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On June 10th, NDA Director Steve Wellman provided additional comments for Nebraska agriculture concerning the 9th District Court ruling on three RUP dicamba products. [See the NDA press release and EPA guidance on the ruling.](#)

Get timely updates on [NDA Plant Health Protection area programs](#) by subscribing to this periodic e-letter. See the archive here for examples

Certification and Training Update

Libby Smith, Certification Specialist

As we are now past the recertification season and well into summer, everyone who was able to attend an in person training or testing meeting, whether it be for their private or commercial license, should have received their billing post cards or test results. If you are still waiting on one or the other please give our office a call, and we will gladly check on the status of it for you. We can be reached at 402-471-2351.

As many of you experienced, we were met with new challenges this spring in the form of COVID-19 by all in-person training sessions coming to an abrupt halt mid-March. For those still needing to renew or obtain a **private applicator license**, training can still be completed online through UNL's [Pesticide Safety and Education Program](#). This option will continue to be available throughout the year.

Those needing to recertify all or any categories on their **commercial or non-commercial license**, will now be required to retest. Testing can be completed through Pearson VUE, a third party testing service, or by contacting NDA. Prior to this year, 9 separate exams were available at 13 locations throughout Nebraska, but because of COVID-19, only the Pearson Pro Centers in Omaha, Lincoln and North Platte have opened back up and are taking testing reservations (as of the end of May). However, we expect this to change as time goes on. For more information [please see the Pearson VUE information on our website.](#)

NDA has also been working diligently to make the exams available in-person as much as possible, while still adhering to all health and safety recommendations for you and our staff. To take an exam with NDA, please reach out directly to us and we will put you in touch with someone in your area.

NDA is still offering a 120-Day exemption from licensing for those who have NEVER held an applicator license of any sort. Those applying must have a supervisor licensed in the needed categories to provide training and be available to be onsite within 3 hours or under. Requests must be submitted to NDA within 10 days of their first application. NDA will continue to offer the 120-day versus 60-day exemption until the governor's emergency declaration is dropped. Request and training verification forms are both found [here](#).

NDA is also working on creating a more durable applicator card that will withstand the daily wear and tear applicators put them through. We are hoping to start rolling those out into the field during late fall of 2020.

Potential Respirator Shortage Due to COVID-19

Clyde Ogg - Pesticide Safety Extension Educator

Personal protective equipment (PPE) may be in short supply, regionally or nationally, in the 2020 growing season. Members of the American Association of Pesticide Safety Educators ([AAPSE](#)) are raising the alarm so that agricultural producers can be prepared.

With the critical need for N95 respirators in the health care field, there were few, if any, “dust/mist” type respirators or particulate filters (N, P, or HE) available in the marketplace, as of April 2020. Distributors are not even accepting new orders at this time, and back-orders have delivery-dates in June, July, or later.

- Pesticides may **not** be applied without the label-required PPE.
- Home-made masks are **not** sufficient substitutes for label-required respirators/masks.
- **No** exemption or relaxation of the requirements has been made by EPA.
- Users may need to select alternative products or practices, if required PPE is **not** available. For example, re-usable gloves can be washed and re-used in the absence of disposable gloves.
- If users go without required PPE, it may present an additional burden to emergency departments.

Some herbicide, fungicide and insecticide labels *require respirators* to prevent unacceptable levels of exposure. Structural pest control operators often wear PPE to protect themselves in confined spaces, in addition to label requirements. Many pesticide applicators may not feel the effects of PPE shortages until later in the year, so this is an opportunity for them to plan ahead.

What can people in the Ag industry do to prepare?

- Review product labels to identify key products that require respiratory protection.
- Evaluate existing inventory and/or availability of PPE.
- Seek alternative products or practices if PPE is not obtainable. There may be a very similar product available with different label requirements.
- Check that the alternative pesticide is registered for use in Nebraska (first in the list of *Sleuthing Tools* listed below).

In addition, AAPSE has information on [COVID-19 and its effect on PPE](#).

Regarding PPE, remember that you can always wear PPE that offers more protection than the label requires. For respirators, that might be confusing. Keep in mind that the N95 disposable filtering facemask (with two straps, NIOSH-approved) is equal to a half-mask or full-face respirator with N95 particulate filters. You could also use the N99 or N100 disposable filtering facemasks (again, NIOSH-approved) or particulate filters on the face-mask respirators, as these would give more protection. Keep in mind that you must have a medical evaluation clearing you for the type of respirator **and** a fit test for each type and model of respirator prior to use.

For more info on respirators, see “[Respirators For Handling Pesticides \(EC3021\)](#).”

