Fee Increases approved

Legislators recently approved a fee increase for commercial pesticide licenses and approved fees for administering exams; the new legislation became effective July 14th. License fees for Commercial Ground Applicators, Aerial Applicators, Consultants, Public Utilities, and Dealers are now $75.00. In May 2010, the Pesticide Board approved a fee increase for Private Applicator certifications; the fee for a Private Applicator is $10.00.

Testers seeking initial licensing and/or certification and applicators needing recertification are now required to pay an examination fee for all exams. Exam fees include: a $50.00 fee to take the Core Exam, a $20.00 fee to take a category exam, and a $10.00 fee to take the Private Applicator (farmer) Exam. A complete list of fees can be found by clicking on the link below.

http://ncagr.gov/SPCAP/pesticides/FeelIncreases2010.htm

Bedbug Control Statement

Bed bug infestations are becoming more common in many cities across the nation. Please be advised that bed bugs are considered a structural pest and can not be treated under any license/certification (including the Public Health category) issued under the North Carolina Pesticide Law of 1971 and its Regulations. Indoor or structural applications fall under the North Carolina Structural Pest Control Law.

If you have any questions, please contact this office or email Kay Harris at kay.harris@ncagr.gov

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Pesticide Board Approves Settlement with Ag-Mart Produce, Inc.

During its public meeting on Wednesday, June 9, 2010 in Raleigh, the N.C. Pesticide Board approved a settlement of the Department’s long-running case involving Mr. Jeff Oxley, the Regional Manager of Florida-based Ag-Mart Produce Inc.

Under the terms of the agreement, Mr. Oxley agreed to pay $24,000 in settlement of violations from 2004 and 2005, and $1,000 in settlement of 2006 violations. In addition, Ag-Mart Produce Inc. agreed to provide resources and establish a program to provide farm-worker pesticide training for the 2010 and 2011 growing seasons as part of the settlement. Mr. Oxley also agreed to drop his legal appeal.

The Board previously found Mr. Oxley had committed 48 violations of state pesticide regulations in managing Ag-Mart’s farms in Brunswick and Pender counties in 2004 and 2005. The Board ordered Mr. Oxley to pay $24,000 in civil penalties and revoked his pesticide applicator’s license. He would have been eligible to apply for a new license in two years.

Mr. Oxley appealed the Board’s decision to Wake County Superior Court. The license revocation was stayed pending the outcome of the appeal. Both sides had filed briefs and were preparing for a hearing when the settlement was reached.

Under the settlement’s terms, Mr. Oxley is allowed to keep his pesticide applicator’s license. However, if he or anyone working under his supervision commits a violation of state pesticide laws or regulations during the six months after the Board approved the settlement, the Board can impose the license revocation.

Since 2007 the Department’s inspectors have inspected the farms Mr. Oxley operates for Ag-Mart and his pesticide application records for those farms, and have found him to be in compliance with North Carolina’s pesticide laws and rules.

The N.C. Pesticide Board regulates the use, application, sale, disposal and registration of insecticides, fungicides, herbicides and other pesticides in the state. Its seven members are appointed by the governor.

Be Aware of Herbicide Carryover

By Cam McDonald, Certification & Training Specialist, NCDA&CS

Herbicide carryover has been an issue for many farmers and home gardeners for the past several years. Herbicides applied to hay fields and pastures to control undesirable weeds can remain active in hay, straw, and grass clippings taken from a treated area. The herbicides can also remain active in the manure from animals who consume hay treated with certain herbicides. Whether you grow your own hay, or purchase hay, it is imperative that you are aware of the pesticides that were applied to the hay, as well as any specific label restrictions shown on the label.

For more specific information regarding herbicide carryover, please use the link below to access the new bulletin entitled, Herbicide Carryover, published by North Carolina Cooperative Extension. The bulletin addresses which herbicides are of greatest concern, how to prevent herbicide damage to desirable plants, how to test for the presence of problem herbicides, and much more valuable information.


