

AGRICULTURAL CHEMICALS SUBCOMMITTEE MEETING RECORD

TIME AND DATE:

10:30 AM, July 18, 2012

LOCATION:

TCEQ, Park 35, Building F, Room 2210, Austin, Texas

PURPOSE OF MEETING:

The FY12 Fourth Quarter Meeting of the Agricultural Chemicals Subcommittee of the Texas Groundwater Protection Committee

ATTENDEES:

AGENCIES

Texas Commission on Environmental Quality [TCEQ]
Texas Department of Agriculture [TDA]
Texas AgriLife Extension Service [TAES]
Texas Water Development Board [TWDB]
Texas Alliance of Groundwater Districts [TAGD]
Texas State Soil and Water Conservation Board [TSSWCB]

REPRESENTATIVES

Joseph L. Peters	Chair, Member, TCEQ, Austin
Richard Eyster	Member, TDA, Austin
Mark Matocha	Member, TAES, College Station
Janie Hopkins	Member, TWDB, Austin
David Van Dressar	Member, TAGD, La Grange
Richard Egg	Member, TSSWCB, Temple

AGENCY STAFF

Alan Cherepon	TCEQ, Austin
Scott Underwood	TCEQ, Austin
Omar Valdez	TCEQ, Austin
David Villarreal	TDA, Austin

INTERESTED PARTIES

None in attendance for this meeting

MEETING SUMMARY:

I. Opening Remarks

The Chairman of the Agricultural Chemicals Subcommittee, Dr. Joseph Peters (TCEQ), called the meeting to order. Subcommittee member Dr. Kevin Wagner (TAR) was not in attendance. Dr. Peters welcomed everyone to the meeting and had the Subcommittee members introduce themselves. The meeting proceeded to the Task Force Reports.

II Task Force Reports

Site Selection Task Force: Ms. Hopkins (TWDB), the Task Force Chair, provided an update on the TWDB's completed and planned sampling activities. Most samples were collected from the Ogallala and Dockum Aquifers. Sample totals include 206 wells, with another 90 samples anticipated by 9/1/12.

Additionally, Mr. Cherepon added that TCEQ sampled in the Panhandle, sending 20 samples in for laboratory analyses by four methods for 48 pesticides. Additionally, TCEQ has analyzed 112 cooperative samples from the Texas Water Development Board for atrazine and 54 of these for 2,4-D by immunoassay method, with another 60 samples waiting to be analyzed. He will provide a complete report on sampling in 2012 at the next meeting.

Education Task Force: Dr. Matocha (TAES), the co-chair for the task force, had one item to report. The Texas AgriLife Extension Service has completed an educational brochure for the Texas Pollutant Discharge Elimination System (TPDES) Pesticides General Permit (PGP). These are being distributed on the website, and through all county extension agents throughout the state, for all the different types of pesticide applicators. Mr. Cherepon (TCEQ), the other co-chair, reported that the Public Outreach and Education Subcommittee did not address any pesticide related issues at their recent meeting.

PMP Task Force: Mr. Cherepon (TCEQ), a co-chair of this Task Force, reported that he completed assessments on all 57 pesticides from the State FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) Issues Research and Evaluation Group (SFIREG) list as required by the EPA for the grant. No additional assessments are anticipated for the year unless something is detected by monitoring. Ms. Janie Hopkins (TWDB) asked if atrazine was the only pesticide detected in Texas groundwater. Mr. Cherepon responded that it was the only one assessed as a pesticide of concern due to the numerous detections and several high concentrations above the Maximum Contaminant Level (MCL) of 3 parts per billion. The detections were primarily in the central Panhandle region. Atrazine and other pesticides, such as bromacil, were also detected, but in considerably fewer wells, and at lower concentrations.

III. Pesticide Regulatory Education Program (PREP) Water Quality Course Summary

Dr. David Villarreal (TDA) and Mr. Cherepon (TCEQ) provided highlights of the recent FIFRA grant training course they attended in Helena, Montana. He began by giving some background information: that Mr. Cherepon was on the PREP course planning committee; that TDA wants to have a greater presence in national pesticide forums, notably SFIREG; that TDA is nominating him (Dr. Villarreal) for the environmental quality issues working committee of SFIREG and Mr. Randy Rivera for the pesticides operations management working committee. He informed the subcommittee that Texas was one of the few states that had two members attend this training, in recognition of Texas' importance and status in this area, but also because Texas had two agencies involved with FIFRA activities -- TCEQ being the lead for pesticide water quality issues and TDA being the overall pesticide lead agency. Dr. Villarreal next indicated that TDA has two people that deal with water issues: Mr. Richard Eyster and himself. Since Dr. Villarreal and some other attendees became sick and missed the latter half of the training, he indicated he would provide highlights of the first two days of the course, while Mr. Cherepon would highlight the latter half of the course. He then briefed the subcommittee on issues that came up during lunch or dinner conversations and during the class:

