



Pesticide and Noxious Weed Newsletter

Winter 2006/2007

Nebraska Department of Agriculture

Vol. 20

Significant Cases for 2006

Drift

The Nebraska Department of Agriculture (NDA), pesticide program, received a typical number of drift complaints during the year. Of the 63 complaint investigations this year, drift cases accounted for approximately half. Glyphosate accounts for nearly 75% of the pesticides involved in all drift cases, which has been the case for the last five years as glyphosate use increases in Nebraska. While it is not uncommon to encounter wind-blown drift in nearly any type of spray application, it is very important for applicators to understand that managing drift is possible and extremely important. Applicators can plan their spray applications at times of the day that carry drift away from sensitive plants and humans or animals. Simply advising adjacent landowners when applications will take place often prevents misunderstanding and promotes cooperation for difficult applications. NDA is especially concerned about spray drift near organic farming operations, where even trace amounts of chemical will cause the revocation of organic certification, leading to a major loss of income.

Waste/Rinsate Disposal

Over the years, NDA and UNL Pesticide Education Resources have made proper waste pesticide disposal one of the priorities of pesticide applicator education. From the inception of NDA's Pesticide Program in 1994, the number and severity of pesticide disposal incidents has decreased, with the exception of

2006. During late spring and early summer of this last year, NDA pesticide inspectors encountered numerous incidents of commercial applicators intentionally disposing of left-over spray solution in locations that are prohibited by label directions. It is especially disturbing when this activity is observed within feet of a designated loadout pad built for the purpose of containing spills and rinsate. NDA considers the intentional disposal of pesticides in a manner prohibited by State or Federal law to be a serious offense, and will typically levy maximum penalties against applicators and companies found in violation. Penalties in 2006 for illegal disposal have ranged from \$2,500 to over \$10,000. Applicators need to control left-over spray solution by holding it for future use on labeled sites, or disposal in a manner allowed by label directions.

Termite Bait Stations

While Nebraska is largely an agricultural state, there are non-agricultural pests that affect people. Termites have become one such pest that represents a significant problem, for both homeowners and pest management professionals. Traditional liquid termiticides are still used, and the newer generation products are quite effective if applied correctly. Another termite control method developed in the last five to seven years uses the concept of locating the points of activity of the termite colony, installing bait stations around a structure, and strategically introducing insect growth regulators in the bait stations. Termite bait

systems have proven effective in many locations and situations in the U.S. and Nebraska; however, proper installation and monitoring of the bait station is critical for effective control of the termite colony. Because both the termite bait and monitoring stations are registered with EPA as a pesticide system (with instructions on how to install and monitor the stations written on the pesticide label), the installation and monitoring of the stations must be done according to label instructions, and by a certified and licensed pesticide applicator (see rule number 2 under the "unlicensed applicators" paragraph on page 2). NDA has encountered numerous situations in which termite bait stations have been monitored incorrectly, or not at all, after installation. While NDA has chosen to issue warning letters for first time offenses, repeat offenses will result in financial penalties because improper monitoring is considered a misuse of a registered pesticide.

Water Resource Protection

During routine pesticide application monitoring, NDA witnessed several

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applicators directly applying row crop herbicides over wellheads and near surface water. Herbicides containing such active ingredients as atrazine, S-metolachlor, and several others are prohibited by Federal and State law from application within 50 feet of wellheads; and those containing atrazine can't be applied within 66 feet of most streams, rivers, and impoundments. In another case, an inspector was called by passing motorists to an urban road median application that was made on a rainy day (see photos). Three issues were present in this case: It was raining before and during the application, making the target site susceptible to runoff and off-site movement of pesticides, the target median was



not constructed of loose brick but poured concrete,

making the applied amount of pesticide exceed the maximum labeled amount by 10 times (too much volume for the site), and the applicator was uncertified, untrained, and was conducting his first-ever application without any instruction other than "go spray the median".

