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FQPA and The Consent Decree

FROM: John Wargowsky

On January 19, 2001, the Environmental Protection Agency (EPA) entered into an agreement with the Natural Resources Defense Council to "settle" litigation pending on the Food Quality Protection Act. However, EPA chose to negotiate with only one of the several parties involved in the litigation. The American Farm Bureau Federation, American Crop Protection Association and American Chemistry Council, as well as several animal rights organizations, are also full parties to the case, but EPA chose to ignore these groups and dealt only with the NRDC in crafting the agreement.

The agreement calls for a "Consent Decree" that would impose a court-enforceable schedule for implementation of parts of the FQPA. Deadlines for the assessment of a number of key crop protection products are part of the decree (see list below). A rush to meet these deadlines may jeopardize the future availability of product uses and products. For this schedule to take effect, the judge must agree to the Consent Decree. He has not done so. Before making this decision, the judge decided he will consider the comments of the other parties to the case and all affected parties in general. It is very important that the judge hears directly from the agriculture community and farmers specifically on this important matter.

I am mailing a letter on behalf of the Ohio Fruit Growers Society and Ohio Vegetable and Potato Growers Association membership.

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URGENT ACTION NEEDED

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Ohio fruit and vegetable growers are asked to write letters describing your concerns about this issue

and send it to the EPA by May 14.

Send letters to: U.S. Environmental Protection Agency, OPP Public Regulatory Docket (7502C), Docket for Comments on Proposed Consent Decree and Settlement Agreement - FQPA Implementation, Ariel Rios Building, 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Or e-mail comments to: opp-docket@epa.gov . The EPA will forward the letters to the judge. Please contact John Wargowsky about this letter, contact information below.

Crop Protection Product List

The Consent Decree would impose a court-enforceable schedule for crop protection product safety reviews. In many cases key data will not be available before EPA will be required to make decisions on products, which may result in the use of default assumptions and the loss of products or uses.

The following products have been specifically singled out in the Consent Decree:

- + Phosmet (Imidan) ? 23 crop uses, including: alfalfa, nuts, fruits, corn, cotton, vegs.
- + Azinphos-methyl (Guthion) ? 50 crop uses including: alfalfa, nuts, fruits, vegs., barley, cotton, sugarcane, wheat, soybeans, rye, other
- + Propargite (Omite) ? Uses include: grapes, nectarines, post harvest on cherries, other
- + Chlorpyrifos (Lorsban/Dursban) ? Over 50 crop uses including: alfalfa, nuts, fruits, vegs., figs, mint, sugarcane, wheat, corn, cotton, soybeans, other + Atrazine (Atrazine) ? Herbicide, atrazine is an ingredient in more than 40 pre-mixes, including: Bicep II, Marksman, Reason, Harness Xtra, Guardsman, Buctril + Atrazine, Surpass 100, Bullet, Basis Gold.
- + Carbaryl (Sevin) ? Uses include: alfalfa, oats, barley, pastures, canola, potato, clover, rangelands, corn (field, sweet), rye, forage, grasses, wheat, non-crop areas
- + Benomyl (Benlate) ? Uses include: fruits, vegetables, conifers, nuts, melons, rice, soybeans, wheat, and various seed treatments (this product is being phased out).
- + Endosulfan (Thiodan, Endocide, Beosit, Cyclofan, Malix, Thimul, Thifor)? Uses include: tea, fruits, vegetables and grains, other
- + Lindane (Lindane/Isotox) ? Uses include: fruits, vegetables and for use on livestock, pets, and agricultural premises, other
- + Diazinon (Diazinon) ? Over 60 crop uses including: nuts, fruits, vegs, cotton, other + Metam Sodium (Vapam) ? Uses include: melons, peppers, tomatoes, potatoes, strawberries, nurseries, ornamentals, cut flowers, container plants, forest tree seedlings, citrus, grapes, almonds, artichokes, asparagus, carrots, other

The Consent Decree also specifies that EPA move forward on conducting a cumulative risk assessment on all OPs by the end of this year. To date, EPA does not have sufficient data or information on how to conduct such an assessment. Therefore, the potential loss of uses and products is high. All OPs are potentially effected.

