

# CONSUMER PROTECTION SERVICES DIVISION

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## SPECIAL POINTS OF INTEREST:

- New Web Service Launched
- New Insect in Cherokee County
- Pierce's Disease of Grape Identified for the First Time in Oklahoma
- Section 18s
- ODAFF Provides Testing
- USDA Recordkeeping Training
- OSU Hosts CEU Programs
- Pesticide Exams Held in 2008
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- Heavy Metals in Fertilizer
- Exchange Network Update

## New Web Service Launched

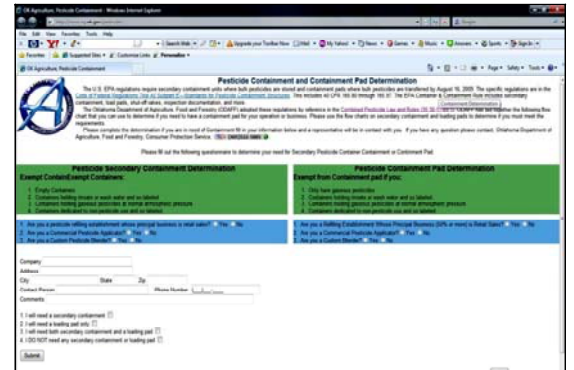
by Dr. Don Molnar

A new web based service was launched to assist pesticide dealers and applicators determine if they meet the new federal guidelines on secondary pesticide container containment and loading pads. Ellie Ball, ODAFF's Information Systems Applications Specialist, and Dr. Don Molnar, program manager developed the service.

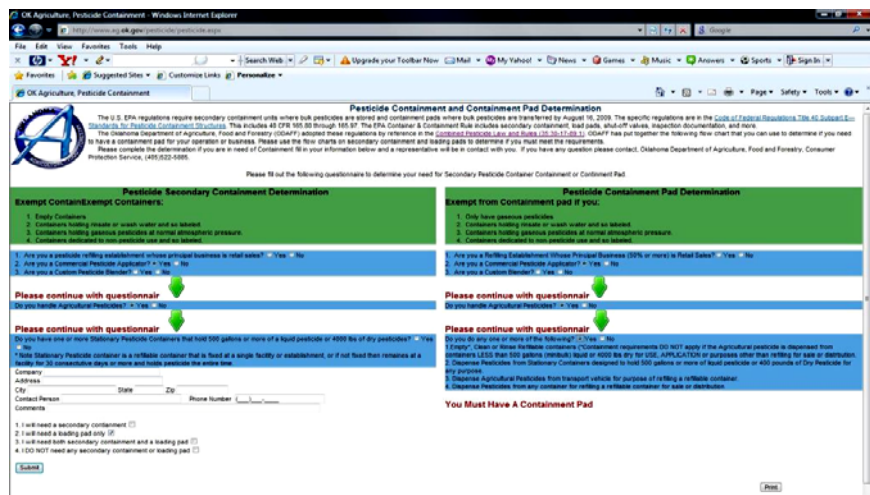
The service is a flow chart that will guide you through a series of questions that will automatically determine whether secondary containment or a loading pad or both are needed.

Once the determination is made by the flow chart, you complete the fields at the bottom of the page about your

company and then submit the form. The information on the form is automatically sent to an ODAFF e-mail address where it can be accessed by CPS staff. Follow up information on specific containment and loading pad requirements will be provided to those companies requiring secondary containment or a pad. The web site is: <http://www.ag.ok.gov/pesticide>



online questionnaire



online questionnaire

## New Insect Found in Cherokee County by Jeanetta Cooper

One male and 1 female glassy-winged sharpshooter were found on 2 separate sticky trap cards that an OSU graduate student was using to monitor for sharpshooters and leafhoppers at a nursery in Cherokee County. The graduate student was assaying the different populations of sharpshooters/leafhoppers found in nursery settings. Thought to be the first detection in Oklahoma, OSU entomologist Dr. Richard Grantham searched through the OSU insect museum and found a lone specimen taken from Idabel in 1938. The insect is native to southeastern U.S. so very likely has been present in the State for some time.

