

South Dakota Department of Agriculture Pesticide Applicator Newsletter

Spring 2004 Issue 30



Additional Safeguards Against BSE Disease

In the wake of the first case of Bovine Spongiform Encephalopathy (BSE) found in the United States, the U.S. Department of Agriculture and the U.S. Department of Health and Human Services announced some additional measures to bolster the firewalls already in place to prevent the occurrence of other cases of BSE and to prevent the spread of the disease in U.S. cattle.

The FDA will publish an interim final rule that would ban several materials from FDA regulated human food, dietary supplements and cosmetics:

- Any material from downer cattle
- Any material from dead cattle
- Certain materials such as brain, skull, eyes and spinal cord of any cattle 30 months or older and a certain portion of the small intestine and tonsils from all cattle
- Mechanically separated beef

A second interim final rule FDA plans to publish actually will ban the following products from becoming part of feed ingredients for other ruminant animals:

- Mammalian blood and blood products
- Poultry litter
- Plate waste, uneaten meat and other scraps that are rendered into meat and bone meal

The second proposed rule will also require equipment, facilities or production lines to be dedicated to non-ruminant animal feeds if they use protein that is prohibited in animal feeds.

These rules that are proposed by FDA should not be confused with the rules that the SDDA already has in place, even though they are very similar. The department adopted rules in August 2001 that restrict the manufacturing, handling, storage, transport and disposal of ruminant livestock feeds and feeds containing prohibited animal proteins for further distribution or for a person's own use and also includes the additional requirements.

South Dakota designed these rules to protect the state's livestock industry against BSE by ensuring ruminant livestock feeds do not contain prohibited animal proteins.

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From The Department...

Unusable Pesticides – Pre-Registration Under Way

As spring draws near, preparation for planting and summer pest control gets under way. It is this time of year when producers find old pesticides and chemicals in their machine sheds, storage buildings, or garages. Strict environmental laws often leave farmers and ranchers with questions regarding the proper disposal of these products. The South Dakota Department of Agriculture (SDDA) can answer those questions.

The SDDA Pesticide Disposal Program will again be collecting unusable pesticides for disposal. The only stipulation is that the products be pre-registered before they are collected in the fall.

Often times there are situations where the product was purchased by a parent or even a grandparent, and the producer isn't exactly sure what it is. There are also many products that have had their registrations cancelled or suspended by the U.S. Environmental Protection Agency. The disposal program also accepts unusable household pesticides and chemicals. Many homeowners have unusable or unlabeled pesticides they would like to have disposed. All of these products are eligible for disposal, provided they are first pre-registered.

Once pre-registered, the pesticides will be prioritized on their acceptability for collection and disposal. Only products considered unusable will be accepted. SDDA is encouraging all pesticide users to register any products they feel may meet the criteria for collection and disposal. Registration forms are available from SDDA and local extension service offices.

People with questions about unusable pesticide registration, collection, or disposal are encouraged to contact the South Dakota Department of Agriculture, 523 East Capitol Avenue, Pierre, SD 57501, or call 1-800-228-5254 or visit www.state.sd.us/doa/das or e-mail gordon.haug@state.sd.us

Safeguards Against Mad Cow Disease

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Livestock producers can take additional safeguards on their farm or ranch to minimize the risk of cross-contamination. Pet foods often contain prohibited animal proteins and should be stored and fed in areas ruminants don't have access to. Feed that is more than a few years old should also be properly discarded (such as in a landfill). Producers should also be adamant that their feed dealers comply with the new rules.

If you have any questions on the South Dakota rules or the newly proposed federal rules, please call the department at (605) 773-4432 or e-mail brad.berven@state.sd.us. For more information, you can also visit www.fda.gov and search for “ BSE safeguards”

Pesticide Container Recycling

The South Dakota Department of Agriculture (SDDA) is again asking for your help to collect the thousands of pesticide containers that are burned or taken to a landfill in the state each year. The SDDA's Pesticide Container Recycling Program will collect rinsed pesticide containers for recycling from small 8 oz. bottles up to 55 gallon plastic and steel drums. Please contact SDDA if you would like to recycle larger mini-bulk containers (> 55 gallon), as these may also be collected, with prior arrangements.

