



# Pesticide and Noxious Weed Newsletter

Winter 2012-2013

Nebraska Department of Agriculture

Vol. 32

## Noxious Weed Infestations Continue to Decrease

Noxious and invasive weeds have invaded Nebraska for over 125 years. Nebraska's first state-listed noxious weed was Canada thistle in 1873. The tools available for controlling invasive plants in the 1800's were very limited and most likely ineffective. In those early years, it appears that landowners learned to live with and, in some cases, contain these infestations with limited control.

As farming practices changed and the introduction of improved herbicides increased, landowners have found multiple methods to use in their operation. The control tools available today give landowners options that help to increase their level of control on noxious and invasive plants. Public awareness has been the most valuable tool used by weed control professionals

statewide. These awareness tools provide information to landowners and applicators regarding the best time to apply control measures.

Since 1990, county infestation reports indicate that noxious weed infested acres have decreased across the state. Much of this success is credited to effective noxious weed programs at the county level. In most cases, these county programs have strived to improve noxious weed control and improve and protect our natural resources. However, a few counties struggle to aggressively enforce the Nebraska Noxious Weed Control Act. In most cases, this is due to a combination of landowner apathy and county weed control programs that are not willing to take appropriate action towards landowners.

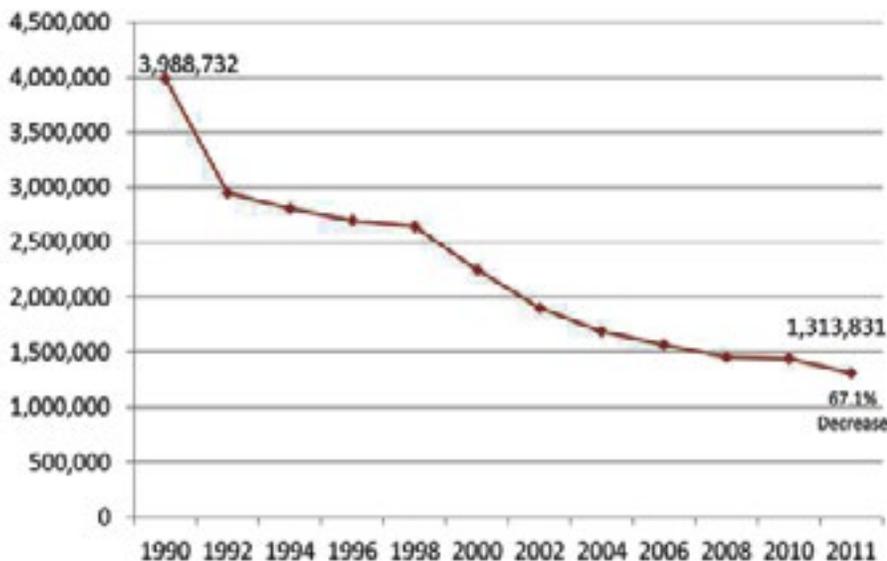
The following chart is a summary of infested acres as reported by each county weed control authority in accordance with the Noxious Weed Control Act. It is important to note that the 1990 data only consisted of four state designated noxious weeds and the 2011 data reflects 11 state designated noxious weeds.

### Know Your Noxious Weeds

(with David Letterman's game show theme playing in the background)

Can you name Nebraska's 11 noxious weeds? Go to page 4 of this document ([1.usa.gov/ScZsEc](http://1.usa.gov/ScZsEc)) to find out! More information on noxious weeds can be found on NDA's Noxious Weed Program page at [bit.ly/tlZ8CE](http://bit.ly/tlZ8CE).

Acres of Noxious Weeds



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## Pesticide Persistence

Pesticide applicators should become aware of issues from the recent past and potential issues in the coming year concerning pesticide persistence and/or carryover. Persistence can be thought of in terms of half life, which is the amount of time (usually in days) it takes for half of the material to decay or degrade into something else, or become inactive. Chemicals with a long half-life have a property whereby degradation by microbial, chemical, or environmental (physical) conditions is reduced such that the time of action is lengthened. This can be beneficial for both herbicides and insecticides (and other classes of pesticides), because it lengthens the window of the pesticidal activity and reduces the effect of the pest by reducing its population.