Agreement to Terminate All Uses of Aldicarb (Temik®)

Current as of August 2010

EPA and Bayer CropScience, the manufacturer, have reached an agreement to end use of the pesticide aldicarb in the United States. A new risk assessment conducted by EPA based on recently submitted toxicity data indicates that aldicarb no longer meets their rigorous food safety standards and may pose unacceptable dietary risks, especially to infants and young children.

To address the most significant risks, Bayer has agreed to first end aldicarb use on citrus and potatoes, and will adopt risk mitigation measures for other uses to protect groundwater resources. The company will voluntarily phase out production of aldicarb by December 31, 2014. All remaining aldicarb uses will end no later than August 2018.

Additionally, EPA plans to revoke the tolerances (legal pesticide residues allowed in food) associated with these commodities. EPA initiated this action to ensure that we continue to have the safest food supply possible.

Aldicarb is an N-methyl carbamate insecticide used on a variety of agricultural crops including mainly cotton, potatoes and citrus. It has no residential uses.

Aldicarb Uses and Properties

Aldicarb is registered for use as a systemic insecticide and nematicide on agricultural crops. During the phase-out, aldicarb will continue to be registered for use on cotton, dry beans, peanuts, soybeans, sugar beets, and sweet potatoes. Aldicarb products are not intended for sale to homeowners or for use in residential settings.

Aldicarb is formulated and marketed solely as a granular pesticide under the trade name Temik®. Bayer CropScience is the basic producer.

A restricted use pesticide, aldicarb may be applied only by trained, certified pesticide applicators.

Click on the following link for additional information regarding the aldicarb phase out:
http://www.epa.gov/oppsr1/REDs/factsheets/aldicarb_fs.html
Recognizing that farming is among the nation’s most hazardous occupations, North Carolina Cooperative Extension offers educational programs to help farmers, farmworkers and their families lower their risk of injury, illness and death. Its latest tool in this effort is a kit of easy-to-use materials to teach pesticide safety to Spanish-speaking agricultural workers with limited formal education.

Extension tested the kit with workers and trainers to make sure the educational materials were simple yet effective. It also was reviewed by the U.S. Environmental Protection Agency to ensure that it met the federal Worker Protection Standard’s training requirements. The WPS calls for agricultural employers, owners, managers and labor contractors to provide training not only to those who handle pesticides but to all the people who are involved in the production of agricultural plants.

Table-top flipcharts are the kit’s centerpiece. On the side that faces the trainer, there are lesson plans, while on the side that faces the audience, there are colorful photographs illustrating the trainer’s message.

The kit also comes with one-page illustrated sheets — available in Spanish and English — related to some of North Carolina’s most important crops. The sheets list common pesticides used at various stages of crop growth; indicate each pesticide’s toxicity level; and spell out how long areas treated by each pesticide should be off-limits. There are also realistic drawings that illustrate the symptoms a worker might experience because of unsafe exposure and phone numbers for the worker to call in case of problems.

Right now, materials are available covering tobacco, sweetpotato and tomato crops. Material for other crops — cucumbers, green peppers, grapes, landscape, Christmas trees, blueberries, strawberries and apples — will be available for the 2011 growing season.

A website for dissemination of the toolkit for tobacco, sweetpotato and tomato crops will be available later this summer. The toolkit was funded by a grant from the N.C. Department of Agriculture and Consumer Services’ Pesticide Environmental Trust Fund and developed by Dr. Greg Cope, Julia Storm and Catherine LeProvost with the College’s Department of Environmental and Molecular Toxicology.

The three introduced the materials during a train-the-trainer session in June 2010, when dozens of extension agents, state agriculture and labor officials, community health and migrant education workers, a fertilizer dealer and others came to Raleigh for a one-day train-the-trainer session.

For information, contact Storm at julia_storm@ncsu.edu.

