

PESTICIDE REPORTS

Division of Agricultural Sciences and Natural Resources • Oklahoma State University
<http://pested.okstate.edu>



September, 2017

CHEM

- 1 EPA DELAYS CERTIFICATOIN OF PESTICIDE APPLICATORS RULE TO 2018
- 2 DICAMBA: IS NEW LABEL LANGUAGE THE ANSWER?
- 4 STANDING WATER FROM HARVEY CREATES MOSQUITO CONCERNS
- 5 U.S. FARMERS CONFUSED BY MONSANTO WEED KILLER'S COMPLEX INSTRUCTIONS
- 6 AG SECRETARY PERDUE COMMENTS ON DICAMBA ISSUE
- 6 USDA SUED FOR FAILING TO RELEASE GMO DISCLOSURE STUDY
- 8 INSECTS AND FLOODWATERS
- 8 MONSANTO US CANCER SUIT MIREN IN DOCUMENT CONTROVERSY
- 10 MARYLAND COUNTY'S LAWN PESTICIDE BAN OVERTURNED
- 10 GLYPHOSATE IN BEN & JERRY'S ICE CREAM + 'MONSANTO PAPERS' = VERY INTERESTING TIMES
- 13 CEU MEETINGS
- 14 ONLINE CEU LINKS
- 15 ODAFF TEST SESSION INFORMATION

EPA DELAYS CERTIFICATOIN OF PESTICIDE APPLICATORS RULE TO 2018

With a Federal Notice posted June 2, 2017 EPA has delayed the effective date of the Certification and Training regulations until May of 2018. These changes were to go into effect in June of 2017. Information from the Federal Register notice is below.

This Rule document was issued by the Environmental Protection Agency (EPA)

For related information, [Open Docket Folder](#)

Action

Final rule; delay of effective date.

Summary

With this action, EPA is delaying the effective date for the final rule issued in the Federal Register on January 4, 2017, from June 5, 2017 to May 22, 2018. That rule addressed revisions to the Certification of Pesticide Applicators rule.

Dates

The effective date of the rule amending 40 CFR part 171 that published at 82 FR 952, January 4, 2017,

delayed at 82 FR 8499, January 26, 2017, and 82 FR 14324, March 20, 2017, is further delayed until May 22, 2018.

Addresses

The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2011-0183, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

For Further Information Contact

Kevin Keaney, Field and External Affairs Division (7506P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (703) 305-5557; email address: keaney.kevin@epa.gov. (Regulations.gov EPA, June 2, 2017)
https://www.regulations.gov/document?D=EPA_FR_DOC_0001-20728

DICAMBA: IS NEW LABEL LANGUAGE THE ANSWER?

The Environmental Protection Agency is considering adopting new label language for dicamba herbicides to reduce the potential for soybean damage, estimated this season at more than 3 million acres throughout the South and Midwest.

EPA officials told state regulators and extension agents on a conference call last week that it is negotiating with Monsanto, BASF and DuPont – the

makers of Xtendimax with VaporGrip Technology, Engenia and FeXapan – on the label restrictions.

Among the options: Designating the herbicides as restricted-use, which comes with recordkeeping requirements for certified applicators; requiring a cutoff date for application; and restricting application based on the temperature or time of day, or on the growth stage of the soybeans.

EPA officials also asked whether more education and training in use of the products would reduce potential for off-target movement of the herbicides.

Most of the state representatives who spoke, whether from the regulatory or extension side, said they didn't see how training could address issues with the products' volatility. They pointed to recent research showing that dicamba can remain volatile, and thus subject to movement, for days after application.

But they also pushed for a decision to be made quickly, given that growers need to decide soon on seed choices for next year.

Asked to comment publicly on EPA's plans, the agency issued a brief statement: "We are continuing the dialogue with the states regarding how to address the off-target movement of dicamba."

Monsanto, which estimates that its dicamba-resistant Roundup Ready 2 Xtend soybeans have been planted on 20 million acres this year, says it is discussing the dicamba issues with EPA.

"I wouldn't call it negotiating," said Scott Partridge, vice president of global strategy for the company. "Industry is working with EPA to have a fulsome understanding of what's happening in the field."

And BASF spokesperson Odessa Hines said the company will continue to cooperate with EPA "on developing fact- and science-based recommendations that focus on a long-term solution for farmers. We believe that weed control

technologies that feature different modes of action can and must successfully coexist.”

Monsanto Chief Technology Officer Robb Fraley announced at the Farm Progress Show in Decatur, Ill., Tuesday that the company plans to have enough Xtend soybeans to cover half the nation’s soybean acres next season and said the “overwhelming majority” of farmers using Xtendimax have had “tremendous success.” USDA estimates that 89.5 million acres of soybeans were planted this year.

