



# Rozol Prairie Dog Bait Cancellation

*Editor's Note: This August news release by the North Dakota Department of Agriculture (NDDA) confirms in a tangible way that federal court litigation by environmental advocacy groups is impacting pesticide users in North Dakota directly. As I have highlighted at pesticide trainings the past several seasons and recently in the July issue of the Pesticide Quarterly newsletter, this is no longer an abstract problem faced by users in West Coast states. In this PQ, Jim Gray with the*

*NDDA puts this into context with his background story on Rozol.*

BISMARCK – Agriculture Commissioner Doug Goehring is advising pesticide users and dealers that Rozol Prairie Dog Bait, a rodenticide to manage black-tailed prairie dogs, has been canceled by the Environment Protection Agency (EPA) because of a recent court decision. This bait can no longer be used or sold in North and South Dakota, Montana and New Mexico. The cancellation does not affect other pesticides registered under the Rozol trade name.

“Defenders of Wildlife sued EPA, alleging that EPA failed to meet the risk assessment requirements under the Endangered Species Act when registering Rozol,” said Goehring. “Specifically, they alleged EPA of not going through formal consultation with the U.S. Fish and Wildlife Service (USFWS).”

In *Defenders of Wildlife v. Jackson*, the U.S. District Court for D.C. ordered on July 27, 2011, in favor of the plaintiffs, resulting in EPA’s required cancellation of Rozol in those four states on Aug. 8, 2011. The registration cannot be reinstated until USFWS has issued a formal biological

opinion relating to the use of Rozol to control black-tailed prairie dogs.

“The cancellation of Rozol will hurt our ranchers who use it to effectively control prairie dogs on their operation. This court decision could be a predecessor to a more extensive lawsuit looming against EPA regarding 381 pesticide chemical ingredients and 214 endangered species. A decision by the courts to cancel any number of these chemicals would tie the hands of producers and bring agriculture to its knees,” said Goehring.

The court case, *Center for Biological Diversity and Pesticide Action Network North America v. EPA*, was filed in the U.S. District Court of San Francisco on Jan. 20, 2011. No decision has been made on the case.

“If a farmer or rancher has already purchased Rozol, they need to contact their local dealer to see if the product can be returned or they can hold onto the product until next year’s Project Safe Send,” Goehring said. Project Safe Send is a program of the North Dakota Department of Agriculture, which annually collects unused and unwanted pesticides.

## In this issue ...

Rozol Prairie Dog Bait Cancellation .....	1
Coordinator’s Comments.....	2
Introductory Basic Core Training .....	2
Certified Crop Adviser Continuing Education Units Available at Commercial Pesticide Applicator Trainings.....	3
EPA Cancels Rozol Prairie Dog Bait: The Background Story .....	4
Another Challenging Year for Drift .....	5
2011-12 Commercial Pesticide Certification Calendar.....	6
Clean Water Act Bill, the Non-NPDES One.....	8
Pesticide Misuse in Bed Bug Control.....	9
Training Preregistration (form).....	10
Nontraining Study Materials (form).....	11
Project Safe Send Report for 2011 .....	12

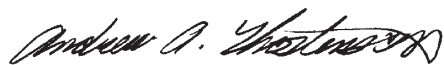
# Coordinator's Comments

At best, the 2011 spray season will go down as a tough year to get pesticides applied on North Dakota's crops. At worst, well, it was ugly out there. Blake Schaan has the details in his year in review in this issue of *PQ*.

This is also the year when the endangered species litigation disputes made their way to the Great Plains. North Dakota Agriculture Commissioner Doug Goering and Agrichemical Director Jim Gray explain.

Finally, applicators and dealers with certification categories expiring on April 1, 2012, should plan now to attend recertification training events this winter. Get your preregistrations in 10 days ahead of time to avoid a late fee.

See you on the training trail.



Andrew A. Thostenson,  
Pesticide Program Specialist

## Training Opportunities for New Applicators/Dealers

# Introductory Basic Core Training

The training is designed for commercial or public applicators and dealers who are new to pesticide certification in North Dakota. It will cover basic pesticide safety and handling practices, as well as relevant laws and regulations pertaining to the distribution and use of pesticides.

This training is not category specific. It will emphasize practices and procedures that should be useful to all applicators or dealers, whether they are seeking certification in the Agricultural Pest Control category, Wood Preservation category or any of the 10 other use categories found in North Dakota.

The training also will describe the certification process and how to prepare and take exams to obtain a pesticide certificate.

