Outstanding Pesticide Dealer and Applicator Honored

A Carrington agricultural supply company has been named the North Dakota Outstanding Pesticide Dealer of the Year for the second year in a row. The North Dakota Department of Agriculture (NDDA) and the North Dakota Agricultural Association (NDAA) presented the 2010 award to Wholesale Ag Products. The 2010 Outstanding Applicator of the Year Award was presented to Helm Flying Service of Harvey.

“Wholesale Ag Products and Helm Flying Service have outstanding records for customer service and awareness of human safety and environmental concerns in the sale and application of pesticides,” said Jim Gray, NDDA Pesticide, Feed and Fertilizer Division director, who presented the awards on behalf of Agriculture Commissioner Doug Goehring.

Gray presented the awards to Richard Zink, owner-founder of Wholesale Ag Products, and Perry Faul, manager of Helm Flying Service, during the Northern Ag Expo at the Fargodome in Fargo. Wholesale Ag Products has been in business for more than 25 years, providing a full range of agricultural chemicals, fertilizer and seed.

“Wholesale Ag Products does many things to improve public perception of the pesticide industry,” Gray said. “They go into elementary schools in the community to talk about pesticide safety with students; their recordkeeping and pesticide storage are excellent; and they have voluntarily implemented programs to improve product stewardship.”

Helm Flying Service provides custom aerial and ground application of pesticide and fertilizer, as well as seeding.

“They conduct proactive outreach meetings with their customers to discuss stewardship, compliance and product selection,” Gray said. “They have invested in a computer-based, chemical delivery system for their sprayers that significantly reduces exposure for their applicators and workers.”

“The North Dakota Agricultural Association is proud to recognize people who excel in customer service and environmental awareness,” said Gary Knutson, NDAA executive director. “These awards recognize good stewardship of soil, water and air through the safe and proper use of plant nutrient and crop protection products.”

The winners were nominated by North Dakota Department of Agriculture pesticide inspectors. Nominees are judged on recordkeeping, pesticide storage, staff training, technology investments, use of personal protection equipment and other criteria. North Dakota has nearly 8,000 certified commercial applicators.

Need help with pesticide certification or general pesticide use issues?

Contact:
NDSU Pesticide Training and Certification Program
NDSU Dept. 7060
205 Walster Hall, P.O. Box 6050
Fargo, ND 58108-6050 USA
Phone: (701) 231-7180
Fax: (701) 231-5907
E-mail: NDSU.pesticide@ndsu.edu
Web: www.ndsupesticide.org
Coordinator's Comments

The training season is upon us in full fury, along with the winter blast! The joys of North Dakota never end. But seriously, while the weather is difficult, the people are sure a delight to work with.

At the time of this writing, I am reflecting on a SFIREG meeting I just attended in Washington, D.C. SFIREG, you say? What’s that?

The State Issues Research and Evaluation Group is a network of state officials interested in federal/state “co-regulation” of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). It was established by the Association of American Pesticide Control Officials (AAPCO) with financial support from the U.S. Environmental Protection Agency (EPA). As part of its cooperative agreement with AAPCO, EPA is substantially involved in SFIREG.

Essentially, SFIREG is an advisory group that the EPA uses as a sounding board to understand and appreciate pesticide regulatory problems. Twice a year, for a day and a half, about 30 members meet to hear concerns and make recommendations to the EPA about how to more effectively regulate pesticides. In addition, another 10 or 15 EPA folks, along with another 30 to 40 industry people, sit in either as observers or presenters at the meeting. Finally, SFIREG has two working subcommittees that meet twice per year at another time and place. About 30 to 40 people participate in each of these gatherings.

I participate in SFIREG as an associate member, meaning I do not get to vote, but I do get to voice my opinions. I am an “associate” because I represent pesticide safety educators, who are not directly involved in designing or implementing pesticide regulations. Thus, I am not a “full” voting member of SFIREG.

If you are still with me, be patient; the point is coming.

What you have with SFIREG is federal regulators (EPA) meeting with state regulators (the North Dakota Department of Agriculture) to explore how best to regulate the regulated community (custom applicators, dealers, fumigators, farmers, golf course superintendent and basically anyone involved in using pesticides). If that sounds a bit bureaucratic, you are correct, it is. But then, it is perhaps one of the few ways in which real-life concerns actually can be elevated to the attention of people who can make changes with respect to pesticide rules and regulations.

