PA meaning anyone can spray these formulations without a license and without any training whatsoever. Dicamba is similar however the most volatile formulations are available to the general public with no restrictions while the “safer” versions are restricted use and require a license to purchase and apply.

Recommendation: That Department of Agriculture consider changing the classification of some forms of 2,4-D and Dicamba as follows: classify any ester and amine forms of 2,4-d, and Dicamba as restricted use to ensure that applicators are properly trained in the safe application of these pesticides given their propensity for off target vapor drift and damage to sensitive crops for up to several miles from an application site.

The above recommendation will also address the concern of homeowner access to products with Dicamba without any training related to use of the products around their product.

2. **To enhance education and training outreach**

Concern: Lack of knowledge about products that cause drift and proper application of products.

Recommendation: The Department of Agriculture in partnership with Penn State extension target additional training on awareness of pesticide products that can drift and the proper application of those products known to cause drift damage. Include a wholistic approach to learning and discuss assessment of conditions including the following potential factors to prevent undesirable plant injury:

- Boom height.
- Need for boom shield.
- Speed of tractor to provide less boom movement lift and tilt to avoid drift.
- Tank cleanout from prior contaminates that may influence the next application.
- Drift retardant chemicals.
- Nozzle selection.
- Spraying when wind speeds are not excessive (3 -10 mph).
- Not Spraying in the absence of windy conditions or inversions conditions.

- Paying attention to high wind speed prior to drying or to slow drying conditions or temperatures above 85 degrees Fahrenheit.
- Leave buffer or border in the downwind target area.
- Avoid sensitive areas, such as houses, schools, sensitive crops, waterways, and beehives.
- Use Fieldwatch tools to review neighboring properties that could be affected by potential drift.

Secondly, target the enhanced training to counties in the state where Drift complaints are concentrated and: consider developing a “Drift Flyer” not more than two pages or in a tri-fold format that can be provided to resellers of 2,4-D ester and 2,4-D amine products to hand out at their storefront when a sale is made to a customer (farmer, homeowner, or lawn care service provider).

Comments to the PA Pesticide Advisory Board (PAB)

John R.Lake, Former PDA, Agronomist, Environmentalist

March 16, 2022

Prior to the Rendell Administration the PAB was a forum for actual exchange of concerns, issues, and information directly related to pesticide use in the Commonwealth of Pennsylvania. Since that time the value of this Board has been eroded by weak, ineffective, and incompetent management, who valued their own interests and the interests of the Secretary of PDA, the administration, and the General Assembly, over the best interests of the Citizens of PA.

The vary name of the Section within the Bureau of Plant Industry, Health & Safety, is misleading at best, and more accurately the product of a disillusioned Section Chief and Bureau Director dating back over 20 years ago. This Section name needs to be changed to reflect its true purpose pursuant to the "Pennsylvania Pesticide Control Act."

At no other time has the pesticide programs section ever been more compromised than it is at this time. The current Secretary of Agriculture, Deputy Secretary for regulatory programs, and Bureau Director, have demonstrated total aversion, incompetence, and direct manipulation of the regulation of pesticides in the Commonwealth. This includes diversion of both state and federal funding, as well as employee harassment, deceit, and lies to the public and federal government.

This abuse extends to the diversion of funds and resources from the pesticide regulatory programs, in violation of both the Federal Insecticide Fungicide Rodenticide Act (FIFRA) and the Pennsylvania Pesticide Control Act (PPCA). For this reason I have appealed to both the PA General Assembly and the US EPA to withhold funding to PDA until such time as PDA is in compliance with both FIFRA and PPCA.

Actions which must be taken by the PAB:

1. Review the membership of the Board to determine members who do not represent the interests they are appointed to represent pursuant to Section 25 of the PPCA.
2. Set and control the agenda for PAB meetings. Where matters come before the Board requiring discussion and debate of more than 4 hours insist that the PDA provide a meal and refreshments to meet the physical needs of the Board and provide for time for members of the Board to interact.

3. Review current staffing for pesticide programs including the qualifications of both Harrisburg staff and Regional Office Staff. PDA currently has no regional inspectors devoted solely to the enforcement of FIFRA and the PPCA.
4. Review the expenditure of both federal and state funding directed to use for pesticide regulatory programs. In 2010 the PDA increased the pesticide registration fee from \$135/yr to \$250/yr for the sole justification of funding the “ChenSweep” (CS) and “Container Recycling Program” (CRP). Since that time these funds have been diverted to other programs unrelated to pesticide programs. In addition the CS and CRP programs only benefit agricultural interests while 70+ percent of products registered in the Commonwealth are consumer products.
5. Insist that the membership of the Board reflect the racial and gender diversity of the Commonwealth.
6. Insist that meetings of the PAB are advertised in a manner which provides for the maximum public participation.

Actions needed by the PA General Assembly and Administration:

1. Open and amend the Pennsylvania Control Act to reflect the current standards contained in FIFRA. This Act has not been amended since 1986. In fact the current Act prescribes under Section 25 that a member of DER shall be appointed. Since splinting DER into DEP and DCNR representation on the PAB by state agencies is even inconsistent with the current state agencies.
2. Monitor and audit the use of funding directed to support pesticide regulatory programs.
3. Monitor the qualifications of appointed and civil service employees in the PDA. This must include pay grades for those employees.
4. Fully investigate the relationship between the Office of Administration and the State Civil Service Commission. The alliance between OA and the SCSC totally eliminates and protection from political and management reprisal in violation of the Civil Service Act. This should include exit interviews for all PDA employees who are resigning or retiring from state employment at the PDA.
5. Amend the process of appointing Commissioners to the SCSC to reflect a non-partisan process that eliminates preference and partisan bias. Currently all three Commissioners have been appointed or reappointed by the current administration.

Submitted Due Respect to the PAB 03/16/2022:

By John Richard Lake, (scouterlake@verizon.net)