

# PESTICIDE INCIDENT REPORTING AND TRACKING (PIRT)

## REVIEW PANEL

### MAY 15, 2008 MINUTES

DEPARTMENT OF LABOR AND INDUSTRIES

TUKWILA, WASHINGTON

(APPROVED BY PIRT JUNE 19, 2008)

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#### PANEL MEMBERS IN ATTENDANCE:

Cynthia Lopez (CL), Chair	Department of Health	(360) 236-3340
Robert Arrington (RA), Alternate	Department of Agriculture.	(360) 902-2051
Pamela Edwards (PE) (phone)	Department of Labor and Industries	(360) 902-6547
Allan Felsot (AF) (phone)	Washington State University	(509) 372-7365
William Hurley (WH)	Washington Poison Center	(206) 517-2356
Kelly McLain (KM)	Department of Ecology	(360) 407-6938
Karen Ripley (KR) (phone)	Department of Natural Resources	(360) 902-1691
Liesl Zappler (LZ)	Public Member	(425) 739.8100 EXT. 481

#### PANEL MEMBERS ABSENT:

Richard Fenske (RF)	University of Washington	(206) 543-0916
Bridget Moran (BM)	Department of Fish and Wildlife	(360) 902-2589

#### OTHERS IN ATTENDANCE:

Wayne Clifford (WC)	Department of Health	(360) 236-3181
Carol Dansereau (CD)	Farm Worker Pesticide Project	
Steve Gilbert (SG)	Toxicologist	
Gregg Grunenfelder (GG)	Department of Health	(360) 236-3050
Zack Hudgins (ZH)	Representative, WA State Legislature	
Sean MacDougall (SMD)	Pierce County Noxious Weed Control	(253) 798-6802
Sherrise Martin (SM)	Department of Health	(360) 236-3360
Fran McBride (FM), Coordinator	Department of Health	(360) 236-3367
Barbara Morrissey (BFM)	Department of Health	(360) 236-3368
Mike Yost (MY) (phone)	University of Washington	(206) 685-7243

The meeting started at 9:45 due to problems with the conference phone. CL announced that FM is recording the meeting to assist with writing the minutes. Only the PIRT-approved minutes are the official meeting record.

PIRT members introduced themselves: WH, RA, CL, LZ, KM, and FM (coordinator) were present. AF, KR, PE, and MY (representing UW, not voting) were attending by phone. CL announced that Dr. Charles Timchalk had decided not to accept the appointment to the toxicologist position on the panel. What happens next is up to the Governor's Office. CL thanked SG for his years of service on the PIRT panel. WH made a motion to add a discussion of the toxicologist position to the agenda; LZ seconded. AF made a motion that PIRT recommend to the Governor that SG be reappointed by

letter; this will be part of the discussion on the toxicologist position. LZ seconded the revised motion, including discussion of the letter. All were in favor of adding the agenda item. LZ requested adding to the agenda a discussion of an email she received from DOH. A member of the public asked whether the panel would consider moving the toxicologist discussion and public comment period to before the break. KM made a motion to move the public comment period to before the break and to hold the toxicologist discussion before that. WH seconded, all were in favor. AF asked about the subject of the email that LZ referred to. LZ explained that the email said “DOH’s” PIRT. She also asked for clarification about the role of DOH and all agencies in PIRT. WH seconded the motion to discuss the email, and proposed that the discussion take place at the end of the meeting. RA inquired as to who had sent the email; LZ replied that it was from WC. CL abstained from voting; all others were in favor. KM made a motion to accept the May agenda as amended, RA and WH seconded, all were in favor.

The panel reviewed the April minutes. FM informed the panel of changes to the Benton County Mosquito Control District section from AF to correctly represent the genus and species names, and read his changes to sentence starting “For larviciding...” Kevin Shoemaker clarified that “cormorants” should be “corvids” in the same section. WH gave details for the April WPC update. The dates for the Hazmat Life Support Course are September 24 through 26. The training session on pyrethrins is scheduled for May 22. He and BFM will work together on pyrethrin cases and share their information with the panel. CL suggested that PIRT discuss using that information to do outreach with clinics around the state. KR moved to approve the minutes as amended, WH seconded, the vote passed unanimously.