On the one hand, I hate having to go to these events. But on the other, I think it is something I need to do because it is the best opportunity I have to voice comments that I hear when I am out conducting trainings or taking telephone calls from frustrated applicators. Another positive I (and you) receive through SFIREG is that I get a front-row seat to hear about proposed regulations well before they ever are shared with the general public. I take that information and try my best to explain it to you at trainings and on the pages of PQ. My hope is that with the most current news, you will be able to make better decisions.

In my dealings with SFIREG participants, I more often than not get the impression that they are genuinely concerned about developing regulations that ultimately work out for the best for everyone in our country. But inevitably, they cannot know the motivations and practical problems faced by an applicator out spraying leafy spurge on rangeland near Anamoose, N.D. They just can’t. That is why participating fully in the electoral process is so important for you. That means more than helping out with campaigns and voting. It means picking up the telephone, writing an e-mail or showing up at a hearing and voicing your concerns to your elected representatives or appointed public officials. Otherwise, you are relying solely on the best judgment of well-intentioned people in a meeting room in Washington, D.C., to make decisions about what is best for you and your operation. While this might be OK in theory, it seems to me it is not in your best interest.

See you on the training circuit,

Andrew Thostenson,
Pesticide Program Specialist

Pesticide Drift, Records and PPE

Most Common Pesticide Violations in 2010

Jim Gray, NDDA Pesticide, Feed and Fertilizer Division Director

This is a great time of year to look back at the previous pesticide use season, measure success toward goals and identify recurring areas of noncompliance that require more attention. The North Dakota Department of Agriculture (NDDA) has analyzed and compiled numbers from the 2010 season, and here is what we learned:

NDDA completed 658 total inspections in the past year, down slightly from past years due to staffing constraints. However, now that we are fully staffed with six inspectors,
our number of inspections will be back to normal levels in 2011.

We levied 143 enforcement actions from those inspections, indicating that 78 percent of the inspected entities were in compliance. For reference, an enforcement action can include a warning, a civil penalty, or suspension or revocation of a person’s certification. This compliance rate is quite high and comparable to rates of compliance seen in 2008 and 2009. For reference, the rate of compliance in 2007 was only 54 percent.

We had some serious violations in 2010 dealing with fumigants. These violations involved failure to develop and/or adhere to fumigation management plans. Since fumigant violations can cause significant risk to humans, they are taken very seriously. To illustrate, one company with a fumigant violation was levied a penalty of $3,000. Due to the high level of risk associated with fumigants, the NDDA has identified this as a regulatory priority for 2011, meaning that we will allocate significant resources toward inspecting commercial and private users.

We also noted three recurring types of pesticide violations in 2010:

1. **Recordkeeping violations**: Of the 143 enforcement actions issued, 39 actions were for failure of users to keep appropriate application records. Thirteen enforcement actions also were taken against dealers for failing to maintain necessary sales records of restricted-use pesticides (RUPs). Recordkeeping requirements are described in Title 60-03-01-07 of the Administrative Code. They also are described at all pesticide certification sessions. Example application and sales records forms also are available for downloading from the NDDA website at www.agdepartment.com. Remember, commercial and public applicators are required to maintain application records for all applications, not just those involving RUPs. In contrast, private applicators just are required to keep application records for RUPs. Please review your application records to ensure that you are capturing all required data fields.

2. **PPE violations**: During pesticide use inspections, NDDA inspectors verify compliance with pesticide labeling. The most common type of pesticide violation found in 2010, consisting of 15 enforcement actions, was failure of the user to comply with personal protective equipment (PPE) requirements. Proper use of PPE is the most significant means for a pesticide user to reduce exposure and prevent unacceptable risk. PPE requirements normally are found near the beginning of the label under the Hazards to Humans and Domestic Animals section. Additional PPE requirements can be found in the Agricultural Use Requirements section. PPE requirements are product-specific, so take the time to read the product labeling to ensure that you are protecting yourself adequately.