NDA regards these activities as serious offenses that can result in financial penalties to both the applicator and the applicator's employer. Because nearly 85% of drinking water in Nebraska comes from ground water, and the surface water that flows through our state eventually winds up in drinking water systems downstream, applicators are protecting everyone's health by keeping this valuable resource free from pesticides. Applicators are encouraged to use all of the resources available to them in determining the locations of sensitive areas. The

following information can be used to supplement documentation for an application:

- Pesticide Label Lists for Specific Use Requirements (<http://www.agr.ne.gov/division/bpi/pes/labels.htm>) - a listing of specific label language for protecting water resources and the products having this language.
- Pesticide Technical Interpretation (PTI) 1: Intermittent Streams (<http://www.agr.ne.gov/division/bpi/pes/technical.htm>) - defines what an intermittent stream is for those labels which prohibit applications near these areas.
- Nebraska Interactive Map (http://www.dnr.ne.gov/databank/inter_active.html) - the user can zoom into an application site and plot registered wells along with many other map features, including roads, streams, section boundaries, and even color imagery. The resulting map could be retained as part of the application record showing what was sprayed and where.

Unlicensed Applicators

NDA continues to encounter uncertified/unlicensed pesticide applicators who should be licensed prior to making pesticide applications. Here are the rules:

1. Anyone applying a restricted-use pesticide (RUP) must be certified and licensed in the correct category for the work being done;
2. Anyone commercially applying structural or lawn care pesticides must be certified and licensed in those categories; and
3. Anyone applying any pesticide for outdoor disease vectors (such as mosquito control), on behalf of a political subdivision of state government must be certified and licensed in the correct category.

NDA pesticide inspectors encountering an uncertified applicator

will first determine if that person has applied for their once-in-a-lifetime, 60-day exemption from certification. If that person has not applied for this exemption, the person is immediately issued a Notice of Certification Violation, which is a binding enforcement action. This Notice stipulates the applicator must cease all pesticide applications immediately or face a \$2,500 penalty. Failure to apply for the 60-day exemption results in a permanent loss of that opportunity, and the only way the person can then legally apply pesticides is if they successfully pass the required examinations and obtain the license.

2006 Waste Pesticide Disposal Program

Recently, Nebraska concluded another Waste Pesticide Disposal Program. NDA has been fortunate in receiving funding to conduct collection programs since 1995. The total amount of product collected since 1995 now totals 2,274,768 pounds. More specific information can be found at (<http://www.agr.ne.gov/division/bpi/pes/waste.htm>).

NDA wishes to express their appreciation to the Nebraska Environmental Trust, U.S. Environmental Protection Agency, and the Nebraska Department of Environmental Quality for providing funds so these collections can take place. NDA would also like to acknowledge the efforts of the University of Nebraska Cooperative Extension Service and the Nebraska Agribusiness Association and its members for not only promoting the collection program but also allowing us to use their facilities for these events.

NDA expects to conduct another collection program in the spring of 2007. The exact dates and locations will be determined in the next few months. NDA encourages anyone having unwanted or unusable pesticides to take advantage of these opportunities.

If you have any questions, please call the Bureau of Plant Industry at (402) 471-2394.

Commercial and Non-Commercial 2007 Initial Certification Meetings (UNL or Association Training as well as Exams)

Training entities may charge fees for training. NDA will bill applicators separately for commercial licenses.

