

PESTICIDE REVIEW COUNCIL MEETING

MINUTES

May 11, 2010

Austin Cary Memorial Forest Conference Bldg

Institute of Food & Agricultural Sciences

University of Florida (UF/IFAS)

Gainesville, Florida

MEMBERS PRESENT:

Dr. Keith Tolson, (Chair, PRC) Toxicologist
Dr. Brian Katz, (Vice Chair) Hydrologist
Mr. Rick Hicks, (Secretary) FDEP
Mr. Joe Gaudino, Environmental Groups
Dr. Dennis Howard, FL Department of Agriculture and Consumer Services (FDACS)
Dr. Mel Kyle, Agrichemical Industry Representative
Dr. David Krause, State Toxicologist (FDoH)
Dr. Mark McLellan, Institute of Food and Agricultural Science (IFAS), Univ. of Florida
Mr. Richard Pfeuffer, South FL Water Management District (SFWMD)

MEMBERS ABSENT

Mr. Dave Eggeman, FFWCC
Mr. Gary Reeder, Grower Representative

OTHERS PRESENT

Mr. Charlie L. Clark, FDACS
Dr. Davis Daiker, FDACS
Mr. Tony Di Bartolo, FDACS
Ms. Patty Lucas, FDACS
Ms. Teresa Rygiel, FDACS
Ms. Jeannie Economos, FAF
Ms. Mary Hartney, FFAA
Mr. Eric Sespico, FDACS
Mr. Richard Pont, US EPA
Mr. Bruce Nicely, FDACS
Mr. Andy Rackley, FDACS
Mr. Steve Dwinell, FDACS
Mr. Andreas Coveney, FDACS
Mr. Joshua Craft, FFB
Mr. Charlie Donahue. DOH

Mr. Pedro Z. Lopes, FWA

Introductions. Chairman Keith Tolson opened the meeting at 9:00 AM, asking Council members and other attendees to introduce themselves. Dr. McLellan welcomed participants to the Austin Cary Memorial Forest Conference Building. The Council voted to accept the minutes of the January 13, 2010 meeting, as drafted.

Nominating Committee for Council Officers. Dr. Tolson requested that Dr. Mel Kyle form a committee to nominate officers for 2010-2011, to be voted on at the next meeting. Dr. Kyle accepted and Mr. Joe Gaudino and Dr. Dennis Howard agreed to serve.

Legislative and budget updates. Dr. Tolson invited Mr. Anderson Rackley, Director, Division of Agricultural Environmental Services, Florida Department of Agriculture (AES/FDACS) to update the Council on legislative and budgetary matters relating to the Department's pesticide programs. Mr. Rackley noted the importance of a pending bill in the state legislature to streamline National Pollution Discharge Elimination System (NPDES) permitting for pesticide applications to surface water. There is a threat that the bill may be vetoed by the Governor because it is tied to controversial legislation on greenbelt exemptions. Given the state's continuing financial difficulties, the Division's budget was reduced again by the legislature, but the outcome was mitigated somewhat because program revenues exceeded projections. The budgetary and legislative picture will be interesting next year, when the state has a new Governor, a new cadre of legislators, and a new Commissioner of Agriculture.

Dr. Mark McLellan updated the Council on the outlook at IFAS, and noted great interest at the university in the pending resolution of the final budget. IFAS is involved with problem solving on key emerging issues, such as black spot, an introduced disease of citrus; laurel wilt, a fungal disease that can devastate the avocado industry, and; assisting in responses to the Deepwater Horizon oil spill to assess potential impacts of on seafood safety.

NPDES permits for aquatic applications. Steve Dwinell, Assistant Director of AES/FDACS, briefed the Council on recent developments in the federal and state effort to establish NPDES permitting requirements for pesticide applications to, over or near waters of the United States. Such permitting programs represent a big change in the regulation of pesticides, and the requirements are being rapidly developed to meet a court ordered deadline of April, 2011. Mosquito control and aquatic weed control are among the operations most significantly impacted by the new permitting program. Mr. Dwinell reviewed key concepts of pesticide general permit, such as technically based effluent limitations that rely on integrated pest management; narrative water quality standards; thresholds to determine who must file notices of intent, recordkeeping, reporting and monitoring for adverse effects. The permits represent an additional regulatory layer, topping existing FIFRA mechanisms, but the US Environmental Protection Agency's

(USEPA's) approach offers some flexibility. EPA will publish a fact sheet with a draft permit and will seek public comments. Florida agencies plan to comment.

To implement NPDES pesticide permitting in Florida, some minor but important changes in the Florida Department of Environmental Protection's authorizing statutes will be needed. House Bill 981 and a companion Senate bill instruct state agencies to develop memoranda of understanding to establish respective roles and streamline permitting implementation and enforcement. They also allow for temporary exceedances of water quality standards which may result from the proper use of pesticides. The bills have passed the House and Senate, but they are attached to controversial greenbelt exemption legislation. The Governor may veto the bill, due to opposition to the greenbelt exemption by local governments. Dr. McLellan motioned that the Council send a letter to the Governor voicing support for the NPDES-related legislation in HB 981. The motion was seconded by Dr. Tolson and approved unanimously by the Council. Dr. Tolson agreed to draft the letter on behalf of the Council. Mr. Dwinell noted that as the Florida NPDES permitting program is implemented, the Pesticide Review Council will be an ideal platform for the formal exchange of information among agencies and stakeholders.

