

South Dakota Department of Agriculture Pesticide Applicator Newsletter

Winter 2006 Issue 33



2006 Commercial Applicator Recertification Training

Commercial applicators will receive a certification and licensing packet from the Department of Agriculture in mid-December. Included is a listing of individual certification categories and the expiration date for those categories. This information will help you decide if you need to attend a recertification session and which location to attend. Instructions for the pre-registration system are also included in the packet and on page 2 of this newsletter.

The certification and licensing packet contains a program listing the categories presented at each location. Check your certification needs and be sure to attend the appropriate location. Some of the training locations will have limited categories. Each applicator must insure that they have a valid license, with the proper category certifications to apply pesticides.

Notices were mailed to the most recent address we have on record. If you have a change of address, contact the department with those changes. **Change of address can be completed on the registration web page.**

Please check the expiration date on your license. If it expires on February 28, 2006, you must submit your renewal by March 1, 2006 to avoid late fees.

It is important that applicators check in at the beginning of the recertification training. By checking in, applicators are automatically added to the list of attendees. Applicators who do not check in will not receive credit for attending. Verification of attendance for the entire session will be done with sign out sheets throughout the day. Attendees must have a photo ID when testing and attending certification meetings.

Commercial Applicator Training Changes

The need to provide more focused training and reducing the size of the group at some facilities has prompted us to make some modifications. CCA credits will be offered for the general and category 1A-1C.

- Category 1C-Ag. Plant Pest-Fungicide section begins at 8:45AM. Followed by:
- Category 1B-Insecticides. Followed by:
- Category 1A-Herbicides. This completes the morning session.
- General category training after lunch and concluding at 2:45P.M.
- Category 7-Right of Way session will start after the afternoon break.

Ornamental and Turf recertification will be held with the SD Nurserymen's Association meeting in Sioux Falls on February 6-8.

If you have any questions please call Jim Wilson, SDSU at 605-688-4752 or Steve Spitler Department of Agriculture at 605-773-4432.

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ENFORCEMENT UPDATES
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www.state.sd.us/doa/das

From The Department...

Private Applicator Recertification Training

Private pesticide applicators should contact their local county extension educator for information on private applicator recertification training dates and locations. Training dates and locations can also be accessed on the internet at http://plantsci.sdstate.edu/PAT/patdates/pest_list.cfm.

Those private applicators with access to the internet can become certified or renew their certification by taking the private applicator exam online. The exam is available through the Department of Agriculture's web site. The internet address to access the private applicator site is www.state.sd.us/doa/das/pwt.

2005 Pesticide Records Inspection Summary.

This year there were 42 routine commercial applicator record audits conducted. This resulted in 14 warning letters issued for incomplete records. There were 32 routine Restricted Use Pesticide Audits completed. These audits resulted in 6 warning letters issued for incomplete records and 2 monetary settlements for sales or purchases by uncertified persons.



Internet Pre-Registration System for Commercial Applicators



Internet pre-registration for commercial applicator meetings and for payment of training and licensing will again be used this year.

The system allows individuals or companies to sign up for classes in one or more locations. A company can pre-register for training and pay for licensing for all of the individuals under their employment. The user can then print a receipt that shows the dates and locations they registered to attend class. Users will need to use a MasterCard or Visa credit card for payment.

Users can use either the individual or company options available. The individual option asks for the applicator's ID number, which is the barcode number on their license. The system then shows which categories they need to recertify in and which locations offer those categories. Next, they will need to select a location and the classes they plan to attend and finally pay for their classes and licensing with one payment.

The company option is similar to the individual option, but the company can enter its name and see all the employees associated with it. The company

will then be able to select which individuals will attend class, where they will attend and pay for the classes along with the licensing for all employees.

In both cases, after payment is approved online, the user will be automatically directed to a receipt page that will detail their billing and the user will be able to print out a receipt for their records.

The two main advantages to this system are that at the end of the process, each applicator or company will pay only once for both the training fee and license fee and it provides the applicators with a more convenient service. Detailed instructions will be included in the pre-registration packet that was sent out in mid-December.

Applicators can also pay for classes via mail, but it costs \$40, rather than the \$30 fee if paid by internet.

The internet address to access the pre-registration is located on the Department of Agriculture's website at www.state.sd.us/doa/das/ecat/index.htm. If applicators do not have internet access, the local extension office or library may be able to provide internet access. Please contact the Department of Agriculture with any questions at 605/773-4432.