The issue has been the talk of agriculture this growing season, as damage or misuse complaints among growers and agribusinesses mounted and arguments about the technology and application have become more pointed.

Questions abound: Was there enough in-field research prior to commercialization? Was there enough applicator education? Were there some farmers who just cut corners to save costs – at the expense of their neighbors?

“I’ve never seen so much infighting within the (ag) family,” one source told Agri-Pulse. “And there is no easy solution in sight.”

Dicamba’s inherently volatile nature is at the center of the debate. Although the newer formulations are much less volatile than their predecessors, “less volatile does not mean not volatile,” as weed scientist Kevin Bradley at the University of Missouri has written.

Damage caused by off-target movement manifests itself in curled – or “cupped” – soybean leaves, but whether those outward signs will translate into significant yield losses won’t be known until harvest. Partridge said “a small amount of product can move off-target and produce symptoms of cupping, but plants grow out of it.”

Tests conducted by Bradley “indicate that we can detect dicamba in the air following an application of Engenia or XtendiMax/Fexapan for as many as three or four days following the application,” he wrote on the university’s website. “University weed

scientists in surrounding states are seeing similar results in their research.”

In Arkansas, which has the most acreage affected (900,000 acres) and the most complaints (950 as of Aug. 23), tests by weed scientists have found that although the new formulations are less volatile than older formulations Banvel and Clarity, they do not behave so differently in the field.

“When you look at the new formulations in a field setting where volatility measurements are based on soybean injury, differences in volatility between older dicamba products such as Clarity and newer ones including Engenia and Xtendimax are not as evident,” University of Arkansas weed scientist Tom Barber said following a field day earlier this month.

“Although the new formulations are reduced in the amount of volatility that you can see, they’re not zero,” he said. “And we don’t know the level of volatility that’s required to injure soybeans. Soybeans are so sensitive, very, very low levels of volatility can cause injury.”

Arkansas, which only approved Engenia for use this year, is considering a cutoff date of April 15 for applications, which would amount to a ban since most crops in the state are planted after that date. A dicamba task force that met Aug. 24 made the recommendation to the state’s Plant Board.

Partridge said Xtendimax is “low volatility; it’s not no-volatility,” but Monsanto does not believe volatility is the problem. In a statement, the company emphasized that “nothing we have uncovered so far in these inquiries leads us to believe that these issues are due to inherent volatility of XtendiMax with VaporGrip technology. This is consistent with our findings through over 1,200 laboratory and field studies.”

“In the vast majority of the customer inquiries that we have investigated to date, the issues identified can be addressed through training and education,” the company said, noting that in 77 percent (736 of 957) of the cases it has looked at so far, “applicators have self-reported that one or more of the first seven of 10 key label requirements we are

examining were not followed and could have contributed to off-target movement.”

“For the remaining cases, we are still evaluating additional key label requirements, including checking for sensitive crops downwind, and evaluating environmental and weather data,” Monsanto said. “Tank contamination and proximity to fields where unapproved products may have been utilized could also be factors in some instances.”

University researchers, however, say the uniform nature of much of the damage they’ve seen can only be explained through volatility. And while improper cleaning of sprayers and tank contamination is certainly a factor in some of the damage, Bradley says, “Many growers with injured soybean fields didn’t even plant any Xtend soybeans or spray a dicamba product through their sprayers.”

Partridge said the top three areas where applicators did not follow label directions were in failing to have adequate buffers, using the wrong nozzles, and having an incorrect boom height.

The label itself has come in for questioning. A lawsuit filed last month in Missouri cited criticism of the Xtendimax label as too complicated, quoting University of Tennessee weed scientist Larry Steckel’s observation that “it is extremely hard to follow the label. The best example of this is that you cannot spray when the wind is above 10 mph or below 3 mph. Just that stipulation when you have crops to spray timely in three different counties makes the logistics a nightmare.”

Yet, Monsanto says it is “simply not true” that the label is confusing.

“The XtendiMax label includes clear instructions, which is why an overwhelming majority of our customers are having success with the product this season,” the company said.

The problems with dicamba come at a time when virtually all agree that new tools are needed to deal with glyphosate-resistant weeds such as pigweed, waterhemp and marestail. One weed scientist told Agri-Pulse, “I don’t know of a single weed scientist in the U.S. that would not want to see this

technology be successful. We need this technology.”

“We’ve got a serious problem in the mid-south with pigweed resistant to RoundUp,” former longtime Missouri Farm Bureau President (and former Missouri Department of Agriculture Director) Charlie Kruse said in an interview. “It’s so critically important for everybody to use the product the right way.”

Kruse said that this season he saw some farmers planting Xtend soybeans “defensively,” using the seed even though they didn’t plan to use the accompanying herbicide. “They’re doing this to protect themselves from other people using dicamba,” he says.