<u>Date</u>	<u>Meeting</u>	<u>Category(ies)</u>	<u>City, Location</u>
January 16	Ag Expo	1	Omaha, Hilton Hotel
January 22	NE Nursery & Landscape	4	Council Bluffs, Mid-America Center
January 23-24	Urban Pest Mgt. Conf.	8,8W,9,11	Lincoln, Cornhusker Hotel
January 25-26	State Pest Control Assoc	8,8W,9,11	Lincoln, Holiday Inn
January 30	UNL Initial Certification	1,4,9,11	Scottsbluff, Panhandle REC
February 6	UNL Initial Certification	4,7,11,14	Beatrice, Gage County Extension
February 6	UNL Initial Certification	1,4,8,8W	Columbus, Platte County Extension
February 6	UNL Initial Certification	1,4,6,7	Fremont, Dodge County Extension
February 6	UNL Initial Certification	1,4,5,8,8W,10	Grand Island, College Park
February 6	UNL Initial Certification	1,4,7,9,11,14	Lincoln, Lancaster County Extension
February 6	UNL Initial Certification	1,4,7,8,8W,9	Norfolk, Lifelong Learning Center
February 6	UNL Initial Certification	1,3,5,9,14	North Platte, UNL WCREC
February 6	UNL Initial Certification	1,4,8,8W,10,14	Omaha, Douglas County Extension
February 13-14	NE Aviation Trades Assoc.	1,7,12	Grand Island, Midtown Holiday Inn
March 1	Custom Applicator School	1	Hastings, Central Community Coll.
March 1	UNL Initial Certification	1,4,9	Beatrice, Gage County Extension
March 1	UNL Initial Certification	4,7,9,14	Columbus, Platte County Extension
March 1	UNL Initial Certification	4,6,7,9,11,14	Grand Island, College Park
March 1	UNL Initial Certification	1,4,7,8,8W,10	Lincoln, Lancaster County Extension
March 1	UNL Initial Certification	1,4,5,10,14	Norfolk, Lifelong Learning Center
March 1	UNL Initial Certification	4,7,8,8W	North Platte, UNL WCREC
March 1	UNL Initial Certification	3,4,7,9	Omaha, Douglas County Extension
March 1	UNL Initial Certification	4,5,7,8,8W	Scottsbluff, Panhandle REC
March 22	UNL Initial Certification	1,4,6	Beatrice, Gage County Extension
March 22	UNL Initial Certification	1,4,5,7,8,8W,9,10,14	Norfolk, Lifelong Learning Center
March 22	UNL Initial Certification	1,4,7,9	Ogallala, Keith County Fairgrounds
March 22	UNL Initial Certification	4,7,9,10	Omaha, Douglas County Extension
March 22	UNL Initial Certification	1,4,7,14	Scottsbluff, Panhandle REC
March 22	UNL Initial Certification	1,7,14	Valentine, Cherry County Extension
April 19	UNL Initial Certification	4	Lincoln, Lancaster County Extension
April 19	UNL Initial Certification	1,4	North Platte, UNL WCREC
April 19	UNL Initial Certification	4,7,8,8W	Omaha, Douglas County Extension
April 19	UNL Initial Certification	4	Scottsbluff, Panhandle REC

Commercial and Non-Commercial 2007 Recertification Meetings

Recertification in categories 1a, 2, 3, 5S, 6, and 14 are by exam only at sessions where testing is available. Exams will not be available at recertification meetings. Recertification training entities may charge fees for training. NDA will bill applicators separately for commercial licenses.

<u>Date</u>	<u>Meeting</u>	<u>Category(ies)</u>	<u>City, Location</u>
January 4	Crop Protection Clinic	1, D/R	Auburn, Arbor Manor
January 5	Crop Protection Clinic	1, D/R	Beatrice, Holiday Inn Express
January 8	NE Turfgrass Conference	4	Omaha, Holiday Inn Central
January 9	Crop Protection Clinic	1, D/R	York, Chances "R" Restaurant
January 10	Crop Protection Clinic	1, D/R	Hastings, Holiday Inn Garden Café
January 11	Crop Protection Clinic	1, D/R	O'Neill, Blarney Stone Restaurant
January 12	Crop Protection Clinic	1, D/R	Norfolk, Lifelong Learning Center

Please Post for Future Reference

(Continued on next page)