**AGENDA:** FM will add the topic of sharing case information as outreach to clinics to the list of future agenda items.

### **Pierce County Noxious Weed Control**

Sean MacDougall from Pierce County Noxious Weed Control Board (PCNWCB) spoke about issues involved in controlling invasive species. Their mission is to reduce or prevent degrading impacts of noxious weeds to Pierce County’s resources. Invasive plants can spread undetected until infestations cover large areas. Roadside conditions play an important role in the spread of invasive species, as they are heavily disturbed, nutrient poor, and saturated with heavy metals and pollutants from cars. Invasive plants are more successful in exploiting these conditions than native plants. Invasive species alter soil conditions, increase flooding by filling ditches and culverts, and damage infrastructure (road surfaces). Understanding how they spread enables vegetation managers to develop strategies to control them. Integrated pest management (IPM) is used to improve efficacy of weed control and to reduce, but not eliminate, the use of herbicides. Herbicides are often required because manual, chemical, and cultural practices of invasive species control may be ineffective or may increase the number of weeds. Manual control is often not financially or practically feasible. The core value of IPM preserves the ability of vegetation managers to select the best treatment method or combination of methods to eliminate the pest species. All of the county’s roadside vegetation agencies mow, but many noxious weeds such as Japanese knotweed benefit from mowing. “No spray” policies can spread noxious weeds.

Mr. MacDougall testified against House Bill 2429 because it harms vegetation manager’s ability to respond effectively to invasive species along roadside and ignores physical and economic challenges involved in roadside vegetation management. It is not reasonable to eliminate a valuable tool in the IPM toolbox when agencies have engaged in pesticide reduction for a long time. The bill

seemed to create a new level of bureaucracy involving a panel that is not expert in vegetation management, and seems to be blatant in its intent to use statutory and regulatory change to achieve its aim of pesticide elimination. He feels that we need to look beyond the paradigm of what a diligent local land manager can accomplish in their own backyard to what it takes to control weeds on a bigger scale.

Discussion: The state has a list of over 100 species of noxious weeds. Pierce County actively manages 20 to 25 species, based on their abundance and classification, and spends much time and effort on eradication of Class A species, which are the most limited in distribution. Every situation had different requirements of frequency of pesticide use. A variety of methods are used to reduce drift and collateral damage. PCNCB received no pesticide-related complaints in the year Mr. MacDougall has been on staff. The board needs to look into roadside application related complaints of Rep. Campbell's constituents. Pesticide use information from all agencies in Pierce County gets forwarded to WSDA. Mr. MacDougall will provide Pierce County Roads Department's pesticide use information to FM.

AF, LZ, KM, KR, and AW are on the subcommittee on forestry and roadside spraying. The subcommittee will be in touch with Mr. MacDougall as they develop recommendations for Rep. Campbell.

**ACTION:** Mr. MacDougall will send pesticide use information to FM for distribution to the panel.

WH made a motion to discuss "April PIRT Meeting Review" after the break. KM seconded, all were in favor.

### **Discussion of Governor's Toxicologist Appointment by Governor**

LZ would like to recommend that PIRT write a letter to the Governor reiterating the application process, the criteria for the position and the fact that SG was unanimously selected by the PIRT panel, and that PIRT restate its recommendation for his reappointment. SG would like to be back on the PIRT panel, and does not have the concerns raised by Dr. Timchalk. To address these concerns, CL informed Dr. Timchalk that he could call in to PIRT meetings, that there were two meetings in eastern Washington, and that that PIRT was trying to move toward videoconferencing. He still did not want to accept the appointment. KM suggested that we ask the Governor's office for feedback on what is customary when an appointee turns down a position before writing a letter. PIRT is an independent body created by statute, but ultimately the appointment is the Governor's decision. PIRT should contact the Governor's Office to find out how they plan to respond, and in what format they would like to receive PIRT's recommendation. WH suggested that the panel decide on action after hearing public comment.