3. **Pesticide drift**: Pesticide drift remains a recurring violation, consisting of 14 of the enforcement action issued by the NDDA in 2010. Pesticide drift also remains the top reason that the NDDA receives pesticide complaints. Of the 14 enforcement actions related to drift, eight were due to pesticide use in excessive wind. Others were due to a variety of factors, including use of equipment that was not appropriately matched to the environmental conditions. Pesticide drift is a hot topic at the national level, and the best way to prevent overbearing label restrictions and use buffers is to take all necessary steps to prevent pesticide drift. If you need assistance in choosing nozzles or setting up your sprayer to reduce drift, please contact your sprayer dealer or the NDSU Extension Service.

**Looking ahead**

The NDDA will continue to focus resources on recordkeeping, drift and compliance with PPE requirements due to the number of violations that we see in these areas. In addition, the NDDA has identified the following as pesticide regulatory priorities for 2011:

- Pesticide use on or near surface water
- Pesticide use in or near beehives
- Pesticides used by or near socially vulnerable populations, such as nursing homes, hospice centers, hospitals and day cares
- Use of grain and soil fumigants, including ensuring understanding and compliance with new labeling requirements for the soil fumigants dazomet and metam sodium
- Nonagricultural pesticide users, such as commercial lawn care applicators, and use of pesticides in residential settings
- Compliance with the Worker Protection Standard
- Compliance with bulk pesticide container/containment regulations

In summary, we do appreciate the level of stewardship that we see with the majority of pesticide dealers and users. While our level of compliance remains relatively high, we do see recurring violations in a handful of areas. Compliance with pesticide laws and administrative rules not only prevents an enforcement action, it reduces risk to human health and the environment. Please contact the NDDA at (800) 242-7535 with any questions or concerns.
2011 Commercial Pesticide Certification Calendar

Here are schedules you can use for planning your training needs during the next several months. These recertification trainings are structured to give certified commercial/public applicators/dealers the information necessary to maintain or renew their certificates in the appropriate categories.

Preregistration is required for all trainings because of material and space limitations. If you do not preregister, you have no guarantee you will get seated at the training.

A Training Preregistration form was published in the October 2010 issue of Pesticide Quarterly. An electronic form for downloading and printing is available at http://ndsupesticide.org.

Home-study course recertification is available for those categories that are not on the training calendar or the following minor categories: home industrial and institutional, metam-sodium, public health, vertebrate and wood preservation. Request your materials for these courses with the Nontraining Study Materials request form published in the October 2010 issue. An electronic form for downloading and printing is available at http://ndsupesticide.org.