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Editors Note

- In July 2010 the EPA determined that the Pesticides and Farmworker Health Toolkit is sufficient to fulfill the training requirements for agricultural workers under the Worker Protection Standard (WPS) [40 C.F.R. Part 170.130].
- Limited quantities of sweet potato and tomato toolkits are still available.
North Carolina Tobacco Trust Fund
Grant Supports Fumigant Training

By Robin Tutor, Interim Director, NC Agromedicine Institute

The NC Agromedicine Institute at East Carolina University was awarded $184,542 in May to assist farmers across North Carolina in complying with new requirements for the use of soil fumigants.

This Risk Mitigation Measures (RMM) project was in large part developed due to concerns expressed by strawberry growers about the uncertainties associated with implementing the new requirements; however the project will serve any farm using fumigants to grow fruits, vegetables, peanuts and tobacco.

Under new requirements beginning late 2010, fumigant handlers must either stop work and leave the area or use air purifying respirators if they experience sensory irritation (formulations with greater than 80% methyl bromide will require handlers wear air purifying respirators during handling activities). All handlers who will wear a respirator must be fit-tested, trained, and medically examined to ensure they do not have health problems such as a heart condition that could make use of a respirator dangerous. Growers will also need to develop a Fumigant Management Plan and fulfill requirements for record keeping, posting, notification, and emergency response.

The RMM project will involve: 1) a series of interagency workshops across the state held in conjunction with commodity specific field days, pre-plant meetings, annual commodity meetings, other events; 2) the provision of medical clearance, respirator fit testing, and provision of personal protective equipment at a cost 50% or less of retail; 3) identification of local/regional resources to assists growers on an ongoing basis with fumigant regulation compliance; and 4) the provision of educational and other resources to make implementation of new regulations easier for growers. Training provided through the RMM project will serve as a compliment to fumigant training provided by fumigant registrants.

Expertise for the project will be provided by a multidisciplinary Soil Fumigant Workgroup that will ensure all commodities using fumigants are represented, that farm needs for fumigation are considered and barriers to compliance (such as language barriers and financial constraints) are eliminated. Members of the workgroup include the NC Strawberry Association who will also serve as a liaison to other commodity groups, NC Agromedicine Institute, NC State University – Departments of Plant Pathology and Horticulture, NC Farmworker Health Program, NC Division of Public Health, NC Department of Agriculture & Consumer Services – Structural Pest Control & Pesticides Division and the El Group, a private occupational health group, and registrants. The workgroup also welcomes feedback from growers as to what their specific needs are in regards to complying with the new regulations.

Be on the lookout for RMM sessions at the Southeast Strawberry Expo (Virginia Beach), NC Crop Protection School (Raleigh- NCSU), Southeast Vegetable and Fruit Expo (Myrtle Beach), and Tobacco Day (Johnston County). For information about these and other events, to have your name added to our mailing list or list serve or to provide feedback relative to project development, please contact Robin Tutor, NC Agromedicine Institute, 252.744.1045 or tutorr@ecu.edu or Bob Bruss, NCDA & CS, 919-733-3556 ext. 309 or bob.bruss@ncagr.gov.

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Pesticide Disposal Assistance Program

- Statewide hosting of collection events
- Special case onsite evaluation
- Household hazardous waste assistance

For a collection site near you go to:
www.ncagr.com/pdap

For pesticide disposal assistance call:
919-733-3556

North Carolina Department of Agriculture & Consumer Services
Steve Troxler, Commissioner
“Chemlist” Pesticide Disposal at a Glance
Past and Present

By Jeremy Maciejewski, NCDA&CS, Pesticide Disposal Assistance Program

In the year 2000, the EPA requested the North Carolina Department of Agriculture and Consumer Services Pesticide Disposal Assistance Program (PDAP) to monitor the amounts of certain specific pesticides that farmers and other various users were discarding. The pesticides of interest included DDT, parathion, and lead arsenate. Since the PDAP already weighs pesticide material when it is collected, they found it fairly easy to incorporate the tracking request from EPA that later became the “Chemlist.” Chart 1 shows the pounds of pesticides collected in various categories from year 2000 through the spring of 2010.