However, in certain situations where there are alternative uses for animal or plant wastes, these same characteristics can have detrimental effects. Several herbicides that either were, or are currently, labeled for turf uses have negative effects on certain sensitive plants, if vegetation (grass clippings) harvested from those sites is then used for compost. Depending on the composting process (the length of time and/or the temperature reached), pesticide residues may remain active and affect garden and ornamental plants mulched with the composted material. The active ingredient clopyralid (trade name Confront, and others) is an example where plant damage from residues in mulched plant materials wasn't apparent until after complaints about damage were received across the country. Subsequent label changes, which removed residential turf as an application site, eventually lessened the potential for problems in mulch from grass clippings. Similar herbicides in this class of chemicals, called pyridine carboxylic acids, include aminopyralid (trade name Chaparral) and picloram (trade name Tordon and others), and have potential for similar types of damage because of persistence. Cases of damaging residues of picloram in animal waste resulted in label changes which restricted grazing, prohibited use of harvested grass for mulch or compost, and prohibited the

use of manure from cattle grazing the treated site as fertilizer. Other active ingredients in this class but having different chemistry and behavior, include triclopyr and fluroxypyr. These are in the pyridinyloxyacetic acid family and have much less soil activity and do not remain active in decaying plant material or in manure from animals feeding on treated vegetation. Pesticide applicators and dealers, as well as weed consultants, should be aware of the issues and potential for conflict, especially when harvested material will be used for agronomic uses (mulch, soil amendments, etc). These potential issues should be communicated to the owner so they are aware and can act accordingly.

### More information:

Pyridine Residue Management (Dow Australia) [bit.ly/WIZmqy](http://bit.ly/WIZmqy) (includes a North Carolina State Extension publication on the topic, as well).

Herbicide Carryover - Hay, Manure, Compost, Soil & Grass Clippings (Montana State Univ.) [bit.ly/TfWVJv](http://bit.ly/TfWVJv).

U.S. Composting Council news release asking for EPA to conduct a Special Review Process on the issue ([bit.ly/VfLt3N](http://bit.ly/VfLt3N)).

**Beware!** Not all products offered for sale by telemarketers are legal to use in Nebraska.

Recently, NDA learned of a telemarketer said to be from The Supply House of Amityville, New York, who was offering two herbicides for sale: TK-10 Liquid Vegetation Killer and Tri-lete 252 Selective Herbicide.

**Buyer beware!** These products are not registered in Nebraska and cannot legally be shipped into or legally used in Nebraska. Before buying pesticides from telemarketers, please check the following web site to determine whether the products are registered for use in our state: [www.kellysolutions.com/ne/pesticideindex.htm](http://www.kellysolutions.com/ne/pesticideindex.htm).

## Pesticide Persistence and the Drought

Persistence is very relevant when climatic or environmental conditions are abnormal or rare, such that "normal" persistence is extended. Drought is one example where herbicidal activity may be extended weeks, months, or even across crop seasons, because of lack of moisture. Applicators and their customers should be aware that the potential exists in 2013 for greater than normal crop injury from herbicide applications made in 2012. This could be in most any cropping situation, including the following:

- 2012 soybean herbicide carryover to 2013 corn
- 2012 corn herbicide carryover to 2013 soybean
- 2012 corn and soybean herbicide carryover to 2013 small grain and/or forage crops

These may be perceived as drift or misapplication incidents, when, in fact, there may be no enforceable violation of the label or the Nebraska Pesticide Act.

