

PESTICIDE REVIEW COUNCIL

FLORIDA DEPARTMENT OF AGRICULTURE
AND CONSUMER SERVICES



FACILITATOR'S SUMMARY REPORT OF THE
MAY 23, 2011 MEETING

GAINESVILLE, FLORIDA

FACILITATION, MEETING AND PROCESS DESIGN BY



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FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
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OVERVIEW OF COUNCIL'S KEY ACTIONS

TUESDAY, MAY 23, 2011

OPENING AND MEETING ATTENDANCE

The meeting was opened at 10:00 AM, and the following eight (8) Council members were present: Bill Caton, Joe Gaudino {vice-chair}, Dennis Howard {secretary}, Brian Katz {chair}, David Krause, Mel Kyle, Mark R. McLellan, and Richard Pfeuffer.

Members Absent: J. Keith Tolson. (Grower position is vacant, and Department of Environmental Protection (DEP) position is pending appointment).

FDACS Staff Present

Charlie Clark, Davis Daiker, Abbie Fox, Scott Freiwild, Kelly Friend, Patty Lucas, Sarah Oglesby, and Andy Rackley.

Public Present

A list of public participants is included as "Attachment II" of this Report.

(Attachment II—Meeting Attendance)

MEETING FACILITATION

The meeting was facilitated by Jeff Blair from the FCRC Consensus Center at Florida State University. Information at: <http://consensus.fsu.edu/>



PROJECT WEBPAGE

Information on the project, including agenda packets, meeting reports, and related documents may be found in downloadable formats at the project webpage below:

<http://consensus.fsu.edu/PRC/index.html>

AGENDA REVIEW AND APPROVAL

The Council voted unanimously, 8 - 0 in favor, to approve the agenda as presented/posted, including the following objectives:

- To Approve Regular Procedural Topics (Agenda, Report, Workplan and Meeting Schedule)
- To Review and Discuss Results of Workplan Prioritization Exercise II
- To Hear Agency Updates (Legislative, Rules, and Budget)

- To Hear a Report and Discuss Citrus Pest Management: Emerging Pesticide Issues
- To Hear an Update on the School Drift Case
- To Hear an Update on NPDES Pesticides Generic Permit Implementation
- To Hear an Update on Soil Fumigant Issues
- To Consider Public Comment
- To Consider Council Member's Comments and Issues
- To Identify Needed Next Steps, Assignments, and Agenda Items For the Next Meeting

APPROVAL OF JANUARY 18, 2011 FACILITATOR'S SUMMARY REPORT

The Council voted unanimously, 8 - 0 in favor, to approve the January 18, 2011 Facilitator's Summary Report as amended.

Amendment(s):

On page 10, 8th bullet down, change attribution of comment from (RP) to indicate "no attribution".

PRC OFFICER NOMINATION COMMITTEE FORMATION

PRC chair Brian Katz, Keith Tolson and Richard Pfeuffer will serve as the nominations committee and will recommend a slate of officers for consideration at the August 30, 2011 meeting. The PRC's Officer election policy requires that at each August/September meeting the previous secretary (Dennis Howard) will accede to the vice-chair position, and the vice-chair (Joe Gaudino) will accede to the chair position, and a new secretary will be elected to serve as third in line for the chair position.

REVIEW AND APPROVAL OF UPDATED WORKPLAN AND MEETING SCHEDULE

Following a review of the Workplan, included as pages 7 - 9 of the agenda packet, the Council took the following action:

Council Action:

Motion—The Council voted unanimously, 8 - 0 in favor, to approve the Council's updated Workplan and meeting schedule as presented.

Approved Meeting Schedule for 2012

February 21, 2012	Tallahassee
May 15, 2012	Gainesville
September 18, 2012	Gainesville

(Attachment IV—Council's Updated Workplan)

WORKPLAN PRIORITIZATION EXERCISE SECOND ROUND RESULTS DISCUSSION

Jeff Blair, Facilitator, reviewed the results of the Council's Workplan Prioritization Exercise with members and answered questions. At the January 2011 meeting the Council decided to conduct the Exercise as second time with a focus on mission specific priorities. The Council identified and agreed to a short-list of top priorities that should be ranked separately from the remaining Workplan issues. The results (included as Attachment 4) reflect two separate rankings: one for the top tier (top 10) *Workplan* topics and one for the remaining twenty-five (25) key *Workplan* topics. Council members were asked to rank each of the key

Workplan topics on a five-point continuum-scale where a 5 equals the highest level of priority and a 1 equals the lowest level of priority. Members were asked to rank the priority of each topic independently and not in relation to the other topics. Each of the 25 second tier *Workplan* topic's rankings were tallied and arranged in order of highest priority (1) to lowest priority (25). The ranking results ranged from a high of 4.33 to a low of 2.50 out of 5. Subsequently, members were asked to rank the top tier topics and these ranking results ranged from a high of 4.67 to a low of 3.83 out of 5. The Council agreed the exercise should be conducted annually to monitor and respond to any changes in workplan issue priorities.

During discussions member's identified the following as potential workplan issues for the Council:

- Pesticide effects
- Applicator health
- ESPP
- Drift

These issues will be monitored and the Workplan updated as needed to reflect current issues.

(Attachment V—Workplan Prioritization Exercise Results 2011)

AGENCY ISSUES UPDATES {LEGISLATIVE, RULES, BUDGET}

Andy Rackley, Florida Department of Agriculture and Consumer Services (FDACS), provided Council members with an update regarding FDACS legislative, rule and budgetary issues and answered member' questions.