<u>Date</u>	<u>Meeting</u>	<u>Category(ies)</u>	<u>City, Location</u>
January 16	Crop Protection Clinic	1, D/R	Scottsbluff, Panhandle REC
January 16	Ag Expo	1	Omaha, Hilton Hotel
January 17	Crop Protection Clinic	1, D/R	Ogallala, Grey Goose Lodge
January 18	Crop Protection Clinic	1, D/R	Broken Bow, Bum Steer
January 19	Crop Protection Clinic	1, D/R	Holdrege, Ag Center
January 22	Crop Protection Clinic	1, D/R	Lincoln, Lancaster County Extension
January 22	NE Nursery & Landscape	4	Council Bluffs, Mid-America Center
January 23	Crop Protection Clinic	1, D/R	Fremont, Christensen Field
January 23-24	Urban Pest Mgt. Conference	8, 8W, 9, 11	Lincoln, Cornhusker Hotel
January 25-26	NE State Pest Control Assoc.	8, 8W, 9, 11	Lincoln, Holiday Inn
February 8	UNL Recertification	4,7,11	Beatrice, Gage County Extension
February 8	UNL Recertification	4,5,7,9	Columbus, Platte County Extension
February 8	UNL Recertification	4,7,8,8W	Fremont, Dodge County Extension
February 8	UNL Recertification	4,7,8,8W,10	Grand Island, College Park
February 8	UNL Recertification	4,7,9	Holdrege, Phelps County Extension
February 8	UNL Recertification	4,5,7,8,8W,11	Lincoln, Lancaster County Extension
February 8	UNL Recertification	4,7,8,8W,10,11	Norfolk, Lifelong Learning Center
February 8	UNL Recertification	4,7,11	North Platte, UNL WCREC
February 8	UNL Recertification	4,7,8,8W,9,11	Omaha, Douglas County Extension
February 8	UNL Recertification	4,7,8,8W	O'Neill, Holt County Extension
February 8	UNL Recertification	4,7,8,8W,9,11	Scottsbluff, Panhandle REC
February 13-14	NE Aviation Trades Assn.	1, 7, 12	Grand Island, Midtown Holiday Inn
February 20	UNL Recertification	4,5,7,8,8W	Norfolk, Lifelong Learning Center
February 27	UNL Recertification	4,5,7	Ainsworth, Courthouse meeting rm.
February 27	UNL Recertification	4,7,11	Beatrice, Gage County Extension
February 27	UNL Recertification	4,5,7	Columbus, Platte County Courthouse
February 27	UNL Recertification	4,5,7,8,8W,11	Grand Island, College Park
February 27	UNL Recertification	4,7,9,10	North Platte, UNL WCREC
February 27	UNL Recertification	4,5,7,9,10	Omaha, Douglas County Extension
February 27	UNL Recertification	4,5,7,11	Scottsbluff, Panhandle REC
March 1	Custom Applicator School	1	Hastings, Central Community Coll.
March 20	UNL Recertification	4,7,9	Beatrice, Gage County Extension
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March 20	UNL Recertification	4,7,8,8W,11	Lincoln, Lancaster County Extension
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March 20	UNL Recertification	4,7,8,8W,11	Omaha, Douglas County Extension
March 20	UNL Recertification	4,5,7	O'Neill, Holt County Extension
March 20	UNL Recertification	4,5,7,9,11	Scottsbluff, Panhandle REC
March 20	UNL Recertification	4,5,7	Valentine, Cherry County Extension

Exams for initial certification and recertification are available at the initial certification meetings on page 3, the Lincoln NDA office by appointment, and at NDA-proctored sessions to be posted at <http://www.agr.ne.gov/division/bpi/pes/certest.htm>.

Applicator Categories

1	Ag Plant	8	Structural Health
1a	Soil Fumigation	8W	Wood Destroying Organism
2	Ag Animal	9	Public Health
3	Forest	10	Wood Preservation
4	Ornamental and Turf	11	Fumigation (grain)
5	Aquatic	12	Aerial
5S	Sewer Root (<i>metam sodium</i>)	14	Wildlife Damage Control
6	Seed Treatment	REG	Regulatory Subcategory
7	Right-of-Way	D/R	Demonstration/Research Subcategory

Please Post for Future Reference

NDA to Offer Computer Based Testing in Omaha

NDA has contracted for a computer-based testing location on the University of Nebraska-Omaha (UNO) campus. For one year, we will be piloting this project to determine the feasibility of offering exams year round in the Omaha area. Four different NDA exams (General Standards, Structural Pest Control, Wood Destroying Organisms, and Ornamental and Turf) will be offered during this pilot program.

Exams will be proctored Monday through Friday from 2:00 to 4:00 p.m. at:

UNO Eppley Administration Building
Room 113
6001 Dodge Street
Omaha, NE 68182

This service will allow people in the Omaha area to test any weekday instead of once every two to four weeks. It will also save testers the time and expense of traveling to Lincoln to take exams.

To test at UNO, first contact NDA at (877) 800-4080. NDA will assign you a password which will be needed. After receiving your password from NDA, you will call (877) 533-2900 to schedule your exam date. You will be asked for credit card information.