People who wish to participate should call the NDSU Pesticide Training and Certification Program office to preregister at (701) 231-7180 or (701) 231-6388. Preregistration forms also are available on the Web at [www.ndsupesticide.org](http://www.ndsupesticide.org).

Preregister at least 10 days before the training date so we can ship training materials and send you your confirmation information (this will include the Web URL, along with login instructions).

### Basic Core Trainings

Date	Time	Location
Nov. 14, 2011	Training 8:30 a.m.-4 p.m. CDT	Statewide via Internet videocast
Dec. 19, 2011	Training 8:30 a.m.-4 p.m. CDT	Statewide via Internet videocast
Jan. 16, 2012	Training 8:30 a.m.-4 p.m. CDT	Statewide via Internet videocast
March 26, 2012	Training 8:30 a.m.-4 p.m. CDT	Statewide via Internet videocast
April 23, 2012	Training 8:30 a.m.-4 p.m. CDT	Statewide via Internet videocast

# Certified Crop Adviser Continuing Education Units Available at Commercial Pesticide Applicator Trainings

The NDSU Extension Service Pesticide Program is offering certified crop advisers the opportunity to obtain their continuing education units (CEUs) at selected commercial agricultural pest recertification training sessions. The course is pending approval with the North Dakota Certified Crop Advisors Board. Exact credit hours and categories are to be announced, but generally crop advisers have been approved for 6 credits in pest management.

Please note that you must attend 100 percent of the training to receive CEU credits. No exceptions allowed!

Fees for attending a session are as follows:

- \$ 5 per credit for crop advisers who also are attending for commercial pesticide recertification
- \$10 per credit for crop advisers who are attending for CEUs only

Please preregister 10 days before a training to ensure adequate space at each location. Call the NDSU Extension Pesticide Program with any questions at (701) 231-7180 or (701) 231-6388.

Date	Time	Location
Nov. 29, 2011; <i>Northern Ag Expo</i>	Registration 7 a.m., Training 8 a.m.-5 p.m.	Fargo, Fargodome, 1800 N. University Drive
Jan. 11, 2012; <i>Jamestown Ag Show</i>	Registration 7:15 a.m., Training 8:30 a.m.-4 p.m.	Jamestown, Jamestown Civic Center, 212 3rd Ave. S.W.
Jan. 24, 2012	Registration 7:30 a.m., Training 8:30 a.m.-4 p.m.	Dickinson, Ramada Inn/Dakota Lodge, 532 15th St. S.W.
Feb. 14, 2012	Registration 7:30 a.m., Training 8:30 a.m.-4 p.m.	Grand Forks, Grand Forks Public Safety Center, 1220 52nd St. S.
Feb. 16, 2012	Registration 8 a.m., Training 8:30 a.m.-4 p.m.	Linton, Emmons County Extension, 100 4th St. N.W.
Feb. 16, 2012	Registration 8 a.m., Training 8:30 a.m.-4 p.m.	Mohall, Renville County Extension, 205 Main St. E.
Feb. 16, 2012	Registration 8 a.m., Training 8:30 a.m.-4 p.m.	Langdon, Research Extension Center, 9280 107th Ave. N.E.
Feb. 16, 2012	Registration 8 a.m., Training 8:30 a.m.-4 p.m.	LaMoure, LaMoure County Courthouse, 202 4th Ave. N.E.
Feb. 16, 2012	Registration 8 a.m., Training 8:30 a.m.-4 p.m.	Fessenden, Wells County Extension, 600 Railway St. N.
Feb. 21, 2012	Registration 7:15 a.m., Training 8:30 a.m.-4 p.m.	Minot, Research Extension Center, 5400 U.S. Highway 83 S.
Feb. 28, 2012	Registration 7:15 a.m., Training 8:30 a.m.-4 p.m.	Bismarck, State Capitol Building, 600 E. Blvd. Ave., Pioneer Room
March 1, 2012	Registration 8 a.m., Training 8:30 a.m.-4 p.m.	Crosby, Divide County Extension, 300 2nd Ave. N.
March 1, 2012	Registration 8 a.m., Training 8:30 a.m.-4 p.m.	LaMoure, LaMoure County Courthouse, 202 4th Ave. N.E.
March 1, 2012	Registration 8 a.m., Training 8:30 a.m.-4 p.m.	Devils Lake, Ramsey County Courthouse, 524 4th Ave. N.E., #5
March 1, 2012	Registration 8 a.m., Training 8:30 a.m.-4 p.m.	Wahpeton, Richland County Courthouse, 418 2nd Ave. N.
March 1, 2012	Registration 8 a.m., Training 8:30 a.m.-4 p.m.	Streeter, Central Grasslands REC Meeting Room, 4824 48th Ave. S.E.
March 1, 2012	Registration 8 a.m., Training 8:30 a.m.-4 p.m.	Waford City, McKenzie County Courthouse, 201 5th St. N.W.
March 6, 2012	Registration 7:15 a.m., Training 8:30 a.m.-4 p.m.	Devils Lake, Ramsey County Armory Meeting Room in Memorial Building, 524 4th Ave. N.E.
March 20, 2012	Registration 7:30 a.m., Training 8:30 a.m.-4 p.m.	Williston, Research Extension Center, 14120 U.S. Highway 2
March 22, 2012	Registration 7 a.m., Training 8:30 a.m.-4 p.m.	Fargo, Fargodome, 1800 N. University Drive