- Most of the states and most members of the House of Representatives, of both parties, want the Pesticide General Permit to go away, since it duplicates most of FIFRA and the Clean Water Act, but Senator Barbara Boxer (CA), and President Obama would likely kill any effort of Congress to remove this permit.
- Texas is ahead of most states in the pesticide assessments for the Pesticides Of INterest Tracking System (POINTS) program, having completed assessments for all 57 pesticides that EPA had listed as a starting point for the national program.
- EPA funding cuts will likely result in EPA being selective in picking programs to fund as well as reducing funding for certain programs. One example would be EPA's cutting the number of committee members in SFIREG Region 6. SFIREG now has no representative from a number of areas, which could result in under-representation for some regions. At this time EPA intends to continue with the yearly PREP training as before.
- Since funding is uncertain, EPA and the states are in a state of suspension, waiting on doing work on programs until funding is secured.
- Discussion on the universal lab methods that combine a number of pesticide methods into one, revealed a number of pros and cons.
- Human Benchmarks was another important issue presented at PREP, with the consensus between the states being that these should be based on sound science and should follow recommended goals in developing levels for different pesticides.

Mr. Cherepon filled in what Dr. Villarreal had missed, including the following;

- Developing universal methods for pesticides involves working closely with laboratories in their development and use. They have higher reporting limits and other quality issues, and will have lab accreditation and certification needs.

- The method used in Montana analyzes for 96 pesticides, 26% of which are metabolites. Some problems with the method are: it still needs improvement in sensitivity, it does not include glyphosate, it isn't useful for library searches, and its detection limit is too high.
- The Multi-residue method used in NJ noted differences between monitoring and enforcement needs, uses Liquid Chromatography/Mass Spectroscopy (LC/MS) instrumentation (similar to what USGS uses?), includes unknowns, allows for targeting groups of pesticides for areas like golf courses or specific crops, and has been used in food testing for years. It has about a \$400-\$800 per sample cost, so it is not a money saving tool, but allows for the analysis of about twice the number of pesticides as the four different methods that Texas is now using.
- The human health benchmarks approach in Montana puts the burden of proof on pesticide users/applicators and manufacturers (They are considered guilty until proven otherwise.). They use 50% of the benchmark as the trigger for action and have a list of indicator species for their state, mainly used for surface water.
- Wisconsin has had an atrazine rule in place for some years due to the shallow groundwater, glacial soils, and high amount of precipitation in crop areas.
- The Vermont presenter on collaboration made an important point in dealing with stakeholders, that the needs and concerns of the stakeholders need to be addressed.
- Mr. Cherepon gave two presentations: one on the Texas POINTS assessment mechanism developed by the PMP task force, pointing out how the assessments are based on sound science and the importance of documentation; the second was on collaboration in Texas. Both were well received.
- There was a field trip to the Gateway to the Mountains, where a boat tour included points of interest demonstrating the problem of invasive species, such as aquatic plants, fish, and mussels. These are mostly brought in by rivers and recreational water vehicles (boats); but much of the tour emphasized the geology and history of the area.
- The education and outreach segment included a presentation where, as an example, the state of Pennsylvania was able to get a group of Anabaptists to begin utilizing their educational materials and services. Other presentations addressed problems with labels where there can be confusion between advisory and mandatory designations. The presenter felt that these issues wouldn't be easily corrected.
- The breakout session addressed grant guidance issues and concerns with fracking. Generally the greatest issues with fracking concern surface contamination. Downhole issues are much rarer.
- There were a number of tribal issues that were brought up, including compatibility between tribal, state, and federal environmental measurements and the databases in which these measurements are entered; problems in adjudicating between state and federal regulatory approaches; and problems in dealing with cultural issues such as identification of sacred grounds, especially in protecting them from artifact hunters.
- Action items identified from the course included wanting to keep water quality a priority: by using the familiar three-tier method of assessing and measuring

success for preventing pesticide contamination and maintaining water quality; by stressing the importance of pesticide use reporting; by finding resolution for lab QA/QC issues; by continuing with the development and use of universal methods; by meeting the need for regional lab resources and analytical collaboration centers rather than each state doing the work individually; by developing benchmarks; and by facilitating the sharing of monitoring data. Furthermore, EPA should provide a list of available methods for pesticides, since the universal methods are still unacceptable for regulatory needs. EPA needs to decide what it will be doing with the POINTS program, whether it will add to the initial list of 57 pesticides and whether it will take steps to facilitate the sharing and use of the data gathered through the program.

- Dr. David Villarreal gave a good presentation on communicating and working with decision and policy makers, in which he used as an illuminating example the invasive species, Salt Cedar, in the Pecos River basin.
- The attendee from New Jersey gave a good presentation on universal methods and their findings, which resulted in Mr. Cherepon strongly considering the possibility of revisiting and re-reviewing some of TCEQ's analytical data.