Exam takers must bring a picture ID to the testing site and may arrive as early as 1:30 p.m. to check in and prepare for testing. However, exam takers who arrive after 2:30 p.m. will be considered a "no show." All exams must be completed by 4:00 p.m. Exam takers will be charged a \$45 fee per exam which is split between UNO and the software vendor. No shows will be charged \$20 per scheduled test if they do not cancel with at least 24 hours notice. None of these fees are NDA fees.

Exams will be taken at a computer, which will take your picture while you are testing. After you complete an exam you will be able to print a score sheet, which will give you an overall score and topic scores for topics such as laws, labels, etc. NDA will receive and process your exam scores the

following business day. If you fail an exam, you must wait seven days until you take it again. This waiting period is to give you time to review the study materials.

Once the General Standards exam and at least one category exam are completed successfully, a person is qualified to be licensed. After the appropriate licensing fee is paid, NDA will issue a license.

For testing at other locations, see (<http://www.agr.ne.gov/division/bpi/pes/certest.htm>).



New Web Design for UNL Pesticide Education Office

by Vicki Schroeder, Pesticide Education
Office, UNL Extension

The University of Nebraska-Lincoln Pesticide Education Office has made it easier for commercial/noncommercial pesticide applicators to purchase study materials and register for Pesticide Safety Education Program (PSEP) training classes. Simply go to <http://pested.unl.edu>, and click the "PSEP Materials" or "PSEP Registration" buttons on the left menu bar, and follow the directions.

If you would prefer to mail in an order form for either study materials or registration of training classes, you can find this form in the 2007 Pesticide Safety Education Program Schedule. The schedule booklet is located on the right menu list under "What's New." The order form is on page 8 of the schedule booklet.

If you have further questions on ordering study materials or

registration for PSEP classes, contact Vicki Schroeder at the University of Nebraska-Lincoln Pesticide Education Office at (800) 627-7216 (toll free) or (402) 472-1632.

Attention: Recertification by Exam for Certain Categories

For 2007, there are a number of categories for which University training WILL NOT be offered as an option for recertification, because these either have small numbers of applicators or are fairly new categories without training videos. The General Standards training requirements of your recertification can still be met by attending a training session. However, category-specific requirements will need to be met by completing an exam at either UNL or NDA testing sessions. The categories in which you will only be able to RECERTIFY BY EXAM will be:

- 1a - Soil Fumigation
- 02 - Ag Animal
- 03 - Forestry
- 5S - Sewer Root Control
- 06 - Seed Treatment
- 14 - Wildlife Damage Control

Persons who miss the Crop Protection Clinics and Nebraska Agri-Business Association training opportunities for recertifying in the Ag Plant category must also recertify by exam. Persons will NOT be allowed to recertify in the Ag Plant category by watching UNL training videos. Exceptions, on a case-by-case basis, will only be granted if arrangements are made ahead of time with the NDA Lincoln office.

Note: Attached as an insert is a brochure regarding the Nebraska's Secondary Containment Program for dealers and applicators.

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web page shortly after it is published.
If you would rather view it on-line
instead of receiving a hard copy,
please follow the directions at the web
site listed below, and we will notify you
of the next publication.*

Web site: www.agr.ne.gov/division/bpi/pstnx/news.htm

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*This newsletter is available in other formats
for persons with disabilities upon request.
For an alternate format or for additional
information on topics in this publication,
please call the Nebraska Department of
Agriculture at
(402) 471-2394.*

*TDD users can contact the Department by
first calling the Nebraska Relay System.
Telephone (800) 833-7352 and asking the
operator to call
(402) 471-2394.*

Greg Ibach, Director
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Happy Holidays

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As with all its programs, NDEQ encourages voluntary compliance. However, NDEQ can seek court-ordered injunctions, fines, or other legal remedies as provided for in the Nebraska Environmental Protection Act in order to obtain compliance with the regulations.

While NDEQ administers Title 198, the Nebraska Department of Agriculture, administers most other state and federal pesticide and fertilizer laws and regulations. For questions regarding pesticide and fertilizer production, sales, and use and licensing, call (402) 471-2394.

YOU'VE GOT QUESTIONS?