Growers and applicators should contact local Extension Educators or crop consultants for advice on the potential for crop damage from 2012 applications. Other resources that may be useful are the 2012 or 2013 Nebraska Weed Management Guide (search for "EC130" at [bit.ly/qU0PvF](http://bit.ly/qU0PvF)) which lists herbicide properties, including persistence, and the USDA Windows Pesticide Screening Tool ([go.usa.gov/Kok](http://go.usa.gov/Kok)), which has a downloadable chemical property database for herbicides, insecticides, and other classes of pesticides. The Nebraska Weed Management Guide also has a section on Herbicide Carryover and Residue Analysis which discusses other factors that will affect carryover, including low rainfall, low soil organic matter, erodible soils, and pH. There is also a table of Replant Options and Rotation Restrictions for Cereal and Broadleaf Crops.



## Applicators: Sign Up for Driftwatch Notifications!

Nebraska's private and commercial pesticide applicators are encouraged to take advantage of the new Nebraska Driftwatch web site, where pesticide sensitive crops are shown with an easy-to-use Google Map™. Go to <http://nebraska.agriculture.purdue.edu/> and click on the state outline to view these sensitive areas. Type your town or zip code into the blank to zoom to your general area of interest, then simply click and drag the map to get to the right area. Then you can zoom in or out, and turn on the satellite imagery to get a better feel for the lay of the land. You can also turn on county, township, and section lines to help.

Another benefit to applicators is that you can designate your "area of interest," such as around your farm or business area, then receive e-mail notifications when new sensitive crop locations are added to that area. Simply click on "applicators" in the top header bar, and register by clicking "New to Driftwatch? Register here."

Currently, Nebraska Driftwatch has a total of 423 individual crop locations throughout the state (see table) belonging to 245 individual growers, with more being added all the time.

## Cross-Border Applicator?

Did you know many states have web sites where location information for pesticide sensitive crops is found? Add these URLs to your list of favorites:

- Driftwatch ([driftwatch.org](http://driftwatch.org))  
- Colorado, Illinois, Indiana, Michigan, Minnesota, Montana, Nebraska, Wisconsin
- Iowa ([bit.ly/CropIA](http://bit.ly/CropIA))
- Kansas ([bit.ly/CropKS](http://bit.ly/CropKS))
- Missouri ([on.mo.gov/VaUhqo](http://on.mo.gov/VaUhqo))
- Oklahoma ([bit.ly/CropOK](http://bit.ly/CropOK))
- South Dakota ([1.usa.gov/TUCI84](http://1.usa.gov/TUCI84))

Paper Subscribers: Simply type these shortened URLs into your browser's address bar to go to that state's web page.

Many of these locations are "leftover" from the old sensitive crop locator web site, and aren't as accurate as they should be. But, growers are updating their information and locations, and it should be more accurate and up to date as time goes by.

Please become familiar with this web site and the benefits it has to offer you!

Crop Type	Total
Beehives	28
Certified Organic	182
Fruits	11
Grapes	132
Greenhouse - high tunnel	8
Nursery Crops	8
Orchards	4
Other	12
Vegetables	38
<b>Grand Total</b>	<b>423</b>

The University of Nebraska Extension has created a new NebGuide called Protecting Pesticide Sensitive Crops, which contains useful tips for reducing drift and off-target damage to sensitive crops, including using Driftwatch, proper pesticide selection, reading the label, and being aware of weather and wind conditions. You can see the Nebguide at [bit.ly/XtKtNY](http://bit.ly/XtKtNY) – for free!

## Webinar Available: Temperature Inversion

North Dakota State University has provided access to materials from a webinar called Temperature Inversions: Their impact on pesticide applications. This information can be viewed as a PowerPoint slideshow or handout in PDF format, or as a video (as Windows Media Video or MP4 format). The video can be seen as one complete file, or as four individual parts.

This information is available free of charge, but people must register at this link ([bit.ly/S8aabQ](http://bit.ly/S8aabQ)). Contact information is provided, if there are questions about the registration form or the material.

