



Board Meeting Minutes – May 18, 2011

PARC Board Coordinator: Paul Khokhar

Member Agencies Represented

OR-OSHA - Garnet Cooke
OEPH/OHA - Jae Douglas, PARC Chair
ODA – Chris Kirby, PARC Board Administrator
Dale Mitchell, PARC Co-Chair
State Fire Marshall – Sue Otjen
DEQ - Greg Pettit
ODF - Brad Knotts
ODFW – Ken Diebel
ODA – Ray Jaindl

Member Agencies Absent

Poison Control

Consultants Represented

CROET - Fred Berman, DVM, PhD
OSU – Daniel Sudakin, M.D. MPH
OEPH/OHA – Justin Waltz
OSU – Jeff Jenkins, PhD
OEPH/OHA – Brett Sherry

Other Persons Present

Terry Witt – Oregonian for Food & Shelter
Day Owen
Jack Lentsch
Cheryl Lentsch
ATSDR - Richard Kauffman by phone
EPA – Scott Downey by phone

Introductions:

1. Called to order: 9:10 a.m.
 - a. There were no added agenda items for the meeting.
2. May minutes were reviewed and approved with a few corrections.
3. Members and consultants introduced themselves.
4. Upcoming PARC meeting schedule

2011 meeting schedule:

July 20, 2011
September 21, 2011
November 16, 2011

Agency Updates:

OR Dept. of Agriculture (ODA): Introduction of Ray Jaindl Administrator of Natural Resources Division and Pesticides Division. He will be the new Administrator of PARC. Chris Kirby will be retiring from ODA on June 30, 2011. PARC is a line item in the Oregon Department of Agriculture budget. The overall budget for the Agency has passed the Ways and Means committee and is out to the respective Houses. In that budget funding for PARC is with other funds derived from the ODA fees for registering pesticide products. Chris hasn't seen the latest update but his understanding is that it is being corrected to reflect how the past couple of

biennium's money has been spent specifically correcting the allocation provided to OHA, OSU and OHSU.

Poison Control (PC): Nothing new to report.

OR-Occupational Safety and Health Administration (OR-OSHA): Update on a case in Tillamook County. There was a crawl space application under a doctors clinic and the floor had all insulation was hanging down and it wasn't tight against the heating ducts. When you took off the vent on the floor you could see a gap between the ducting and the cut out on the floor. The heater was not shut off over the weekend so when it can on it sucked the fumes right into the clinic. As soon as two asthmatics and a pregnant woman came into work they immediately had a reaction. The two asthmatic's couldn't get relief from their fast acting inhalers and the pregnant woman was vomiting and coughing and had a headache. Garnet went out with Sunny from ODA to inspect the application. Garnet sent info over to Paul and Justin.

OR Dept. of Fish and Wildlife (ODF&W): Nothing new to report.

Oregon Public Health (OEPH/OHA): Justin has received a fair number of OPC health reports. He has made contact with several of the people and has forwarded the information to PARC.

OR State Fire Marshal (OSFM): Nothing new to report.

OR Dept. of Environmental Quality (DEQ): Nothing new to report.

OR Health and Science University (OHSU): Nothing new to report.

Center for Research on Occupational and Environmental Toxicology (CROET): Nothing new to report.

Oregon State University (OSU): Nothing new to report.

OR Department of Transportation (ODOT): Nothing new to report.

OR Dept. of Forestry (ODF): The Oregon Board of Forestry held its second forest pesticide workshop at ODF Salem on April 29, 2011. The first workshop (held on March 10, 2011) focused on federal and state agency regulations and responsibilities related to forest pesticides. The second workshop allowed parties with other perspectives to present information. The interested parties included a number of concerned residents from the Triangle Lake (Lane County) and Cave Junction-Lake Selmac (Josephine County) areas who testified in the open public comment period. Many of them told of potential environmental problems and potential or actual human health problems they attributed to forest pesticide use. One member of the public stated that his group would sue the State of Oregon for failure to adopt protective best management practices unless the state agencies took appropriate action. That person also said that PARC should be housed in the Oregon Health Authority, stating that the current administrative home (ODA) was unduly influenced by the pesticide industry. Several forest

landowner representatives testified that they took care in protecting humans and the environment when using forest pesticides.

Scheduled speakers included Dr. Jeff Jenkins, who explained risk assessments. One speaker equated pesticide use and environmental justice issues, and another stated that current drift models upon which pesticide registrations and labels are based do not take mountainous forest terrain into account, and that therefore there was likely to be excessive drift from aerial forest applications at times. Dr. Dana Barr presented (by telephone) a summary of data from an analysis of urine samples of some residents near Triangle Lake. The analysis apparently showed elevated baseline levels of 2,4-D and atrazine (both used in forestry and other land uses), with higher levels showing up soon after some forest pesticide applications. Dr. Barr stated that the data appeared to indicate exposure, but also that she did not know the source or route of the potential exposures. The Board of Forestry closed the meeting without indicating what actions, if any, it would take. The Oregon Department of Forestry is working with other PARC agencies and PARC consultants to develop and implement an interagency action plan. More information (including meeting recordings) is available at <http://egov.oregon.gov/ODF/BOARD/index.shtml>.