Summary:

- FDACS had a relatively good year considering the fiscal retraction impacting state government.
- A major issue for FDACS is the Legislatures moving of the school lunch program to FDACS, pending the Governor's signature.
- The name of the Division of Forestry is changing to the Florida Forest Service (pending signature).
- The Forestry program will still be within FDACS, but will provide for some autonomy in responding to fires.
- There is legislation addressing the burning of trash.
- AES: There is a change to the pest control statute to allow call centers without the need for full PCO licensing.
- There are also changes in licensing, and insurance requirements.
- Pesticide Law changes: new requirement for mandatory on-line payment of registration fees, effective 2012.
- Added requirement for registrants to submit revisions of labels.
- Interesting session with the fewest number of bills.
- Budget: AES did okay. Prior cuts and reorganization of how FDACS handles business (e.g., adjusting IT capabilities) may have helped preserve Agricultural Environmental Services (AES).
- Next session may be more challenging especially since it will start earlier due to redistricting.
- Projection is that it will be tougher year for state government.

Mark McLellan, University of Florida Institute of Food and Agricultural Sciences (IFAS), provided Council members with an update regarding IFAS administrative and policy issues and answered members' questions.

Summary:

- University of Florida did not fair as well as IFAS, and with the dual system, IFAS will feel some of the fiscal reductions from UF.
- IFAS faculty are being pushed more towards finding funding.
- Over 5 years, \$26-28 Million Dollars lost from recurring funds.
- Federal agencies are providing the majority (approximately 75%) of the funding, and less than 5% is state funded.
- Faculty is entrepreneurial, but losing flexibility in responding to industry needs in the process (especially for state and local issues).
- Finding funding sources has preserved many jobs for faculty and staff.
- IFAS is working closely with FDACS and the Commissioner is interested in building this relationship. The increasing lack of capable K-12 science teachers will lead to future troubles.
- Brian Katz asked where is the federal funding coming from?
- Mark responded that approximately one-half comes from National Institute for Food and Agriculture, with additional funding from DOE, NSF, and NIH. The private sector also contributes.
- Dennis Howard asked if IFAS is concerned about impacts of federal cuts, since research is heavily federally funded.
- Mark responded that IFAS is concerned; some changes are occurring.

CITRUS PEST MANAGEMENT: EMERGING PESTICIDE ISSUES

Dr. Michael Rogers, IFAS, provided the Council with a PowerPoint presentation on emerging pesticide issues titled “Asian Citrus Psyllid (ACP) Management in Florida: Past, Present and Future” and answered member’s questions.

PowerPoint Presentation Text:

Citrus IPM Programs in Florida (past 20 years)

- Scale insect pests under complete biological control
- Relied mostly on use of petroleum oils for pest / disease management
- Processed oranges 1-3 oil applications per season (eriophyid mites, fungal diseases)
- Little use of broad-spectrum insecticides
- Asian citrus psyllid first found in Florida June 1998.

Eggs

- 0.3 mm in length
- laid within unfurled leaves
- use hand lens to observe
- eggs hatch within 3-5 days

Psyllid nymphs

- 5 nymphal (immature) stages
- range in size from 0.3 – 1.6 mm in length
- develop exclusively on young tender flush
- nymphs are easily observed when populations are increasing during periods of abundant new flush

Adults

- 3-4 mm in length
- may live 30-60+ days
- prefer to feed on new leaf flush when present
- can survive long periods feeding on undersides of mature leaves
- adults infected with HLB bacteria spread pathogen to healthy trees

Citrus Greening Disease

- Found in Florida August 2005
- Huanglongbing (HLB) – yellow shoot disease

Citrus Greening: The Pathogen

- *Candidatus Liberibacter asiaticus*
- Phloem-limited bacterium
- Transmitted by psyllids
- Graft transmissible

Greening Effects on Citrus Production

- Overall tree decline, eventual tree death
- Bitter-tasting, lopsided fruit, small in size
- May not color properly with portions remaining green
- Reduction in fruit size
- “Mosambi” sweet orange – India (Oct ‘08)

Management of Citrus Greening Disease

- “The World’s Experience”
- Greening management must include:
 - 1) propagation of clean nursery stock,
 - 2) removal of infected trees in the field, and
 - 3) “effective” psyllid control

The Most Significant Disease of Citrus Worldwide

Management Difficulties

- Symptoms difficult to diagnose
- Symptoms often resemble nutrient deficiencies or other problems
- Latency period in plant of 1-2 + years from infection to first observation of symptoms

Past Experiences Managing Asian Citrus Psyllid

- Easy to kill, hard to control

Insecticide Use for Psyllid Control

- Brazil: varying success using 6 to 26 applications per season (Belasque et al. 2008)
- Asia: worst-case situations up to 52 applications per year (Beattie and Holford 2008)
- Florida: much variation; on average 6 to 10 applications per year

Insecticide Use for Psyllid Control in Florida

What didn't work (2006)

- use of selective insecticides targeting immature psyllids

- diflubenzuron, petroleum oil, abamectin, etc...
- targeting psyllid populations on new flush
- lengthy periods of new citrus flush allowed psyllid populations to continue to increase when adults were not controlled

Biological Control?

- Biocontrol is not a promising short-term solution for ACP/HLB management
- Never worked for insect-vectored pathogen
- Citrus is a perennial crop
- Requires some level of pest remain to sustain natural enemy populations
- Better suited for system where some level of damage can be tolerated

What seems to work (currently)

- Use of broad-spectrum insecticides targeting adult psyllids
 - Applications made prior to new flush are most effective in reducing psyllid populations
 - fenpropathrin, imidacloprid, chlorpyrifos, dimethoate, phosmet, etc...
- Florida citrus growers now averaging 6-10 broad-spectrum sprays per season for psyllid control
 - estimated costs for psyllid control \$300+ / A

Primary reasons for repeated applications

- Short residual of pesticide control
 - Foliar applied insecticides
- Psyllid movement behavior

Reasons for Failed Control?