## Tell us what you think . . . Really!

NDA strives to use the Pesticide & Noxious Weed Newsletter to relay information pertaining to the NDA Pesticide Program, pesticide regulations, upcoming applicator certification meetings, emerging and chronic pesticide safety or enforcement issues, and issues concerning noxious or invasive weeds. NDA knows you can't wait to receive the next issue and read it from cover to cover, but we've never actively asked for feedback on how we're doing. With the widespread use of the Internet and the ease of developing an Interactive web-based survey, it is hoped you will take the time to let us know what you'd like to see in this newsletter. Are some things done well? So-so? Are some things completely lacking? Could things be done differently?

Please take a few minutes to take the survey presented at [svy.mk/XxVtXe](http://svy.mk/XxVtXe).

## Pesticide Program Brochures

NDA has recently updated four informational brochures describing various aspects of our certification and enforcement program. These will be available at various testing and training sessions, and are also available on the web at [bit.ly/pdsloZ](http://bit.ly/pdsloZ).

- Pesticide Applicator Certification and Training – Answers to common questions about the certification and licensing of pesticide applicators in Nebraska.
- The 60-Day Rule: Temporary Exemption from Licensing – Answers to common questions about the 60-day exemption from pesticide applicator licensing in Nebraska.
- Which Pesticide Applicator License Do I need? – Answers to common questions about the types of pesticide applicators in Nebraska and how to obtain a license.
- The Pesticide Enforcement Process - Answers to common questions about routine inspections, complaint investigations, and penalties in Nebraska.

# 2013 Initial Certification Meetings

## Commercial and Non-Commercial

(UNL or Association Training plus NDA Exam)

Date	Meeting	Categories	City	Location
Jan-29	<u>Ag Expo</u>	1	Omaha	Hilton Hotel
Feb-05	UNL Initial Certification	1 4 6 7	Fremont	Dodge County Extension
Feb-05	UNL Initial Certification	1 4 5 8 8W 10	Grand Island	College Park
Feb-05	UNL Initial Certification	1 4 7 9 11 14	Lincoln	Lancaster County Extension
Feb-05	UNL Initial Certification	1 3 5 9 14	North Platte	UNL WCREC
Feb-05	UNL Initial Certification	3 4 7 9	Omaha	Douglas County Extension
Feb-05	UNL Initial Certification	1 4 9 11	Scottsbluff	Panhandle REC
Feb 20-21	<u>Winfield Custom App Sch</u>	1	Norfolk	Northeast Community College
Feb-28	<u>Custom Applicator School</u>	1	Hastings	Central Community College
Feb-28	UNL Initial Certification	4 6 7 9 11 14	Grand Island	College Park
Feb-28	UNL Initial Certification	1 4 7 8 8W 10	Lincoln	Lancaster County Extension
Feb-28	UNL Initial Certification	1 4 5 10 14	Norfolk	Lifelong Learning Center
Feb-28	UNL Initial Certification	4 7 8 8W	North Platte	University of Nebraska WCREC
Feb-28	UNL Initial Certification	4 5 7 8 8W	Scottsbluff	Panhandle REC
Mar-19	UNL Initial Certification	1 4 6 14	Beatrice	Gage County Extension
Mar-19	UNL Initial Certification	1 4 8 8W	Columbus	Platte County Extension
Mar-19	UNL Initial Certification	1 4 5 7 8 8W 9 10 14	Norfolk	Lifelong Learning Center
Mar-19	UNL Initial Certification	1 4 7	Ogallala	Valentino's
Mar-19	UNL Initial Certification	1 4 8 8W 10 14	Omaha	Douglas County Extension
Mar-19	UNL Initial Certification	1 4 7 14	Scottsbluff	Panhandle REC
Mar-19	UNL Initial Certification	1 7 14	Valentine	Cherry County Extension
Apr-11	UNL Initial Certification	4	Lincoln	Lancaster County Extension
Apr-11	UNL Initial Certification	1 4	North Platte	University of Nebraska WCREC
Apr-11	UNL Initial Certification	4 7 8 8W	Omaha	Douglas County Extension
Apr-11	UNL Initial Certification	4	Scottsbluff	Panhandle REC