Even though the GWSS is large enough to be seen with the naked eye, it is very inconspicuous in nature.

GWSS can produce 2-3 generations per year in Texas and the adults hibernate in plant material on the ground near food plants. Mating occurs in the spring and summer and eggs are laid together in rows on the underside of leaves, usually in groups of 10-12. The egg masses appear as small blisters and are easier to observe after the eggs hatch when these appear as brown scars on leaves.

GWSS is considered the most significant pest to the production of grapes by the transmission of Pierce's disease. The GWSS has a broad host range of over 200 plant

species and a single individual will feed on a variety of plant species during its lifetime. The high mobility (distances greater than 90 m) and its use of a large number of host plants provides this insect with ample opportunity to vector disease.

*The brown coloration of the insect blends well with the color of twigs where it is usually found and it hides by moving to the other side of the twig or branch when it detects movement or is disturbed.*



Glassy-winged Sharpshooter

## OSU PSEP and ODAFF Host Structural Pest CEU Programs by Jason Baker

On December 3<sup>rd</sup> in Oklahoma City and December 10<sup>th</sup> in Tulsa, OSU Pesticide Safety Education Program and ODAFF hosted a Structural Pest CEU Program. Approximately 50 pesticide applicators

attended the two programs to receive continuing education units. The speakers included Brad Kard, Jim Criswell, and Kevin Shelton from OSU.

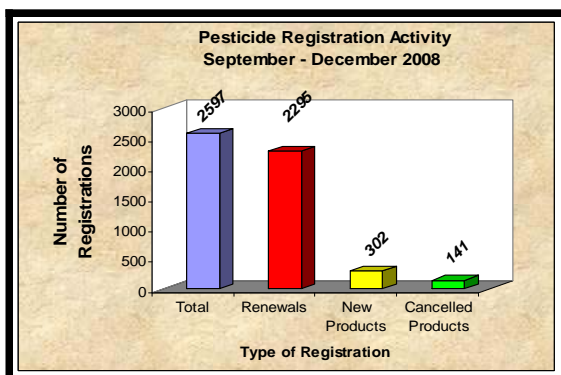
Ralph Tyler, Pesticide Inspector, attended to speak about exterior perimeter treatments.



OSU Safety Education Program

# Pesticide Registration Activity

by Debbie Cunningham

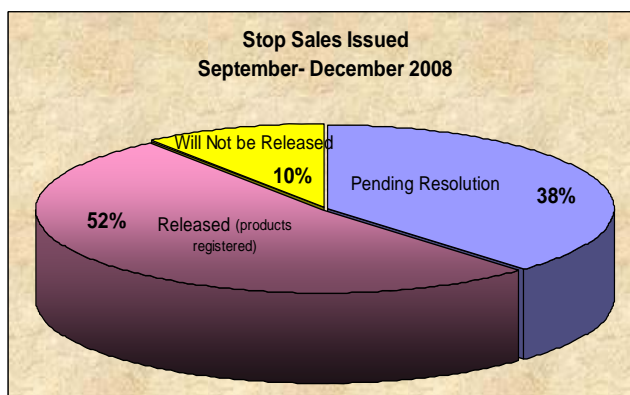


Registration activity that occurred during the quarter ending December 31st is presented in the following chart. Two thousand five hundred and ninety seven products were registered. Of the products, registered 2295 were renewals and 302 were new. There were 141 products cancelled.

## Pesticide Compliance Actions

by Debbie Cunningham

There were 108 stop sale orders issued for the quarter ending December 31st. These orders were issued due to unregistered, cancelled, and/or misbranded products found during routine marketplace inspections. These orders are broken down as follows: 56 released and 41 pending and 11 removed. The status of these orders is reflected in the chart.



## Non-Restricted Use Permits

by Debbie Cunningham

Inspectors are delivering non-restricted dealer permit application packets to appropriate stores not in compliance. The application packet includes an application form and an example of a filled out application form. The spreadsheet listing the stores that have NRUP was given to the inspectors as well as an electronic version of a spreadsheet

that was created for tracking purposes. The spreadsheet includes date the application was delivered, address, phone number and a 30-day timeline, which will allow tracking compliance and sending out letters of warning 30 days post application delivery.