“My hope is all this can be worked out and people can use it in a safe and appropriate way,” he said. (AgriPulse, August 30, 2017) <https://www.agripulse.com/articles/9777-dicamba-is-new-label-language-the-answer>

STANDING WATER FROM HARVEY CREATES MOSQUITO CONCERNS

Dr. David Persse, physician director of Houston's EMS and Public Health Authority, told CBS News that a mosquito explosion could occur in the wake of standing water left by Hurricane Harvey.

"In the short term I'm not too worried about the mosquitoes 'cause all this rain is gonna wash out all the breeding sites for the mosquitoes," Persse told CBS News. "But that'll be only about 10 to 14 days, and then we're gonna have an explosion of mosquitoes 'cause there's so much standing water which is all breeding sites."

Asked if they've had any Zika cases in the area, Persse said, "We've had people who've been here who've been infected with Zika in Central and Latin America but we've not had any local transmission here. But that is absolutely something that is front

and center on our radar." (PCT Online, September 1, 2017) <http://www.pctonline.com/article/standing-water-harvey-mosquito-concerns/>

U.S. FARMERS CONFUSED BY MONSANTO WEED KILLER'S COMPLEX INSTRUCTIONS

With Monsanto Co's (MON.N) latest flagship weed killer, dicamba, banned in Arkansas and under review by U.S. regulators over concerns it can drift in the wind, farmers and weed scientists are also complaining that confusing directions on the label make the product hard to use safely.

Dicamba, sold under different brand names by BASF (BASFn.DE) and DuPont (DD.N), can vaporize under certain conditions and the wind can blow it into nearby crops and other plants. The herbicide can damage or even kill crops that have not been genetically engineered to resist it.

To prevent that from happening, Monsanto created a 4,550-word label with detailed instructions. Its complexity is now being cited by farmers and critics of the product. It was even singled out in a lawsuit as evidence that Monsanto's product may be virtually impossible to use properly.

At stake for Monsanto is the fate of Xtend soybeans, its largest ever biotech seed launch.

Monsanto's label, which the U.S. Environmental Protection Agency (EPA) reviewed and approved, instructs farmers to apply the company's XtendiMax with VaporGrip on its latest genetically engineered soybeans only when winds are blowing at least 3 miles per hour, but not more than 15 mph.

Growers must also spray it from no higher than 24 inches above the crops. They must adjust spraying equipment to produce larger droplets of the herbicide when temperatures creep above 91 degrees Fahrenheit. After using the product, they must rinse out spraying equipment. Three times.

"The restriction on these labels is unlike anything that's ever been seen before," said Bob Hartzler, an agronomy professor and weed specialist at Iowa State University.

The label instructions are also of interest to lawyers for farmers suing Monsanto, BASF and DuPont over damage they attribute to the potent weed killer moving off-target to nearby plants.

A civil lawsuit filed against the companies in federal court in St. Louis last month alleged it might be impossible to properly follow the label. Restrictions on wind speed, for example, do not allow for timely sprayings over the top of growing soybeans, according to the complaint.

The companies failed "to inform the EPA that their label instructions were unrealistic," the lawsuit said.

Monsanto said that while its label is detailed, it is not difficult to follow.

"It uses very simple words and terms," Scott Partridge, Monsanto's vice president of strategy, told Reuters. "They are not complex in a fashion that inhibits the ability of making a correct application."

BASF and DuPont could not immediately be reached for comment on the lawsuit on Friday.

Monsanto and BASF have said they trained thousands of farmers to properly use dicamba. Monsanto also said the crop damage seen this summer likely stemmed largely from farmers who did not follow label instructions.

Those detailed instructions led some growers and professional spraying companies to avoid the herbicide altogether.

Richard Wilkins, a Delaware farmer, abandoned plans to plant Monsanto's dicamba-resistant soybeans, called Xtend, this year because a local company would not spray the weed killer.

"The clean-out procedure that you have to go through to ensure that you don't have any residue

remaining in the applicator equipment is quite onerous," he said.

In Missouri, farm cooperative MFA Inc said it stopped spraying dicamba for customers last month partly because high temperatures made it too difficult to follow the label.

STUDYING WIND, TEMPERATURES

The EPA is reviewing label instructions following the reports of crop damage.

Monsanto has a lot riding on the EPA review. The company's net sales increased 1 percent to \$4.2 billion in the quarter ended on May 31 from a year ago, partly due to higher U.S. sales of Xtend soybeans. Since January, the company has increased its estimate for 2017 U.S. plantings to 20 million acres from 15 million.

One confusing requirement on its dicamba label, farmers said, prohibits spraying during a "temperature inversion," a time when a stable atmosphere can increase the potential for the chemical to move to fields that are vulnerable.

To follow the rule, some growers used their smart phones to check weather websites for wind speeds and information on inversions.

