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# All-Agency Pest/Pesticide Issues Forum

**May 3, 2018, Lacey Conference Center**

## WA Dept. of Agriculture, Kelly McLain, *Senior National Resource Scientist*

This is Kelly's last WSDA National Resource Assessment Section (NRAS) update as the Senior National Resource Scientist as she will start a new position as a policy advisor to the director.

NRAS is a group of 11 scientists focused on the interaction between agriculture and the environment. They primarily work on water quality-related projects. The group is managed under the WSDA director's office and has seven staff in Olympia and four in Yakima. The group includes experts in pesticides, environmental toxicology, hydrology, hydrogeology and geography.

NRAS works cooperatively with partners to meet WSDA's mission of promoting agriculture while protecting the environment through:

- Pesticide and Nutrients Use Data Collection;
- Agricultural Land Use Mapping;
- Ambient Surface Water Monitoring;
- Groundwater Protection;
- BMP effectiveness monitoring;
- Special projects;
- Providing leadership Interagency collaboration and support.

There are three main components to the NRAS program: what is being used, where is it used, and what is in the water. To find out what is being used we collect pesticide use data and meet with commodity groups. We monitor ag land use statewide with windshield surveys every 3 years. To find out what is getting in the water we do ambient surface water monitoring, not targeting specific pesticides or applications. The goal of the program is to identify and solve problems.

The data presented are from the 2015 surface water monitoring program. We are always one year behind because of the timing of laboratory results. We just received our 2016 lab results in December 2016.

In 2017 we implemented a new approach to the surface water monitoring program:

- 4 new sites were incorporated:
    - 2 urban: Woodland Creek in Thurston County, and Burnt Bridge Creek in Lincoln County;
    - 2 ag: Lower Crab Creek in Grant County and Naneum Creek in Kittitas County;
- sites without exceedances for over 3 years were phased out.

Results were shared for Woodland Creek, Burnt Bridge Creek, Upper and Lower Big Ditch (Snohomish), Upper and Lower Brender Creek (Chelan), Wenatchee sites, Lower Crab Creek (Grant), and Snipes Creek (Benton).

Testing was done every other week. Methods used can detect parts per trillion. WSDA puts out fact sheets each year putting the data in context and explaining what it means for the public. When results are relatively high for certain months, such as at the Burnt Bridge Creek site, we work with the city to

see what went wrong during and application. There are typically more detections in urban streams than in ag areas.

At the Upper Brender location there was a high detection of chlorpyrifos in the spring, as is frequently the case. DDT is sometimes detected due to run off from historic use. In the case of the Lower Brender site, information was shared with the conservation district.

We did not find a lot of issues at the Lower Crab Creek.

The Hoh River Watershed was a special project where we were monitoring for herbicides in surface waters downstream from managed timber, because the Hoh tribe had questions about pesticides and water quality. The few detects we found were extremely low. The exposure for fish was 250 times lower than what would be a concern. This was a collaborative effort of WSDA, the Hoh tribe, DNR, private companies and the Nature Conservancy.

The first Biological Opinion (BiOp) for pesticides and endangered salmon has been released. It is 3750 pages long. The outcome will be additional label requirements. The comment period will be open until July 23, 2018. EPA is working on special labels that will be used to protect endangered species. The details are not known at this time, but it could cover a wide range of practices and uses. The products included in the first BiOp are malathion, chlorpyrifos and diazinon.

Future contacts for the NRAS program are:

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| **Gary Bahr, Section Manager**<br>360.902.1936<br>gbahr@agr.wa.gov | **Perry Beale**<br>**Eastern Area Supervisor**<br>Ag Land Use Mapping Lead<br>360.951.9098<br>pbeale@agr.wa.gov | **Matt Bischof**<br>**Aquatic Biologist**<br>Surface Water Monitoring Lead<br>509.895.9338<br>mbischof@agr.wa.gov | **George Tuttle**<br>**Agency Toxicologist**<br>360.902.2066<br>gtuttle@agr.wa.gov |

**WA State Dept. of Agriculture, Karla Salp, *Public Engagement Specialist***

Gypsy moths can do widespread damage to forests and ornamental trees. A single year of defoliation kills evergreens and multiple years of defoliation will kill deciduous trees. The gypsy moth was introduced to the US in 1869 and is established in more than 20 states. Moths can lay up to 1,000 eggs each per season and feed on more than 500 species of trees, shrubs and vines.