Update on Hamilton Case # 060048

Justin spoke with the Hamilton's a couple of times. He received medical records from them and needs to go through them. This was an incident and never made into a case until recently. It was reopened because there were additional medical records that they provided. US EPA, OHA have been included in this investigation.

Update from ATSDR Capt. Richard Kauffman:

He has been on several phone calls over the past two weeks with the board of forestry. April 29th results speak to exposures to humans in the area and its obviously in the realm of the Public health agencies involved to look at the results and develop a plan for assessing the routes of exposure that contribute to body burns that are seen in the community residents. ATSDR in partnership with Oregon Health Authority are taking the lead in developing comprehensive environmental pathway assessment for the official exposure routes that would include air exposures drifts that would include food pathways water pathways direct contact pathways. They will develop a plan and a strategy for determining the migration of chemicals from the environment into the resident's bodies. In the process of coordinating a number of phone calls with headquarter folks and with ATSDR Oregon Health Authority folks to begin the planning process of the fatigue plan they are developing. Coordinating a call with Dr. Dana Barr next week with his department and the Oregon health authority to learn more about her methodology and the process of her bio monitoring study. There are some concerns being addressed by some about the validity of her results and he wants to get to the bottom of that so there will be assurances that her study is indeed very valid. Dr. Dana Barr comes from National Center for Environmental Health and CDC and Brenau University. Top notch in her area. Will look into some resources they have available and move forward on their exposure investigation.

Questions: Is your plan going to include any additional bio monitoring with resident in the area?

Answer: Will be part of his proposal and will hopefully find the resources to carry this out.

Jae Douglas– they are at the beginning stages of this process and will be meeting with ASTDR and technical folks at Oregon Health Authority and map out the bones of the logic of what the investigation will look like. That will include what kind of media will be sampled. What frequency of sampling may be. What the timing of sampling might be. Will start on that next week.

Dale Mitchell– Will there be any initial specific pesticide use data that you may be requesting prior to your meeting. ODA can gather that info simultaneously as the plan is being developed.

Jae Douglas – Will want application data from the past as well as applications that will be happening now and in the future. PIAO's met yesterday and Christine Stone of the Oregon Health Authority will be sending out talking points to the PARC Board to review. In their desire to respond quickly OHA has put out a little communication about well testing and they need to get back with the people they contacted about testing their wells that it will be a little bit before that is actually done.

Capt. Richard – any data that is made available to ATSDR, they would be available to interpret. If and when they are provided with the biological results from this last round of Dr. Barr's sampling they have some medical doctors that are available to evaluate the results.

Ray Jaiindl– application records are not maintained by ODA or any agency. Individuals that apply, in some circumstances to keep, for example, require them Forestry would be the source for any forest applications. Agriculture and Christmas tree farm applications could be obtained by ODA. ODOT would have right of ways and we would have to request those records from them.

Dale Mitchell - The process of obtaining that type of data is a process that does take some time. If there were commercial operators that have been hired to make applications then that record information would be under request by ODA. If there were private entities that are performing their own applications we would request that information. There may not be a statutory requirement for them to provide that information. If there is county right of way Public applicator's there would be record keeping that may be required under ODA's statutory.

Brad Knots – Forestry has two databases that information can be requested from.

Jae Douglas – What is the geographic area that will be studied??

What must we do to answer the most pressing question?

Driving partly by resources and partly by time and who is involved.

Update from EPA Scott Downey:

No updates on this he does know they are trying to respond to the petition first they have to put together responses to comments. They have been focused on a new national spray policy that has been in the works for several years that is reaching the end of the line and going through some final internal review after a long process of public comment and input. Once he gets a more firm estimation of when they will be able to get back to the petition he will let the board know.

Greg Pettit – What is unique about the triangle lake area that would make exposure different than exposure that may be occurring in other areas. Is that question part of the discussion.

Scott Downey - There has been long standing concerns coming from that area of exposures and now there is some data that looks very probable that verifies that. We will go where the data takes us.

Greg Pettit – I wonder if the assessment will include research questions to address that issue.

Jae Douglas - What are the unique exposure pathways, unique exposure circumstances? We are going to have to parse this into an exposures assessment and that would be what OHA will be looking at and then the next leg would be a health outcome assessment where comparisons between communities would be useful. Are there specific exposure pathways to unique to that community?