- Collectively, these results explain how the lack of residual control combined with psyllid movement can result in the need for frequent repeated insecticide applications.
- Growers need quick and cheap application methods to coordinate timing of applications to minimize “psyllid swapping”

Application Methods

- Traditional airblast sprayer applications
- Slowest method of application
 - Difficult to treat large acreage rapidly if tractor limited
 - can speed up to “brush spray” outer canopy
- Obtain better canopy penetration
 - Important if control of additional pests (e.g. mites) is desired
- Most expensive application method
 - \$25 - \$40+ / A

Why use aerial applications?

- Cover large acreage more rapidly
 - Psyllid movement patterns
- Facilitates implementation of area-wide approach to psyllid control
 - Allows synchronization of psyllid sprays
- Typically a cheaper application than traditional ground sprays
 - \$4 - \$18 / A (depending on location, spray volume, fixed wing or helicopter)

Low-volume ground applications

- Moderately rapid method of application
- Must be done at night to avoid drift issues that will result in loss of efficacy
- Relatively cheap method of application
 - \$5 - \$12 / Acre
 - every row vs. every other row

Efficacy of various application technologies using pyrethroid insecticide: Application made during dormant period on February 15-16th

- With dormant spray can get many weeks of effective control into the spring flush
- Bottom line is all current machines available work

Pesticide Resistance

- Growers often rotate between a few insecticide modes of action
 - Pyrethroids, OP's/Carbamates, Neonicotinoids
- What's the potential for developing insecticide resistance?
 - Is it already occurring?

ACP Collection

- Five field populations were collected from five commercial citrus groves across Florida State (Groveland, Lake Alfred, Vero Beach, Fort Pierce, and La Belle)
- Laboratory colony collected in 2005 and reared without exposure to pesticides served as a reference for comparison

Conclusions

- ACP field populations showed decreased susceptibility to certain insecticides
- Currently, product failures due to resistance issues have not been identified
- Pesticides with new MOAs are needed to help manage pesticide resistance development

How to improve ACP control?

- Implementation of area-wide ACP control programs
 - Coordinated effort
 - Simultaneous treatment of groves in a "large" area
 - Delay psyllid recolonization of groves
- Goals:
 - Greater reduction in overall psyllid populations
 - Reduce the need for frequent reapplication of pesticides

High Priority Recommendation

- Creation of Citrus Health Management Areas (CHMA)
 - Facilitate the coordination of psyllid control and other HLB management practices
- Implementation of CHMAs (<http://www.flchma.org>)
- CHMA program is currently in the early stages of implementation
- Goals:
 - Define CHMA areas throughout Florida
 - Coordinate timing of pesticide applications
 - Coordinate MOAs of pesticide applications to manage pesticide resistance development

Future of the Florida Citrus Industry?

Critical Needs

- Protection of young trees
 - Keep pathogen-free prior to reaching bearing age
- Soil-applied systemic insecticides
 - Neonicotinoids (imidacloprid, thiamethoxam...)
 - Provide extended period of residual protection
- 6-8 weeks minimum protection
 - Can prevent trees from becoming HLB infected due to disruption of psyllid feeding behavior
- Use of neonicotinoids
 - Limits on imidacloprid and thiamethoxam a.i./A/yr
 - Need more products to provide season-long protection
 - Clothianidin?
- Resistance Management
 - Neonics primarily used on young trees so the entire psyllid population not likely to be exposed
- Foliar applications of different MOAs applied between soil neonic applications

Final Points on HLB Management

- Intensive psyllid control is a short-term solution
 - “Buying time” until sustainable solutions developed
- Successful management will require:
 - Resistant (tolerant) citrus varieties
 - Changes in cultural practices
 - Development of sustainable citrus IPM practices
- Based on better understanding of both pathogen/vector relationship and effective insecticide use

Summary of Questions and Discussion:

- Q: Are the insects cold sensitive?
- A: Not really.
- Q: Is the soil drench method time consuming?
- A: Yes but commonly used.
- Q: Is citrus canker still a problem?
- A: Yes.
- Q: If resistance starts to show up in small area, will it be predicted to spread?
- A: Likely.
- Q: Nutritional enhancement and their role in controlling disease?
- A: Foliar products are used to maintain health. There are mixed opinions on efficacy.

SCHOOL DRIFT CASE UPDATE

Dennis Howard, Florida Department of Agriculture and Consumer Services (FDACS), provided Council members with PowerPoint presentation titled “School-Farm Pesticide Issue” regarding a recent school drift case and answered member’ questions.