This includes: Acephate (Orthene), Azinphos-methyl (Guthion), Bensulide (Prefar), Chlorethoxyfos (Fortress), Chlorpyrifos (Lorsban/Dursban), Chlorpyrifos-methyl (Reldan), Coumaphos (Co-Ral), Diazinon (Diazinon), Dichlorvos (DDVP), Dicrotophos (Bidrin), Dimethoate (Dimethoate or Cygon), Disulfoton (Terractor or Di-Syston), Ethion (Ethion), Ethoprop (Chipco or Mocap), Ethyl parathion, Fenamiphos (Nemacur), Fenthion (Tiguvon), Fonofos, Isazophos, Isofenphos, Malathion (Malathion or Fyfanon), Methamidophos (Monitor), Methidathion (Supracide), Methyl Parathion (PennCap-M), aled (Dibrom or Ortho), Oxydemeton methyl (Metasystox-R), Phorate (Thimet), Phosmet (Imidan), Phostebupirim (Aztec), Pirimiphos methyl (Exceed), Profenofos (Curacron), Sulfotepp (Plantfume),

Temephos (Abate), Terbufos (Counter), Tetrachlorvinphos (Raban), Tribufos (DEF), Trichlorfon (Neguvon)

**John Wargowsky, Executive Director -
Ohio Fruit & Vegetable Growers, Director,
Business Services - Ohio Farm Bureau Federation,
voice (614) 249-3056
fax (614) 249-2200 -
jwargows@ofbf.org**



Information on the 2001 Main Street Farmer's Market, Mansfield:

Jacki Barnett

Every Saturday from July 7 thru Oct 27, from 8 AM to Noon at the Corner of W Fourth St and Main Street in Downtown Mansfield (across from the Carrousel). Trying to get the word out to vegetable producers that we need some additional vendors because the vendors we had last summer were bought out within the first 2 hours of the market opening every week. We are also looking for herb growers, flower and plant growers, and fruit growers if you can pass any along to us. We sure would be happy to send them so info on the market. Contact Jacki Barnett at 524-2185 or mdbjrb@aol.com.



Crop Reports

Brad Bergefurd, Thom Harker, Hal Kneen

SOUTHEASTRN OHIO

Tomato transplants are looking good, starting to crown out. Flowering and fruiting is observed on some of the larger plants. Starting to put in stakes and trellising should begin by the end of the week. Adult Colorado potato beetles seen in some plants.

Sweet cron planted in early April at the 4-6 leaf stage on bare soil. Clear plastic culture corn at 8-9 leaf stage 12=14 in tall.

Cabbage forming heads. Found imported cabbage worm eating holes and now entering pupa stage. Moderately severe flea beetle damage observed on potatoes along with some Colorado potato beetle damage. First rainfall in two weeks on Tuesday May 8, 0.2 to 0.3 inches. More is need and some areas are very dry. Some tomato fields already being irrigated.

Tour Meigs County Vegetable Farms, this week at the VegNet website. Go to the "Talk Between the Rows" section.

SOUTHWEST OH (From May 3rd)

Growing areas are getting very dry. Some areas have not had rain for about 4 weeks. Growers are considering beginning to irrigate sweet corn plantings on light soils with travelers if it does not rain soon. Trickle irrigation is being run on some early planted cucumbers under low tunnels.

Plastic is being laid for processing and fresh market peppers with processing pepper planting to begin in about 10 days to 2 weeks. Transplanting of muskmelons and watermelons is beginning.

Sweet corn is at 4 true leaf stage. Flea beetle is present on corn and cabbage crops but pressure is low probably due to the high heat. Cucumber beetles are beginning to rear their ugly heads with reports on melon plants in the greenhouse and cucumbers in the field.

Green bean , sweet corn, cabbage, squash, cucumber planting continues. Growers are (and have been for about 3 weeks) harvesting asparagus and harvest of rhubarb began about 2 weeks ago.



Sweet Corn Tour and Workshop - June 19, 4-8 PM

Jim Jasinski and Robert Precheur

Join the OSU Vegetable Team on June 19 when we visit 3 farms in southwest OH that specialize in sweet corn.