EPA finds 2,4-D eligible for re-registration

Completing a 17 year review process, the EPA released a comprehensive assessment of the post emergence herbicide 2,4-D under its re-registration program. The agency concluded that 2,4-D does not present risks of concern to human health when users follow product instructions as outlined in EPA's 2,4-D re-registration Eligibility Decision (RED).

Based on chronic studies on animals, 2,4-D has been classified as a Group D chemical, one that is not classifiable as to human carcinogenicity. Although 2,4-D continues to be the focus of epidemiological and laboratory studies, both EPA's review and the Scientific Advisory Panel have concluded that the available evidence is insufficient to classify 2,4-D as a human carcinogen.

Based primarily on pesticide usage information from 1992 through 2000 for agriculture and 1993 through 1999 for non agriculture, total annual usage of 2, 4-D in the US is approximately 46 million pounds, with 30 million pounds used for agriculture and 16 million pounds for non-agricultural uses, according to EPA's decision.

"The EPA's assessment of the human and environmental scientific data reinforces a growing number of regulatory decisions and expert reviews that conclude the use of 2,4-D according to product instructions does not present an unacceptable risk to human health or the environment," stated Don Page, assistant executive director of the Industry Task Force II on 2,4-D Research Data.

Task Force members hold technical 2, 4-D FIFRA registrations and include DOW AgroSciences, Nufarm, Ltd. (Australia), Agro-Gor Corp., a U.S. Corporation jointly owned by Atanor, S.A. (Argentina) and PBI Gordon Corporation (U.S.)

"EPA's comprehensive findings are consistent with decisions of other authorities such as World Health Organization, Health Canada, European Commission and recent studies by the U.S. Cancer Institute on

COMMERCIAL APPLICATOR TRAINING DATES

The following are the dates and locations of the commercial sessions:

Ground Applicator Recertification –Categories G, 1A, 1B, 1C, and 7.

Watertown	Wednesday, January 18, 2006	Ramkota Inn
Aberdeen	Thursday, January 19, 2006	Ramkota Inn
Yankton	Friday, January 20, 2006	Kelly Inn
Pierre	Tuesday, January 24, 2006	Ramkota Inn
Rapid City	Wednesday, January 25, 2006	Ramkota Inn
Mitchell	Thursday, January 26, 2006	Davison Co. Ext
Sioux Falls	Monday, January 30, 2006	The Oakes Inn
Brookings	Monday, February 13, 2006	Brookings Inn

Aerial Applicator Convention and Recertification

Sioux Falls –Sheraton, Monday—Wednesday, February 20-22, 2006

Categories G, 1A, 1B, 1C, and 7 presented at the aerial applicator recertification are specifically targeted to aerial applicators.

2,4-D," Page said. An economic evaluation by USDA (NAPIAP Report 1-PA-96) concluded that the loss of the widely used herbicide would cost the U.S. economy \$1.7 billion annually in higher food production and weed control expenses.

Learn more about 2, 4-D at www.epa.gov/pesticides/reregistration/status.htm



Prairie Dog control and plague safeguards in South Dakota

The South Dakota Department of Agriculture's Bait Mixing Facility was transferred to the Department through a cooperative agreement with the U.S. Department of Interior in 1971. Under the terms of agreement and those contained in a Memorandum of Understanding dated July, 1969, the Bureau of Sport Fisheries & Wildlife, U.S. Department of Interior, "extended to the State of South Dakota the facilities for preparing and distributing to cooperators at approximate cost, baits and toxicants and other materials used in control programs." In 1971 and 1972, supplements to the Cooperative Agreement and Memorandum of Understanding completed the transfer.

The Department currently makes available zinc phosphide bait, manufactured at the bait mixing station, and gas cartridges obtained from the U.S. Department of Agriculture's Pocatello Supply Depot. The 2% zinc phosphide bait is sold in 25 and 50 pound bags and labeled only for prairie dog control. The Department sold 339,000 pounds of bait in fiscal year 2005. This toxicant is classified as a restricted use pesticide by the U.S. Environment Protection Agency. The gas cartridges, packaged 100 per case, are used primarily for treating small infestations and cleanup operations following bait treatment of larger infestations of prairie dogs.

Currently there are three active ingredients labeled for use on prairie dogs in South Dakota; they are zinc phosphide, aluminum phosphide and gas cartridges. Zinc phosphide is registered for sale in South Dakota by three manufacturers, South Dakota Department of Agriculture, Bell Laboratories and Hacco Inc. Of these, the Department's bait is the only bait available that does not require notification of the U.S. Fish & Wildlife Services prior to application when using to control prairie dogs.