"You have to be a meteorologist to get it exactly right," said Hunter Raffety, a Missouri farmer who believes dicamba damaged soybeans on his farm that could not resist the chemical. (Reuters, August 21, 2017) <http://www.reuters.com/article/us-usa-pesticides-labels/u-s-farmers-confused-by-monsanto-weed-killers-complex-instructions-idUSKCN1B110K>

AG SECRETARY PERDUE COMMENTS ON DICAMBA ISSUE

Agriculture Secretary Sonny Perdue indicated to reporters this week that he would like to see the industry work out a fix on dicamba issues.

"I would much prefer that method rather than a prescriptive, top-down regulation," he said, adding that he is "hoping that the industry itself and the producers themselves are working toward a resolution."

National Association of Farm Broadcasting reports that thousands of dicamba drift complaints have been filed across the Midwest and Southeast this year as dicamba-based herbicides have damaged neighboring crops that are not dicamba-tolerant. Last week, Monsanto said it is taking the situation "extremely seriously" and would offer support to affected growers.

Monsanto is the maker of the Roundup Ready 2 Extend crop system, which features dicamba resistant cotton and soybeans. (CropLife, August 9, 2017) <http://www.croplife.com/crop-inputs/herbicides/ag-secretary-perdue-comments-on-dicamba-issue/>

USDA SUED FOR FAILING TO RELEASE GMO DISCLOSURE STUDY

The USDA has been hit with a lawsuit alleging that it has violated the federal GMO disclosure law by failing to release a required consumer study of the potential technological challenges consumers may face if they have to rely on electronic or digital methods to access information about genetically modified food ingredients.

The lawsuit, filed on August 25th in the US District Court for the Northern District of California by the Center for Food Safety (CFS), contends that the USDA's Agricultural Marketing Service (AMS) was required by the National Bioengineered Food Disclosure Law to release the study for public comment by July 29th 2017.

"Because this is a controversial topic and crucial decision, Congress required this QR code study be completed by July and that the public's views be included," says CFS legal director George Kimbrell.

"We won't let the Trump administration get away with ignoring the law."

A USDA spokesperson told Agrow that the AMS had received and was reviewing the study. It will be "posted on the AMS website as soon as the review is complete", according to the spokesperson.

But the CFS argues that the AMS has missed a clear statutory deadline and cautions that it looks increasingly unlikely that the agency will be able to complete the GMO disclosure rules by July 29th 2018 as required by law.

The consumer study is laid out as the critical step towards crafting the regulations. Lawmakers inserted the requirement for the study to assuage concerns about allowing food companies to comply with the law by disclosing GM ingredients through electronic or digital methods, notably scannable QR codes.

The study is supposed to assess the technological challenges consumers may face in relying on smart phones or scanners to access information about GM ingredients. The law calls on the USDA to release the study for public comment and requires it to revise the ruling if the study finds that electronic disclosures will not provide consumers with sufficient access to information on GMOs.

The required study is "about one of the most controversial aspects of the law -- the potential to allow food companies to forgo labelling their GE food packages with clear, easy-to-understand text, the way food labelling has always been done and the now-preempted state law required", according to the CFS.

The lawsuit states that the results of the study are "indispensable to USDA's creation of the final rules" and argues that the required public input is critical. "The study is meant to provide USDA with information about consumers, and without their input, the study could fail to address important factors," the CFS says in its 16-page complaint. "Functioning final rules are conditioned upon successful completion of this study, and public comments are crucial in successfully understanding public behaviour."

The lawsuit calls the failure to release the study "a direct violation" of the underlying law and asks the Court to force the USDA to publish the study and take public comment "as soon as reasonably possible."

The complaint comes amid concern from the food and agriculture industries that the Trump administration has put the GMO disclosure rules on the back burner. The AMS has yet to release a draft proposal and last month the White House Office of Management and Budget (OMB) put the rulemaking on its list of "inactive actions".

The move prompted the Grocery Manufacturers Association and other industry groups to send a letter earlier this month to OMB director Mick Mulvaney seeking assurances that the rules would be complete by the July 2018 deadline.

Finalising the regulations by the deadline is "imperative, given the litigious nature of our opposition, and the costs to the economy that come from extended regulatory uncertainty", according to the GMA, the American Farm Bureau Federation and 17 other groups representing food manufacturers, biotechnology interests and farmers.

The AMS says that it is committed to meeting the deadline but there is ample work for the agency to complete.

Earlier this summer, the agency posted 30 questions about the GMO rules on its website, asking for input on key definitions and interpretations that will shape the scope of the disclosure requirements.

The deadline for responses closed on August 25th and it appears that stakeholders have provided the agency with a lot of advice. A USDA spokesperson told Agrow that the AMS had received more than "100,000 emails, voice mails and letters" in response to its public plea for advice.