In 2016 the damage to trees in New England was visible from space, and in 2017 one-third of the entire state of Massachusetts was defoliated by gypsy moth caterpillars.

In Washington State in 2015 a total of 42 moths was caught. 10 of those were Asian and 32 European. The difference between the two is that the Asian gypsy moth female can fly and feeds on a wider range of foliage. They were found in Vancouver, Nisqually, Tacoma, Gig Harbor, Kent and Seattle. It was the first time an Asian gypsy moth was trapped since 1999.

To inform the public we used traditional outreach methods such as press releases, the WSDA website, meeting with governmental officials and other stakeholders, and open houses.

New outreach methods were:

- A postcard, rather than letters, sent to 38,000+ addresses in a total of 5 mailings. The goal was to reach out in a more visually engaging way that people would pick up;
- An infographic "13 Reasons to Unfriend the Gypsy Moth;"
- An update to an existing video from 1992 with infographics to tell the story about how the gypsy moth threatens what people love, such as their forests and the tree their family planted in the backyard;
- Gypsy moth listserv with information and notifications of treatments;
- Robocall and text messaging;
- "Virtual" open house
- Social Media:
    - use of #GypsyMothMonday on Facebook and Twitter,
    - blogs
    - real time Twitter updates during treatments
    - monitoring of social media for "gypsy moth"
    - like and share positive posts
    - Quick response to social media questions, criticism or misinformation, especially regarding the headlines referring to GMO pesticides
- Contacting traditional media with accurate information.

Karla shared several social media examples where people were initially worried and then put at ease by the response they received from WSDA.

All the outreach contributed to broad understanding about the project with minimal opposition.

The result of all this outreach was that there were no lawsuits, protests, public records requests, phone calls to the governor or negative editorials in the press.

In 2017, WSDA placed 30,000 traps throughout the state and caught 117 Gypsy Moths, the largest number so far. 87 of those were in the Graham area.

In 2018 WSDA will treat about 1300 acres in the Graham and Kitsap Naval Base – Bangor area. The governor has signed a declaration of agricultural emergency for these treatments.

**WA State Dept. of Agriculture, Robin Schoen-Nessa, *Assistant Director for Pesticide Programs***

Robin is the new Assistant Director over the Pesticide Management Division. She will represent WSDA on the work group for SB 6529.

Kelle Davis is acting program manager for registration and licensing services, Chery Sullivan is program manager for the dairy nutrient management program, Joel Kangiser is program manager for compliance and Ofelio Borges is program manager for technical services and education, also responsible for the pesticide waste program.

New items this year:

- WSDA is working towards contracting with a professional testing service (testing software management company) that will contract with community colleges and professional testing centers, so pesticide applicator exams can be taken more locally and more often on the applicants' schedule rather than WSDA's limited scheduling capabilities. This will make it much

more convenient to take the exams but will also increase the exam fees as they will all be electronic exams and available on demand. Because of the need to change the exam fee to pay for outside testing the department must open the Pesticide General Rules to change the Exam Fee.

- Also, the department is entering into revising WAC chapter 16-228- 1270 to add garlic grown for seed to the list of seed crops. This rule making is a response to a garlic seed industry request to add garlic grown for seed to our possible list of seed crops. This addition to the rule will potentially allow for a streamlined process to get some pesticides registered for use on garlic grown for seed as a non-food/non-feed use. EPA has recently changed their policy related to garlic grown for seed to potentially benefit from a reduced data package. EPA will consider a reduced data package, so long as the state has rules to prevent the seed crop from entering food or feed channels. Washington has a special rule for preventing seed crops and their waste from entering food or feed channels.