## Certified Crop Adviser – CEU Preregistration 2011-12

**Include Fee**

*(Please print)*

Name \_\_\_\_\_

Phone \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ ZIP \_\_\_\_\_

### I will attend the following workshop:

Date \_\_\_/\_\_\_/\_\_\_ City \_\_\_\_\_

Fee \$ \_\_\_\_\_

Attending for CEUs only?

6 credits x 10 Total \$ \_\_\_\_\_

Attending for pesticide certification also?

6 credits x 5 Total \$ \_\_\_\_\_

Make checks payable to: NDSU Extension Pesticide Program

**Return to:** NDSU Extension Pesticide Program  
NDSU Dept. 7060, P.O. Box 6050  
Fargo, ND 58108-6050

# EPA Cancels Rozol Prairie Dog Bait: The Background Story

*Jim Gray, Director,  
Agrichemical Division, NDDA*

Ranchers and other landowners in North Dakota, South Dakota, Montana and New Mexico lost a prairie dog management tool on Aug. 8 of this year when the U.S. Environmental Protection Agency (EPA) canceled the federal registration of Rozol Prairie Dog Bait. I have received a number of calls from people on this issue asking questions or expressing anger toward EPA. While chucking rocks at EPA is sometimes warranted, it is certainly not warranted in this case. Let me explain.

EPA was petitioned by the World Wildlife Fund in June of 2009 requesting that the agency suspend the federal registration for Rozol due to concerns for impacts to nontarget species, such as raptors and other predators. The petitioner also alleged that EPA failed to meet its obligations under the Endangered Species Act (ESA) by not taking part in formal consultation with the U.S. Fish and Wildlife Service (FWS) to ensure that the use will not negatively impact threatened and endangered species. On a parallel front, the Defenders of Wildlife filed a lawsuit in the U.S. District Court in Washington, D.C., echoing the same alleged violations of the ESA.

In the fall of 2010, the North Dakota Department of Agriculture, Standing Rock Sioux Tribe and NDSU Extension hosted a prairie dog tour with EPA officials to show them prairie

dog damage and to let them hear firsthand from not only ranchers and regulators, but also state, tribal and federal wildlife officials. EPA subsequently denied the petition from World Wildlife Fund to cancel the registration, although the court case is another matter. In late July 2011, the court agreed with the plaintiffs and ordered EPA to cancel the registration for Rozol Prairie Dog Bait in North Dakota, South Dakota, Montana and New Mexico.

Per the court order, the federal registration for the product cannot be reinstated until the FWS issues a biological opinion on the chemical. This is the process used under the ESA to determine if the chemical will negatively impact listed species.

It is important to know that EPA's cancellation order was specific for Rozol Prairie Dog Bait and did not affect any other products under the Rozol trade name. It is also important to know that as of Aug. 8, 2011, it is illegal to sell, distribute or use Rozol Prairie Dog Bait in North Dakota, even if the product was purchased prior to that date. People in possession of the product are urged to contact their dealer to see if it can be returned.

North Dakota is on the fringe of prime prairie dog habitat. Therefore, folks might ask why this is a big deal. Well, it is a big deal because it serves as an example of the regulatory minefield that is affecting the pesticide industry.

Gone are the days of "the label is the law." At one time, pesticide applicators could simply worry about state pesticide laws and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). That is not true anymore. Now there are a number of lawsuits and legal maneuvers focused on the overlap between FIFRA and other laws, such as the ESA, the Clean Water Act and the Clean Air Act.