The agency says that it does intend to make comments publically available but declined to provide a timetable. "With the large number of comments received, it will take some time to review and remove any personally identifiable information people may have inadvertently included," the

USDA spokesperson said. (Pesticide & Chemical Policy/AGROW, September 1, 2017)

INSECTS AND FLOODWATERS

Many in the pest control industry find themselves in the midst of the devastating floods hitting much of south and east Texas this week. If so, it may be a good time to remind ourselves of some unique pest challenges associated with high water.

Flooding brings all sorts of wildlife into unusually close contact with people, but few critters are more dangerous than fire ants. When floods occur, fire ants exit the ground and float, instinctively linking their legs and forming a floating mat which is nearly impossible to sink. When they inevitably bump into a dry object like a tree, a boat or a person, the ant mass "explodes" with ants quickly exiting the mass and swarming the object.

Diving underwater, or splashing water on the ants, will not help. The best option is soapy water, which is pretty good at killing the ants and helping drown a floating ant island. According to the Texas A&M AgriLife Extension publication, "Flooding and Fire Ants: Protecting Yourself and Your Family", two tablespoons of soap in a gallon of water, sprayed on a floating mat is effective at drowning ants. If any of you are engaged in water rescue this week, carrying a supply of soap along with a squirt bottle would be a good idea.

You might not have thought of it, but bed bugs can also become an issue after a public emergency like a tornado or flood. When lots of people are brought together in an emergency shelter situation, the risk of bed bug encounters goes up. The University of Minnesota has put together a nice publication on the subject. If you are in a community hosting an emergency shelter consider offering your services to inspect shelters and treat for bed bugs as necessary. Don't forget the diatomaceous earth and silica aerogel dusts as a means of providing significant control for shelter bedding at minimal risk.

Lastly, after the storm is long gone be prepared for mosquitoes. The primary mosquito species in the Texas Coastal Bend area are the salt marsh and pasture-land breeding mosquitoes. These are difficult to control at their breeding sites, short of aerial mosquito control campaigns. But to some extent, these mosquitoes can be controlled in backyards with residual mosquito adulticides. If your company does residential pest control, but hasn't yet gotten into the adult mosquito control business, this may be a good time to start. One good way to educate your customers about the mosquito threat is the Mosquito Safari website. (Texas A&M Insects in the City, August 28, 2017)

<http://insectsinthecity.blogspot.com/2017/08/insects-and-floodwaters.html>

MONSANTO US CANCER SUIT MIRED IN DOCUMENT CONTROVERSY

An attorney representing cancer victims who claim that Monsanto's Roundup (glyphosate) herbicide caused their illnesses appears to have acted in "bad faith" when he leaked confidential documents, a US state of California federal judge said last week.

US District Court Judge Vince Chhabria suggested that he might remove the attorney from the case but also had some harsh words for Monsanto's lawyers. He called their claims that the documents were irrelevant to the case "almost laughable" and appeared sympathetic to the view that the leaked information suggests that the company tried covertly to influence scientific reviews of glyphosate.

The document dispute is the latest twist in sweeping litigation brought against Monsanto by thousands of cancer victims across the US. Many of the complaints have been consolidated in the US District Court for the Northern District of California under the purview of Judge Chhabria.

Allegations stemming from the case about Monsanto's efforts to pressure the EPA's assessment of glyphosate's carcinogenicity have sparked a review by the Agency's Inspector General.

The current issue is attorney Brent Wisner's decision to publically release 86 documents that Monsanto contends were protected by a court order. The documents in question include internal Monsanto communications, notably claims that company employees had "ghostwritten" reviews of glyphosate that espouse the herbicide does not cause cancer.

Mr Wisner leaked the documents earlier this month and argues that his move was justified because Monsanto allowed a 30-day window to challenge the release to close. The company contends that the decision violated a court order that laid out the framework for resolving disputes about the confidentiality of documents provided during the discovery phase of the litigation.

Judge Chhabria is threatening to sanction the attorney and his firm for their decision. At an August 24th hearing, the Judge acknowledged that the "ambiguity" of his order may have sparked some of the controversy but stated that there was a clear "live dispute" about the issue that should have been addressed.

It was Mr Wisner's "obligation" to get the dispute resolved, he explained. "But the problem is that he was not focused on being a lawyer," Judge Chhabria said. "He was focused on being a PR man. He was more interested in getting these documents released, and getting them released fast, than he was in being a lawyer, and making sure a live dispute between two parties to the litigation got resolved before he moved forward. That's not how you lawyer."

Mr Wisner called the Judge's characterisation of his motives "preposterous". The California-based attorney said that he first sent the documents to regulatory agencies reviewing glyphosate's safety, including the EPA, California's Office of Environmental Health Hazard Assessment and regulators in the EU. "The idea that I'm trying to do PR is absurd," said Mr Wisner, a partner with the firm Baum, Hedlund, Aristei and Goldman. "I do

this because I care about public health. The first thing I did was I sent them to those people, because I wanted them to make informed decisions. And those documents, your honour -- no matter how you look at them, they tell a really just alarming story of corporate malfeasance."