The Pesticide Advisory Board has been on a virtual hiatus for year and a half. We will be working on reforming some kind of advisory committee or board like this over the next year. As we work through the Legislative Workgroup related to Pesticide Application Safety, we may find participants who want to be involved. We will be sending a letter out to the previous Pesticide Advisory Committee members to give them a heads up to our plan.

**WA State Dept. of Agriculture, Joel Kangiser, *Program Manager for Pesticide Compliance***

The rule update for Use restricted pesticides was on hold. Now the plan is to get WAC language out by June, get public comments by mid-July and hold public hearings late October/November.

In fiscal year 2017, WSDA did 139 routine inspections (applicators, dealers etc.). That number will be increasing due to changes to compliance programs. We also did 161 investigations and found no violations in 43% of the cases. 52 of these investigations were ag, 41 involved drift, 21 were in orchards with airblast sprayers. Since March of this year, one compliance position has been dedicated to airblast spraying. The person in this position is David Bryson and he works out of Wenatchee. He offers technical assistance and works with educational programs. He also works in the field to work with handlers and dealers.

**WA State Dept. of Agriculture, Ofelio Borges, *Program Manager for Technical Services and Education.***

The technical service and education program is new within the pesticide management division. We partner with the community to offer trainings and provide technical assistance on pesticide-related issues, waste pesticide collection and disposal.

The following courses are offered:

- Private applicator pre-license course (20 hours), held in Spanish in different locations in central Washington. The average passing rate is 35%. WSU offers these in English. There is an increasing demand for these courses.
- Pesticide handler training (8 hours), offered in Spanish and English. This is the most popular program, with hands-on and interactive options.
- WPS Train the Trainer (increased from a 1-day session to a 2-day session) for farm supervisors and managers. Two years ago, 4 sessions were held. Last year eleven sessions were held and this year we have conducted 9 and we have two more to go.

- Airblast Sprayer Calibration and Best Management Practices (8 hours), offered in Spanish and English. This course is offered in conjunction with WSU and is highly interactive and hands-on.
- Respirator Use Train the Trainer (6 hours) for supervisors and managers. This has not been offered in the past two years due to lack of resources.

We held three pesticide waste collection events in spring of 2018 and will be holding several more in the near future. We conducted several site visits to identify unwanted products.

**WA Dept. of Ecology, Jon Jennings, *Aquatic Pesticide Permit Specialist***

There are eight different aquatic pesticide permits. The irrigation systems permit, for herbicide use in irrigation ditches, has expired so needs to be updated. One change is that the current permit only covers in-water plants, not bank treatments. One proposal is that the new permit will cover both. Ecology is developing an environmental impact statement for this permit. Ecology expects to get push back on copper use. EPA requires that states move to electronic permit applications and reporting. Hopefully this year we can move to e-reporting for aquatic pesticide permits.

The SW regional office handles the oyster growing permits. That section has been working on imidacloprid to reduce burrowing shrimp. The SW office denied the permit due to sediment impact, it is currently out for 30-day comment.

Regarding new herbicide chemistries that are of interest to noxious weed controllers, the department is planning a mid-life cycle (5-year) major permit modification to include those active ingredients for permits.

**WA Dept. of Fish and Wildlife, Paul Dahmer, *Land Stewardship and Operations Section Manager***

The Washington Department of Fish and Wildlife Lands Program manages one million acres across the state to preserve and protect fish and wildlife habitat and provide recreation.

Dave Heimer is the statewide weed coordinator. Dave supervises spartina control in Grays Harbor, Puget Sound, and Willapa Bay. Land managers around the state perform extensive weed control at wildlife areas and water access sites. WDFW spends about one million dollars a year on weed control. In 2016 over 12,000 acres of solid weeds were treated, targeting 72 different weed species, covering nearly every county in the state. This protects many more lands from infestation and protects ecological function.

WDFW works cooperatively with tribes, counties, land owners, USFWS, BLM, Parks, Ecology, DNR, WSDA and local weed boards.

Each wildlife area management plan includes a weed management appendix characterizing weeds present, treatments and trends. WDFW reaches out to different stakeholders, such as weed boards, to sit on our planning advisory groups, looking to increase input towards plans.