PowerPoint Presentation Text:

Event at Gove Elementary School Belle Glade Florida

- 3/31/11 Early AM – Aerial applications to corn field south of the elementary school
- Arriving teachers and students complain of chemical smell, itching skin, burning eyes

Rapid Response

- Principal: Immediately locks down school
- Fire department, Palm Beach County School Board, Palm Beach County Health Department notified
- PBCCHD activates teams:
 - Epidemiology
 - School Health
 - Environmental Public Health
- Team goals:
 - Ensure safety
 - Notify medical facilities
 - Identify chemicals
 - Contact resource agencies (FDoH, FDACS) and local news outlets
- Classroom by classroom assessment of complaints conducted
- MSDS's obtained from aerial applicator and reviewed by DoH toxicologist:
 - Insecticide – Mustang Max EC (zea-cypermethrin)
 - Fungicide - Penncozeb 75 DF (mancozeb)
 - Fertilizer – Nortrace Blackjack Ammonium Zinc Blend
- Scene cleared by Fire Department
- Students released at 11:30AM (early release day) after exit route washed down; parents given instructions for health precautions
- FDACS consults with PBCSB and registrants on product toxicology and appropriate cleanup procedures
- PBCSB cleans school areas
- FDACS compliance inspectors arrive and begin investigation
- School reopens Friday, April 1 (playground off limits as a precaution)

Follow-Up

- FDOH launches epidemiological study:
 - 23 students and 46 staff reported symptoms related to March 31 exposure;
 - Some doctor visits, no hospitalizations;
 - Distributed questionnaire to involved staff/parents regarding exposures/symptoms/treatments
 - Report pending
- FDACS launches compliance investigation:
 - Grower and aerial applicator interviewed
 - Samples and other evidence collected
 - Other aerial applicators in area interviewed
 - Report pending
- FDACS develops fact sheet in consultation with FDoH for local release on April 7.
 - Background on local situation and pesticides involved
 - How risks from these pesticides are evaluated and managed
 - EPA consideration of risks from inerts and degradates

- Pesticide drift defined
- Possible health effects from drift of involved pesticides
- Likelihood of health effects for people who enter areas after drift event ends
- What to do if exposed to pesticides through drift
- Awaiting conclusion of FDACS investigation (and DoH epidemiological report)
- FDACS facilitating discussion between UF IFAS and Palm Beach County Public Schools re: Good Neighbor Practices info exchange.
- Possible future report to PRC on GNP grant

Summary of Questions and Discussion:

- Krause: Would like a follow up at the next meeting on the outcome of DOH and FDACS investigations and on the role of Good Neighbors Practices (GNP) in such incidents.
- J. Economos: GNP should apply not just to schools, but to sensitive sites like farm worker housing.

NPDES PESTICIDES GENERIC PERMIT IMPLEMENTATION UPDATE AND DISCUSSION

Davis Daiker, Florida Department of Agriculture and Consumer Services (FDACS), provided the Council with a PowerPoint Presentation titled “NPDES: An Update” regarding NPDES generic permit implementation issues and answered member’s questions. Davis provided a status update regarding a “generic permit for pollutant discharges to surface water of the state from the application of pesticides”.

PowerPoint Presentation Text:

Introduction

- Jan. 7, 2009- 6th Circuit Court vacates EPA’s 2006 ruling that exempted pesticides from NPDES permitting if...
 - Impact- Require permitting for pesticide discharges to water
 - 365,000 applicators
 - 5.6 million applications (500 ai’s; 3700 product)
- EPA requested, and the court granted, a 2-year “stay”
- Apr. 9, 2011- Implementation date
- End goal- permit (federal and state) that would be implemented by users and enforced by regulatory agencies without unreasonable burden to either

Federal Status

- 3 “issues” at the federal level going at the same time
 - Permit development vs. request for stay vs. legislation
- Since the last PRC
 - Mar. 3, 2011- EPA requests extension of the stay
 - Mar. 25- White House’s OMB clears release of permit
 - Mar. 28- Court grants additional stay- New deadline Oct. 31
- Allow EPA time to
 - Finalize permit
 - Finalize electronic permitting system
- Apr. 1- EPA posts pre-publication version of federal permit
- Permit is draft until EPA/Services ESA consultation is complete
 - Extended stay also allows for completion of this
 - Target date- June 15

- Significant changes could warrant public comment period
- June- Share updated permit with states and public
- July- publish in Federal Register
- Permit uses remain unchanged (4 core uses)
- NOI filers- tiered approach (entities and acreage threshold)
 - Filing requirement focused on “decision makers”
 - Permit requirements differ depending on NOI filing status and large vs. small entities

State Status

- Jan. 18- FDEP updated PRC on permit elements
 - Same day, Region 4 EPA “...we offer no comments at the present time.”
 - Since then, very few changes, if any
- Feb. 7- FDEP authorized to pursue rule-making
 - [62-621.300(8) F.A.C.]
- Feb. 18- Notice of rule making published in FAW
- Mar. 11- Rule-making hearing (8 attendees- limited issues)
- Mar. 24- FDEP Secretary approved the certification package for the PGP.
- Mar. 25- Certification package filed with the Secretary of State
- April 14, 2011- Rule effective

Impact of the Stay

- FDEP’s legal interpretation- “NPDES coverage is needed on that date [Oct. 31]”
- FDEP posted the following on their website
- On March 28, 2011, the Sixth Circuit Court of Appeals granted the U.S. Environmental Protection Agency a continuation of a stay of their 2009 ruling in Nat’l Cotton Council v. Env’tl. Prot. Agency, 553 F.3d 927 (6th Cir. 2009), delaying the need to obtain a National Pollutant Discharge Elimination System (NPDES) permit for discharges of pesticides to waters of the U.S., until October 31, 2011. The Department’s rule establishing a NPDES pesticide generic permit (NPDES PGP) to cover the discharge of pesticides to waters of the state is effective on April 14, 2011. However, due to the Sixth Circuit Court of Appeals’ continuation of the stay of their ruling, discharges of pesticides to surface waters of Florida are not required to have NPDES permits until October 31, 2011. While the Department’s generic permit is effective, as stated in section 403.088(1)(a), Florida Statutes, the Department’s generic permit is only necessary if NPDES permit coverage is required under the Clean Water Act. Since a NPDES permit will not be required until October 31, 2011, coverage under the NPDES PGP is not required and the terms of the NPDES PGP do not need to be implemented until October 31, 2011. Consequently, those entities that are required to submit a Notice of Intent (NOI) for coverage under the NPDES PGP, do not need to submit the NOI until October 30, 2011, Further, conditions of the permit such as adverse incident reporting and record keeping do not need to be implemented until October 31, 2011.
- Business as usual
- Additional time for Florida state agencies to:
 - Implement pesticide permitting program
 - Develop outreach/guidance materials (e.g., MC guidance)
 - Conduct outreach
 - Finalize enforcement agreements (MOUs)
- Additional time for affected parties to develop necessary program infrastructure
 - Address staffing needs, if any
 - Develop approach to monitoring, record-keeping, adverse effect reporting