For example, the Center for Biological Diversity and the Pesticide Action Network filed a lawsuit against EPA in early 2011 that involves 381 pesticide active ingredients and more than 200 listed species. The pesticides included in the lawsuit include almost every pesticide used in modern agriculture. As with the Rozol lawsuit that triggered this most recent action, the larger case alleges that EPA has violated the Endangered Species Act by not undergoing formal consultation with FWS and the National Marine Fisheries Service on each of these pesticide/species interactions. If the prior ESA lawsuits are any indication, EPA is in trouble.

Rest assured that the NDDA will continue tracking these issues and working with state and federal stakeholders to ensure that they receive adequate levels of attention. If you are members of any grower or pesticide industry associations, I would urge you to contact your association's leadership and get them engaged.

# Another Challenging Year for Drift

*Blake Schaan,  
Pesticide Enforcement Supervisor,  
NDDA*

The headline story for the 2011 spraying season was drift, drift and more drift.

The department has received more than 70 complaints this year regarding drift, with the vast majority of them resulting from aerial applications. Many of the applications that were investigated for off-target drift were made when wind speeds were conducive to drift.

However, a few off-target applications probably resulted from temperature inversions based on wind speeds being below 4 mph and temperatures being within 10 degrees Fahrenheit of the dew point.

Based on all of the investigations conducted to date, we have concluded that drift did indeed occur for almost all of the complaints filed except for a handful where no detection of pesticide residue could be made on the allegedly drifted-on property. If one product could be singled out as being the most prevalent in drift cases, glyphosate is it.

Aside from drift onto adjacent crops or other vegetation, three cases involved human exposure to pesticides where pesticide residue was detected on clothing bystanders were wearing at the time the application(s) in question was being made.

At this time, we are not sure if the applicators involved in these cases did not see the people nearby or if they were simply willing to take the risk at the expense of others.

Regardless, the department takes human endangerment cases very seriously.

Pesticide drift is a priority issue at the national level as EPA contemplates the development of new "boilerplate" label language that would make all or some pesticide drift illegal. Drift is certainly a chronic problem in North Dakota, serving as the top reason for complaints each year.

Why is pesticide drift a chronic, perennial problem in North Dakota? Is it a lack of understanding of the causes of

drift? Is it due to poor equipment or failure to match equipment to conditions? Is it a lack of regard for neighbors and owners of adjacent property? Is it an attitude that "drift happens" and people just need to deal with it? Or is it a perception that enforcement is lax and penalties for drift are too low?

Regardless, we have to do better. Investigating drift cases takes considerable resources and, frankly, the number of drift cases is not decreasing. It is safe to say that current approaches to reduce drift are not working, and I welcome any and all ideas on how we can reduce pesticide drift cases in the state.

You can call or email me at (701) 328-4922 or [blakeschaan@nd.gov](mailto:blakeschaan@nd.gov).

# 2011-12 Commercial Pesticide Certification Calendar

Here are schedules you can use for planning your training needs during the next several months.

These recertification trainings are structured to give existing certified commercial/public applicators/dealers the information necessary to maintain or renew their certificates in the appropriate categories. Preregistration is required for all trainings because of material and space limitations.

If you do not preregister, you have no guarantee you will get seated at the training.

New this season is a \$25 late fee, so get those preregistrations postmarked 10 days prior to the training.

A Training Preregistration form is published in this newsletter. Electronic forms for downloading and printing also are available at <http://ndsupesticide.org>.

Home-study course recertification is available for those categories that are not on the training calendar or for the following minor categories: home industrial and institutional, metam-sodium, public health, vertebrate and wood preservation.

Request your materials for these courses with the Non-training Study Materials request also printed in this newsletter (*see page 11*).