There are currently 2,020 NRUPs registered



## Section 18s by Debbie Cunningham



pesticide warning label

Section 18's are used to counter an unusual pest or set of circumstances, the Oklahoma Department of Agriculture requests the Environmental Protection Agency grant Section 18 emergency specific exemptions or a more immediate crisis exemption. This allows use of a new pesticide product or one not approved for a specific crop to stem a problem that often plague Oklahoma growers.

ODA must provide EPA with data showing that the requested pesticide will do the job safely and effectively. The difference between a farmer making a crop or suffering a disaster often depends on the relief a Section 18 pesticide offers.

An application package for a section 18 on a DuPont product, Pastora, is being assembled in conjunction with Texas Department of Agriculture. Bermuda grass pastures and hay meadows are a significant segment of agriculture in Oklahoma providing high quality forage for grazing and hay production for the cattle and horse industry. Many of these acres are grown on sandy soils, which are a perfect habitat for sandbur species.

Mature sandburs produce seed heads, which in turn cause many problems and economic loss for forage producers, cattlemen and horse owners. The mature sandbur can cause health issues with livestock, reduce forage yields by

competing with Bermuda grass and substantially reduce the value of hay, particularly for the high quality horse hay.

At this time farmers and ranchers have little or no defense to combat the increasing problem of sandburs contamination on normally highly productive farms. With the continual rise in production costs, it is more important than ever that the livestock and hay producers be efficient in maximizing the quality and quantity of forage produced. Sandburs possess the ability to significantly reduce both of these translating into millions of dollars of lost revenue for the livestock and hay producers.

### ODAFF Provides Pesticide Applicator Testing to OSU Students by Jason Baker



Scantrons used during exams

On December 3<sup>rd</sup>, Jeremy Mc Reynolds, Field Supervisor, and Jerry Jorski, Field Inspector, provided testing to 35 OSU students in Dr. Peeper's weed control classes. Dr. Peeper uses the grades the students make for extra credit and the students receive a certified applicator card for the categories they pass.

Thirty-five OSU staff members also showed up to renew their Agricultural Plant Demonstration and Research categories. Jeremy and Jerry administered 151 tests.

## USDA Pesticide Recordkeeping Training Held in Stillwater

by Jason Baker



Molly O'Neill, EPA CIO

On December 9<sup>th</sup>, Gary Mitchell from USDA traveled to the Pinkston Education Facility in Stillwater to train seven pesticide inspectors and 2 pesticide supervisors for the USDA-Federal Pesticide Recordkeeping Program. The first segment covered was an introduction to the recordkeeping program including the background for which the program was established, the history behind the USDA recordkeeping requirements, and the overall structure and goals of the program.

The next segment of the training focused on conducting the

inspections. This included several scenarios encountered by previous inspectors and the correct way to handle specific situations. It also touched on what is required for a Restricted Use Pesticide record.

The afternoon session covered the details and consequences of non-compliance, which included compliance assistance and denied access. Inspectors were shown the proper way to document these instances. USDA's method of processing these forms was explained to help the inspectors see the importance of filling out the inspection

forms correctly.

The training concluded with the inspectors and supervisors performing seven practice exercise inspections based on scenarios presented by the instructor. The scenarios were discussed in detail and questions were answered about the exercises.

The inspectors will use the training to inspect the records of private applicators that have purchased restricted use pesticides.

ODAFF has a contract with USDA to conduct approximately 200 record inspections a year.

## Pesticide Applicator Practical Examinations Held in 2008

by Jason Baker

OSU Pesticide Safety Education Program continues to work with ODAFF on the General Pest, Structural, and Fumigation practicals. Six General Pest, 4 Structural and 2 Fumigation

practical training sessions were held in 2008. ODAFF pesticide inspectors Ralph Tyler, Eric Pearson, Dray Williams, and Jeremy McReynolds are a key component in the education process. More than 60 individuals attended the General Pest practical training

sessions. Fifty-four attended the Structural practical training sessions, and 37 individuals attended the Fumigation practical training sessions.