Sylvatic plague:

Sylvatic plague is a foreign disease, first found in California ground squirrels in 1904. Prairie dogs are host to a flea species that carries the causative bacterium. These fleas do not infest other animals

if their natural hosts are unavailable. The bacterium can be transmitted to people through fleabites and direct contact with infected animals. Domesticated cats and dogs can contract plague by catching and eating infected rodents and rabbits or being bitten by infected fleas. Pets may carry infected fleas home to their owner, or especially with cats, serve as a direct source of infection. Delta Dust is labeled for control of fleas for domestic pets and prairie dog towns. Caution should be used when handling deceased prairie dogs infested with fleas. Although cases of human infection from prairie dogs have been documented, it is extremely rare. Plague can be treated successfully and cured if it is diagnosed early in its course. If precautions are taken, the probability of an individual contracting plague, even in an active plague area, is quite low. Only 395 cases of plague have occurred in humans in the U.S. since 1946, according to the Center for Disease Control and Prevention. Of those, only 23 cases, or under 6 percent, were linked to contact with prairie dogs.

The plague has diffused across the West, and prairie dogs appear to have little or no immunity. In the fall of 2004, a plague suspected prairie dog was collected and confirmed in Southwestern Fall River County. The animal was confirmed plague positive by the State Veterinarian, Dr. Sam Holland. Follow-up surveys to date, failed to identify any additional plague locations. Prairie dog information is available at

www.state.sd.us/doa/das/hp-bait.htm

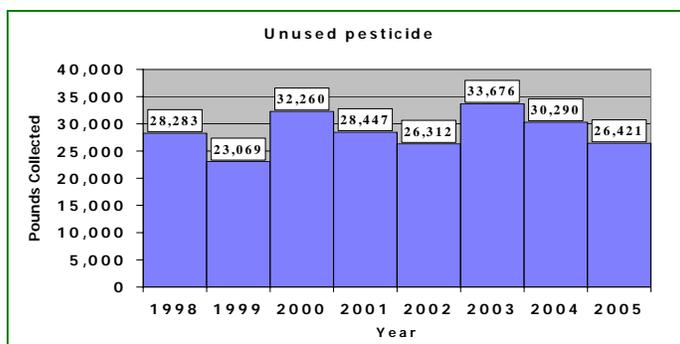


Alteration of Bulk Fertilizer Storage

Many retailers are making alterations to their bulk storage facilities because of the fertilizer market. According to **ARSD 12:44:05:20**, An operator of an existing permitted bulk commercial fertilizer storage facility must notify the Department of Agriculture, in writing, before making any alterations, other than routine maintenance, to the existing permitted facility.

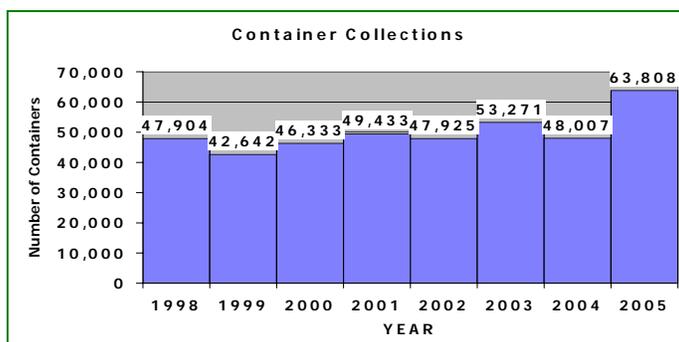
2005 Unusable Pesticide and Container Collections

The Unusable Pesticide collections were held during the month of October at 3 sites across the state. The total amount of pesticide products collected was 26,421 pounds. Since 1992, over 408,809 lbs. of unusable pesticides in South Dakota have been properly disposed of through the program.



2005 Pesticide Container Collections

The Pesticide Container collections were held in July and August at 29 sites across the state. 63,808 containers were collected at the 29 sites. All containers were taken to two permanent collection sites in Pierre or Vermillion to be granulated for recycling. In 2004, 48,007 containers were collected at 30 sites. Since the program began in 1992, approximately 603,127 containers have been collected and recycled.



EPA's Approach to Field Implementation of Endangered Species Protection Program.