## ■ Ground and Aerial for AgPest, Right-of-Way, Seed Treatment and Research and Demonstration Recertification

Date	Time	Location
Nov. 29, 2011; <i>Northern Ag Expo</i>	Registration 7 a.m., Training 8 a.m.-5 p.m.	Fargo, Fargodome, 1800 N. University Drive
Jan. 11, 2012; <i>Jamestown Ag Show</i>	Registration 7:15 a.m., Training 8:30 a.m.-4 p.m.	Jamestown, Jamestown Civic Center, 212 3rd Ave. S.W.
Jan. 24, 2012	Registration 7:30 a.m., Training 8:30 a.m.-4 p.m.	Dickinson, Ramada Inn/Dakota Lodge, 532 15th St. S.W.
Feb. 14, 2012	Registration 7:30 a.m., Training 8:30 a.m.-4 p.m.	Grand Forks, Grand Forks Public Safety Center, 1220 52nd St. S.
Feb. 16, 2012	Registration 8 a.m., Training 8:30 a.m.-4 p.m.	Linton, Emmons County Extension, 100 4th St. N.W.
Feb. 16, 2012	Registration 8 a.m., Training 8:30 a.m.-4 p.m.	Mohall, Renville County Extension, 205 Main St. E.
Feb. 16, 2012	Registration 8 a.m., Training 8:30 a.m.-4 p.m.	Langdon, Research Extension Center, 9280 107th Ave. N.E.
Feb. 16, 2012	Registration 8 a.m., Training 8:30 a.m.-4 p.m.	LaMoure, LaMoure County Courthouse, 202 4th Ave. N.E.
Feb. 16, 2012	Registration 8 a.m., Training 8:30 a.m.-4 p.m.	Fessenden, Wells County Extension, 600 Railway St. N.
Feb. 21, 2012	Registration 7:15 a.m., Training 8:30 a.m.-4 p.m.	Minot, Research Extension Center, 5400 U.S. Highway 83 S.
Feb. 28, 2012	Registration 7:15 a.m., Training 8:30 a.m.-4 p.m.	Bismarck, State Capitol Building, 600 E. Blvd. Ave., Pioneer Room
March 1, 2012	Registration 8 a.m., Training 8:30 a.m.-4 p.m.	Crosby, Divide County Extension, 300 2nd Ave. N.
March 1, 2012	Registration 8 a.m., Training 8:30 a.m.-4 p.m.	LaMoure, LaMoure County Courthouse, 202 4th Ave. N.E.
March 1, 2012	Registration 8 a.m., Training 8:30 a.m.-4 p.m.	Devils Lake, Ramsey County Courthouse, 524 4th Ave. N.E., #5
March 1, 2012	Registration 8 a.m., Training 8:30 a.m.-4 p.m.	Wahpeton, Richland County Courthouse, 418 2nd Ave. N.
March 1, 2012	Registration 8 a.m., Training 8:30 a.m.-4 p.m.	Streeter, Central Grasslands REC Meeting Room, 4824 48th Ave. S.E.
March 1, 2012	Registration 8 a.m., Training 8:30 a.m.-4 p.m.	Watford City, McKenzie County Courthouse, 201 5th St. N.W.
March 6, 2012	Registration 7:15 a.m., Training 8:30 a.m.-4 p.m.	Devils Lake, Ramsey County Armory Meeting Room in Memorial Building, 524 4th Ave. N.E.
March 20, 2012	Registration 7:30 a.m., Training 8:30 a.m.-4 p.m.	Williston, Research Extension Center, 14120 U.S. Highway 2
March 22, 2012	Registration 7 a.m., Training 8:30 a.m.-4 p.m.	Fargo, Fargodome, 1800 N. University Drive

## ■ Fumigation Recertification

Date	Time	Location
Dec. 14, 2011	Registration 9:30 a.m., Training 10 a.m.-2:30 p.m.	LaMoure, LaMoure County Extension, 202 4th Ave. N.E.
Dec. 14, 2011	Registration 9:30 a.m., Training 10 a.m.-2:30 p.m.	Devils Lake, Ramsey County Courthouse, 524 4th Ave. N.E., #5
Dec. 14, 2011	Registration 9:30 a.m., Training 10 a.m.-2:30 p.m.	Mohall, Renville County Extension, 205 Main St. E.
Dec. 14, 2011	Registration 9:30 a.m., Training 10 a.m.-2:30 p.m.	Watford City, McKenzie County Courthouse, 201 5th St. N.W.
March 13, 2012	Registration 9:30 a.m., Training 10 a.m.-2:30 p.m.	Fargo, Cass County Courthouse Annex, 1010 2nd Ave. S., Lower Level
March 13, 2012	Registration 9:30 a.m., Training 10 a.m.-2:30 p.m.	Grand Forks, Grand Forks County Extension, 151 4th St. S., Suite 302
March 13, 2012	Registration 9:30 a.m., Training 10 a.m.-2:30 p.m.	Williston, Williams County Courthouse, 205 E. Broadway
March 13, 2012	Registration 9:30 a.m., Training 10 a.m.-2:30 p.m.	Fessenden, Wells County Extension, 600 Railway St. N.