ODAFF pesticide inspectors represent over 90% of the outdoor education portion of the Structural practical.

## National Cooperative Agricultural Pest Survey (CAPS) Conference

by Jeanetta Cooper

The 2008 National CAPS Conference took place in Phoenix, Arizona December 2<sup>nd</sup> through 4<sup>th</sup> with State Survey Coordinators, State Plant Regulatory Officials, USDA Pest Survey Specialists, USDA State Plant Health Directors, and the Eastern, Western, and National CAPS

Directors attending. The conference was designed to be a working meeting, with the intent to obtain input from the States and field surveyors on a variety of issues. The meeting was a major opportunity for all involved to participate in the future direction of the CAPS

programs, to design and develop survey strategies, and to facilitate networking, information exchange, and discussions.



Emerald Ash Borer

## Apiary Update

by Dr. Don Molnar

We had two calls from people in southern Oklahoma reporting bee colonies in the wall or attic area of their house. The warm days during the last part of the month has brought the bees out looking for food. The callers were referred to the ODA website for a pest control company or beekeeper to have the bees

removed.

McCurtain County sheriff's department received calls regarding bees bothering people and animals near Millerton. The bees may be from migratory beekeepers that overwinter several thousand hives in McCurtain and Choctaw counties of southeast Oklahoma. The warmer

weather in southeast Oklahoma has prompted the bees to look for nectar and pollen, which is not available in December. The bees may be attracted to any sugar or molasses in the animal feed and the bees are mistaking the grain dust as a protein source similar to pollen. One of the migratory beekeepers was notified of the situation.



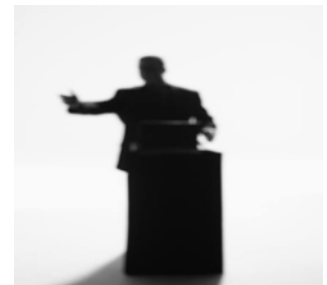
A bee pollinating a flower

## Pesticide Applicator Training

by Mike Vandeventer

On December 10<sup>th</sup>, Mike Vandeventer, CPS Agricultural Services Administrator, was a guest speaker at an Estes sponsored applicator training meeting. The meeting was attended by bare ground

right of way applicators. Mike talked about drift complaints, facility, and routine pesticide use inspections.



A guest speaker silhouette

# Four Pesticide Disposal Programs Held in Oklahoma

by Jason Baker



Pesticides ready for disposal

Four pesticide disposal programs were held in December. One in McAlester on December 2<sup>nd</sup>, one in Kellyville on December 4<sup>th</sup>, one in Morrison on December 9<sup>th</sup>, and one in Woodward on December 11<sup>th</sup>. The purpose of the

program is to eliminate unwanted commercial and agricultural pesticides from the environment. This program provides a safe and economical way to dispose of the cancelled, suspended, expired, unwanted, unused, and unstable pesticides.

ODAFF contracts with Clean Harbors, a licensed hazardous waste company, to collect and properly dispose of waste pesticides.

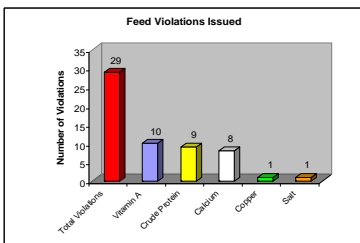
The majority of these pesticides are properly disposed of in Arkansas.

## PESTICIDE RELATED INSPECTIONS AND SAMPLES

BY JASON BAKER

Inspection Count for January - December		
Inspection Type	Number of Inspections	Annual Totals
Experimental Use Permit	None Applied For	
Marketplace	638	
Pesticide Applicator Facility	449	
Pesticide Service Inspection	5	
Restricted Use Pesticide Dealer	150	
Producer Establishment	26	
Use	499	
Termite	23	
Wood	10	
Pre-treat	418	
Drift Investigation	73	
Suspect Pesticide Label	378	
Worker Protection	213	
Annual Inspections Total		2882
Samples Taken		1669
Annual Inspections and Samples Total		4551