The SDDA holds a series of half day and full day collections at 31 locations across the state each year in July and August. The collections are widely publicized in newspapers and on the radio, so look and listen for the collection nearest to you.

If you have questions about the Pesticide Container Recycling Program, please contact the South Dakota Department of Agriculture, 523 E. Capitol Ave., Pierre, SD 57501 or call 1-800-228-5254 or visit www.state.sd.us/doa/das or e-mail gordon.haug@state.sd.us

New Quilt Label

The newly registered Quilt label has some endangered species provisions that applicators and producers will want to take notice of. Quilt is a new broad spectrum fungicide labeled for use in barley, wheat and sweet corn. Quilt is a combination of the active ingredients in the fungicides Quadris (azoxystrobin) and Tilt (propiconazole).

The active ingredients in Quilt are toxic to freshwater and estuarine/marine fish; azoxystrobin is toxic to aquatic invertebrates. Because of this, the label states that Quilt “may have effects on federally listed threatened and endangered species or critical habitat in some counties.” The label goes on to state that applicators must follow measures in County Bulletins for the county(ies) where the application takes place. Other propiconazole products have restrictions but they are listed on the label. Quilt is the only product that uses this process so far.

County Bulletins were designed by EPA several years ago to protect endangered species from detrimental effects by pesticides.

County Bulletins are currently available for Day County and all counties bordering the Missouri and Cheyenne Rivers in South Dakota except Lyman, Buffalo and Brule.

Applicators in other counties still need to be aware of endangered species whose habitats may be located in their counties or the area where they will be spraying. To receive a County Bulletin or for more information on endangered species please contact the South Dakota Department of Agriculture at 605/773-4432 or log on to www.state.sd.us/doa/das/ then click on ‘Pesticide’ and then click on ‘Natural Resource Issues’ or go to www.epa.gov/

Attention Local Governments

The South Dakota Department of Agriculture is in the process of gathering the last of the 2002 Commercial Pesticide Application Summary data. In doing so it has become clear that some organizations are using pesticide formulations that are not labeled for use in towns, on residential lawns, on the right-of-ways, etc. Two examples or trends that were very evident in compiling the data are the misuse of Roundup Ultra and Grazon P + D. Roundup Ultra is labeled for crops, roundup ready crops and farmsteads. It is not labeled for use in turf, residential areas or right-of-ways. Grazon P + D is labeled for rangeland and permanent grass pastures only. This product is not labeled for use in residential areas or near ornamental trees and shrubs. Read labels carefully before purchasing or bid letting. You can find labels of currently registered products for use in South Dakota at the SDDA web page at www.state.sd.us/doa/das/

Pesticide Use and Endangered Species

A federal court in Washington state has established buffer zones around certain water bodies in California, Oregon, and Washington where the court has ordered that specific pesticides cannot be used. Generally, for ground pesticide applications, the court order establishes a 20-yard buffer zone; for aerial pesticide applications, the court order establishes a 100-yard buffer zone adjacent to salmon-supporting waters. This order is in response to a request from the Washington Toxics Coalition to establish buffer zones to reduce the likelihood of jeopardy to 26 species of salmon and steelhead.

This order is in effect until the Environmental Protection Agency has completed an evaluation of whether endangered Pacific salmon and steelhead are sensitive to exposure from 55 pesticides. The Agency has reviewed over half of the 55 pesticides subject to this litigation. More than a dozen of those reviewed have been determined to have no effect on salmon and steelhead, others are now undergoing the consultation process, and some pesticide uses are still under evaluation at EPA. The Agency is on schedule to complete review of the remaining pesticides by December 1, 2004.