## ■ Greenhouse, Ornamental and Turf Recertification

Date	Time	Location
Oct. 27, 2011	Registration 8 a.m., Training 8:30 a.m.-4 p.m.	Bismarck, Burleigh County Extension, 3715 E. Bismarck Expressway
Oct. 27, 2011	Registration 8 a.m., Training 8:30 a.m.-4 p.m.	Grand Forks, Grand Forks County Extension, 151 4th St. S., Suite 302
Oct. 27, 2011	Registration 8 a.m., Training 8:30 a.m.-4 p.m.	Minot, Research Extension Center, 5400 U.S. Highway 83 S.
Feb. 1, 2012	Registration 7:30 a.m., Training 8:30 a.m.-4 p.m.	Fargo, Expressway Suites, 4303 17th Ave. S.
Feb. 24, 2012;	Registration 7:15 a.m., Training 8:30 a.m.-4 p.m.	Fargo, Fargodome, 1800 University Drive N.
March 15, 2012	Registration 8:30 a.m., Training 9 a.m.-4:30 p.m.	Devils Lake, Ramsey County Courthouse, 524 4th Ave. N.E., #5
March 15, 2012	Registration 8:30 a.m., Training 9 a.m.-4:30 p.m.	Williston, Williams County Courthouse, 205 E. Broadway
March 15, 2012	Registration 7:30 a.m., Training 8 a.m.-3:30 p.m.	Dickinson, Stark County Courthouse, 51 2nd St. E.

## ■ Home, Industrial and Institutional Recertification

Date	Time	Location
Jan. 5, 2012	Registration 8 a.m., Training 8:30 a.m.-3 p.m.	Fargo, NDSU, Loftsgard 380

## ■ Aerial Applicators Recertification

Date	Time	Location
Feb. 21-23, 2012	TBA	Convention Center, Sioux Falls, S.D.

## ■ Public Health Recertification

Date	Time	Location
May 24, 2012	Registration 9 a.m., Training 9:30 a.m.-4 p.m.	Bismarck, Burleigh County Extension, 3715 E. Bismarck Expressway
May 24, 2012	Registration 9 a.m., Training 9:30 a.m.-4 p.m.	Fargo, NDSU, IACC HALL, Room 422
May 24, 2012	Registration 9 a.m., Training 9:30 a.m.-4 p.m.	Grand Forks, Grand Forks County Extension, 151 4th St. S., Suite 302
May 24, 2012	Registration 9 a.m., Training 9:30 a.m.-4 p.m.	Williston, Williams County Courthouse, 205 E. Broadway

## ■ Right of Way ONLY Recertification

May 22, 2012; NDWCA Annual Sprayer School	TBA*	TBA* western North Dakota
May 23, 2012; NDWCA Annual Sprayer School	TBA*	TBA* central North Dakota
May 24, 2012; NDWCA Annual Sprayer School	TBA*	TBA* eastern North Dakota

\* TBA: To Be Announced in a future issue of the *Pesticide Quarterly* newsletter.

# Clean Water Act Bill, the Non-NPDES One

*Editor's note: The following article was developed by Dave Robson, Extension pesticide educator from the University of Illinois. It was printed in the July/August Issue of the Illinois Pesticide Review (IPR).*

The U.S. House of Representatives' Transportation and Infrastructure Committee chairman, John Mica (R-Fla.), and Mick Randall (D-W.V.) introduced a bill (HR 2018) to limit the enforcement of the Clean Water Act.

Titled the Clean Water Cooperative Federalism Act of 2011, it passed the U.S. House on a 239-to-184 vote on July 13. Eight members did not vote. Please note that this is different than the HR872 "National Pollutant Discharge Elimination System (NPDES) Fix" bill, which also deals with the Clean Water Act. You may have seen it mentioned recently on our website.

Faithful readers of Illinois Pesticide Review and attendees at last winter's pesticide training clinics will recognize the Clean Water Act as a major component of last spring's NPDES action by the U.S. Environmental Protection Agency (U.S. EPA) for states to develop a permitting program for the use of pesticides in, on or near water. That requirement was based on court action forcing the U.S. EPA to act.

On the state of Illinois level, the agricultural industry and pesticide educators were concerned with the regulations imposed that had the potential to conflict with FIFRA, the federal act that currently governs the use of pesticides, including the licensing of applicators and operators. The U.S. Court of Appeals granted the U.S. EPA a stay until late fall 2011; in the meantime, several bills were introduced in the U.S. Congress to grant exemptions and/or allow FIFRA to take precedence over NPDES.