# Feed Program Performance by Aaron Elam

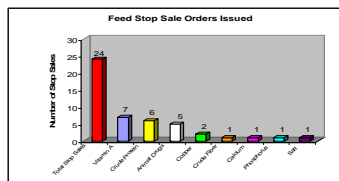


Three hundred fifty one feed samples were analyzed, with 1,106 feed determinations made from those samples. These determinations resulted in the issuance of 29 violations for feeds or feed ingredients that

Feed Violations Issued

did not meet established tolerances based on their guaranteed analysis. The majority of these violations were issued for products deficient in vitamin A and crude protein. Violations were also issued for feed products that did not meet their guarantees for calcium, copper, and salt. Twenty-four stop sale orders were issued for feeds with severe deviations from their guaranteed analysis.

Seven stop sales were issued for vitamin A deficiencies, six were issued for crude protein deficiencies, and five were issued for deviations in animal drug content. The remaining stop sales were issued for deviations copper, crude fiber, calcium, phosphorus, and salt content.



"Stop Sale" orders issued

Armyworms were reported as a significant problem requiring many acres to be replanted with outbreaks most prevalent in the western half of the state.

## Oklahoma Crop Improvement Association, Board of Directors Meeting by Wade Krivanek

The Board of Directors of the Oklahoma Crop Improvement Association held their quarterly meeting at the Oklahoma Department of Agriculture, Food, and Forestry on December 4th. Wade Krivanek, Seed Program Administrator, hosted the meeting and reported current activities involving seed testing and regulations.

Certified crop reports given by

directors from each region indicated that most of the Oklahoma wheat crop that was planted in September through mid-October appears to be in fair condition but is in much need of additional moisture. It was also reported that wheat planted later than mid-October is struggling due to drier conditions and lower temperatures, with some fields in Western Oklahoma yet to emerge. Dr. David Porter, Head of OSU's

Department of Plant & Soil Sciences, announced the release of a newly developed wheat variety, OK Rising. The release is expected to be complete this year as soon as licensing agreements are made available. Dr. Porter indicated that research trials show significant promise for the new hard white variety.

## Weights and Measures Program Performance by Tyler Hicks

Weights and Measures inspectors checked 557 small scales, rejecting 22 of the scales checked. There were 33 random pack inspections and 100 standard pack inspections resulting in 15 letters of warning and one stop sale order. Three hundred and seventy six

price verification inspections were conducted with letters of warning issued for 78 of those inspections.

One hundred and two large capacity vehicle scales and eight livestock scales were inspected. Eight firms and/or devices were either out of

service or out of business. Forty-two large capacity scales were rejected for repairs.

Weights and Measures staff issued two device technician licenses.



Weights used to determine accurate measurements

# Heavy Metals in Fertilizer

by Kenny Naylor



Toxic waste containing heavy metals

The issue of food safety and product contamination is becoming an ever increasing priority for state and federal regulators. While the recent melamine contamination of pet food and now baby formula has brought these issues to the forefront, these problems are not new. The fertilizer industry has been dealing with these issues since the late 1990's, a problem that has only intensified as more and more companies have tried to dispose of waste products as fertilizers. This disposal practice is illegal in Oklahoma; however, it is still an ongoing and reoccurring issue.

The problem of product contamination was first brought to the forefront in the fertilizer industry on July 3, 1997, when Duff Wilson, a reporter for the *Seattle Times*, published Part I of a two part series entitled *Fear in the Fields -- How Hazardous Wastes Becomes Fertilizer*. In the original story, Wilson discussed how a Washington State mining company was disposing of its mining waste by using it as a micronutrient in fertilizer.

The article went on to explain how the use of fertilizer products containing heavy metals has affected crop and livestock production. Washington State responded to the articles in 1998 by becoming the first state to adopt heavy metal standards for fertilizers and testing for potential contaminants.