We are developing new apps to track herbicide treatments and ultimately measure efficacy.

WDFW also works with ranchers in our working lands program to manage weeds. WDFW grazing permits and agriculture leases require lessees to control weeds. 100,000 acres are leased for grazing under defined grazing plans that require monitoring to ensure ecological integrity is maintained.

WDFW has a significant forest health program that is expanding to accomplish forest thinning and prescribed burning. We are working with DNR on the 20-Year Forest Health Plan.

WDFW is working on new research. Cheat grass has been a huge issue in eastern Washington as it decreases ecological integrity and wildlife forage and increases risk of wildfire. New research has shown that bacterial suppression of cheat grass can work well but it takes 3-4 years before you see the results. We are still learning how to implement and where it is most promising. WDFW is working in coordination with federal agencies on this.

WDFW wants to do more weed treatment and other land stewardship, however there is not adequate funding. We rely on federal funding, grants and partnerships as state dollars are spread more thinly. WDFW will be moving forward with a land operating funding request to legislature next session and would be happy to talk to folks to explain further and build support.

**WA State Dept. of Health, Office of Environmental Public Health Sciences, Wayne Clifford, *Pesticide Illness Program Manager***

Bill E2SSB 6529, sponsored by Senator Saldaña, created the pesticide application safety work group to develop recommendations for improving the safety of pesticide applications. The nine-member work group must report back to the legislature by November 1, 2018.

The work group will consist of:

- co-chairs: Senator Saldaña (D) and Rep. Tom Dent (R), with Senator Warnick (R) and Rep. Javier Valdez (D) also on the work group. Senator King and Rep. Schmidt will be the Republican alternates.

- DOH: Lauren Jenks, with Wayne Clifford and Joanne Prado as technical support
- WSDA: Robin Schoen-Nessa, with Ignacio Marquez, Ofelio Borges, Joel Kangiser and Laura Butler supporting
- L&I: Ryan Allen, Beth Vandelay and Tammy Fellin
- DNR: Calvin Ohlson-Kiehn with Dave Warren supporting
- Commission on Hispanic Affairs: David Morales and Lisa vander Lugt

In addition, people from multiple interest sectors may be invited as advisors. Suggested advisory groups are:

- Applicators (Airblast sprayers, fumigators, aerial applicators or pilots);
- Organization representing timber producers;
- Organizations representing farmworkers, labor, children's health advocacy, environmental interests;
- University of Washington Latino Center for Health;
- Washington State University.

The mission of the work group is to review existing federal and state regulations, schedule presentations on new pesticide application technology, review the structure of the former Pesticide Incident Reporting and Tracking Review Panel (PIRT) panel to see if a similar group should be created, and review current data and reports from agencies in Washington and other states.

Meeting dates will be in June, August, September. This could change based on availability. The meetings are public and should be announced to public next week. The effective date of the work group is June 7,

2018 and it is set to expire on December 31, 2018. The work group will establish methods to keep people informed, such as a web page with a subscription service for updates and direct email to subscribers for information sharing. Update: the first meeting is set for June 21 at the Legislative Campus Cherberg building 9:00 am to 3:30 PM. Three other meetings are being considered in July, August, and September in Quincy, Yakima, and Skagit/Whatcom Counties respectively.

**WA Dept. of Labor and Industries, Ryan Allen*, IH Technical Policy and Lab Manager***

Ryan has been in his current position since December. He has seven rules under development.

The tentative timeline for the Worker Protection Standard is:

- CR 101 filed - November 2016
- CR 102 filing - May 2018
- Public Hearings - June 2018
- CR 103 (adoption) August/September 2018
- Effective date - early 2019

The Department of Labor & Industries will hold several public meetings prior to filing the CR102 on May 7, 8 and 9 in Mt. Vernon, Yakima and Moses Lake respectively.

For questions about the rule, contact Ryan Allen, ryan.allen@lni.wa.gov or 360-902-5530, or for the language regarding the rule, contact Gabrielle Toutonghi, gabrielle.toutonghi@lni.wa.gov or 206-515-2826.