- Develop Pesticide Discharge Management Plan

Federal Legislation

- H.R. 872- Rep. Bob Gibbs (R-OH) Reducing Regulatory Burdens - Amend FIFRA and CWA
- Exempt pesticides if approved for sales and use under FIFRA
- Section (3)(f)(5)- Use of AUTHORIZED PESTICIDES- Except as provided in section 402(s) of Water Pollution Control Act, the Administrator or a State may not require a permit under such Act for discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under this Act, or the residue of such a pesticide resulting from the application of such pesticide
- Similar amendment to Section 402(s) of CWA allowing discharge of FIFRA-approved pesticides
- Feb. 26- House Transportation and Infrastructure Committee, and House Agriculture Committee hosted a hearing with EPA, Industry, and State officials
- Mar. 9- House Agriculture Committee (FIFRA) approved it
- Mar. 16- House Transportation and Infrastructure Committee (CWA) approved it
- Mar. 31- Full house passed H.R. 872
 - 292-130 vote
 - All Rep. supported the bill
 - 235 Rep./57 Dem.
- Large pass margin = strong statement to Senate
- April- S. 718 introduced by ranking member (P. Roberts- KS) of the Senate Committee on Agriculture, Nutrition and Forestry (FIFRA)
 - 17 Co-sponsors
- Amend FIFRA only
 - Provide that “no permit shall be required for: (1) the use of a pesticide that is registered or otherwise authorized for use under this Act if that use is in accordance with this Act”
 - Similar to S. 3735 introduced in 2010 (Lincoln/Chambliss)- Not passed by the end of session.
- Been referred to the Senate Committee on Agriculture, Nutrition and Forestry
- Potential challenge- Senate Environment and Public Works Committee (CWA committee)
- One final potential route-
 - HR 872 gets referred to Senate Committee on Agriculture, Nutrition and Forestry
 - Senate Ag Committee members encouraged Sen. Stabenow (Chair MI) to consider this, if there’s broad Senate support
- Everything is very tentative, at this point
- Timeline?
 - Unclear
 - Second “stay” until Oct. 31 extinguished the flame under the Senate i.e. less pressure to move quickly.

Summary

- New implementation date of October 31, 2011
 - All 50 states
- Federal permit- draft, pending outcome of ESA consultation
- State- Permit, fact sheet, rule are final
 - MOUs are draft
- Federal legislation- Various avenues. Resolution still pending.

SOIL FUMIGANT ISSUES UPDATE

Kelly Friend, Florida Department of Agriculture and Consumer Services (FDACS), provided the Council with a PowerPoint Presentation titled “Fumigation Update” and answered member’s questions.

PowerPoint Presentation Text:

Background

- 47,500 commercial farms, utilizing 9.25 million acres producing a variety of food products.
- Ranked #1 in the U.S. in the value of production of oranges, grapefruit, tangerines, sugarcane for sugar and seed, squash, watermelons, sweet corn, fresh-market snap beans, fresh-market tomatoes, and fresh-market cucumbers.
- Ranked #2 in the U.S. in the value of production of strawberries, bell peppers, and cucumbers for pickles.
- 365 days a year something is growing in Florida.

Fumigant Label Changes

- Florida was one of the first states impacted by the new labels because fumigations started in early January.
- Immediate Concerns:
 - Were we ready to enforce the new changes?
 - Were our growers and applicators ready?

The Issue:

- New Regulations = Immediate Impact
- On Florida growers/applicators
 - 12,000 Licensed Applicators
 - 120 Fumigation Category (Commercial Applicators)
- On our staff = 4 Pesticide Case Reviewers & 40 Field Inspectors
 - Multiple regulatory responsibilities.

FDACS Preparation

- Soil Fumigation Inspection Checklist
- PIRT 2010 & 2011
- In-House Training of State Inspectors

Surveying Florida Growers

- 40 Growers/Applicators were surveyed.
- Some were misinformed about the requirements implemented now and in late 2011, especially as it relates to Buffer Zones.
- Many performed fumigations prior to January 1st to avoid new requirements.

Survey Results

- ~ 65% had received some sort of training.
 - Most of training was through Extension Service.
- ~ 53% have purchased or plan to purchase equipment due to the new label changes.
 - Respirators are the most common item purchased thus far.
- ~ 59% Have already changed or may change in the future the type of pesticide product or fumigant used as a result of the label changes.

- ~ 37% Have or may change the number of acres treated in the future.
- 4 Growers surveyed have or plan to add employees due to label changes.
 - Monitoring
 - Paperwork (FMP, PAS, etc.)
- 6 plan to reduce the number of employees due to the label changes.
 - Using Commercial Applicators instead
 - Reduction in acres treated

Top Concerns

- Being able to comply with Buffer Zones (notification regarding Buffer Zones)
- Additional Paperwork – FMP & PAS
- PPE Requirements
- Expenses: SCBA, full-face respirators, cartridges, filters, air-monitoring equipment, training expenses.