The Mica-Randall bill essentially strips the U.S. EPA from reversing or overruling state water quality limits, permitting authority, dredging and waterway activities, and rulings related to wetlands. There are four parts of the act, which will: 1) limit the EPA from promulgating a revised or new water standard without the state's approval. 2) prevent the U.S. EPA from superseding the state's determination that a discharge complies and 3) withdraw approval of a state's NPDES program on the basis of EPA's disagreement with the state regarding implementation of NPDES standards. Section 4 deals with disagreements between states and the U.S. EPA on municipal water supplies, shellfish beds and fishery areas.

The bill also requires the U.S. EPA and U.S. Fish and Wildlife Service to respond to discharge permits in navigable water within 30 days (60 if additional time is required).

According to the Ag Professional website, Mica's interest comes from new nutrient level oversight in Florida, and Randall's from mining interests, including U.S. EPA's stopping companies from removing mountain tops to get to the coal underneath.

As you can imagine, the U.S. EPA and environmental groups oppose the action, which could undo 40 years of the Clean Water Act. The U.S. EPA's position is that water is not solely an intrastate entity but one that is interstate, moving throughout the nation. State laws tend to be much easier to change.

The agriculture industry is concerned that U.S. EPA is interpreting the Clean Water Act in areas not intended since the act's 1972 passage, such as the nutrient level oversight. The ag industry and others are also concerned that the U.S. EPA doesn't always follow normal scientific community definitions when determining actions.

The U.S. House is currently in a pro-state mode, and representatives believe that states have the

ability and quality of oversight to best manage the water in their state. However, as most growers, applicators and consumers know, there are many areas where there are no uniform laws and regulations between one state and the next, and it's possible that producers and pesticide applicators near borders, or those that work in several states, may have to contend with several sets of conflicting laws. A downstream state would have no recourse against a polluter upstream who may be abiding by laws of the upstream state but in violation of the downstream state.

Like all U.S. laws, both chambers of Congress must approve of a bill, which then goes to the president for his signature. Just because the Clean Water Cooperative Federalism Act of 2011 passed the House doesn't mean it will pass the Senate nor win the president's signature.

How this action affects NPDES and the October extension is unclear.

Like most action that involves Washington, D.C., stay tuned.

## Pesticide Misuse in Bed Bug Control

*Editor's note: The following May/June 2011 article is by my colleague, Phil Nixon, from the University of Illinois Pesticide Safety Education Program. He developed this precautionary essay for the program's applicator newsletter. The Illinois Pesticide Safety Review.*

There have been several recent instances of insecticide misuse associated with bed bug control. They have occurred in various parts of the U.S. and have involved the use of malathion, carbaryl and fipronil labeled for outdoor use.

There was also a recent report from Thailand blaming chlorpyrifos used to control bed bugs in a hotel for the death of one and severe illness of two other young women from New Zealand. In previous months, two elderly people and a middle-aged person died mysteriously in the hotel. Investigations into these illnesses and deaths are ongoing.

The use of chlorpyrifos in this case was a legal use in Thailand, but it is surmised that it may have been heavily overapplied. Chlorpyrifos was used indoors for several decades in the U.S. until registration for indoor use in the U.S. was voluntarily withdrawn by the parent company at the end of 2001. Reductions in usage were imminent under the Food Quality Protection Act, and there had been numerous human illness reports associated with its use indoors.

Pesticides formulated for use outdoors commonly contain different solvents and carriers than those used indoors. Although proper for use outdoors where volatile chemicals easily disperse into the open air, these solvents and carriers can become a health problem when confined in indoor spaces. In addition, they can be absorbed by paint, varnish and other indoor surfaces where they may volatilize over an extended period of time. Many of these solvents and carriers can also damage indoor finishes.

In the past, cleanup of improperly applied pesticides has been to wash down surfaces to remove pesticide residue. Stripping or sanding off contaminated paint and varnish followed by reapplication of new finishes has been recommended in severe cases. Initial investigation by EPA into these recent misuses for bed bug control indicates that these methods may not remove sufficient pesticide residues. This may result in new EPA cleanup guidelines in the future.

In summary, fipronil is used in indoor cockroach and ant baits. Malathion and carbaryl used to have labeled indoor uses as well. (But no longer.) When a pesticide labeled for outdoor use is applied indoors, solvents and carriers in that formulation are likely to be as much or more of a threat to human health than the active ingredient.