Ms. Hopkins had a question on whether other states had high atrazine or other pesticide detects. Mr. Cherepon replied that New Jersey had detects of atrazine as well as some detects of one or two other pesticides, but that states like Wisconsin have had atrazine issues for years due to the unique characteristic of having a shallow water table beneath highly permeable glacial soils combined with high precipitation. Wisconsin has a 4-mile non-use buffer zone requirement around any well in which atrazine had been detected. Montana has mentioned the detection of one or two other pesticides besides atrazine. Nebraska, which has been known to have atrazine problems, did not have anyone attending this PREP course.

Since it came up that some regions, including Region 6, no longer had representation on some of the EPA committees such as SFIREG, how were they to have input into these committees? Dr. Villarreal replied that they will have to attempt to communicate through adjoining regions, and that EPA feels it is important to have certain experts and specialties represented at these meetings more so than having all regions or states represented. Dr. Villarreal indicated that he has some faith in the members that they are not going to be selfish in representing only their own state's interest most of the time.

IV. Information Exchange – Status Updates

Mr. Cherepon only mentioned that EPA sends out weekly emails with news updates on issues related to pesticides. Some typical items include the mention of pesticides that are being phased out (like Azinphos Methyl), and other pesticides for which benchmarks have been established for food. This is a good way to keep informed, and those interested in being kept up-to-date should subscribe, if you are not already on these email lists. No other attendees had updates or information to share, but Ms. Hopkins asked if EPA had a list of the top ten fruits and vegetables that might be of most concern for pesticide consumption. Several replies indicated they do not at present have such a

list, while Dr. Villarreal added that some watchdog environmentalist groups provide these. The accuracy and correctness of these could not be confirmed, as some of these, like one out of California, has been widely discredited. Unfortunately, the media picks up these releases and lists, and they become popularly used by some stores and people, even though they have been discredited. The closest thing the federal government has is a USDA list of pesticide residues and microbial residues on certain produce. They are also experimenting with doing this for water and meat. They have a commodities screening program which TDA participates in, but that program has been defunded and might go away.

Dr. Matocha (TAES) mentioned a study by a university that purported linking atrazine and paraquat to Parkinson's Disease. Several articles in newspapers and other venues reporting on these findings had to be retracted in the past few weeks when it was learned that the data resulting from the study had been falsified. Dr. Villarreal added that when the paper first came out, it made the headlines, but few readers get to see the retractions since they are usually placed in more obscure places in a newspaper.

V. Announcements

There were no announcements made at this meeting.

VI. Public Comments

There were no public comments made at this meeting. One question was asked by Mr. Eyster (TDA) as to whether the minutes from the previous meeting needed to be accepted. Dr. Peters replied that it is not required, but if anyone had any corrections or comments about them, would they please respond. No one had any comments on the previous minutes. Dr. Villarreal next added that TDA has undergone reorganization and budget cuts, and their staff have had to double up on tasks, such as meetings. Their management is reviewing whether the staff should be attending all these meetings. He asked if it was mandated that ACS meetings be quarterly. Dr. Peters said he wasn't sure off the top of his head, and that he would have to review the subcommittee charge. He added that the charge is available on the TGPC website for anyone to review. Mr. Cherepon added that the full committee is established and directed by the Legislature to include specific people and agencies, as well as to meet quarterly. Others commented that whether the subcommittee is required to meet quarterly is the question. Since the subcommittee has had less business recently, it may be possible to meet less often. Also, since pesticides in groundwater have become less of an issue, TDA's management is questioning whether the meetings are necessary. Ms. Hopkins said this issue was brought up at the Legislature Report Subcommittee meeting also, but was not sure how it would end up in the report, or if it would even be addressed there. Dr. Villarreal suggested the subcommittee be made more general and less restrictive than to pesticides, and that other contaminants are becoming a bigger issue. Mr. Cherepon added that the FIFRA grant, for the TCEQ, specifies only pesticides in groundwater, but that may not be required of the subcommittee, and that even at the PREP training issues not involving pesticides were addressed. The charge would have to be changed if these changes take place. Dr. Villarreal added that, nationally, many states want to keep the

money coming for pesticides, so they keep requesting the program keep pesticides as the focus of the grant.

VII. Adjournment

With no further announcements or public comment, the meeting was adjourned.

Recorded and transcribed by Alan Cherepon.

In their afternoon meeting, the decision was made by the Texas Groundwater Protection Committee that its FY13 first quarter meeting would take place on 10/10/12 at 1:00 P.M., in TCEQ Building F, Conference Room 2210. As per usual practice the Agricultural Chemicals Subcommittee meeting will, therefore, take place on the same date and in the same room at 10:30 A.M.