Meetings underlined are not hosted by UNL and registration must be made through following:

- Jan 29 & Feb 28: Nebraska Agri-Business Assn. (402) 476-1528 ([www.na-ba.com](http://www.na-ba.com))
- Feb 20-21: Winfield Solutions (651-375-5850) (<http://bit.ly/PE8KZH>)

### Applicator Categories

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

*Please Post for Future Reference*

# 2013 Recertification/Renewal Meetings

## Commercial and Non-Commercial

(No NDA Exams Offered)

Date	Meeting	Categories	City	Location
Jan-08	<u>Nebraska Turf Conference</u>	4	La Vista	La Vista Convention Center
Jan-08	Crop Production Clinic	1 D/R	Hastings	Adams County Fairgrounds
Jan-09	Crop Production Clinic	1 D/R	North Platte	University of Nebraska WCREC
Jan-10	Crop Production Clinic	1 D/R	Gering	Gering Civic Center
Jan-15	Crop Production Clinic	1 D/R	Atkinson	Community Center
Jan-16	Crop Production Clinic	1 D/R	York	City Auditorium
Jan-17	Crop Production Clinic	1 D/R	Beatrice	Armed Forces Reserve Center
Jan-22	Crop Production Clinic	1 D/R	Kearney	Younes Conf Center
Jan-23	Crop Production Clinic	1 D/R	Norfolk	Lifelong Learning Center
Jan-24	Crop Production Clinic	1 D/R	Fremont	Midland University Event Center
Jan-29	<u>Ag Expo</u>	1	Omaha	Hilton Hotel
Feb-07	UNL Recertification	4 7 8 14	Ainsworth	Courthouse Meeting Room
Feb-07	UNL Recertification	4 7 11 14	Beatrice	Gage County Extension
Feb-07	UNL Recertification	4 7 8 8W	Fremont	Dodge County Extension
Feb-07	UNL Recertification	4 7 8 8W 10 14	Grand Island	College Park
Feb-07	UNL Recertification	4 7 9	Holdrege	Phelps County Fairgrounds
Feb-07	UNL Recertification	4 5 7 8 8W 11	Lincoln	Lancaster County Extension
Feb-07	UNL Recertification	4 7 8 8W 10 11	Norfolk	Lifelong Learning Ctr.
Feb-07	UNL Recertification	4 5 7 11 14	North Platte	University of Nebraska WCREC
Feb-07	UNL Recertification	4 7 8 8W 9 11	Omaha	Douglas County Extension
Feb-07	UNL Recertification	4 7 8 8W 9 11	Scottsbluff	Panhandle REC
Feb 12-13	<u>Urban Pest Mgt Conf</u>	8 8W 9 11 (up to 3)	Lincoln	Cornhusker Hotel
Feb 19-20	<u>NATA (pilots) Conv</u>	1 12	Kearney	Younes Conf Center
Feb-21	UNL Recertification	1 7	Chadron	4H Building, Fairgrounds
Feb-21	UNL Recertification	4 7	Dakota City	Farm Service Center
Feb-21	UNL Recertification	4 5 7 9 10 14	Omaha	Douglas County Extension
Feb 20-21	<u>Winfield Custom App Sch</u>	1	Norfolk	Northeast College
Feb-26	UNL Recertification	1 4 5 7 9	Ainsworth	Courthouse Meeting room
Feb-26	UNL Recertification	4 7 9 11	Beatrice	Gage County Extension
Feb-26	UNL Recertification	1 4 5 7 14	Columbus	Platte County Courthouse
Feb-26	UNL Recertification	1 4 5 7 8 8W 11	Grand Island	College Park
Feb-26	UNL Recertification	4 5 7 8 8W 11	Lincoln	Lancaster County Extension
Feb-26	UNL Recertification	1 4 5 7 8 8W 14	Norfolk	Lifelong Learning Center
Feb-26	UNL Recertification	1 4 7 9 10 14	North Platte	UNL WCREC
Feb-26	UNL Recertification	4 7 8 8W 9 11	Omaha	Douglas County Extension
Feb-26	UNL Recertification	1 4 5 7 11 14	Scottsbluff	Panhandle REC
Feb-28	<u>Custom Applicator School</u>	1	Hastings	Central Community College
Mar-21	UNL Recertification	1 4 7 9	Beatrice	Gage County Extension
Mar-21	UNL Recertification	1 4 7 9	Fremont	Dodge County Extension
Mar-21	UNL Recertification	1 4 5 7	Holdrege	Phelps County Extension
Mar-21	UNL Recertification	1 4 7 8 8W 11 14	Lincoln	Lancaster County Extension
Mar-21	UNL Recertification	1 4 7 8 8W 9 14	Norfolk	Lifelong Learning Center
Mar-21	UNL Recertification	1 4 7	Ogallala	Valentino's 55 River Rd
Mar-21	UNL Recertification	4 5 7 9 10 14	Omaha	Douglas County Extension
Mar-21	UNL Recertification	4 5 7 9 11 14	Scottsbluff	Panhandle REC
Mar-21	UNL Recertification	4 5 7 14	Valentine	Cherry County Extension