While this decision affects pesticide use in Washington, Oregon and California, it is possible similar decisions related to pesticides and endangered species in this area could affect South Dakota.

Prairie Dog Control Guidelines

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Store, Transport, Apply, Dispose or handle a pesticide inconsistent with the labeling. Monetary penalties up to \$5,000.00 dollars per count may be incurred depending **on the severity and intent of misuse.**

Sulfur Guarantee on Certain Feed Products

To provide producers with the information to reduce the threat of sulfur toxicity in livestock, South Dakota feed manufacturers must now place a maximum sulfur guarantee on the label of distillers products and corn gluten feed. This new rule was adopted by the South Dakota Department of Agriculture and went into effect on February 2, 2004.

The new rule was established because stock dams, dugouts and other water sources in many areas of South Dakota contains potentially toxic levels of sulfur. The new labeling requirement will provide livestock producers with the information they need to adjust their feed rations and/or management practices to avoid the effect of sulfur toxicity in livestock.

The department intends to vigorously enforce this requirement after a 30 day phase-in period to allow manufacturers the time to revise their labels after using up existing label stocks.

For more information contact the Department of Agriculture at (605) 773-4432 or e-mail michael.blume@state.sd.us

CD-ROM Available for Private Pesticide Applicators

The United States Department of Agriculture (USDA) has released a CD-ROM to aid private pesticide applicators with pesticide recordkeeping requirements. The CD-ROM has many useful and educational interactive tools to aid private pesticide applicators in understanding, making and keeping records of pesticide applications.

This CD educates private applicators about what they need to know for keeping records of their pesticide applications. They will learn what information needs to be recorded, when it needs to be recorded and other valuable information. Applicators can find sample record forms, which they can download and use in their own operation. The CD also provides helpful website links and other useful information.

To obtain a copy of the CD-ROM or for more information on pesticide recordkeeping requirements, contact the South Dakota Department of Agriculture, 523 E Capitol Ave, Pierre, SD 57501 at 605/773-4432 or e-mail brad.berven@state.sd.us

Prepare and Calibrate Sprayer for Season

Now is a good time to inspect and calibrate your sprayer for the upcoming season. By making preparations now, you will be ready to go when things get busy later in the season. Start by visually inspecting the sprayer. Look for worn hoses, check screens and strainers that may restrict flow, and replace any parts that show signs of wear.

Next, flush the system with water. Take the unit out of the farmyard to flush it, preferably by spraying the flush on a labeled field. After flushing thoroughly, put clean water in the unit once more to inspect and calibrate the unit while it is in operation.

Start the sprayer and check the nozzle output and pattern to be sure you don't have plugged or worn nozzles. A simple technique to evaluate output is to hold a cup under each spray nozzle for the same length of time, anywhere from 30 seconds to one minute. The level in the cup will allow you to see whether each nozzle is releasing spray at the same rate.

To evaluate spray pattern, it's sometimes helpful to drive forward with the sprayer in operation spraying clean water onto a surface such as gravel. By watching to see whether the surface dries uniformly, the operator can evaluate whether the unit is applying spray evenly.

During the season, recalibrate your sprayer every time you make major rate changes or replace any parts.

Operational Areas for Seed Treatment

As companies are starting to handle 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. Operational area containment is a method of preventing pesticides spilled during handling from adversely impacting human health and the environment. Containment systems, impervious pads with curbs or walls, are designed to prevent the escape of spilled products or rinsates into the environment.

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.

Prairie Dog Control Guidelines

From February 1 –June 1, the only labeled products available for prairie dog control are fumigants such as aluminium phosphide products and gas cartridges. Fumigants are used primarily as a follow-up treatment after a baiting program has eliminated the majority of the prairie dogs. Cost are prohibitive on using these products on a large scale basis. All aluminium phosphide products are **restricted use pesticides** and therefore must be purchased with a private certification card or a commercial license. Both commercial and private applicators are required to keep applications records for three years on any application of RUP products. Numerous companies sell aluminium phosphide. Before you purchase, make sure the product is labeled for prairie dog use and the product is registered in South Dakota. Another fumigant, the gas cartridge, is a general use product that can be obtained through some County Weed & Pest Boards or through the Department of Agriculture.