Hunting for Alternative Products and Practices

- [Nebraska Department of Agriculture Registered Pesticides Database](#) from Kelly Solutions - This information is combined with data from the EPA with regard to ingredients, pests and sites. It is searchable by company, product, pest, site and active ingredient, to name just a few search options.
- [CDMS Label Database](#) - Crop Data Management Systems (CDMS) works with key pesticide registrants, hosting their current labels and Safety Data Sheets online.
- [Agrian](#) - Works with manufacturers to have labels and other supporting documents. This search engine has a safety tab that lists the PPE requirements without having to search the label. The pesticide label can also be referenced.
- [USDA Integrated Pest Management \(IPM\) Database](#) - Documents include common pests by crop, and a variety of pest management options.

This article was edited for space; see the original at [UNL CropWatch](#).

2020 Pesticide Container Recycling Program

Clyde Ogg - Pesticide Safety Extension Educator; Greg Puckett - Extension Assistant

Another growing season is upon us, and with it comes the widespread use of crop protection products. Pesticides are an important tool in agricultural pest management, but they must be handled with care, from purchase to disposal, in order to reap their benefits and minimize their risks. Nebraska's private and custom pesticide applicators care deeply about the land and the resources it provides, and they understand their responsibility in protecting these things. This is one reason programs such as the Nebraska Pesticide Container Recycling Program have been so successful over the years.

According to the U.S. Geological Survey, tens of millions of pounds of pesticides are applied in Nebraska each year, a significant portion of which can be attributed to agriculture. That adds up to a lot of empty plastic containers. The Nebraska Pesticide Container Recycling Program, now in its 29th year, provides a way for private and commercial applicators to safely and responsibly dispose of their agricultural pesticide containers, free of charge.

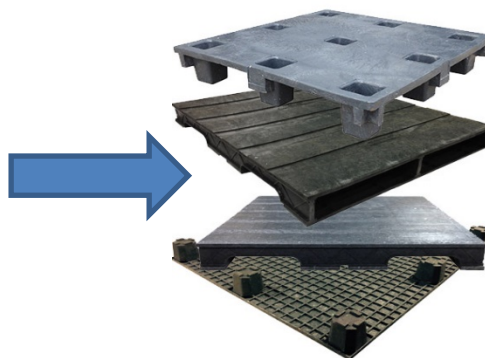
The program accepts only containers that held pesticides for crop, ornamental/turf, forestry, aquatic and public health pest control, as well as crop oils, surfactants and adjuvants. Containers that held consumer pesticides (e.g., home and garden products) are not accepted. (Some cities or counties offer [household hazardous waste disposal events](#) for these types of products.)

All collection sites in Nebraska accept 1- and 2.5-gallon plastic containers. In addition, some sites accept 15-, 30-, and 55-gallon plastic drums. [Check the list of sites](#) for details and other specifics about the program. As of the end of May, only four sites are available this year: North Platte, Broken Bow, Gretna and West Point. More are needed! (See sidebar)

The COVID-19 pandemic will likely affect the recycling program in 2020. Individual collection sites will have the final say on how they wish to operate.

Recycling is the most sustainable, environmentally-friendly method of container disposal. The plastic from recycled containers is used to make industry-approved products such as pallets, drain tile, underground utility conduit, landscape edging, and nursery pots. Instead of adding them to a landfill, consider recycling your containers this year.

This article was edited for space; see the original at [UNL CropWatch](#).



Pallet image from [G. Phillips & Sons](#), recycling program contractor.

Rinsing Saves Money

It's easy to leave six or more ounces of pesticide in a 2.5-gallon container.

That is 2% of the contents. Not rinsing means you throw away product then or later when product left in the container gets sticky and is difficult to remove.

Moreover, the label requires it!

Please take a minute to become familiar with how to [prepare your used containers](#) before taking them in for recycling or to the landfill.

More Container Collection Sites are needed!!!!

Interested in hosting a plastic container collection site for your area? Please contact the UNL Pesticide Safety Education Program office at 402-472-1632 or the recycling program contractor, Trevor Harding, at 678-232-6047 or tarding@gphillipsandsons.com. More information on the process is available at <https://www.gpsagrecycle.com>.