To register for meetings underlined, contact the meeting sponsor.

- Nebraska Turf Conference: (402) 472-5351 - ([www.nebraskaturfgrass.com](http://www.nebraskaturfgrass.com))
- Ag Expo: Nebraska Agri-Business Assn. (402) 476-1528 - ([www.na-ba.com](http://www.na-ba.com))
- Urban Pest Management Conference (402) 472-0816 - (<http://entomology.unl.edu/upm.shtml>)
- NATA (402) 475-6282 - ([www.gonata.net](http://www.gonata.net))
- Winfield Solutions (651) 375-5850 - ([bit.ly/PE8KZH](http://bit.ly/PE8KZH))
- Custom Applicator School: (402) 476-1528 ([www.na-ba.com](http://www.na-ba.com))

Recertification in the following categories will not be offered via training. See previous page for testing options, or see [bit.ly/vtxWqq](http://bit.ly/vtxWqq) for "walk-in" testing sites (coming soon).

Exams will need to be taken to recertify in:

- 01a (Soil Fumigation) •
- 02 (Ag Animal)
- 03 (Forest)
- 5S (Sewer Root)
- 06 (Seed Treatment)

*Please Post for Future Reference*

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## Pollinator Protection

Buzz Vance, NDA

There are a lot of issues which can have a negative impact on honey bees and wild pollinators, but the use of pesticides tends to spend more time in the spotlight than the rest – perhaps unfairly so.

Ground dwelling wild bees, like bumble bees, have seen a reduction in numbers as more acres of grassland and CRP are turned over to corn or other row crops. If producers provided more undisturbed areas on their field edges, ground dwelling bees would definitely benefit.

Eliminating various weeds and wild flowers in field margins and ditches reduces the number of nectar and pollen sources for bees, leaving little food for them.

The best situation for bees is to have some kind of plants blooming continuously all spring, summer and fall. Monoculture crops and grassy edges provide bees with only a couple of windows all summer when plants are in bloom. Leaving a diversity of plants in ditches, or even the intentional planting of flowers (like the Department of Roads does) can be of great benefit to both domestic and wild bees. These nectar and pollen sources are only of real benefit to the bees, if they are not sprayed with insecticides or miticides. Keeping spray drift out of these areas is critical to the bees.

When it comes to the use of insecticides and miticides, timing can also make a big difference. Because bees are always looking for flowering plants where they can collect nectar and pollen, care should be taken to either avoid spraying a crop like soybeans when it is in bloom, or adjust the timing of the spray application to either early morning or evening when the number of bees working the flowers will be lower.