There are three registered Zinc Phosphide grain baits for control of prairie dogs in South Dakota, **Bell Labs & Haacco Inc. labels have a baiting period of July 1—Dec. 31. The SD Department of Ag. label indicates a baiting period of July 1—Jan. 31.**

In conclusion, the **LABEL IS THE LAW**. Read the product label carefully so that you can use it for its intended use. If you are unsure if a product is labeled and legal to use for prairie dog control, please call the SDDA before purchasing the product or making an application.

Questions arise every year at the department if products such as Rozol pocket gopher bait, Strychnine or poison wheat baits & poison rat blocks can be used to control prairie dogs and the answer is **No**. The ramifications of using non-labeled products for prairie dog control and baiting outside labeled time frame is a violation of SDCL 38-21-44(2).

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Weather and Application Instruments

This is the second in a series of newsletter articles about spraying conditions in South Dakota.

Proper application timing is very critical for getting the best results when applying crop protection products. Timing of the application can also influence off-target spray drift and damage to the environment. Spray drift is a concern because it removes the chemical from the intended target, making it less effective and depositing it where it is not needed and often not wanted. When a pesticide is applied where it is not wanted, it becomes an environmental pollutant that can injure susceptible vegetation, harm wildlife and contaminate water supplies.

As an applicator you have a responsibility to monitor and accurately record the weather conditions at application time. Applicators can no longer afford to estimate weather conditions or use some far off data source to justify the legality of the application. In-field instrumentation is paramount for this task and depending on the field size and location, multiple recordings over time and location are essential. The ability to have accurate data for the application records will depend on the methods used to gather the information. Modern, field-useable instruments are critical for that need. However, the instruments don't have to be complex or costly. A few simple devices are all an applicator needs to accurately record application information. The following equipment can be found at farm supply stores or farm supply catalogs:

- Watch – record beginning and ending times of applications
- Thermometer – Record temperatures at the beginning and end of applications
- Wind meters – record wind velocity at the beginning and end of applications or if wind speeds change during application
- Compass – record the exact wind direction at the beginning and end of applications or if wind direction changes during application

The compass is becoming a more essential tool to

specify wind direction. The most accurate records should include the magnetic direction of the wind. This information is more specific than N, S, E, W. For example, recording the wind direction at 200 degrees magnetic on the compass is much more accurate than listing SW, especially when liability is the issue.

Minimizing spray drift is in the best interest of everyone. Do your part to keep agrichemical applications on target.

For more information on keeping application records, application instruments or controlling drift, please contact the department at 605/773-4432, visit our website at www.state.sd.us/doa/das or e-mail kara.nagel@state.sd.us

Commercial Applicator Records

The following information is required on all commercial application records:

- Name and address of the person for whom the pesticide was applied
- Location of the land or property where the pesticide was applied
- Pest that was treated
- Acreage, area, or number of plants or animals treated or other appropriate description
- Year, month, day, and time pesticide was applied
- Person or firm who applied the pesticide
- Trade or brand name and common name of the pesticide applied
- Company name appearing on the product label
- Weather conditions at the time of application, including direction and estimated velocity of the wind and the temperature at the time the pesticide was applied
- Amount of pesticide applied and concentration in pounds or gallon per unit or percentage of active ingredient per unit of the pesticide applied
- Specific crop or designated site or commodity to which the pesticide application was made
- Name and address of the applicator

Seed Inspection Program

Seed Inspection and Labeling Requirements

South Dakota seed laws and regulations require complete, accurate labeling conspicuously placed on each container of seed sold, offered for sale, exposed for sale, held for storage, or transported within the state with the intent to sell for sowing purposes.