PDAP clustered the Chemlist pesticides into the following groups for tracking purposes: persistent pesticides, organophosphate (OP’s) insecticides, high volume agricultural herbicides, and high residential use pesticides. The persistent pesticide category contains DDT, lead arsenate, chlordane, endrin, dicofol, lindane, dieldrin, aldrin, pentachlorophenol, and silvex. These obsolete agricultural chemicals have a very long life and can remain in the environment for decades. The organophosphate insecticides include chlorpyrifos, diazinon, malathion, and parathion and are of concern due to their acute toxicity. Next are the high volume agricultural herbicides consisting of atrazine, alachlor, simazine, metolachlor, and trifluralin. The heavy use and environmental persistence of these herbicides makes them of interest for potential contamination of groundwater and surface water. Although used in agriculture, carbaryl and 2, 4-D were of interest because of the extensive use as residential products. To date, PDAP has tracked the collection of over 143,000 pounds of Chemlist pesticide products.

In Chart 2, the total weights of the Chemlist pesticides were consolidated by year and the trend reveals a consistent volume around 15,000 pounds over the 10 year period.

Looking at the peaks and troughs, the amount of individual pesticides varies yearly as caches of the material are discovered. We can see collection peaks appeared for 2,4-D in 2006 and again with DDT in 2009 (Chart 3). Whether it is a banned chemical like DDT or a high residential use product like 2, 4-D, pockets of the products are still sitting in barns and other various storage areas needing to be disposed of properly. Over time this can add up to a significant amount as 8,027 pounds of DDT have been tracked in the Chemlist.

The NCDA & CS PDAP continues to serve the citizens of North Carolina in an effort to provide a safe means of disposal for not only the Chemlist pesticides but all pesticides that have been in the market. The PDAP, in cooperation with the Cooperative Extension Service, conducts pesticide collection events in all 100 counties in North Carolina at least once every other year. With this schedule, the PDAP is usually present in your county or a neighboring county every 6 to 8 months. The PDAP schedule is posted at www.ncagr.gov/PDAP and is updated as dates become available throughout the collection seasons. Special needs or exceptionally large volumes of pesticides can be addressed by PDAP personnel at 919-733-3556.
unlicensed dealer. Mr. McCarty agreed to pay a monetary penalty of $600.00.

George R. Cutler, Jr., Washington, NC, for alleged violation(s) of using a pesticide in a manner inconsistent with its labeling and applying a restricted use pesticide without the proper license or certification. Mr. Cutler agreed to pay a monetary penalty of $400.00.

Shelton T. Story, Severn, NC, for alleged violation(s) of distributing, selling or offering for sale a restricted use pesticide to an unlicensed dealer. Mr. Story agreed to pay a monetary penalty of $600.00.

John A. Freeman, Lumberton, NC, for alleged violation(s) of providing or making available a restricted use pesticide to a non-certified applicator. Mr. Freeman agreed to pay a monetary penalty of $750.00.

Christopher B. Register, Hallsboro, NC, for alleged violation(s) of using a pesticide in a manner inconsistent with its labeling and applying a restricted use pesticide without the proper license or certification. Mr. Register agreed to pay a monetary penalty of $1,000.00.

Mark Bullard, Pembroke, NC, for alleged violation(s) of using a pesticide in a manner inconsistent with its labeling and applying a restricted use pesticide without the proper license or certification. Mr. Bullard agreed to pay a monetary penalty of $400.00.

Lavenia C. Sampson, Lumberton, NC, for alleged violation(s) of providing or making available a restricted use pesticide to a non-certified applicator. Ms. Sampson agreed to pay a monetary penalty of $1,400.00.

Joey P. McCullen, Deep Run, NC, for alleged violation(s) of using a pesticide in a manner inconsistent with its labeling and improper pesticide storage. Mr. McCullen agreed to pay a monetary penalty of $600.00.

Robert W. Wood, Jr., Elizabeth City, NC, for alleged violation(s) of providing or making available a restricted use pesticide to a non-certified applicator. Mr. Wood agreed to pay a monetary penalty of $800.00.