EPA published in the Federal Register (FR) a notice that outlines the Agency's approach to field implementation of its Endangered Species Protection Program (ESPP). The goal of the ESPP is to carry out responsibilities under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) in compliance with the Endangered Species Act (ESA) by providing appropriate protection to listed species and their designated critical habits from potential harm due to pesticide use, while at the same time not placing unnecessary burden on the agriculture community and other pesticide users. EPA will implement its program through pesticide label statements that refer users to Endangered Species Protection Bulletins, as appropriate, when geographically specific use limitations are necessary to protect federally listed species or their designated critical habitat. Bulletins will generally include the map of the county to which it applies, a description of the species being protected, a list of the pesticides of concern and their use limitations. The use limitations will be enforceable under the misuse provisions of FIFRA and state law. Once pesticide labels with such labeling appear in the marketplace, bulletins will be available via EPA's website at www.epa.gov.

FDA Proposes Additional “Mad Cow” Safeguards

The U.S. Food and Drug Administration (FDA) announced new measures to help further protect consumers against the agent thought to cause bovine spongiform encephalopathy (BSE, also known as “mad cow disease”). The agency is proposing to amend its animal feed regulations to prohibit from use in the food or feed of **all** animals certain high risk cattle materials that can potentially carry the BSE-infectious agent. All of the proposed prohibitions, except for those related to tallow, have already applied to cattle feed since 1997.

These high risk cattle materials prohibited in the new proposed rule include:

- The brains and spinal cords from cattle 30 months of age and older.
- The brains and spinal cords from cattle of any age not inspected and passed for human consumption.
- The entire carcass of cattle not inspected and passed for human consumption if the brains and spinal cords have not been moved.
- Tallow that is derived from the materials prohibited by this proposed rule if the tallow contains more than 0.15 percent insoluble impurities.
- Mechanically separated beef that is derived from the materials prohibited by this proposed rule.

The proposed regulation builds on a series of firewalls that include FDA’s 1997 feed regulation which prohibits the use of certain mammalian-origin proteins in ruminant feed (e.g. for cattle and sheep), but allows these materials to be used in feed form non-ruminant species. The removal of high risk materials from all animal feed, including pet food, will protect against the transmission of the agent of BSE that could occur either through cross-contamination of ruminant feed with non-ruminant feed or feed ingredients during feed manufacture and transport, or intentional or unintentional misfeeding of non-ruminant feed to ruminants on the farm. Comprehensive information about FDA’s work on BSE and links to other related websites are available at www.fda.gov/oc/opacom/hottopics/bse.html .

Operational Areas for Seed Treatment

As companies and farmers are handling more and more bulk seed, they are also starting to make more seed treatment applications. It is important to remember that many of these seed treatment applications need to be done on an operational area containment.

An operational area containment is any area where pesticides are transferred, loaded, unloaded, mixed, repackaged, or refilled.

If you meet any one of the following criteria, you need to conduct your pesticide handling activities, including seed treatments, over an operational area containment (OAC):

- Operational area is within 150 ft of a lake, stream, streambed or wetland
- Operational area is within 150 ft of a well
- Operational area is within 200 ft of a populated building[†]
- Operational area is within 500 ft of a well used as a public water supply[†]
- Operational area is the applicator’s principal operational area AND more than 1500 lbs of active ingredient are transferred, loaded, unloaded, mixed, repackaged, or refilled during a calendar year or either concentrate OR diluted pesticides are cleaned, washed or rinsed from containers or from application, handling, storage, or transportation equipment for over 30 days accumulated during a calendar year.*

[†]Does not apply to mixing and loading operations conducted by applicators using containers and equipment with holding capacities of 10 gallons or less or 50 pounds dry weight or less.

* When calculating to determine if the 1500 pound or 30 day threshold has been exceeded, operational areas under common ownership and control within one-half mile of each other are calculated collectively.

For liquid pesticides, the operational area containment must be large enough to contain discharges from the largest container, transferred or rinsed, but at least 250 gallons in size.

WPS-Requirements for Growers/Family

The Agriculture Worker Protection Standard (WPS)



is a legal standard developed by the U.S. Environmental Protection Agency in 1992 and amended in 1995. These standards cover pesticides that are used in the production of agricultural plants on farms, forests, nurseries, and greenhouses. The WPS requires you to take steps to reduce the risk of pesticide related illness and injury if you (1) use such pesticides, or (2) employ workers or pesticide handlers who are exposed to such pesticides.

Are small agriculture establishments exempt from compliance with the Worker Protection Standard?