### Ground and Aerial for AgPest, Right-of-Way, Seed Treatment, and Research and Demonstration Recertification

<table>
<thead>
<tr>
<th>Date</th>
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<tbody>
<tr>
<td>Feb. 3, 2011</td>
<td>Registration 7:15 a.m., Training 8:30 a.m.-4 p.m.</td>
<td>Minot, Grand International Inn, 1505 N. Broadway</td>
</tr>
<tr>
<td>Feb. 8, 2011</td>
<td>Registration 8 a.m., Training 8:30 a.m.-4 p.m.</td>
<td>Linton, Emmons County Extension, 100 4th St. N.W.</td>
</tr>
<tr>
<td>Feb. 8, 2011</td>
<td>Registration 8 a.m., Training 8:30 a.m.-4 p.m.</td>
<td>Mohall, Renville County Extension, 205 Main St. E.</td>
</tr>
<tr>
<td>Feb. 8, 2011</td>
<td>Registration 7:30 a.m., Training 8:30 a.m.-4 p.m.</td>
<td>Langdon, Research Extension Center, 9280 107th Ave. N.E.</td>
</tr>
<tr>
<td>Feb. 10, 2011</td>
<td>Registration 8 a.m., Training 8:30 a.m.-4 p.m.</td>
<td>Fessenden, Wells County Extension, 600 Railway St. N.</td>
</tr>
<tr>
<td>Feb. 22, 2011</td>
<td>Registration 7:30 a.m., Training 8:30 a.m.-4 p.m.</td>
<td>Williston, Research Extension Center, 14120 Highway 2</td>
</tr>
<tr>
<td>March 3, 2011</td>
<td>Registration 7:15 a.m., Training 8:30 a.m.-4 p.m.</td>
<td>Bismarck, Burleigh County Extension, 3715 Bismarck Expressway E.</td>
</tr>
<tr>
<td>March 16, 2011</td>
<td>Registration 8 a.m., Training 8:30 a.m.-4 p.m.</td>
<td>Crosby, Divide County Extension, 300 2nd Ave. N.</td>
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<tr>
<td>March 16, 2011</td>
<td>Registration 8 a.m., Training 8:30 a.m.-4 p.m.</td>
<td>LaMoure, LaMoure County Courthouse, 202 4th Ave. N.E.</td>
</tr>
<tr>
<td>March 16, 2011</td>
<td>Registration 7:15 a.m., Training 8:30 a.m.-4 p.m.</td>
<td>Devils Lake, Ramsey County Courthouse, 524 4th Ave. N.E. #5</td>
</tr>
<tr>
<td>March 16, 2011</td>
<td>Registration 8 a.m., Training 8:30 a.m.-4 p.m.</td>
<td>Wahpeton, Richland County Courthouse, 418 2nd Ave. N.</td>
</tr>
<tr>
<td>March 16, 2011</td>
<td>Registration 8 a.m., Training 8:30 a.m.-4 p.m.</td>
<td>Streeter, Research Extension Center meeting room, 4824 48th Ave. S.E.</td>
</tr>
<tr>
<td>March 22, 2011</td>
<td>Registration 7:15 a.m., Training 8:30 a.m.-4 p.m.</td>
<td>Watford City, McKenzie County Courthouse, 201 5th St. N.W.</td>
</tr>
<tr>
<td>March 24, 2011</td>
<td>Registration 7:15 a.m., Training 8:30 a.m.-4 p.m.</td>
<td>Grand Forks, Public Safety Center, 1220 52nd St.S.</td>
</tr>
<tr>
<td>March 16, 2011</td>
<td>Registration 8 a.m., Training 8:30 a.m.-4 p.m.</td>
<td>Fargo, Fargodome, 1800 N. University Drive</td>
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The above trainings have been approved for six continuing education units in pest management by the North Dakota Certified Crop Advisors Board. Registration materials are available on the Web or at the door.

### Fumigation Recertification

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<tbody>
<tr>
<td>Feb 15, 2011</td>
<td>Registration 9:30 a.m., Training 10 a.m.-2:30 p.m.</td>
<td>Fargo, Cass County Courthouse Annex, 1010 2nd Ave. S., lower level</td>
</tr>
<tr>
<td>Feb 15, 2011</td>
<td>Registration 9:30 a.m., Training 10 a.m.-2:30 p.m.</td>
<td>Devils Lake, Ramsey County Courthouse, 524 4th Ave. N.E., #5</td>
</tr>
<tr>
<td>Feb 15, 2011</td>
<td>Registration 9:30 a.m., Training 10 a.m.-2:30 p.m.</td>
<td>Williston, Williams County Courthouse, 205 E. Broadway</td>
</tr>
<tr>
<td>Feb 15, 2011</td>
<td>Registration 9:30 a.m., Training 10 a.m.-2:30 p.m.</td>
<td>Fessenden, Wells County Extension, 600 Railway St. N.</td>
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Greenhouse, Ornamental and Turf Recertification

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<tbody>
<tr>
<td>Feb. 2, 2011</td>
<td>Registration 7:30 a.m., Training 8:30 a.m.-4 p.m.</td>
<td>Fargo, Expressway Suites, 4303 17th Ave. S.</td>
</tr>
<tr>
<td>Feb. 25, 2011; NCTGA Convention</td>
<td>Registration 7:30 a.m., Training 8:30 a.m.-4 p.m.</td>
<td>Fargo, Ramada Plaza Suites, 1635 42nd St. S.</td>
</tr>
<tr>
<td>March 15, 2011</td>
<td>Registration 8:30 a.m., Training 9 a.m.-4:30 p.m</td>
<td>Devils Lake, Ramsey County Courthouse, 524 4th Ave. N.E., #5</td>
</tr>
<tr>
<td>March 15, 2011</td>
<td>Registration 8:30 a.m., Training 9 a.m.-4:30 p.m</td>
<td>Williston, Williams County Courthouse, 205 E. Broadway</td>
</tr>
<tr>
<td>March 15, 2011</td>
<td>Registration 7:30 a.m., Training 8 a.m.-3:30 p.m</td>
<td>Dickinson, Stark County Courthouse, 51 2nd St. E.</td>
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Aerial Applicators Recertification