Outreach

- Training project with University of Florida
- FDACS/EPA Region 4 Printing Project

Summary of Questions:

- David Krause: Has OSHA been consulted on the respirator requirement?
- There's a question on whether they have jurisdiction.

GENERAL PUBLIC COMMENT

Members of the public were provided an opportunity to provide comment during each of the Council's substantive discussion agenda items. In addition, the public was provided an opportunity at the end of the meeting for general public comments. The Chair invited members of the public to address the Council. Following are public comments:

- Jeannie Economos (Farmworker Association of Florida): Regarding Iodomethane: Sent comments to EPA opposing IM. It's dangerous and there are problems with compliance with fumigants. Workers are afraid to come forward, even after leaving particular positions. Interested in a reporting requirement for CH3I applicators.
- Prakash Mulay (FDOH): received grant related to pesticide surveillance to fund bilingual staff for investigating acute health complaints in Hendry County.
- Jeannie Economos (Farmworker Association of Florida): Would the PRC consider commenting on bilingual pesticide labels to EPA?

COUNCIL MEMBER COMMENTS

Council members were offered an opportunity to make any additional comments they wished to offer. Following are Council member's comments and relevant answers:

- Joe Gaudino: asked about whether the Council could/should comment to EPA regarding the bilingual label issue. There may be a concern for worker safety. Are Florida's migrant workers not able to comply with a label because they can't understand the label?
- David Krause: reading the label should not matter under NIOSH's right-to-know. The managers are responsible to ensure the labels are complied with.

- Mel Kyle: It may be necessary to cover workers that cannot read the label.
- Dennis Howard: there are several issues at hand. There is a resource concern about language/dialect and interpretation. We review labels but do not have the resources to review labels in other languages. Registrants must certify labels are identical, but this warrants further discussion.

ASSIGNMENTS

- Provide a teleconference and web participation option for future Council meetings.
- Seek to fill grower representative position on the Council.
- Encourage a farmworker representative to attend Council meetings to ensure this stakeholder perspective is included in discussions.

AGENDA ITEMS AND ASSIGNMENTS FOR THE AUGUST 30, 2011 MEETING

To Conduct Annual Election of Council Officers—Elect New Secretary and Seat Chair and Vice-Chair Positions—Council

- Update on Agency issues (Legislative, Rules, and Budget)—FDACS and UF/IFAS
- School Spray Drift Recommendations Report)—FDACS/DOH
- Report on Biological and Alternate Pest Control Strategies)—UF/IFAS
- Report on Endangered Species and Pesticide Applications)—FDACS
- NPDES Pesticides General Permit implementation)—FDACS
- Report on Worker Safety Compliance Issues)—FDACS

FUTURE AGENDA ITEMS

- Compliance efforts regarding farm worker protection (FDACS).
 - Current regulations/programs: what's being done.
 - State's effort to monitor farm worker protection.
 - Funding for WPS programs.
 - Anticipated changes in training needs with new soil fumigants.
 - Bilingual label issues in worker safety.

NEXT MEETING DATE AND LOCATION

August 30, 2011—Tallahassee starting at 10:00 AM

FUTURE MEETING DATES AND LOCATIONS

February 21, 2012	Tallahassee
May 15, 2012	Gainesville
September 18, 2012	Gainesville

ADJOURN

The Council voted unanimously, 7 – 0 in favor, to adjourn at 1:44 PM.

ATTACHMENT I

PRC MEETING EVALUATION RESULTS—MAY 23, 2011

Average rank using a 0 to 10 scale, where 0 means totally disagree and 10 means totally agree.

1. Please assess the overall meeting and meeting objectives.

9.33 The background information was very useful.

9.33 The agenda packet was very useful.

9.67 The objectives for the meeting were stated at the outset.

9.67 Overall, the objectives of the meeting were fully achieved.

2. Do you agree that each of the following meeting objectives was achieved?

8.67 Workplan Prioritization Exercise Discussion.

9.17 Agency Updates (Legislative, Rules, and Budget).

9.67 Citrus Pest Management: Emerging Pesticide Issues Report.

9.80 School Drift Case Update.

9.20 NPDES Pesticides Generic Permit Implementation Update and Discussion.

9.80 Soil Fumigant Issues Update.

3. Please tell us how well the Facilitator helped the participants engage in the meeting.

9.83 The participants followed the direction of the Facilitator.

9.83 The Facilitator made sure the concerns of all participants were heard.

9.83 The Facilitator helped us arrange our time well.

9.83 Participant input was documented accurately in Meeting Notes and Facilitator's Report.

4. Please tell us your level of satisfaction with the meeting?

9.83 Overall, I am very satisfied with the meeting.

9.83 I was very satisfied with the services provided by the Facilitator.

9.83 I am satisfied with the outcome of the meeting.

5. Please tell us how well the next steps were communicated?

9.50 I know what the next steps following this meeting will be.

9.50 I know who is responsible for the next steps.

6. What did you like best about the meeting?

- Stayed on topic.
- Citrus presentation.
- Well organized.
- Very good venue. Presentations FDACS and IFAS.

7. How could the meeting have been improved?

- Condense NPDES presentation.
- None.
- No specific suggestions.

8. Members General Evaluation Comments.

None were offered.