No. Except for a partial exemption for owners and their immediate families (includes spouse, children, stepchildren, foster children, parents, stepparents, foster parents, brothers, and sisters), all agriculture establishments that use pesticide that have WPS labeling must comply with the standard when using those products for uses within the scope of the WPS.

Are growers (owners) personally subject to the REI provisions, entry restrictions, and PPE requirements for early entry activities? YES, growers (owners) are personally subject to the REI provisions, entry restrictions, and PPE requirements for early entry, when using a product referencing the WPS.

The definition of a “worker” includes a self employed person. Does this mean that growers are required to comply with all provisions where they are not specifically exempt? In general, self employed people who perform worker activities must provide themselves with the protections required for workers. If they qualify for the agriculture owner exemption, they are exempt from some provisions.

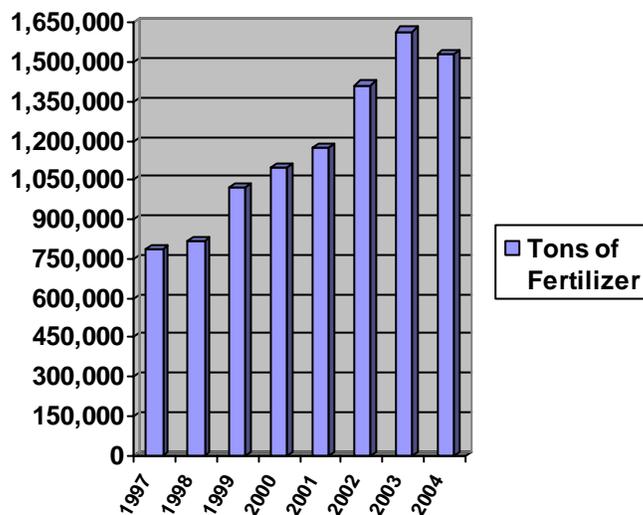
The 2005 updated *WPS –How to Comply Manual* may be found at www.epa.gov/agriculture/awor.html or contact SD Department of Agriculture for a CD-Rom or a printed copy of the manual.

FEE REDUCTION: FERTILIZER TONNAGE INSPECTION FEE

This past year the Department reviewed the tonnage inspection fee on fertilizer for each ton sold in South Dakota. Over the past eight years fertilizer sales have increased about 800,000 tons over the 750,000 tons sold in 1997. The fee is used to fund fertilizer sampling, facility inspections, licensing, investigations, and overall administration of the fertilizer program. After the review, the Department concluded that the fee could be lowered and still fund these important services that help to provide our retailers and producers with uniform products and environmental protection to our communities and natural resources.

The fertilizer inspection fee for 2005 is \$0.05/ton for commercial fertilizer and \$0.02/ton for manipulated animal manure or compost.

Below is a bar graph that represents the last eight years of fertilizer distribution in South Dakota:



If you have any questions on how to complete your tonnage report please contact Chad Stoesser at the Department of Agriculture at (605) 773-4432.

DEPARTMENT OF AGRICULTURE
Division of Agricultural Services
Office of Agronomy Services
523 East Capitol – Foss Building
Pierre, South Dakota 57501-3182

Bulk Rate
U.S. Postage
PAID
Permit #1209
Sioux Falls, SD

ENFORCEMENT CASE UPDATE

West – The Department received a complaint alleging human exposure from a nearby pesticide application. The Department determined that the wind was blowing at 21 to 32 mph toward the residence. The pesticides used in the application were found in the resident’s clothing. The applicator had since left the state and his South Dakota applicator license was revoked indefinitely.

Northeast – The Department received a complaint alleging that an aerial application of Grazon drifted onto alfalfa. The applicator had applied Grazon to pasture adjacent to the alfalfa field. Wind was conducive for drift and samples indicated the presence of Grazon in the alfalfa. The applicator settled with the Department for \$550.

Northeast – The Department began an investigation into an insecticide application to a dairy barn. The applicator applied a dimethoate solution to the dairy barn. The Department determined that the applicator made an off label application when residues of the product were found in the milk house and milk storage room. The applicator settled with the Department for \$330.

Southeast – The Department received a complaint alleging that a CRP application drifted and damaged soybeans. The Department determined the application of Grazon was conducive for drift and samples indicated the presence of the active ingredients in Grazon. The applicator settled with the Department for \$440.

Southeast – The Department received a complaint alleging that an employer had hired several employees for lawn care applications. The Department determined that the seasonal employees had not obtained applicator licenses. The employer was found in violation for aiding and abetting and settled with the Department for \$280.