Edward A. O’Neal, Clinton, NC, for alleged violation(s) of providing or making available a restricted use pesticide to a non-certified applicator. Mr. O’Neal agreed to pay a monetary penalty of $750.00.

Michael L. Young, Angier, NC, for alleged violation(s) of the Worker Protection Standard and using a pesticide in a manner inconsistent with its labeling. Mr. Young agreed to pay a monetary penalty of $1,000.00.

Drexel Chemical Company, Memphis, TN, for alleged violation(s) of distributing, selling or offering for sale a pesticide which is adulterated or misbranded. Drexel Chemical Company agreed to pay a monetary penalty of $600.00.

Wepak Corporation, Charlotte, NC, for alleged violation(s) of distributing, selling or offering for sale a pesticide which is adulterated or misbranded. Wepak Corporation agreed to pay a monetary penalty of $4,000.00.

David L. Moye, Ayden, NC, for alleged violation(s) of using a pesticide in a manner inconsistent with its labeling and applying a pesticide under such conditions that drift from pesticide(s) particles or vapors results in adverse effect. Mr. Moye agreed to pay a monetary penalty of $600.00.

Stanley Honrine, Clinton, NC, for alleged violation(s) of using a pesticide in a manner inconsistent with its labeling and applying a restricted use pesticide without the proper license or certification. Mr. Honrine agreed to pay a monetary penalty of $400.00.

Olivia G. Hernandez, Warrensville, NC, for alleged violation(s) of using a pesticide in a manner inconsistent with its labeling. Ms. Hernandez agreed to pay a monetary penalty of $400.00.

Seth J. Parsons, Greenville, NC, for alleged violation(s) of using a pesticide in a manner inconsistent with its labeling. Mr. Parsons agreed to pay a monetary penalty of $600.00.

Jesse J. Morris, Elizabeth City, NC, for alleged violation(s) of using a pesticide in a manner inconsistent with its labeling and applying a restricted use pesticide without the proper license or certification. Mr. Morris agreed to pay a monetary penalty of $200.00.

Albert J. Sosa, Apex, NC, for alleged violation(s) of using a pesticide in a manner inconsistent with its labeling and applying a pesticide without a license. Mr. Sosa agreed to pay a monetary penalty of $700.00.

David P. Hrupsa, Roper, NC, for alleged violation(s) of using a pesticide in a manner inconsistent with its labeling and depositing by aircraft a pesticide(s) on the right-of-way of a public road or within 25 feet of the road. Mr. Hrupsa agreed to pay a monetary penalty of $900.00.
North Carolina Pesticide Board Actions

At the March 2010 through June 2010 meetings of the North Carolina Pesticide Board, the following settlement agreements, including license suspension and monetary penalties totaling $26,750 were approved for alleged violations of the NC Pesticide Law of 1971. Consent to the terms of the settlement agreement does not constitute an admission of guilt to any alleged violation.

Jesse W. Respass, Plymouth, NC, for alleged violation(s) of using a pesticide in a manner inconsistent with its labeling and applying a pesticide(s) under such conditions that drift from pesticide(s) particles or vapors results in adverse effect. Mr. Respass agreed to pay a monetary penalty of $500.00.

John K. Gower, Pineville, NC, for alleged violation(s) of using a pesticide in a manner inconsistent with its labeling. Mr. Gower agreed to pay a monetary penalty of $400.00.

Kenneth Hyde, Demopolis, AL, for alleged violation(s) of using a pesticide in a manner inconsistent with its labeling and applying a pesticide(s) under such conditions that drift from pesticide(s) particles or vapors results in adverse effect. Mr. Hyde agreed to pay a monetary penalty of $1,000.00.

Matthew J. Chaney, Wilmington, NC, for alleged violation(s) of disposing of pesticides or pesticide containers in such a manner as may cause injury to humans, vegetation, crops, livestock, wildlife, or to pollute any water supply or waterway. Mr. Chaney agreed to pay a monetary penalty of $900.00.