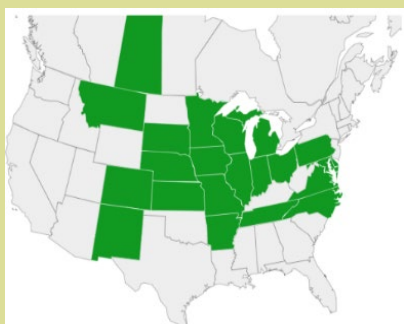
50-State Survey Summary: Landowner Liability for Spray Drift

Landowners who apply or contract for the application of pesticide may have concern over their potential liability should pesticide drift occur and cause damage to neighboring crops. Generally, lawsuits related to drift involve a negligence claim. However, there are two additional potential claims that may arise in these cases of which landowners should be aware. Specifically, the first issue relates to whether the application of pesticides is considered inherently dangerous. This is a critical question because under tort law in most states, a landowner is not liable for the acts of his or her independent contractor. One exception to that general rule provides that landowners may be held liable for actions of an independent contractor if the action being taken by the contractor is considered to be inherently dangerous. The second issue relates to a claim of strict liability against persons who apply pesticide. Unlike the more common negligence theory, strict liability does not consider the reasonableness of the defendant's action. Instead, this legal theory imposes almost automatic liability if certain actions are taken. This paper includes a state-by-state survey, including citations, of what state courts have decided in regards to 1) whether pesticide application is inherently dangerous, and 2) whether strict liability is applicable in pesticide drift cases. Download the article [here](#).

The free [FieldCheck Registration](#) allows you to designate a "notification area" for email alerts when new information on specialty crops is added in that area. When logged in, you are able to see all of the specialty crop and apiary sites in the DriftWatch/ BeeCheck registries (not all apiary sites are visible from the public-facing map).

FieldWatch has a free mobile app for applicators, also called FieldCheck. When registered, you can download the app to see all of the mapped specialty crops in your area, as well as your personal "annotation layer," for sensitive sites that may not be in FieldWatch.

This can be used for all states registered in FieldWatch. More individual state registries are listed at [NDA's FieldWatch page](#).

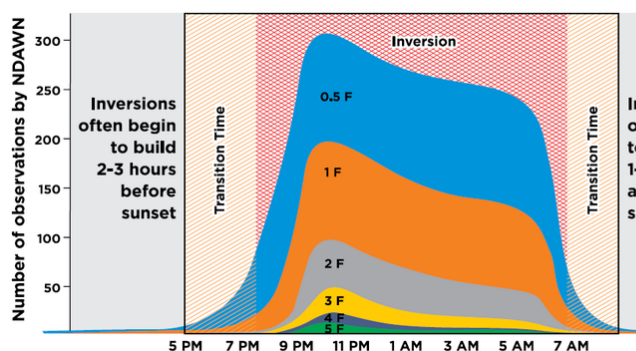


Temperature Inversion Resources

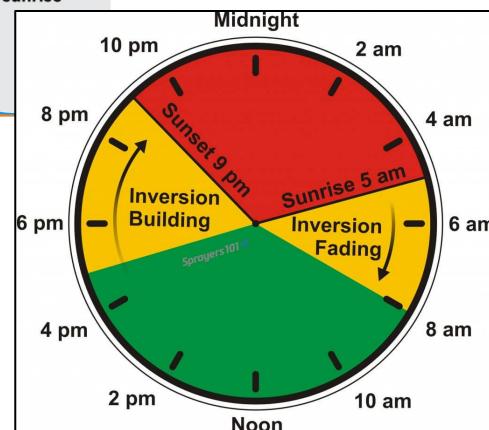
Both of these are technical in nature, but have easy to understand images describing when and how inversions occur so that pesticide applications can be adjusted according to the label.

[Thermal Inversions for Sprayer Operators](#) (Sprayers101)

[Air Temperature Inversions Causes, Characteristics and Potential Effects on Pesticide Spray Drift](#) (North Dakota State University)



North Dakota State University



Sprayers101

Reminder: NDA Pesticide Program no longer has an 800 number. Anyone in possession of an older license (or pencil) with that number, please take note not to use it. Call 402-471-2351.

Reminder #2: Please notify NDA when you have a change of address in order to receive pesticide recertification information from the UNL Pesticide Safety Education office prior to your license expiration. Call 402-471-2351.

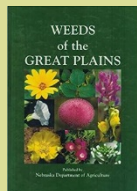
The [NDA Dicamba page](#), includes information on label statement clarifications, endangered species habitat information, temperature inversions and required applicator training.

½ Price Discount!

[Weeds of the Great Plains](#) is a 7" X 10", hardbound book which features:

- Detailed narratives of 400+ plants;
- Line drawings;
- Large colored photos;
- Close up photos of weed flowers, seedlings, and key ID characteristics.

Use the printable form (above) or [order online](#).