About the Program...The Sweet corn Tour will begin at 4 PM on June 19 and end around 8 PM. There will be a series of 3 stops, each providing growers and Ohio State University specialist's a chance to interact through short presentations and question sessions. Each stop will last about an hour before heading to the next stop location. Growers are invited to attend any or all three of the stops. Different topics will be covered at different stops, but there will be some repetition. A list of what topics are to be presented at each location will be available shortly. See the program below for planned topics:

Stop #1 - Fulton's Farm, Troy, Tour begins: 4 PM Location: N of I-70 on S.R. 202, between Tipp-Elizabeth Rd. & S. Childrens Home Rd.

Topics: Weed control - Dr. Doug Doohan; Pheromone trapping - Dr. Celeste Welty; PSNT & tissue testing - Dr. Bob Precheur; Quality Oriented Management - Dr. Matt Kleinhenz

Stop #2 - Brentlinger's Farm, Springfield

Estimated Arrival Time: 5:30 PM. Location: S.R. 4 North, N on Enon Rd., E on Lower Valley Pike.

Note: Cannot be accessed directly from S.R. 4.

Topics: Animal control-Chip Lovell (USDA-APHIS); Gray leaf spot management- Dr. Mac Riedel; Cultural practices-Brad Bergefurd

Stop #3 - DeVoe's Farm, Xenia, Estimated Arrival Time: 7:00PM

Location: S on S.R. 68, E on Waynesville-Jamestown Rd., keep to the left at Hussey Rd., 1st farmhouse on left past Turner Rd.

Topics: Weed control - Dr. Doug Doohan; Pheromone trapping - Dr. Celeste Welty; PSNT & tissue testing - Dr. Bob Precheur; Quality Oriented Management - Dr. Matt Kleinhenz

There is no pre-registration required and there is no fee to attend. OSU VegTeam will supply liquid refreshments.

A brochure with maps and directions is now available. Also, you can go to the VegNet homepage to get the same information. Just click on the sweet corn icon on the homepage at: <http://www.ag.ohio-state.edu/~vegnet>

For hard copies of the brochure and further information contact Jim Jasinski, 937-454-5002, jasinski.4@osu.edu or Bob Precheur, 614-292-3857. precheur.1@osu.edu



What's New At The VegNet Web Site

- [Online Edition of the 2001 Ohio Vegetable Production Guide - Now Available](#)

- **Sweet Corn Disease Resistance Ratings**

The following are summarized lists of Dr. Pataky's work at the Univ. of IL on disease reactions of sweet corn. In these summaries, all experimental and processing varieties have been removed and only named varieties which were rated for common rust or MDM are included. The first list are those named varieties rated for common rust. The second list are only those named varieties rated for Maize Dwarf Mosaic virus (MDM). For a complete report, E-mail: Bob Precheur: precheur.1@osu.edu

[Common Rust of Sweet Corn](#)

[MDM of Sweet Corn](#)

- **Do You Know Us?**

Find out what we've been up to. The OSU Vegetable Team Report is available in PDF file format for downloading from the VegNet homepage.

- **Sources of Pheromone Traps Used in Vegetable Pest Management.**

Do you need to find traps, lures or suppliers, click on the Vegetable IPM button on the left side of the homepage, then click on the 'Sources' document in the Vegetable IPM section.

- **IR-4 News**

Also in the Vegetable IPM section, you can link to the IR-4 website. Read the results of the 2000 food use workshop, monthly and quarterly newsletters. Find out the latest on pesticide registrations for minor crops. Learn about biopesticides plus much more. Click on the Vegetable IPM button on the VegNet homepage and then click on the IR4 link in the Vegetable IPM section.



[Return to Vegetable Crops Homepage | Ohio State](#)

[University Extension](#)

We appreciate very much the financial support for this series of vegetable reports which we have received from the board of growers responsible for the Ohio Vegetable and Small Fruit research and Development Program. This is an example of use of Funds from the "Assessment Program".

Where trade names are used, no discrimination is intended and no endorsement by Ohio State University Extension is implied. Although every attempt is made to produce information that is complete, timely and accurate, the pesticide user bears the responsibility of consulting the pesticide label and adhering to those directions.

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