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<tr>
<th>Date</th>
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<tbody>
<tr>
<td>Feb. 24-25, 2011</td>
<td>Call for details</td>
<td>Morton, Minn., Jackpot Junction Casino</td>
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Public Health Recertification

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<th>Date</th>
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<tbody>
<tr>
<td>May 26, 2011</td>
<td>Registration 9 a.m., Training 9:30 a.m.-4 p.m.</td>
<td>Bismarck, Burleigh County Extension, 3715 Bismarck Expressway E.</td>
</tr>
<tr>
<td>May 26, 2011</td>
<td>Registration 9 a.m., Training 9:30 a.m.-4 p.m.</td>
<td>Fargo, NDSU, IACC HALL, Room 422</td>
</tr>
<tr>
<td>May 26, 2011</td>
<td>Registration 9 a.m., Training 9:30 a.m.-4 p.m.</td>
<td>Grand Forks, Grand Forks Public Safety Center, 1220 52nd St. S.</td>
</tr>
<tr>
<td>May 26, 2011</td>
<td>Registration 9 a.m., Training 9:30 a.m.-4 p.m.</td>
<td>Williston, Williams County Courthouse, 205 E. Broadway</td>
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Right of Way ONLY Recertification

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<tr>
<th>Date</th>
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<tbody>
<tr>
<td>May 23-27, 2011; NDWCA Annual Sprayer School</td>
<td>TBA*</td>
<td>TBA* Western/Eastern N.D.</td>
</tr>
<tr>
<td>May 23-27, 2011; NDWCA Annual Sprayer School</td>
<td>TBA*</td>
<td>TBA* Western/Eastern N.D.</td>
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* TBA To Be Announced in a future issue of the Pesticide Quarterly newsletter.

Training Opportunities for New Applicators/Dealers

“Introductory Basic Core Training”

The training is designed for commercial or public applicators and dealers who are new to pesticide certification in North Dakota. It will cover basic pesticide safety and handling practices, as well as relevant laws and regulations as they pertain to the distribution and use of pesticides. This training is not category specific. It will emphasize practices and procedures that should be useful to all applicators or dealers, whether they are seeking certification in the Agricultural Pest Control category, Wood Preservation category or any of the 10 other use categories found in North Dakota. The training also will describe the certification process and how to prepare and take exams to obtain a pesticide certificate.

People who wish to participate should call the NDSU Pesticide Training and Certification Program office to preregister at (701) 231-7180 or (701) 231-6388. Preregister at least 10 days before the training date so we can ship training materials and send you your confirmation information (this will include the Web URL, along with login instructions).

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<tr>
<th>Date</th>
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<tbody>
<tr>
<td>Jan. 24, 2011</td>
<td>Training 8:30 a.m.-4 p.m. CT</td>
<td>Statewide via Internet videocast</td>
</tr>
<tr>
<td>March 11, 2011</td>
<td>Training 8:30 a.m.-4 p.m. CT</td>
<td>Statewide via Internet videocast</td>
</tr>
<tr>
<td>April 11, 2011</td>
<td>Training 8:30 a.m.-4 p.m. CT</td>
<td>Statewide via Internet videocast</td>
</tr>
<tr>
<td>May 31, 2011</td>
<td>Training 8:30 a.m.-4 p.m. CT</td>
<td>Statewide via Internet videocast</td>
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Goehring Names Pesticide Enforcement Supervisor

Agriculture Commissioner Doug Goehring has appointed Blake J. Schaan as the pesticide enforcement supervisor in the North Dakota Department of Agriculture (NDDA).

“Blake has done excellent work in our noxious weed program, especially in education and outreach,” Goehring said. “This experience, together with his farm background, including certification as a pesticide applicator and his training in biology, made him the outstanding candidate for this position.”