Daniel J. Rudisill, Gettysburg, PA, for alleged violation(s) of using a pesticide in a manner inconsistent with its labeling, aerially applying a pesticide(s) under such conditions that drift from pesticide(s) particles or vapors results in adverse effect, and deposing a pesticide within 100 feet of any residence. Mr. Rudisill agreed to pay a monetary penalty of $1,200.00.

Harold G. Triplett, Jr., Blowing Rock, NC, for alleged violation(s) of applying a pesticide without a license. Mr. Triplett agreed to pay a monetary penalty of $600.00.

Tom J. Harris, Littleton, NC, for alleged violation(s) of using a pesticide in a manner inconsistent with its labeling and applying a pesticide(s) under such conditions that drift from pesticide(s) particles or vapors results in adverse effect. Mr. Harris agreed to pay a monetary penalty of $600.00.

George A. Fipps, Clarendon, NC, for alleged violation(s) of using a pesticide in a manner inconsistent with its labeling and applying a pesticide(s) under such conditions that drift from pesticide(s) particles or vapors results in adverse effect. Mr. Fipps agreed to pay a monetary penalty of $1,200.00.

Jerry W. Blevins, Statesville, NC, for alleged violation(s) of using a pesticide in a manner inconsistent with its labeling and applying a pesticide(s) under such conditions that drift from pesticide(s) particles or vapors results in adverse effect. Mr. Blevins agreed to pay a monetary penalty of $300.00.

Clifton W. Evans, Tarboro, NC, for alleged violation(s) of using a pesticide in a manner inconsistent with its labeling and applying a pesticide(s) under such conditions that drift from pesticide(s) particles or vapors results in adverse effect. Mr. Evans agreed to pay a monetary penalty of $1,100.00.

John E. Edwards, Lumberton, NC, for alleged violation(s) of providing or making available a restricted use pesticide to a non-certified applicator. Mr. Edwards agreed to pay a monetary penalty of $700.00.

Raeford Daughtry, Newton Grove, NC, for alleged violation(s) of providing or making available a restricted use pesticide to a non-certified applicator. Mr. Daughtry agreed to pay a monetary penalty of $500.00.

Jerry Davis, Clinton, NC, for alleged violation(s) of using a pesticide in a manner inconsistent with its labeling and applying a restricted use pesticide without the proper license or certification. Mr. Davis agreed to pay a monetary penalty of $400.00.

Adrian M. Boyd, Belhaven, NC, for alleged violation(s) of acting in the capacity of a pesticide dealer without the proper license. Mr. Boyd agreed to pay a monetary penalty of $750.00.

Philip A. McCarty, Farmville, NC, for alleged violation(s) of distributing, selling or offering for sale a restricted use pesticide to an

Please see Pesticide Board, page 6

For More Information

Pesticide schools and materials for certification and recertification:
CONTACT: Dr. Wayne Buhler, Dept. of Horticultural Science,
Box 7609, NCSU, Raleigh, NC 27695.
Phone (919) 515-3113

Certification, licensing, and recertification credits or testing:
CONTACT: Pesticide Section, NCDA&CS,
1090 Mail Service Center, Raleigh, NC 27699-1090.
Phone (919) 733-3556

Private applicator recertification classes:
CONTACT: Pesticide Section Homepage www.ncagr.gov/SPCAP/pesticides/

Commercial applicator and dealer recertification classes:
CONTACT: Pesticide Section Homepage www.ncagr.gov/SPCAP/pesticides/

Pesticide container recycling:
CONTACT: Dr. Henry Wade, Pesticide Section, NCDA&CS, 1090
Mail Service Center, Raleigh, NC 27699-1090.
Phone (919) 733-3566

Pesticide waste disposal:
CONTACT: Derrick Bell, Pesticide Section, NCDA&CS, 1090
Mail Service Center, Raleigh, NC 27699-1090.
Phone (919) 733-3556.

Send your suggestions for topics for future Pesticide Update articles to Cam MacDonald at e-mail address: cam.mcdonald@ncagr.gov

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