Although the Judge said that he was inclined to agree on the issue of corporate malfeasance, he remained unconvinced by Mr Wisner's argument that Monsanto was to blame for missing the deadline to protect the documents. "What is wrong is moving forward unilaterally when there's a live dispute about how to move forward," Judge Chhabria said. "And at a minimum, that's misconduct."

The Judge declined to make a decision on whether to sanction the plaintiffs' attorney but said that it was hard to see how it "would be acceptable to have Mr Wisner on the executive committee going forward ... and maybe his firm."

The "great irony", Judge Chhabria added, is that he would have been sympathetic to Mr Wisner's argument about releasing the documents if he raised it through the correct legal filings. "I would have, no doubt, ruled in your favor," he said.

Judge Chhabria also took Monsanto to task for its view that the documents in question were irrelevant to the case, specifically to the critical question of whether glyphosate can cause cancer.

The internal e-mails in the documents reflect that Monsanto had been ghostwriting reports on glyphosate's safety that have been portrayed as independent, he explained. "Your whole presentation thus far has been about how all the independent science supports a conclusion that glyphosate doesn't cause non-Hodgkin's lymphoma," he told Monsanto's attorney Joe Hollingsworth. "So ... I don't understand how you could have taken the position that the issue of Monsanto drafting reports for allegedly independent experts on whether glyphosate causes non-Hodgkin's lymphoma could be irrelevant to the question of whether there's evidence that glyphosate causes non-Hodgkin's lymphoma."

Mr Hollingsworth defended the company's position. "They are not scientific studies," he said. "They're reports known as 'surveys' -- literature surveys. They aren't original science and for that reason they're not relevant [for causation]."

But the Judge was again unconvinced. "It seems obvious that these documents are, in fact, relevant to the general causation phase of this litigation," Judge Chhabria said. "And it seems clear that the position that Monsanto was taking ... was unreasonable." (Pesticide & Chemical Policy/AGROW, August 30, 2017)

MARYLAND COUNTY'S LAWN PESTICIDE BAN OVERTURNED

A Maryland County Circuit court overturned the county's pesticide ban on lawn and garden pesticide use on private property.

Judge Terrence McGann ruled in favor of the professional landscape community stating the ban "flouts decades of State primacy in ensuring safe and proper pesticide use, undermines the State's system of comprehensive and uniform product approval and regulation, and prohibits products and conduct that have been affirmatively approved and licensed by the State."

The decision sets an important precedent regarding pesticide use and regulation in the state and nationally.

RISE (Responsible Industry for a Sound Environment) President Aaron Hobbs said, "We are gratified that the Court agreed that the County's ban on the use of State- and EPA-approved pesticides on private land is preempted by Maryland state law, which already provides uniform and comprehensive regulation of pesticide use across the state.

"Today's decision is a win for resident and community choice. Pesticides purchased and applied by consumers and licensed professionals in the county help maintain healthy outdoor spaces for

more than 1 million people who call the county home," added Hobbs.

In November 2016, RISE, along with seven residents, six local businesses, and CropLife America, filed a legal challenge to Montgomery County's ban on the application of hundreds of lawn and garden products on private property. A grassroots coalition of more than 400 residents, homeowners and licensed professionals worked together to oppose the ban since it was introduced in 2014.

The ban narrowly passed the County Council, with County Executive Ike Leggett expressing doubt about its legality before allowing it to go into effect without his signature. This grassroots coalition succeeded in laying the groundwork for a successful legal challenge to a contentious and complex ordinance that left Montgomery County residents uncertain about how to protect their lawns from weeds and pests. (PCT Online, August 3, 2017) <http://www.pctonline.com/article/maryland-lawn-pesticide-ban-overtuned/>

GLYPHOSATE IN BEN & JERRY'S ICE CREAM + 'MONSANTO PAPERS' = VERY INTERESTING TIMES

Sometimes the stars align. This is one of those times.

Not long after the Organic Consumers Association (OCA) announced that Ben & Jerry's ice cream tested positive for glyphosate, the key ingredient in Monsanto's Roundup weedkiller, another story broke—one that validates the importance of finding glyphosate, even at low doses, in any food.

According to internal Monsanto documents, Monsanto forced the retraction of a critical long-term study, first published in 2012, showing that very low doses of Monsanto's Roundup herbicide—lower than those detected in Ben & Jerry's ice

cream—caused serious liver and kidney damage in rats.

Shortly before the study was retracted, the editor of the journal began working for Monsanto, under a consulting contract. (The study, led by G.E. Séralini, was republished in 2014, by the Environmental Sciences Europe).