A Rugby native, Schaan attended Minot State University-Bottineau before graduating from the University of North Dakota with a degree in wildlife biology. While in college, he was a seasonal employee for the North Dakota Game and Fish Department and U.S. Department of Agriculture’s Wildlife Services. He was hired as a noxious weed specialist in the NDDA in 2008.

Goehring said Schaan will direct a seven-person staff, including six field inspectors. He will report to Jim Gray, director of the NDDA’s Pesticide, Feed and Fertilizer Program. Under state law and an agreement with the U.S. Environmental Protection Agency, the NDDA regulates the registration, distribution, sale, storage and use of pesticides in North Dakota.

New Purdue Release: An Agricultural Retailer’s Guide to Customer Care

Editor’s Note: My colleague, Fred Whitford at Purdue, has done it again with the release of another excellent publication. “An Agricultural Retailer’s Guide to Customer Care” (PPP-90) is available on the Web at www.ppp.purdue.edu. To obtain hard copies, contact the Purdue Pesticide Program at (765) 494-4566 or fwhitford@purdue.edu.

Below is the introduction and table of contents for this 52-page publication:

Agricultural retailers walk a fine line. On the one side, they need to be extensions of their customers’ farming operations and help those customers be profitable. On the other side, retailers must keep their eyes on their own profits. The recommendations, products and services that ag retailers provide must translate into value for growers who plow them back into the land.

To be successful, ag retailers must know what their customers want. It is important to remember that growers do business with retailers who:

• Understand their world
• Help them make a profit
• Provide meaningful advice
• Inform them on price changes (whether up or down)
• Deliver timely responses
• Offer grid sampling and variable-rate technology applications
• Supply quality products
• Provide necessary services
• Offer competitive prices

Yet, the retailer-grower relationship is not a one-way street. Ag retailers survive and thrive by virtue of repeat business from their growers. In turn, that repeat business provides the capital retailers need to make investments in updating rolling stock, providing new technologies, improving facilities, training current employees, retaining experienced employees and recruiting new employees.

Growers want progressive, future-focused retailers to help them understand new products, services and opportunities that may benefit their overall farming operations. The ag retailer is, in many ways, the crystal ball to the grower’s future. Products are products and services are services; but retailers who can evaluate and effectively communicate what are the “best” products, services and operations are priceless. And only by constantly improving all aspects of their operations can retailers offer growers the latest advancements in crop production.

Ag retailers who fail to adapt to the changing agricultural landscape increase the probability that they will lose important clients to local competitors, or watch growers add employees to replace the retailers. In today’s world, customers can also readily be lost to Internet suppliers, or to an ever-widening circle of competitors who offer similar products and services.

In this competitive atmosphere, the challenge for ag retailers is not simply to adapt to change, but to become exceptional retailers. The need to “out retail” the competition comes from running one’s retail business better and providing more value to customers, not simply reacting to change. Successful ag retailers must provide win-win solutions for growers in order to be profitable today and in the future.

Table of Contents:

• A Retailer’s Link to Profitable Customers
• The Face of the Company Is You
• Company Resources Allow Employees to Deliver on Promises
• A Sophisticated, Educated and Demanding Customer
• Customer Allegiance Is Built on Peak Performance and Outstanding Customer Care
• Conclusion: Good Customer Service or It’s Just a Job
• Acknowledgements
Recycling

2010 was an excellent year for agricultural plastics recycling in North Dakota. The year marked the second highest number of pounds recycled since the program began in 1992 and combined five recycling events with an already popular disposal event, Project Safe Send.

A total of 74,198 pounds of plastics was recycled this year, up 44 percent from last year’s total of 51,547. This year was the first year that recycling was held in conjunction with the North Dakota Department of Agriculture’s pesticide disposal program, Project Safe Send. A total of 13,060 pounds of plastics was collected at five Project Safe Send Sites.

Recycling in North Dakota is sponsored by the Ag Container Recycling Council (ACRC), a non-profit organization that safely collects and recycles plastic crop protection containers. The ACRC is fully funded by its member companies, which formulate, produce, package and distribute crop protection and other pesticide products. The North Dakota Department of Agriculture works with the ACRC to promote its recycling programs.