Duff's article also led to the further scrutiny of heavy metals in fertilizer. In February 2000, a micronutrient manufacturer that believed their Chinese imported zinc sulfate was contaminated with high levels of cadmium contacted the Washington Department of Agriculture. Testing showed extremely high levels of contamination, some as high as 20% cadmium, resulting in stop sale orders for these products. The Environmental Protection Agency's (EPA) Office of International Relations also further investigated the issue of Chinese cadmium contaminated zinc sulfate fertilizer. According to a May 23, 2000, *New York Times* article, an

unpublicized government investigation found, "...as much as 1.3 million pounds (of contaminated material) entered the U.S. at 10 different ports since the contaminated shipment was detected..." It is known that this material was distributed in the states of California, Oregon, Washington, and Mississippi for use in fertilizer and animal feed. However, it is unknown how much, if any, of this contaminated material was actually made into product and sold.

These findings set off another round of rulemaking by state and federal regulators. In 1999, the Association of American Plant Food Control Officials (AAPFCO) adopted the Canadian heavy metal standards until an ongoing scientific risk based assessment could be completed by AAPFCO. In 2003, AAPFCO adopted the completed scientific risk based assessment standards for heavy metals. These standards were then adopted into the Oklahoma Fertilizer Act and Rules in 2004. Accordingly, in November 2000, the EPA began the rulemaking process on waste derived zinc fertilizers and on June 10, 2004, these rules became final. Because of these new regulations the Oklahoma Department of Agriculture, Food, and Forestry began periodic testing for heavy metal contamination in fertilizer. This testing led to the discovery of a fertilizer product containing 0.5% arsenic contamination, which exceeds the allowable limit, and resulted in a stop sale order. This company is now out of business and these products are no longer distributed in Oklahoma.

The issue of heavy metal contamination was also recently highlighted in other parts of the world where cadmium contaminated fertilizer was used in crop production and animal feed. A recent article published in the South African magazine, *Nosweek*, exposed the effects of cadmium contaminated zinc sulfate fertilizer imported into South Africa and other African Countries from China. These Chinese products were found to contain a high cadmium to zinc ratio, with

nearly equal parts of cadmium and zinc.

This level of cadmium means that when agronomic zinc fertilizer application rates were applied, the cadmium addition was high enough to cause crops to contain excessive cadmium levels and the soil to require remediation. The application of these contaminated fertilizer products resulted in crops like pineapples to contain higher than normal levels of cadmium, which is now threatening their export market.

In August of 2007, the European Food Safety Authority issued an official alert regarding canned pineapple from Kenya and some European Union Countries are now refusing entry of some South African commodities due to excessive cadmium levels.

This concern from South Africa also reached the United States when South African agricultural groups contacted a United States Department of Agriculture - Agricultural Research Service (USDA-ARS) scientist who works in the area of soil-plant-animal transfer of cadmium to prevent cadmium contamination of the U.S. food chain. USDA-ARS in turn contacted the Association of American Plant Food Control Officials regarding the issue. The scientist stated that recently agricultural groups in South Africa had contacted him because certain export crops were refused entry into the European Union due to excessive cadmium levels. He further explained that the problem had been traced back to zinc sulfate containing high amounts of cadmium, which was imported into South Africa and sold for use as a fertilizer and a feed additive. The South African groups stated that they believe that over time the adverse effects of the cadmium began to show up in crops, swine, and poultry including their manure. The United States began dealing with the issue of heavy metals in fertilizer approximately 10 years ago; we will be able to avoid this problem from reoccurring or further escalating in the United States.

*"...as much as 1.3 million pounds (of contaminated material) entered the U.S. at 10 different ports since the contaminated shipment was detected..."*

## Association of American Warehouse Control Officials Meeting by Larry Rudebusch

Larry Rudebusch, Grain Warehouse Program Administrator, recently attended the joint meeting of the Association of American Warehouse Control Officials (AAWCO) and the National Grain and Feed Association (NGFA) held in St. Louis, Missouri, December 7 through December 9. NGFA is an industry organization representing the grain and feed industries, while AAWCO provides a forum for state grain warehouse control officials and industry representatives to discuss regulatory policies and other issues affecting the grain industry.



Grain warehouse bins

Because of several large ethanol-producing facilities either filing for bankruptcy protection or contemplating filing, the topic of ethanol dominated the discussion during the proceedings of this years AAWCO meeting.