WE'VE GOT ANSWERS!

Please contact us at (402) 471-4255 or visit our web site at www.deq.state.ne.us.

We are here to help.

*Nebraska Department of Environmental Quality
1200 N Street, Suite 400
P.O. Box 98922
Lincoln, NE 68509*



Are Environmental Regulations Becoming a Pest?



**Quick Info for Complying with
Nebraska's Secondary
Containment Regs.**

Do you store pesticide or fertilizer containers larger than 55 gallons?

Do you store bulk liquid pesticides in aggregate quantities greater than 500 gallons?

Do you apply pesticide or fertilizer solutions for hire?



If you answered **YES** to any of these questions, you may be required to have **SECONDARY CONTAINMENT AND/OR LOADOUT FACILITIES.**

Large quantities of agricultural chemicals, both pesticides and fertilizers, are used in Nebraska. Bulk supplies of these chemicals are stored for various lengths of time by individual producers, chemical dealers, and custom applicators. **SPI LLS** or **LEAKAGE** of these materials from storage tanks pose a very real threat to our ground and surface waters.

Nebraska protects its waters from spills or leaks through Title 198; Rules and Regulations Pertaining To Agricultural Chemical Containment. (See "rules and regulations" at www.ndeq.state.ne.us.)

When is pesticide containment required?

Secondary containment and a load-out facility are required when bulk pesticide storage capacity exceeds 500 gallons. Even if secondary containment is not required, a custom applicator must have a load-out facility

when using pesticides from original containers larger than three gallons or when using pesticide or fertilizer mixtures of more than 100 gallons.

When is fertilizer containment required?

The situations in which bulk fertilizer storage must be contained are a little more complicated. Secondary containment is required when:

- The capacity of a single container exceeds 2,000 gallons;
- The capacity of two or more containers exceeds 3,000 gallons; or
- Fertilizer storage exceeds 25 percent of the container capacity for any container larger than 500 gallons anytime from November 1 through March 15.

There are Exceptions:

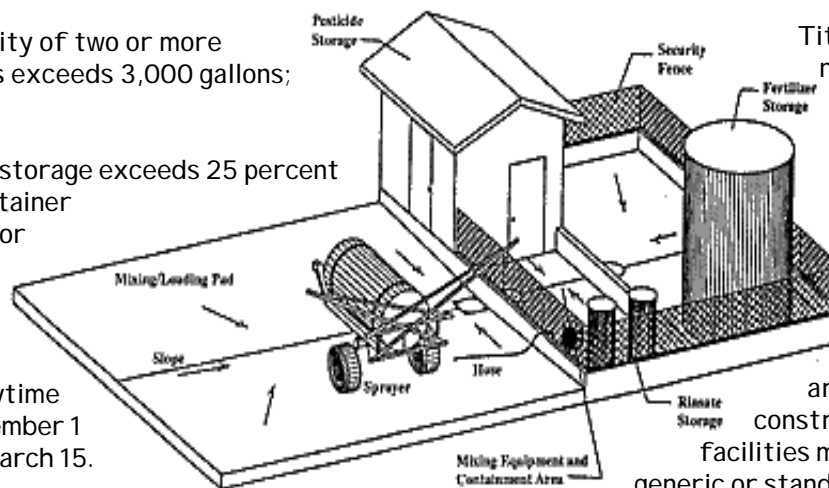
- One exception allows the use of one or more containers (up to 6,000 gallons of combined capacity) at the application site from March 15 through October 1, for up to 21 consecutive days without secondary

containment. However, this exception is specific to that application site and does not apply to containers used in chemigation or to nurse tanks used for satellite-type operations to other fields. Other requirements also must be met, such as minimum distances from surface water and wells.

Other exceptions are:

- Anhydrous ammonia, dry fertilizer, and feedlot manure.
- Containers designed and used for transportation.
- Application site load-out activities.

Permits and Registration:



Title 198 regulations do not require either registration or a permit. However, a construction plan and a management program for secondary containment and load-out facilities are required. The construction plan for new facilities must either be a generic or standardized design that has been approved by the Nebraska Department of Environmental Quality (NDEQ), or include certification from a Nebraska registered Professional Engineer that the facility design complies with the regulations.