Most people only think of the immediate effect that insecticides/miticides might have on adult bees. Another very real problem for beekeepers is that their bees bring home pollen and nectar that have small quantities of pesticides in them. Both the pollen and nectar are used for feeding bee larvae, so young bees are being fed contaminated food. In addition, the bees use nectar to make beeswax/honeycomb. When they store honey (made from nectar

and pollen in the honeycomb, the beeswax absorbs the pesticides like a sponge. Over time, the beeswax becomes a toxic place for the bees to raise their larvae, leaving them weak and susceptible to other stresses like viruses and bacteria.

The bees have a number of stressors to deal with like drought (dry flowers), varroa mites, viruses, bacteria, and fungus. Because of the benefit derived from pollinators, wouldn't it be great if producers took some steps to reduce the stress our pollinators face? Consider helping pollinators through a combination of best management practices and thoughtful pesticide application.

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### More Pollinator Info:

Protecting Pollinators - Why and How Pesticide Applicators Can Help ([bit.ly/RnsfDL](http://bit.ly/RnsfDL)) – NDA has a limited supply of these brochures available. Call (402) 471-2351.

Pollinator-friendly Planting Guides for farmers, land managers, and gardeners (at <http://www.pollinator.org/guides.htm>)

- Prairie Parkland (including the eastern part of Nebraska)
- Great Plains Steppe and Shrub (central Nebraska)
- Great Plains-Palouse Dry Steppe Province (Nebraska Panhandle)

U.S. Forest Service ([1.usa.gov/XkCZrN](http://1.usa.gov/XkCZrN))

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### Stay Tuned for News!

NDA's new Plant Health Protection Update RSS Feed allows you to get more timely news and information about our Plant Health Protection programs and related topics.

Begun in November 2011, updates have included information on:

- Emerald Ash Borer
- Hay Importation Requirements
- Driftwatch
- Pesticide NPDES Permit guidelines
- Reminders about applicator training and testing
- Nursery dealer and grower license reminders
- Household Hazardous Waste Directory

- Pesticide Container Recycling Program

To sign up for this service, you can do one of two things. Depending on your Internet browser, you may be able to add this feed directly to a list of RSS Feeds that you can check periodically. There are also a number of free News Feed Readers available on the web (simply do a search). Both of these are “active” type services, such that you must look at the news feed list in your browser or open the news feed web page to see the list of new topics. A more “passive” service would be to add this feed to your e-mail system, so you will receive an e-mail notification when new information is posted to this page. Take a look at the “Help” section of your browser or e-mail software to see how to subscribe. Whatever you decide, the Plant Health Protection Update page can be found at [bit.ly/vStbEM](http://bit.ly/vStbEM). Take a look to see if this information is of interest to you!

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### Enforcement Summary

On August 1, 2011, the Pesticide Program was merged with the Fertilizer, Ag Lime and Soil Amendment Program. The name of the new program is the Pesticide and Fertilizer Program. Because only one full-time staff person was allowed to be added to the new program, which previously had six employees, the time available for pesticide field activities was reduced in order to meet the statutory requirements for the fertilizer, ag lime and soil amendment laws. This resulted in a reduction of staff resources dedicated to the pesticide program by approximately 25%. This reduction is reflected in the number of inspections and enforcement actions listed for the fiscal year (684 inspections for FY2011 versus 523 inspections for FY2012).

An overall assessment of the types of violations and enforcement actions taken by the program for FY2012 could be summarized by the following observations:

- NDA experienced an increase in the number of agricultural complaints and a reduction in the number of non-agricultural complaints, primarily due to the early onset of drought.

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A significant anomaly this year was the number of herbicide damage complaints experienced in vineyards, which NDA attributes to the early bud break and bark swelling of grape vines compared to the timing of herbicide applications made within and near to the vineyards.