ATTACHMENT II
MEETING ATTENDANCE—PUBLIC AND AGENCIES

NAME	AFFILIATION
Kelly Friend	FDACS
Brakash Mulay	FDOH
Patty Lucas	FDACS
Sarah Oglesby	FDACS
Scott Freewild	FDACS
Michael Rogers	UF/IFAS/CREC
Charlie Clark	FDACS
Abbie Fox	FDACS
Danny Moore	ARCADIS
Edwin Ingrain	Bayer Cropscience
Lariza Garzon	NFWM
Jeannie Economos	Farmworker Association of Florida
Karla C. Martinez	Florida Legal Services, Inc./MFJP
Davis Daiker	FDACS
Tim Fitzpatrick	Florida DEP

ATTACHMENT III
KEY TO COMMON ACRONYMS

ACRONYM	DEFINITION
AES	Agricultural Environmental Services (Division of FDACS)
BMP	Best Management Practices
DACS or FDACS	Florida Department of Agriculture and Consumer Services
DEP for FDEP	Florida Department of Environmental Protection
DOE	U.S. Department of Energy
DOH or FDoH	Florida Department of Health
EPA	U.S. Environmental Protection Agency
FAW	Florida Administrative Weekly
FCCMC	Florida Coordinating Council on Mosquito Control (FDACS)
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
GMO	Genetically Modified Organisms
GNP	Good Neighbors Practices
IFAS	University of Florida Institute of Food and Agricultural Sciences
IPM	Integrated Pest Management
NIH	National Institutes of Health
NPDES	National Pollutant Discharge Elimination System
NSF	National Science Foundation
PCEAC	Pest Control Enforcement Advisory Council (FDACS)
PCO	Pest Control Operator
RED	Soil Fumigation Registration Eligibility Decision
PRC	Pesticide Review Council (FDACS)
RUP	Restricted Use Products (pesticides)

ATTACHMENT IV

COUNCIL'S UPDATED WORKPLAN

(Updated and Approved Unanimously May 23, 2011)

WORKPLAN BY TASK

WORKPLAN BY TASK (A-G)

A. ANNUAL TASKS	
487.0615(1)(c)	In conducting its meetings, the council shall use accepted rules of procedure. A majority of the members of the council constitutes a quorum for all purposes.
(d)	The members of the council shall meet and organize by electing a chair, a vice chair, and a secretary whose terms shall be for 1 year each.
(e)	The council shall meet at the call of its chair, at the request of a majority of its members, at the request of the department, or at such time as a public health or environmental emergency arises.
1.	Council shall meet three times per year starting with January of each year. Regularly scheduled meetings will held in January, May, and September of each year, and start at 10:00 AM.
2.	Council reviews Workplan Prioritization Exercise results annually at the September meeting (Facilitator introduces at the May meeting).
3.	Council reviews Effectiveness Assessment Survey results annually at the September meeting (Facilitator introduces at the May meeting).
4.	Council rotates chair and vice-chair positions and elects new secretary during each September meeting. New officer positions become effective in October.
5.	Council will deliver annual report to the Legislature by November 1 of each year.
B. COUNCIL FUNCTIONALITY—COMMUNICATION, PLANNING, PARTICIPATION, REPRESENTATION, PROCESS, DECISION-MAKING, AND IMPLEMENTATION	
1.	Council adopted revised procedures, polices, and consensus-building and decision-making procedures at the January 2011 meeting.
2.	Council will receive updates on budgetary, legislative (including proposed statutory changes) and rulemaking issues at each meeting.
3.	Council will develop, prioritize and maintain a Workplan.

C. SCIENTIFIC STUDIES AND FUNDING PRIORITIES AND STRATEGIES
487.0615(2)(a) Recommend, based upon review of state pesticide program needs, appropriate scientific studies on any registered pesticide when substantive preliminary data indicate that the pesticide could pose an unreasonably adverse effect on the environment or human health. The recommendations may include using available services of state agencies or of the State University System to conduct such scientific studies or may recommend that these agencies seek funding for this purpose. When the council recommends a study, it must support legislative budget requests for funding needed to conduct the study. The council may also conduct scientific studies if specific funding is provided to the department or other governmental agency by the Legislature.
1. Transport and fate of pesticides and their degradates in the environment (e.g., groundwater, surface water, atmospheric, and biological).
2. Health effects to pesticide applicators and people living near where pesticides are applied.
3. Data to evaluate pesticide effects/impacts on human health and the environment.
4. Spray drift.
5. Formulations and adjuvants - including nanotoxicological concerns.
6. Antimicrobials.
7. Emerging pests and diseases.
8. Restricted pesticides: update on usage and usage surveys for Florida.
9. Pesticide resistance: current trends and how to manage.
10. Strategy to secure a funding source for needed scientific studies.
11. Research involving biological and alternate controls to reduce pesticide use.

D. ADVISE AND RECOMMEND ON PESTICIDE USE RESPONSIBILITIES—COMMUNICATION AND COOPERATION BETWEEN AND AMONG RESPONSIBLE AGENCIES AND AFFECTED INTERESTS
487.0615(2)(c) Provide advice or information to appropriate governmental agencies, including the State University System, with respect to those activities related to their responsibilities regarding pesticides.
1. Council will discuss the implementation of DEP NPDES Pesticides Generic Permit (PGP) at each meeting until significant implementation issues are resolved.
2. Coordinate and collaborate with the Florida Coordinating Council on Mosquito Control (FCCMC) and the Pest Control Enforcement Advisory Council (PCEAC).
3. Establish a system that is comprehensive and user friendly for governmental agencies to find or request pesticide related information.
4. Pesticide applicator health and safety issues.
5. Pesticide registration and compliance issues.
6. Implementation of Soil Fumigation Registration Eligibility Decision (RED) requirements.
7. Endangered Species Act implementation for FIFRA regulated products.
8. Genetically modified organisms (GMO).
9. Implementation of revised fumigant labels (training, compliance issues).
10. Implementation of new federal restrictions for arsenical herbicides.
11. Pesticide residue and land use change.
12. Citrus Pest Management

E. ENHANCING COMMUNICATION BETWEEN AND AMONG THE AGENCY, INDUSTRY AND PUBLIC
1. Promoting public education regarding pesticide use, safety, benefits, and risks
2. Coordination role in environmental impact of pesticides: a forum for research/monitoring efforts statewide.
3. Council member review and recommendations regarding submissions for the annual Commissioner Award for Pesticide Stewardship.
4. Council should create a strategy and process to assist stakeholders to identify, prioritize and resolve pesticide issues of concern.
5. Promoting the value of U.S. agriculture.