Disinfectants and Coronavirus (COVID-19)

[Emerging pathogens and disinfection products](#) - Only products with a pre-qualified emerging viral pathogen designation can include an efficacy statement in technical literature distributed to health care facilities, physicians, nurses, public health officials, non-label-related websites, consumer information services, and social media sites. See EPA's page on Emerging Viral Pathogen Guidance for Antimicrobial Pesticides for a description of the process for getting approval for this type of claim, and examples of how both the application and outbreak process might work.

[Using Disinfectants to Control the COVID-19 Virus](#) - This one-page guidance is for the public and professionals to control the COVID-19 virus on surfaces. This document also contains a link to the [List N: Disinfectants for Use Against SARS-CoV-2](#)

[Protecting Consumers from Fraudulent Coronavirus Disinfectant Claims](#) - Through tips, complaints, and research, EPA is learning of the availability of imposter disinfectant products marketed with unsubstantiated and potentially dangerous claims of protection against the coronavirus and has enlisted the help of the retail community to prevent these products from coming to market. This press release provides a list of some of the unregistered products identified.

[Maintaining or Restoring Water Quality in Buildings with Low or No Use](#) - Building and business closures for weeks or months reduce water usage, potentially leading to stagnant water inside building plumbing. This water can become unsafe to drink or otherwise use for domestic or commercial purposes. For example, optimal growth conditions for undesirable pathogens, such as *Legionella* bacteria, can occur when hot water temperatures decrease and disinfectants residuals drop to low levels. EPA recommends that building owners and managers take proactive steps as outlined in the documents below to protect public health by minimizing water stagnation during closures and taking action to address building water quality prior to reopening.

More information on these and other topics can be found at [EPA's coronavirus page](#).

Safe Handling and Disposal of Treated Seed

This [UNL CropWatch article](#) covers the importance of reading the seed tag instructions and choosing the right PPE, including the correct chemical resistant gloves, for minimizing your health risks when handling pesticide-treated seed.

In addition, NDA encourages the proper disposal of unused treated seed according to the seed tag label for the protection of water quality, pollinators and other wildlife. The American Seed Trade Association has developed [guides for farmers and seed treatment applicators](#) which include sections on handling and transport, storage, planting and disposal of treated seed. Please be sure unused treated seed is disposed of correctly, whether it is a small portion leftover from this year's planting, or large unsold quantities from a commercial seed treatment facility. These guides will be helpful in reducing environmental impacts.

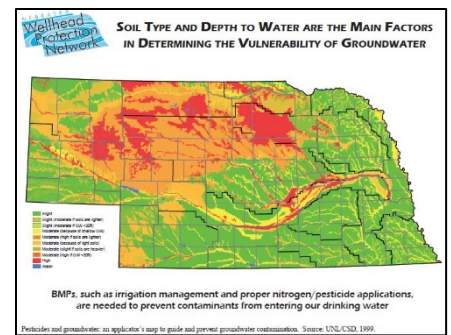
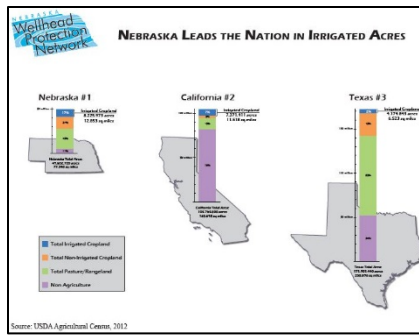
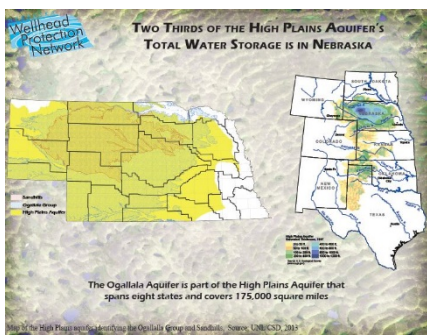
Nebraska Buffer Strip Program: Funding Still Available

[See filter strips "in action."](#) Photos show the benefit of having streamside vegetation in place. In this case, the Nebraska Buffer Strip Program was used to implement filter strips over 20 years ago.

Funding for the Nebraska Buffer Strip Program is still available for new and renewing projects. [Click here](#) for more information, and contact your local NRCS or NRD office to get started!



Learn more about ground water, potential contaminants, costs of treatment, and what we, as Nebraskans, are doing to help, shown in these [12 Nebraska ground water posters](#).



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Reprinted from the Nebraska Department of Agriculture's Pesticide, Fertilizer & Noxious Weed Newsletter (www.nda.nebraska.gov)

Articles from other sources are often used in this newsletter, and should be cited accordingly.

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 402-471-2351.

TDD users can contact the Department by first calling the Nebraska Relay System. Telephone 800-833-7352 and asking the operator to call 402-471-2351.

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