- NDA also intentionally increased the number of agricultural use observations compared to previous years. The majority of the increase came from a new focus on applications of atrazine in or near watersheds that have been listed as impaired for that herbicide. These targeted use observations resulted in detection of two significant setback violations for which NDA is currently pursuing penalty actions.
- NDA has reduced the number of private applicator records inspections. While NDA had not received funding from USDA for that program for over ten years, the agency conducted 75 records inspections annually in an effort to assist USDA with

their national database effort. The private applicator record keeping program at USDA was defunded in 2012, so there is no longer a federal program to which NDA would report these data. NDA chose to reduce activities in this area to increase activities in fertilizer sampling. At this time, NDA will continue to conduct 20 to 25 private applicator records inspections annually.

- Of the agricultural complaints investigated during the period, a greater number than average involved aerial drift issues. This is not unusual given the hot and stagnant weather conditions which prevailed during the first three to four weeks of the summer application season. Many of these complaints appear to be due to the odor of the pesticides applied more than actual physical drift, but NDA nonetheless must investigate the claims to determine the veracity of the complaints.

**Looking Forward**

For the period October 1, 2012, through September 30, 2013, NDA will continue to conduct routine inspections and complaint investigations. Due to recently promulgated federal regulations, NDA will add aspects of bulk pesticide storage and repackaging to the producing establishment inspections in the future. There has been a considerable amount of training extended to the industry by NDA on this new requirement, and only eight to ten such inspections will be conducted annually.

NDA will also continue to focus field inspection and enforcement activities on atrazine applied near surface water, especially targeting watersheds that are listed as impaired for that herbicide. These watersheds include much of the Big Blue, Little Blue, and Nemaha river systems, and tributaries of the Elkhorn River and lower Platte River. This effort is being done due to the continued attention EPA places on surface water that exceeds acceptable environmental health standards for atrazine. NDA is also preparing a plan to respond to these continued exceedances by drafting regulatory options for consideration which would be implemented by the agency should EPA or NDEQ require mandatory restrictions.

NDA Pesticide Inspection Summary for FY2012					
Inspection Type (Count)		Enforcement Action (See Abbreviations)			
Cert. Appl. Inspec. (C/NC/P)	(129)	6 WL	43 OEA	1 LAM	
RUP Dealer Record Inspec.	(102)	5 WL	8 SSU	9 OEA	2 AOP
Marketplace Inspection	(123)	1 WL	8 SSU	5 OEA	
Agricultural Complaint Inv.	(39)	19 WL	1 LAM	3 OEA	2 AOP
Non-Agricultural Complaint Inv.	(23)	10 WL	5 OEA	1 AOP	
Agricultural Use Observation	(60)	11 WL	5 OEA	1 AOP	
Non-Agricultural Use Observation	(28)	4 WL	11 OEA		
Experimental Use Permit	(1)	No actions			
Import/Export Inspection	(1)	No actions			
Producing Estab. Inspec.	(10)	No Actions			
Total inspections accounted for above:	516				
Total violations for those inspections:	148				
Total enforcement actions:	161				

FY2012 Violations	
Description	Count
False Advertising	1
Disposal/Storage	1
Drift	20
Groundwater Violation (atrazine)	3
Misbranded	4
Personal Protective Clothing	10
Records	40
Restricted-Use Violation	4
State Specific Violation	3
Use inconsistent with label	11
Unlicensed	18
Unregistered Pesticide, Federal	6
Unregistered Producing Establishment	2
Unregistered Pesticide, State	13
Worker Protection Handler Req.	1
Worker Protection Notification	3
Worker Protection Central Posting	8
<b>Total</b>	<b>148</b>

Enforcement Action	
Record Keeping Not. of Vio., Not. of Cert. Vio., Advisory Letter (OEA)	81
Warning Letter (WL)	56
Stop Sale, Use, or Removal Order (SSU)	16
Referred to EPA (federal inspections) (EPA)	0
License Action (Probation, Suspension, Revocation) (LAM)	2
Administrative Penalty Actions (AOP)	6
<b>Total Enforcement Actions</b>	<b>161</b>

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