If seed is offered for sale in bulk or sold from bulk, the label information must be conspicuously displayed on the container or bin. A copy of the label or label information must be presented to the consumer upon sale.

These requirements apply to agricultural seed, lawn and turf seed, vegetable seed, flower seed, and tree and shrub seed.

The seed law also establishes label requirements for treated seed.

Information for seed labels must be based on seed tests conducted under the supervision of a registered or certified seed technologist. However, any person may conduct seed tests in their own laboratory to determine label information for their own seed without the supervision of a registered or certified seed technologist.

Advertising Seed

Any person exempted from a seed permit who advertises seed in South Dakota must include the following minimum of information in any seed advertisement:

- Kind, or kind and variety, or kind and “variety not stated”
- Percentages of purity and germination
- Percentage by weight of other crop seed, if present
- Rate of occurrence of any restricted noxious weed seed, if present
- Percentage by weight of all weed seed, if present
- Name and telephone number or name and address of the person commissioning the advertisement

Seed Permits Are Required

Before selling, distributing, advertising, soliciting orders for, offering for sale, exposing for sale, or transporting seed, a person must obtain a seed permit from the Department of Agriculture.

A permit is not required for those who sell or advertise seed they have produced, provided that the seed is stored and delivered only to a purchaser on or from the farm where it was grown or the production and sale of seed is not a primary source of income to the seller.

Each permit expires on the 31st day of December of the year following the date of issue.

The biennial fee for a seed permit is:

- | | |
|-----------------|-------|
| • Seedsman | \$250 |
| • Seed Producer | \$50 |
| • Seed Dealer | \$50 |

Seedsman – Any person who purchases, conditions, labels, or sells seed as a major part of his or her business

Seed Producer – Any person who labels and sells seed only of his own production

Seed Dealer – Any person who exposes seed for sale, maintains an unsold inventory, and sells seed or takes orders for seed for a Seedsman or Seed Producer but does not condition or label seed

Each permit applicant must agree to provide the Secretary of Agriculture with a legible copy of any records, and access to the premises where the seed is sold, handled or stored during customary business hours. The information obtained from records and from application information is for the sole use of the secretary in carrying out the provisions of the seed chapter.

For more information on the Seed Inspection Program, please contact the department at 605/773-3724, visit our website at www.state.sd.us/doa/das/hp-seed.htm or e-mail nels.brosted@state.sd.us

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Division of Agricultural Services
Office of Agronomy Services
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ENFORCEMENT CASE UPDATE

SOUTHEAST – The department documented an advertisement for CRP/pasture spraying posted in the classified ads. The applicator was not commercially licensed to make such applications. The applicator settled with the department for \$330 and was required to obtain his commercial applicator license.

WESTERN – An uncertified applicator made false statements to the department about making applications of poison rat bait bars and poisoned grain for the control of prairie dogs. Neither product was labeled for use in South Dakota for the control of prairie dogs. The department issued the applicator a warning for the violations.

SOUTHEAST – The department received information that a facility was selling RUPs without a pesticide dealer license. It was found that the main location did have a pesticide dealer license; however, its branch location was not licensed. The department issued a warning for the violation and required the branch location to apply for a pesticide dealer license.

EASTERN – The department received a complaint alleging that damage to a cornfield was caused by tank contamination. It was found that an application of Atrazine, Callisto, and Steadfast was made to the field. In reviewing application records it was found that Roundup Propack had been used in the tank prior to the application. The commercial applicator settled with the department for \$385.

WESTERN – An application of M-44 sodium cyanide capsules was reported to have been made by an unlicensed applicator. The department found that an unlicensed applicator set M-44 devices for the purpose of killing coyotes without keeping required applications records for the applications. The applicator was issued a warning for the violation.

EASTERN – The department checked into the possibility of a government employee using their fee exempt commercial applicator license as the license for a personal business. The department settled with the applicator for \$210 and required the applicator to apply for an applicator license for the personal business.