Dale Mitchell – During the Board of Forestry meeting information was presented the bio monitoring urine samples confirming that presences of two materials 2,4-D and Atrazine. Since that time Department of forestry informally referred the concern to the PARC process and the member agencies particularly DEQ OHA ODA Department of Forestry have been meeting with in the last week or two (two or three phone conferences) in the formulation of PARC 's response and management of these concerns. That brings us kind of full circle. OHA has been designated as the lead agency in regards to moving the publics concerns, in regards to adverse health. forward with the assistance of the PARC board member agencies. This is how these concerns will be managed here within the state of Oregon. In cooperation with our partners of ATSDR and US EPA. The state lead agencies along with ATSDR and US EPA recognize the importance of addressing these concerns. We take these concerns very seriously and are moving forward with a very well thought out plan to address these concerns.

Classification of Cases:

1. New incidents were provided to member agencies in summary. Incidents were not reviewed during the PARC Board meeting
2. Case Classification were accepted as presented by Dr. Fred Berman and Dr. Daniel Sudakin consultants.

Business:

New Business:

No new business

Public Comment:

Jack Lentsch provided comment on their case classification. Case No. 090062. prepared a very extensive analysis of pesticides in their home and Jack Lentsch provided public comment regarding the classification of his case and the trouble the board has had getting the medical records for him and his wife. He brought complete copies of both of their medical records for us if we need them. It may simplify your jobs if Dr. Sudakin and Dr Berman would collaborated directly with four of their principle doctors. They give their permission. It would be Dr. Lou from OHSU and Dr. LeFrance , Dr Chun and Dr. Barrett. The other comment he has when listing to Dr Sudakin about the importance of looking at the exposure pathway and the relationship of events. He had provided and update to Paul and Justin last week and he was curious if they were able to provide that information to Dr. Sudakin and Dr. Berman? It will be part of the PARC file and both will get a complete copy of the file. He also wants to comment

on when do we sample? and who does the sampling?. They had asked for an analysis to be done over a year after the event had occurred. PARC said no. So they hired a private laboratory to do the analysis. He wants to offer the recommendation that it worked out very well for them It was very inexpensive and a lot less than activating our lab. They laboratories are certified, very prompt the analysis were completed within a week or two. The quality assurance looked good. Whether it will hold up in court he is not sure. He would say that when we get a case reported to us if we are not able to do the analysis at that time is we could tell the people that they can do it themselves and give them a list of certified laboratories. It would have saved a lot of time and frustration if he had known that earlier. His last comment would be if you study pesticide science one of the things that is obvious is that even relatively safe pesticides can be unsafe if they are not properly applied. In his case Dale you know his issue here we have identified 4 violations by the pesticide applicator he has identified 12 additional violations of the label and the statutes and he has never gotten a response back from the department. **Dale** – As the department is wrapping up the case we did receive additional information in regards to interpreting of the label statements so our agency is in the final stages of wrapping this case up. We put out a proposed notice and received a request for an administrative hearing. When that case is closed. It depends on the evidence that our agency has and the defensibility of that and interpreting which violations of the state pesticides control law are actually documented by the evidence. Certainly dale recognizes your interpretation of what violations have occurred and the violations that the agency is able to substantiate through its evidentiary records may differ. That will be addressed at the completion of our case the closing of the case and that is when the final order has been issued.

Day Owen provided comment on a handout he brought, a letter to PARC voted on by the 21 first folks that tested positive for 2,4-D and atrazine. It is kind of important because it includes some test results where you can actually see some amounts and such as that. Let me share first a response to the question from DEQ's regarding whether Triangle Lake is unique. In their petition to the EPA they argue that there is uniqueness and yet there are other places in Oregon that would fit the description. The uniqueness is three factors #1 they are extremely heavily clear-cut and therefore extremely heavily sprayed. #2 we are a residential neighborhood. The epicenter of where you want to study is Triangle Lake the body of water if you go there. # Three is topographical. You can take all those people in your report from highway 36 that Capt. Kaufman reviewed. Plot where they live along highway 36 and the interesting thing is every person that put in a complaint lives at the bottom of a very steep hill that gets sprayed. He wants to give us an update – they have continued there testing. Just two days before April 29th board of forestry meeting we got our initial results from Dr. Barr of the first 21 tested. We are testing dozens more people and will keep doing their own testing and invite you to do your own testing. They also want us to know that the same way industry questions their testing they will also want to investigate any testing we do and want to know the labs we use and the methodology we use. But in regards to the up to date information besides Dr. Barr they have had USDA test the well water at Triangle Lake pool and they got the results two days ago and they found Imazapyr in the drinking water that the kids have been drinking out of the water fountain. We know they have had an amazing cancer cluster at that school for decades. One graduating class of 8 kids had three male members with testicular cancer. 2 died by 21 years old one had to be castrated. They were drinking out of well water. They tested for 500 pesticides and they only found one. Imazapyr was sprayed all the around the school this winter.

Other Speakers:

None

Topics for next meeting:

Next meeting proposed for July 20, 2011