### **Public Comment**

CD asked whether this was a resignation submitted by Dr. Timchalk, or a non-acceptance. SG did not receive a letter, but was informed verbally that he would be off the panel starting the end of April. CL received a phone call about Dr. Timchalk's appointment, but no letter. CD said there is a 30 day stipulation in the statute for refilling the position when someone resigns.

CD spoke on behalf of the Farm Worker Pesticide Project (FWPP), who was very disturbed at Timchalk's appointment despite PIRT's unanimous recommendation, and despite his regular recent funding from Dow Chemical. The decision was made under pressure from groups that targeted SG

for removal for doing his job to carry out the responsibilities of the panel, and hoped that the Governor will do the right thing by reappointing SG. The rationale was given that there is a two-term limit for appointments; however, there was no mention of a two term limit on the Governor's website or to PIRT and the public. Alice Larson just served four terms on PIRT. Many Governor appointees to boards serve more than two terms. SG and PIRT were heavily criticized because of their stance in support of drift and air monitoring, and because they discuss the latest scientific studies on health effects of pesticide exposure. FWPP thinks that these activities are what PIRT is supposed to be doing. How can you review implications of pesticide exposures without basic information on what is in the air and on the latest scientific studies? This data is important for identifying inadequacies in state and federal laws. CD urged the panel to continue on this course, and to send a clear letter to the Governor requesting reappointment of Dr. Gilbert.

CD stated that it had become clear that DOH management had been in regular communication with the Governor's Office about this appointment. Her impression was that the recommendations of DOH management did not mesh with PIRT's. CD asked GG whether DOH management had communicated to the Governor's Office to support a position that differed from the panel's. She thanked the panel for the chance to speak earlier on the agenda.

GG responded that he can clearly say that DOH management was not asked for a recommendation on the PIRT appointments, and did not make any recommendations to the Governor regarding the PIRT appointments. Regarding the wording of LZ's email, he clarified that DOH management does not view PIRT as a DOH panel. They talk with CL as the DOH member on issues they would like her to represent on behalf of DOH, but do not try to influence the work and recommendations of PIRT. They have not been engaged in talking about the Governor's decisions around the PIRT appointments.

LZ asked whether GG wanted to stick to his statement, given the public records request for communications from DOH to the Governor's office. GG said that he went through all his emails in response to the request and provided them. He could not recall any inquiry specifically related to any kind of recommendation or judgment being made on applicants for the PIRT positions. If the public records disclosure shows something else, he'd be interested in reviewing that with the panel.

WH restated the motion to provide a letter to the Governor's Office supporting SG's reappointment, and to precede the letter with a phone call. KM seconded. AF, KR, MK, and RA voted yes. PE opposed, and CL abstained. There were six votes in favor; the motion was approved.

**ACTION:** CL will call the Governor's Office and draft a letter.

### **Break 11:10, resume at 11:20**

### **April PIRT Meeting Review**

The April Yakima meeting went well, though there was less attendance by the agricultural community than last year. This may have been due to the cooler weather delaying the application season. Much outreach was done prior to the meeting. The November Yakima meeting will be PIRT's first eastside meeting held late in the year. As the growing season will be over, the panel hopes there will be more attendance by the farm worker and agricultural community. PIRT can reevaluate the timing of eastside meetings for next year.

Many mosquito control districts are not as well-funded as Benton County's. PIRT will consider making a recommendation for more state funding for mosquito districts for staffing, monitoring and larviciding. With West Nile Virus (WNV) fatigue in Washington, it is harder to convince people of the importance of WNV funding. There are more people on the west side doing mosquito control than ever, but nowhere near enough if there were to be a mosquito-borne outbreak. Increased funding would allow for more larviciding (resulting in less human insecticide exposure than adulticiding), and for regulations for notification of pesticide applications.

**ACTION:** KM will update the panel regularly on WNV issues in her agency update. PIRT can reconsider forming a WNV subcommittee in the fall, or if it looks like there will be a problem with human exposures to pesticides used to control mosquitoes.