F. MITIGATION MEASURES TO MANAGE PESTICIDES—ISSUES AND RECOMMENDATIONS
487.0615(2)(b) Make recommendations...to the Commissioner of Agriculture for actions to be taken with respect to the sale or use of a pesticide which the council has reviewed.
(2)(e) Consider, at the request of any member, the development of appropriate advice or recommendations on a pesticide when substantive preliminary data indicate that the pesticide could pose an unreasonably adverse effect on the environment or human health.
(2)(f) Assist the department in the review of registered pesticides which are selected for special review based upon potential environmental or human health effects. This process must include, but need not be limited to, selecting pesticides for special review, providing periodic updates to the council on preliminary findings as a special review progresses, and formulating final recommendations on any pesticide on which a special review has been conducted.
1. Monitoring for pesticides and their degradates in environmentally sensitive areas.
2. Evaluate potential human health impacts on pesticide applicators, farm workers and residents that consume groundwater near areas where pesticides are applied.
3. Soil fumigation procedures and recent federally required re-labeling.

G. BIOLOGICAL AND ALTERNATE CONTROLS TO REPLACE OR REDUCE PESTICIDE USE
487.0615(2)(d) Review biological and alternate controls to replace or reduce the use of pesticides.
1. Research updates regarding biological and alternate controls to reduce pesticide usage.
2. Recommendations for reductions in pesticide applications and usage with alternative methods.
3. Develop a suite of incentives for farmers to switch to alternative controls that are equally viable and also have other benefits (including BMPs and IPM).

ATTACHMENT V
WORKPLAN PRIORITIZATION EXERCISE RESULTS

After separating out the top tier (top 10) *Workplan* topics for a separate ranking, Council members were asked to rank each of the remaining twenty-five (25) key *Workplan* topics on a five-point continuum-scale where a 5 equals the highest level of priority and a 1 equals the lowest level of priority. Members were asked to rank the priority of each topic independently and not in relation to the other topics. Each of the *Workplan* topic’s rankings were tallied and arranged in order of highest priority (1) to lowest priority (25). The ranking results ranged from a high of 4.33 to a low of 2.50 out of 5. Subsequently, members were asked to rank the top tier topics and these ranking results ranged from a high of 4.67 to a low of 3.83 out of 5.

The *Workplan* exercise was completed by the following six (6) members:
 Bill Caton, Joe Gaudino, Dennis Howard, Brian Katz, Mel Kyle, and Richard Pfeuffer.

WORKPLAN PRIORITIZATION EXERCISE TIER 1 (TOP TEN) ISSUES RESULTS 2011 MAY 23, 2011		
WORKPLAN TOPICS (TASK/TOPIC #)	AVERAGE (5 TO 1)	OVERALL RANKING
Pesticide effects: human/envIRON. (C. 3)	4.67	1
Applicator health/safety issues (D. 4)	4.50	2
Impacts on applicators (F. 2)	4.50	2
Endangered species—FIFRA (D. 7)	4.33	4
Applicator health effects (C. 2)	4.33	4
Spray drift (C. 4)	4.33	4
NPDES Permitting (D. 1)	4.00	7
Biological/alternate controls to reduce pesticide use (C. 11)	4.00	7
Soil fumigation procedures (F. 3)	4.00	7
Soil fumigation RED documents (D. 6)	3.83	10

WORKPLAN PRIORITIZATION EXERCISE RESULTS 2011

MAY 23, 2011

WORKPLAN TOPICS (TASK/TOPIC #)	AVERAGE (5 TO 1)	OVERALL RANKING
Workplan development/prioritization (B. 3)	4.33	1
Research pesticide reduction (G. 1)	4.33	1
Pesticides & degradates monitoring (F. 1)	4.20	3
Coordination/Forum (E. 2)	4.00	4
Citrus Pest Management (D. 12)	4.00	4
Pesticides/degradates transport/fate (C. 1)	4.00	4
Emerging pests and diseases (C. 7)	3.83	7
Revised fumigant labels (D. 9)	3.83	7
Recommendations on reduction of pesticide use (G. 2)	3.83	7
Incentives for alternative controls (G. 3)	3.83	7
Arsenical herbicides restrictions (D. 10)	3.67	11
Public education (E. 1)	3.67	11
Pesticide resistance (C. 9)	3.50	13
Strategy to secure a funding source (C. 10)	3.50	13
Coordination with other councils (D. 2)	3.50	13
Pesticide residue/land use change (D. 11)	3.50	13
Restricted pesticides usage/surveys (C. 8)	3.33	17
Pesticide registration/compliance (D. 5)	3.33	17
Strategy for stakeholders (E. 4)	3.33	17
Formulations and adjuvants (C. 5)	3.17	20
Information system (D. 3)	3.00	21
Genetically modified organisms (D. 8)	3.00	21
Pesticide stewardship award (E. 3)	3.00	21
Antimicrobials (C. 6)	2.83	24
Promoting value of U.S. Agriculture (E. 5)	2.50	25