**WA Dept. of Natural Resources, Nick Larson, *Forest Practices Operations Specialist***

We are working to establish transparency and truthful information about the regulation of pesticides and forestry.

Aerial applications over forest land require a permit. The permit application requires the EPA registration number for any product that may be used to be listed on the form. This results in a long list of numbers which is often confusing for the public. The application form was modified last year in an attempt to make it easier to understand. DNR's enforcement authority is limited to buffers. Some neighbors have expressed concern about drift, but landowners have been good about addressing this directly, and in some cases may choose to backpack spray instead of using aerial. Information about the permitting process may be found on the DNR website.

**WA Dept. of Natural Resources, Zak Thomas, *Silviculture Operations Specialist***

DNR manages 2 million acres of trust lands for the state. Those lands produce $325 million in revenue per year. Herbicides are a very important tool for our managers. We use aerial and ground treatment for site prep. Aerial application is used only in the Pacific Cascade region in southwest Washington. Aerial applications are cheaper and provide better treatment coverage but generate more neighbor concern and DNR's leave tree policy makes operations more difficult. With aerial application, ephemeral streams must be buffered.

We treat on average 13,000 acres on DNR managed forestlands with herbicides each year. For a site preparation application, we may have a team of 10+ applicators spraying. We do targeted treatments for vegetation management about 2-5 years after planting. These are all done by ground. Contractors for ground applications are in short supply.

We also do spot treatments in eastern Washington, basal treatments of maple or other hardwood species in western WA.

We communicate with neighbors via letters, calls, in person meetings, and by building ongoing relationships. We also use signage at the application site which is required by Forest Practices rules for aerial applications. We just developed a new sign based on feedback from staff. The new version has a huge exclamation point and looks like a warning sign.

Note from WFFF: Zak showed a slide of a Worker Protection no entry sign that a DNR forester in the Colville area had posted. The department occasionally uses herbicides with a 48-hour REI (e.g. Polaris AC) when treating noxious weeds in this area of the state. Additionally, the WPS sign may be posted as a precaution in areas where DNR staff may be working that were not involved with the herbicide application.

### WA Dept. of Transportation, Ray Willard, *State Roadside Asset Manager*

DOT is in the process of reframing the roadside into operational and environmental assets and using integrated vegetation management to determine appropriate treatment strategies for each type. WSDOT's State Transportation Asset Management Plan (STAMP) is currently being drafted and the chapter on roadside vegetation breaks the 95,000 acres managed by the agency into 40,000 acres of operational right of way and 55,000 acres of potential environmental vegetative assets.

DOT maintains Integrated Roadside Vegetation Management Plans for each of the 24 areas in the state and plans are available on our website. In 2018 WSDOT will be putting the finishing touches on the vegetation management contents in the agency's Highway Activity Tracking System (HATS). This system is accessed by crews in the field using iPads and includes a mapped inventory of planned treatments, as well as a system for geographically tracking the labor, equipment, and materials used to accomplish work throughout the year.

DOT is also working closely with the invasive species council to better coordinate prevention and control efforts of all invasive species. Ray will be serving on the WSDA led task force to consider changes in the state noxious weed law.

Agency herbicide use continues to track at consistent levels for the past 10 years. The agency continues to employ a private on-call toxicology firm to follow emerging science on any of the products currently approved for use on state highways, and to analyze any new compounds before they can be approved for use by agency crews.

### Discussion

Q: How do the different agencies work together?

A: There is a memorandum of understanding between WSDA, DOH, and L&I to work together on pesticide field investigations for example to prevent different agencies showing up at one farm for the same investigation. Staff of these agencies meet on a quarterly basis. DOH gets all data on pesticide exposure so is a conduit between WSDA and L&I. The Pesticide Incident Reporting and Tracking (PIRT) panel developed a report for the legislature at the end of each calendar year. Since the PIRT panel was disbanded, this resource has not been available. Doh.wa.gov/wtn has health data, including pesticide data. This site could potentially house other agency data as well. WSDA reports on pesticide incidents at the end of each year to the legislature.