The panel commended Ofelio Borges for his work with the Hands-on Pesticide Safety Trainings and Train the Trainer Programs. If WSDA would like more resources for these programs, PIRT can weigh in on their importance and benefits. This was the first year people were turned away from the trainings due to high demand. The intent of the Train the Trainer Program is for individuals to train additional workers at their worksite. Participants are able to pick out potential errors and risks at their worksites, but Ofelio has not been able to get them to hold classes with their workers. There is no way to measure whether practices are safer after participating in trainings. It would be helpful to partner with WSU or UW to produce data on effectiveness of trainings, or to fund more WSDA staff to assist with evaluation. Helen Murphy from Pacific Northwest Agricultural Safety and Health (PNASH) has experience with evaluation of pesticide outreach and would be a good resource at UW. A good resource at WSU might be Carol Ramsay at the Pesticides Safety Education Program. Flor Servin coordinates the Hands-on training for agricultural handlers for WSDA. She would be a good resource about evaluation to date on the Hands-on training.

**ACTION/AGENDA:** FM will invite Helen Murphy and Flor Servin to speak at the July or September meeting.

Referring to Dr. Hebert's presentation on air monitoring for MITC, KM informed the panel that EPA will release their final decision on metam sodium in June or July.

**ACTION:** BFM will notify FM when the EPA decision is released. FM will include this on the upcoming agenda.

### **2007 PIRT Report**

FM reported that all agency sections were reviewed by PIRT, except for L&I's. PE will make edits to her section and submit it to FM on May 20. The introduction, PIRT activities and executive summary still need to be written. KR is willing to work on findings that reflect PIRT's contemplation of agencies' data. LZ suggested that compiling the data from all agencies on one page and listing products and their active ingredients would make the data more useful. LZ and CL will work with KR on the executive summary.

WH: The report should be customized for its primary audience, the legislature. KM: A one page front and back executive summary would be more useful to a legislator. CL: A more succinct report would help us get the report out faster. KM: PIRT action recommendations can go into an appendix to shorten the executive summary.

For each action recommendation, FM compiled pertinent material from meeting minutes in a table. The leads for each recommendation can write a brief paragraph using this information.

**ACTION:** PE will submit edits on her section to FM on May 20. FM will distribute to panel via email.

**ACTION:** FM will schedule a meeting of the executive summary subcommittee to produce a draft executive summary (KR, CL, LZ and FM) for May 28 or 29.

**ACTION:** Leads will complete their paragraphs on action recommendations.

KM will work with Ecology staff on producing the Ecology spills appendix and possibly changing its format. This information is already summarized in the Ecology section. FM: Mark Calkins said that environmental data should be included in the report, but PIRT can determine what format to use. If the appendix cannot be completed for the 2007 report, PIRT can send it as a supplement or in the 2008 report.

**ACTION:** A completed draft with all agency sections and draft executive summary will be available for discussion and vote at the June meeting.

### **NIOSH Prevention Update**

BFM presented on “PIRT Action Item: Identifying Problem Pesticide Labels” (see <http://www.doh.wa.gov/ehp/Pirt/labelsproject.pdf>). In 2007, WSDA presented household fogger and aerosol label issues identified by DOH to EPA. EPA requested specific problem labels. BFM and Ann Wick are collaborating on data review to identify problem labels for these products. BFM looked at two years of DOH data on cases related to foggers, aerosols and pressurized liquids, and found 65 incidents involving 69 people. Most of these had mild symptoms. For most fogger cases there were obvious problems such as: overuse, inadequate ventilation, re-entry exposure, accessibility to children, and fogger malfunction. One product (Raid Concentrated Deep Reach Fogger) was involved in 15 of the 22 fogger cases. BFM and Ann will develop comments for EPA on improving fogger labels. Some possible suggestions are: reducing package size, adding a device to turn off a fogger that is accidentally activated, child-proofing the activation button, improve label language, making warning statements more explicit, and targeting warnings to sensitive sub-populations. There were 47 other cases related to aerosol pesticides. No label violations were identified in 18 of these cases. For aerosols, comments to EPA may include removing young children before spraying and warning sensitive individuals. BFM and Ann will finish writing up findings, review labels, and draft comments to EPA. BFM asked how PIRT would like to have input for this project. KM would like to see comments before they go to EPA. BFM thanked Cheryl Hanks, retired from DOH for her investigations, and NIOSH for their support of this project.