# Commercial Pesticide Study Material Request Form

## Nontraining Study Materials

Order only if **NOT** attending a training

<b>PERSONAL INFORMATION</b> (please print)
Name
Address <small>P.O. box and street address</small>
City, State, Zip
Phone
Date of birth
E-mail

<b>EMPLOYER/BUSINESS</b>
Name
Address <small>P.O. box and street address</small>
City, State, Zip
Phone
Fax
E-mail

Check if you would prefer to receive your *Pesticide Quarterly* newsletter by e-mail

**Correspondence from the Pesticide Office should go to which of the above addresses?**     personal     employer

N.D. County of Residence \_\_\_\_\_

N.D. Commercial Pesticide ID \_\_\_\_\_

Do you work for a government agency?     Yes     No

Is this certification for research and demonstration purposes?     Yes     No

Check all that apply on each line:    **Core Status**     Ground     Aerial  
**Certification Status**     Applicator     Dealer     Consultant

<b>Study Material</b>	
▼ Check each category for study material needed:	
<input type="checkbox"/> Ag Pest	
<input type="checkbox"/> Fumigation	
<input type="checkbox"/> Greenhouse	
<input type="checkbox"/> Home, Industrial and Institutional	
<input type="checkbox"/> Ornamental and Turf	
<input type="checkbox"/> Public Health	
<input type="checkbox"/> Right-of-Way	
<input type="checkbox"/> Seed Treatment	
<input type="checkbox"/> Vertebrate	
<input type="checkbox"/> Wood Preservatives	
Total study material categories _____ X \$10 = \$ _____	
Commercial/public/dealer certification cost <i>(One time charge per training season)</i>	\$55
Shipping and handling	+ \$5
<b>Total</b>	<b>\$ _____</b>

### Method of Payment (payment must be included)

Email address for receipt (C.C. only) \_\_\_\_\_

**Credit Card**  
 Visa     MasterCard     Discover

Credit card # \_\_\_\_\_

Expiration (mo/yr) \_\_\_\_/\_\_\_\_

Cardholder name  
(print) \_\_\_\_\_

Billing address \_\_\_\_\_

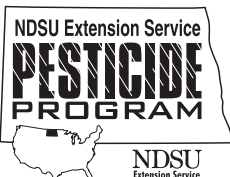
3-digit code \_\_\_\_\_ billing zip code \_\_\_\_\_

**Check/Money Order #** \_\_\_\_\_  
 Payable to NDSU Extension Pesticide Program

**Send payment to:**  
 NDSU Extension Pesticide Program  
 NDSU Dept. 7060, P.O. Box 6050  
 Fargo, ND 58108-6050

**Allow 10 business days for processing**

9/2011



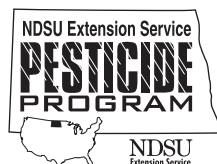
**For questions, contact the  
 NDSU Extension Pesticide Program Office  
 phone (701) 231-7180 or (701) 231-6388; fax (701) 231-5907**

North Dakota State University  
Agriculture Communication  
NDSU Dept. 7070  
P.O. Box 6050  
Fargo, ND 58108-6050

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## Project Safe Send Report for 2011

Nearly 95 tons of unusable pesticides were collected and transported out of North Dakota in 2011 through Project Safe Send.

"More than 380 people brought in a total of 189,996 pounds," said Agriculture Commissioner Doug Goehring. "These numbers clearly indicate a continuing need for this easy and affordable means for farmers, dealers and homeowners to get rid of these potentially dangerous chemicals.

"Since 1992, more than 7,700 people have used Project Safe Send to get rid of their unusable pesticides, almost 3 million pounds," Goehring said. "This public support has helped maintain the program's

strong, bipartisan backing in the Legislature."

Project Safe Send collections were conducted during July in Casselton, Cavalier, Center, Devils Lake, Dickinson, Grand Forks, Lidgerwood, Medina, Fessenden, Stanley, Towner and Williston.

The Grand Forks collection drew the most participants – 65 people – and the most chemicals collected – 40,661 pounds.

Chemicals brought into this year's collection included long-banned products such as DDT, arsenic, strychnine and mercury compounds. Veolia Environmental Services, Blaine, Minn., collected, repackaged and transported all

the chemicals to out-of-state incinerators.

Project Safe Send is funded by fees paid by pesticide manufacturers to register their products in North Dakota.

**Need help with  
pesticide certification or  
general pesticide use issues?**

**Contact:**

NDSU Pesticide Training and  
Certification Program  
NDSU Dept. 7060  
205 Walster Hall, P.O. Box 6050  
Fargo, ND 58108-6050 USA

Phone: (701) 231-7180

Fax: (701) 231-5907

Email: [NDSU.pesticide@ndsu.edu](mailto:NDSU.pesticide@ndsu.edu)

Web: [www.ndsupesticide.org](http://www.ndsupesticide.org)