Since the New York Times first reported on OCA's testing findings, the news about Ben & Jerry's has been picked by thousands of media outlets, including TV stations, in the U.S. and internationally, including in Germany, the U.K., France, Mexico, Portugal and Japan.

No surprise, it didn't take long for critics to come out of the woodwork—mostly the usual suspects who defend Monsanto. Their criticisms focused largely on the amounts of glyphosate detected in the ice cream, and how they fall below the U.S. Food & Drug Administration's (FDA) "allowable safe levels"—levels that don't take into account the latest research.

That latest research, in addition to the Séralini study, includes a peer-reviewed study published in January, in *Scientific Reports*. Led by Dr. Michael Antoniou at King's College London, the Antoniou study found that low doses (thousands of times below those declared "safe" by U.S. and international regulators) of Roundup weedkiller, administered to rats over a two-year period, caused non-alcoholic fatty liver disease. Non-alcoholic fatty liver disease, which is now reaching epidemic proportions, can lead to cirrhosis of the liver, a life-threatening condition.

OCA's news, and the latest revelations about Monsanto's efforts to bury the truth about Roundup's true toxicity have Ben & Jerry's (and parent company Unilever) sweating. As for Monsanto, company officials weren't too pleased when their internal emails went public. The New York Times reported that one Monsanto scientist wrote this in an internal email in 2001:

"If somebody came to me and said they wanted to test Roundup I know how I would react—with serious concern."

The email was uncovered in what EcoWatch reported are more than 75 documents, including intriguing text messages and discussions about payments to scientists, which were posted for public viewing early Tuesday by attorneys suing Monsanto on behalf of people alleging Roundup caused them or their family members to become ill with non-Hodgkin lymphoma, a type of blood cancer.

Monsanto told the New York Times "It was outraged by the documents' release."

But we are the ones who should be outraged. By Monsanto knowingly selling a toxic product, and covering up that fact by attacking credible independent scientists. By government agencies that allowed, and possibly even colluded in the cover-ups and attacks. And by companies like Ben & Jerry's that profess great concern for the environment, the climate and "social responsibility," while excusing themselves from having to live up to those promises.

Ben & Jerry's Responds

In response to our finding glyphosate in Ben & Jerry's ice cream, the company told the New York Times it "was working to ensure that all the ingredients in its supply chain come from sources that do not include genetically modified organisms, known as G.M.O.s."

Rob Michalak, global director of social mission at Ben & Jerry's, told the Times:

"We're working to transition away from G.M.O., as far away as we can get. But then these tests come along, and we need to better understand where the glyphosate they're finding is coming from. Maybe it's from something that's not even in our supply chain, and so we're missing it."

Not even in their supply chain? Seriously? Ben & Jerry's is one of the, if not the biggest buyer of non-organic milk in Vermont. And the cows that make that milk? They're fed GMO animal feed.

More than 92,000 acres of Vermont farmland is planted in corn grown for animal feed, reported Regeneration Vermont. Ninety-six percent of that

corn is GMO—corn grown using massive amounts of chemical fertilizers, and toxic weedkillers like glyphosate, atrazine and metolachlor.

But that's not something Ben & Jerry's, the darling brand of the progressive movement, likes to talk about—even though activists have been begging the company for more than two decades to clean up its act, and go organic. And not just because of the glyphosate in its ice cream, though that's reason enough—but because, as OCA Director Ronnie Cummins recently explained, because Ben & Jerry's support of conventional and GMO dairy is ruining Vermont's waterways, hurtling dairy farmers into bankruptcy, hurting migrant workers and perpetuating animal abuse.

We Stand by Our Test Results

Criticisms of the New York Times story on OCA's test results, and on the testing itself, don't hold up. Our tests were conducted by Health Research Institute Laboratories, an independent, 501(c)(3) non-profit analytical chemistry laboratory, using the latest methodology. We provide a full explanation of that methodology [here](#).

As for the significance of the amounts of weedkiller detected in Ben & Jerry's ice cream, as mentioned at the beginning of this post, we point to the latest research that says these amounts are actually higher than doses known to cause serious health issues in rats, based on long-term peer-reviewed studies. You can read more about the relevance of our findings [here](#).

Ben & Jerry's has been hiding behind its do-gooder image for far too long. We intend to keep the pressure on, until the company commits to a three-year transition to 100 percent organic, immediately.