KR would like see causal or contributing factors and related label deficiencies for the children’s exposure cases in the WPC and DOH report sections. These are important for developing recommendations for prevention and education.

### **Response to Letter from Rep. Campbell**

This topic will be moved to the June agenda. CL will take the lead on this, and asked that the Pesticide Use and Forestry and Roadside Spraying subcommittees come up with ideas for a

response to Rep. Campbell's letter. Rep. Hudgins commented that the House Select Committee on Environmental Health continues to look at this issue, and at whether roadside application policy is consistent across all jurisdictions and makes sense at the state level. AF, LZ, KM, KR, and AW are on the subcommittee on forestry and roadside spraying.

**ACTION:** CL will take the lead on getting information from the subcommittees and drafting a response to Rep. Campbell.

### **Agency Updates**

**WSDA** – Bob Gore is the acting director of WSDA, and John Daly will be the acting deputy.

**Ecology** – EPA is in phase five of a six phase re-registration process for acrolein, a volatile aquatic herbicide used mostly by irrigation districts. It is highly toxic to aquatic life and to humans. The EPA is taking comments through June 2 and looking for recommendations on reducing risk. KM is writing a letter from Ecology. There is currently no limit on the number of treatments permissible per year and on the minimum interval between treatments. Thirty thousand gallons of acrolein were used in Washington last year. Acrolein misapplications have resulted in human deaths in other states.

Currently there are few alternatives to acrolein. Endothal, a safer alternative to acrolein, is undergoing a lengthy approval process, and should be available for use in late 2009.

**ACTION:** KM will keep the panel informed about the status of acrolein.

Ecology is working with DOH on WNV response for the upcoming season and on having an emergency order in place that would allow near-water applications in the event of an outbreak. Public notification for aerial applications is built into the emergency order.

**Health** – The Pesticide Program acquired a new database system which uses scanning technology for data entry. This should decrease the time for data entry and data cleanup required with the current database, and facilitate faster data access.

The final report on 2008 air monitoring for MITC is due from Dr. Vince Hebert in the next month or so. This will be reviewed by DOH and the technical review panel, and eventually be available to the public. Sampling for chlorpyrifos in Wenatchee and Yakima was completed. The University of Washington team will soon start sampling for azinphos methyl, phosmet, and possibly malathion, as the codling moth spray season starts. The research team is working with Dr. Jay Brunner to narrow down the sampling timeframe.

At this point, KM, RA, KR, CL, AF, WH and LZ were at the meeting.

**June Agenda** - The panel reviewed the draft June agenda. It will include updates from the subcommittees on Pesticide Use Reporting, Forestry and Roadside Spraying, and Executive Summary. KM made a motion to move Science Corner to July. RA seconded, and all were in favor. KR and WH made a motion to accept the June agenda, all were in favor.

**ACTION:** CL or BFM will invite Jeff Calvert from NIOSH to speak at an upcoming meeting. FM will add an update on NIOSH Sensor to the June agenda. CL or FM will contact Matt Kiefer to clarify his interest in the 6(a)(2) program.

### **Discussion of Email**

LZ distributed copies of the email she received from WC. PIRT members thought it would be best to let this go, and revisit the topic if DOH seemed too controlling of PIRT. WC explained that his intent was to send out a welcoming email, and that he simply misspoke about PIRT being DOH's panel. He wanted LZ to understand the mission of the Office of Environmental Health and the role that DOH plays in providing staffing and support for PIRT. He values the panel's work and sees how it fits into the mission of the office.

KM and RA moved to adjourn, all were in favor. The meeting adjourned at approximately 1 pm.

### **Future Meetings**

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The next meeting will be June 19 from 9:30 am to 12:30 pm at the Department of Health in Tumwater. The draft agenda will be posted at <http://www.doh.wa.gov/ehp/Pirt/pirt-meetings.htm>. Meeting materials will be posted, if available prior to the posting deadline.