Because most ethanol plants have grain delivery contracts with producers, and in some cases operate as grain warehouse facilities, their financial ability to honor these contract obligations is of great concern to producers and the grain warehouse industry alike. Most state warehouse control officials believe that because of the sudden drop in grain and other commodity prices, including oil and gasoline, ethanol plants will continue to struggle in the near future and will have to undergo major changes in order to return to profitability.

Many believe these changes will include more plant closures,

delay, and/or abandonment of future plant construction, and further consolidation within the industry.

In addition to the AAWCO meeting, the jointly held NGFA meeting featured guest speakers discussing a wide variety of topics pertinent to the grain and feed industries.

Titles for these speaking sessions included:

Implementation of the New Farm Bill; U.S. and World Financial Situation for 2009; Cash Grain Marketing Strategies for 2009; Financing for Elevators and Feed Mills in 2009; and Food and Feed Safety.



grain warehouse

## Pierce's Disease of Grape Identified for the First Time in Oklahoma by Jeanetta Cooper

A grape plant sample submitted to the Plant Disease and Insect Diagnostic lab at OSU tested



A yellow or reddish-brown band appears between the green and the scorched area on leaves

positive for the pathogen Pierce's disease and subsequent genetic tests were performed to verify the strain of bacterium present. Pierce's disease has been found in California, Texas, and Florida in grapes, but not in Oklahoma prior to this finding. The 'Concord' grape sample was taken from grape vines planted about 4 years ago in a home garden in Canadian County.

Symptoms of Pierce's disease are perennial and will appear late in summer when weather conditions are predominately hot and dry, or when plants are under drought stress. Plants will exhibit stress, with wilting of shoots, premature defoliation, and will yield no fruit or limited poor quality fruit. Leaf edges develop chlorosis and green fading before drying and turning brown. A yellow or reddish-brown band appears between the green and the scorched area on leaves and is the distinguishing mark to determine disease presence versus drought stress or zinc deficiency.

Different strains of the disease are known to cause symptoms and disease in over 100 plants including alfalfa, peach, citrus, and many shade trees such as sycamore, oak,

and maple. The disease is transmitted from plant to plant by insect vectors such as spittlebugs, sharpshooters, or cicadas, or through infected propagation material taken from infected grape vines. The major vector of Pierce's disease is the glassy-winged sharpshooter. This insect, native to the southeastern U.S., has high mobility and feeds on at least 30 plant families.


The source of the infection of the grape vines in Canadian County is unknown and the Plant Protection Section is investigating the origin of the grape vines and has traced back to the plant brokering company in Wisconsin and the wholesale supplier in Michigan. The extent of the Pierce's disease strain in Oklahoma is not known and further sampling and surveying is likely.



Wood on new canes matures irregularly, producing patches of green surrounded by mature brown bark.

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[www.agblog.ok.gov](http://www.agblog.ok.gov)

## Exchange Network Update by Dr. Don Molnar

Dr. Don Molnar, Program Manager, and Andrew Craig, Information Systems Manager, attended EPA's Office of Environmental Information's Symposium in Phoenix, Arizona, December 10th-12th. More than 800 federal, states, industry professionals, natural resource specialists, scientists, business leaders, educators, and IT/IM experts attended the symposium. The symposium's theme was "*Transforming Information into Solutions*" and their goal was to demonstrate the power of information management and technology in solving our most pressing environmental challenges.

One of the speeches covered how leading-edge web technologies are being used to convey and visualize environmental problems and solutions. The speeches also educated on how web vendors are offering new collaborative technologies that can help users better understand and deal with environmental problems, such as chemical spills, wildfires, and hurricanes. Another speech discussed several cases at EPA where programs have improved the delivery time of quality data by automating data processing using centralized CDX,

Exchange Network and other services in EPA.

Representatives from Google and Microsoft gave speeches on some of their latest innovations that can be used to publish environmental data to solve environmental problems. EPA's Office of Environmental Information is the organization that awards Exchange Network grants. Consumer Protection Services has received three Exchange Network grants totaling \$750,000 since 2004.