Katherine Paul is associate director of the Organic Consumers Association. (EcoWatch, August 3, 2017) <https://www.ecowatch.com/glyphosate-ben-and-jerrys-2468750617.html>

CEU Meetings

Date: September 7, 2017

Title: OSU Rose Rosette Disease Workshop

Location: Tulsa OK

Contact: Jen Olson (405) 744-961

Course #: OK-17-121A-C

CEU's:	Category(s):
3	3A
3	3C
10	10

Date: September 15, 2017

Title: OSU-OKC Fall Pesticide Application Workshop

Location: OSU-OKC Oklahoma City OK

Contact: Heather Kay (405) 945-3234

Course #: OK-17-

CEU's:	Category(s):
TBD	3A
TBD	3C
TBD	10

Date: September 21-22, 2017

Title: 2017 OPMA Fall Conference

Location: Tulsa Marriott Southern Hills Tulsa OK

Contact: Eileen Imwalle (405) 726-8773

Course #: OK-17-109 A-J

CEU's:	Category(s):
7	3A
3	6
6	7A
2	7B
2	7C
8	3
10	10
2	11

Date: October 4-5, 2017

Title: OKVMA Fall Conference, Training and Trade Show

Location: Hard Rock Hotel & Convention Center
Catoosa OK

Contact: Kathy Markham (918) 256-9302

Course #: OK-17-103 A-F

CEU's:	Category(s):
3	A
5	3A
2	5
6	6
6	10

Date: October 5, 2017

Title: OSU Fumigation Workshop

Location: SPREC Stillwater OK

Contact: Edmond Bonjour (405) 744-8134

Course #: OK-17-120 A-D

CEU's:	Category(s):
1	7A
4	7C
4	10

Date: October 12, 2017

Title: A Focus on Pest Management

Location: Embassy Suites Kansas City MO

Contact: FISA Deborah Murphy (913) 397-1185

Course #: OK-17-108 A-E

CEU's:	Category(s):
3	7A
1	7C
4	10
1	11

Date: October 24, 2017

Title: Ensystex 2017 CEU Workshop

Location: Oklahoma City OK

Contact: Donald Stetler (281) 217-2965

Course #: OK-17-1113 A-E

CEU's:	Category(s):
3	7A
1	7C
4	10
1	11

Date: November 6-8, 2017

Title: 2017 Oklahoma Ag Expo

Location: Embassy Suites Norman OK

Contact: Tammy Ford-Miller (580) 233-9516

Course #: OK-17-115 A-L

CEU's:	Category(s):
2	All
7	7
3	3
10	10

Date: February 3, 2018

Title: Integrated Pest Management for the Food Environment

Location: Holiday Inn Express Denton TX

Contact: FISA Deborah Murphy (913) 397-1185

Course #: OK-17

CEU's:	Category(s):
3	7A
1	7C
4	10
1	11

ODAFF Approved Online CEU Course Links

PestED.com

<https://www.pested.com/>

CEU School

<http://www.ceuschool.org/>

Technical Learning College

<http://www.abctlc.com/>

Green Applicator Training

<http://www.greenapplicator.com/training.asp>

All Star Pro Training

www.allstarce.com

Wood Destroying Organism Inspection Course

www.nachi.org/wdocourse.htm

CTN Educational Services Inc

http://ctnedu.com/oklahoma_applicator_enroll.html

Pest Network

<http://www.pestnetwork.com/>

Univar USA

<http://www.pestweb.com/>

Southwest Farm Press Spray Drift Mgmt

<http://www.pentonag.com/nationalsdm>

SW Farm Press Weed Resistance Mgmt in Cotton

<http://www.pentonag.com/CottonWRM>

Western Farm Press ABC's of MRLs

<http://www.pentonag.com/mrl>

Western Farm Press Biopesticides Effective Use in Pest Management Programs

<http://www.pentonag.com/biopesticides>

Western Farm Press Principles & Efficient Chemigation

<http://www.pentonag.com/Valmont>

For more information and an updated list of CEU meetings, click on this link: <http://www.oda.state.ok.us/cps-ceuhome1.htm>

ODAFF Test Information

Pesticide applicator test sessions dates and locations for September/October are as follows:

September		October	
11	OKC	3	McAlester
14	Tulsa	9	OKC
19	Altus	12	Tulsa
28	Tulsa	18	Altus
		23	OKC
		26	Tulsa

Altus: SW Research & Extension Center
16721 US HWY 283

Atoka: KIAMICHI TECH CENTER 1301
W Liberty Rd, Seminar Center

Enid: Garfield County Extension Office,
316 E. Oxford.

Goodwell: Okla. Panhandle Research &
Extension Center, Rt. 1 Box 86M

Hobart: Kiowa County Extension Center
Courthouse Annex, 302 N. Lincoln

Lawton: Great Plains Coliseum,
920 S. Sheridan Road.

McAlester: Kiamichi Tech Center on
Highway 270 W of HWY 69

OKC: Arcadia Conservation Education
Building 7201 E 33rd St. Edmond
OK (New Location)

Tulsa: NE Campus of Tulsa Community
College, (Apache & Harvard)
Large Auditorium

<h1>Pesticide Safety Education Program</h1>