The ACRC contractor for North Dakota is Container Services Network (CSN). CSN offers year-round service to pick up containers at no cost when adequate quantities are available. CSN recycles triple-rinsed HDPE crop protection containers up to 55 gallon in capacity.

Recycling sites can be open to the public or limited to private use. For more information on finding or establishing recycling sites, please contact Gary Glickman of CSN at (866) 225-6629 or gglickman@containerservicesnetwork.com.

Changes Being Proposed to N.D. Pesticide Rules

Jim Gray, NDDA Pesticide, Feed and Fertilizer Division Director

North Dakota regulations relating to the use, certification, storage and repackaging of pesticides are found in both the state law (administered and amended by the state Legislature) and the corresponding administrative rules (administered by the North Dakota Pesticide Control Board under authority provided by the Legislature). Numerous changes to the state pesticide law were made during the 2009 legislative assembly, mostly to improve readability and clarity. Changes now are being contemplated to the pesticide administrative rules.

Similar to the 2009 law changes, most of the proposed rule changes are intended to reword the rules in plain, easy-to-understand language in hopes of improving understanding and increasing compliance. Numerous deletions are suggested and new wording is proposed to clarify existing requirements, establish appropriate exemptions, and uniformly require stewardship measures to ensure protection of human health and the environment. Proposed rule changes of substance include:

- Adding a provision to grant a deferral from recertification deadlines for certified applicators deployed in active-duty military service
- Adopting federal rules for containment structures
- Requiring bulk pesticide facilities to protect hoses, valves and other equipment from damage resulting from operating personnel and moving equipment
- Providing a definition of a spill kit and expanding spill kit requirements in certain situations based on environmental risk
- Providing clarification for pesticide storage signage requirements
- Adding discretionary authority to deny certification to individuals who have committed documented violations of pesticide regulations of any state, province or tribal authority within the last three years
- Adding a new requirement for privately certified applicators using fumigant pesticides to control burrowing rodents to obtain commercial certification in the vertebrate class

Any change to the administrative rules needs to be initiated by the Pesticide Control Board through the formal rule-making process. At the time of this article’s publication, the Department of Agriculture has conducted one informational meeting in November to solicit feedback on the proposed changes. An additional meeting is planned for December. Based on the public comments received to date, the department will advise the Pesticide Control Board to initiate formal rule making. Public hearings on the proposed rule changes will be held in 2011. Please contact Dave Phillips with the North Dakota Department of Agriculture at (800) 242-7535 with any questions or concerns.
New Compliance Assistance Resource at the NDDA

Jim Gray, NDDA Pesticide, Feed and Fertilizer Division Director

The North Dakota Department of Agriculture has added a pesticide outreach specialist to assist pesticide dealers, users and repackaging facilities to come into compliance with state and federal pesticide requirements. This position was created by the Legislature this last session to offer better pesticide outreach and compliance assistance to the public. The concern was that pesticide users are faced with an increasing number of new federal initiatives and changes to state and federal laws.

We hired Jeremiah Lien as our pesticide outreach specialist this past summer. Lien was the North Dakota State University Extension Service agent in Wells County, and he has considerable experience and expertise.

The number of new or pending federal pesticide initiatives continues to increase. These include such things as pending changes to soil fumigant labels, changes to our state bulk container and containment rules, increased regulatory focus around surface water and proposed changes to pesticide drift label language. Keeping on top of these changes, not to mention current regulatory requirements, is a major challenge.

Lien is available for doing group presentations to commodity associations or other organizations, small-group meetings or one-on-one outreach to the public. He will not carry credentials and will not be conducting inspections. Instead, his job will be to educate people on what pesticide regulators look for when they inspect pesticide dealers and pesticide users. His job is to get you into compliance before the inspector visits you. He also can educate folks on new and pending changes to state and federal laws and how to interpret label language, and answer questions. The goal is to dramatically increase our level of education and outreach to decrease the number of pesticide-related violations and incidents.

Please let me or Lien know if you would like a nonregulatory compliance assistance visit to your farm or business or a discussion at an upcoming meeting of your business or organization. My e-mail is JGray@nd.gov, and Lien can be reached at jjlien@nd.gov, or you can call the NDDA at (800) 242-7535.