Federal Soil Fumigation Mitigation Measures. Mr. Steve Dwinell reminded the Council of previous briefings regarding new USEPA requirements to mitigate risks to workers and bystanders who may be exposed to soil fumigants. The mitigation measures are being implemented via major changes in label instructions for soil fumigants that were recently reviewed under the Agency's registration eligibility decision. The label changes will go into effect in two phases: a) many revisions will take effect on December 1, 2010; b) label changes principally dealing with establishment of buffer zones and posting requirements will be implemented in 2011. The requirements will take time and training for applicators to understand. The new measures were developed without a cost benefit analysis, and FDACS estimates that the cost for inspection implementation for 2010 will be approximately \$500 thousand, and for 2011 changes, an additional \$268 thousand will be needed. Implementation is also going to involve an ambitious schedule for label review by FDACS, training for inspectors, and training programs for applicators. IFAS experts have been working closely with FDACS to develop training materials. Implementation will place a significant burden on FDACS, and the Department will need to make adjustments in enforcement to prioritize protection of human health and farm workers.

Well Setbacks in Aldicarb Applications – Recent Issues and Responses. Dr. Dennis Howard informed the Council about the recent occurrence of misapplications of aldicarb in citrus groves and the rapid response by regulatory authorities and the registrant (Bayer CropScience; BCS) to address the problem. Aldicarb is a restricted use pesticide for which many Florida-specific measures have been established to allow continued use without contaminating potable water supplies. These measures include Florida-specific label instructions, a rule in the Florida Administrative Code that requires issuance of a permit prior to application, and a registrant stewardship program that includes monitors who assist applicators in establishing application-free buffer zones around potable wells. In March, 2010, BCS reported to FDACS that aldicarb applications at a site in

Hillsborough County were mistakenly made too close to neighboring potable wells. Through prompt action by FDACS, the Florida Department of Health, the County Health Department, the FDEP, and with the cooperation of BCS, bottled water was provided to residents and all vulnerable wells were tested. No aldicarb residues were detected, but as a precaution, the homes were connected to city water supplies. Further internal review by BCS revealed eight similar problem sites in five other counties. In each case, similar timely and coordinated responses assured the safety of residents' drinking water. Despite lack of detection of aldicarb residues in any wells, BCS offered to provide and maintain well filters or to connect homes to available municipal water. FDACS is conducting enforcement investigations of all of the misapplications, and both the Department and BCS are retooling safeguards for permitting and stewardship programs.

Pesticide Use Report. Dr. Davis Daiker, FDACS, briefed the Council on the status of current efforts to produce a report of pesticide usage in Florida, and requested feedback from members on how future reports might be approached, given diminishing Department resources and the availability alternative sources of information. Florida statutes mandate that a report on the use of restricted use pesticides (RUP) and RUP-related compliance issues be prepared every three years. Due to resource limitations, in 1999, FDACS shifted from attempting to conduct surveys of growers to relying on more statistically valid usage surveys prepared by the USDA and others on both RUP and general use pesticides. These reports were supplemented with information about mosquito control pesticide usage that was readily available to the Department, as well as information on compliance trends for RUPs. The upcoming report (expected this fall) will again include USDA usage reports, but for fewer crops since the USDA has cut back on the scope of its surveys. Dr. Daiker noted that all the pesticide usage data is available from other sources... the report's primary service is to compile the information in one location. There are relatively few requests from the public for the reports, and the Department is interested in the Council's views on whether the reports are worth the effort or how they might be made more useful. Discussion followed. In response to a question, Dr. Daiker and other FDACS participants noted that programs to require applicators to report usage would be very expensive and would require statutory authority.

Prioritizing Topics for Future Consideration by the Council. Dr. Tolson offered to compile a list of responses received from members who suggested future topics for consideration by the Council. Among issues of particular interest by members were potential health and environmental issues of nano-pesticides, pesticide drift, examining budget cut impacts on state pesticide programs, honeybee colony collapse disorder, and IFAS research on emerging pests and strategies to control them. Items of interest will be prioritized for consideration for discussion at future meetings. Dr. Kyle noted that several members' terms are nearing expiration, and suggested that efforts be taken to have those posts renewed.

Public Comment. Ms. Jeannie Economos with the Farmworker Association of Florida (FAF) asked three questions. The questions and responses are as follows: (1) *Are efforts underway to identify alternatives to fumigants in Florida?* Dr. Tolson suggested that the

question could be posed to IFAS for follow up. (2) *How can communities learn about restricted use pesticides that may be used nearby?* Mr. Dwinell responded that if neighbors have a reason to be concerned about harmful practices at an operation, they can notify the Department and an investigation can be conducted. (3) *Is there an update on endosulfan studies in the Everglades?* Mr. Richard Pfeuffer noted that university researchers have been gathering and discussing new information regarding residue levels in fish with the Everglades National Park and others, but the work has not been published. Dr. Howard added that the USEPA is nearing a regulatory decision on endosulfan.

Adjournment. Dr. Tolson reminded participants that the date of the next meeting would be decided by email. The preferred meeting site is the Austin Cary Memorial Forest Conference Building near Gainesville. Thereafter, the meeting was adjourned.