

*ODA completes investigations, issues enforcement actions*

## **Bumblebee incidents result in pesticide violations**

**December 19, 2013...** The Oregon Department of Agriculture has completed its investigations into four separate incidents that resulted in bumblebee deaths this summer in Wilsonville, Hillsboro, West Linn, and downtown Portland. Investigations performed by ODA's Pesticides Program centered on the use of pesticide products containing two active ingredients, dinotefuran and imidacloprid. ODA's findings identified violations of the Oregon Pesticide Control Law.

ODA has issued six civil penalties totaling \$2,886 in connection with the incidents. Oregon's Pesticide Control Law establishes specific criteria to determine the dollar amount of civil penalties ODA can impose. Individuals receiving enforcement actions from ODA can contest the notice through an administrative hearing.

Three civil penalties being issued are connected to the largest of the bumblebee incidents, which took place in Wilsonville in June. In that incident, an estimated 50,000 bumblebees died following the application of dinotefuran on European linden trees. The other three civil penalties are connected to a smaller bumblebee incident on a landscaped business property in downtown Portland following the application of a pesticide product containing imidacloprid, also on linden trees.

For its role in the Wilsonville incident, Collier Arbor Care of Clackamas, a licensed commercial pesticide operator, has been issued a civil penalty in the amount of \$555 for performing a pesticide application in a faulty, careless, or negligent manner. The pesticide applicators in the incident, Mark McMullen of Beaverton and Sean Rinault of Woodburn, were each issued civil penalties also in the amount of \$555. ODA's investigation determined that the linden trees were clearly in bloom at the time of the pesticide applications. The product label states that the pesticide is known to be hazardous to bees when applied onto flowering trees in bloom and should not be used under those conditions.

Collier Arbor Care has also been issued a civil penalty in the amount of \$407 for applying a pesticide product inconsistent with its labeling in connection to the downtown Portland incident. ODA's investigation determined that the application rate of the pesticide product was in violation of the label instructions. The pesticide applicators in the incident, Rinault and Ray Duval of Estacada, were each issued civil penalties also in the amount of \$407.

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ODA also investigated bumblebee incidents in Hillsboro and at the Oregon Golf Club in West Linn. ODA has issued notices of violation to Collier Arbor Care for incomplete pesticide application records and employing a pesticide applicator that did not have the appropriate license. The applicator, Cirrus Striedieck of Portland, has also received a notice of violation. These notices are connected to the incidents in Wilsonville and at the Oregon Golf Club. No monetary fine is associated with these notices. However, the violations remain on the operator's and applicator's enforcement record for three years.

ODA found no evidence of wrongdoing in the Hillsboro incident.

In addition to enforcement action, ODA has taken several measures to protect bumblebees and other pollinators from exposure to pesticide products containing dinotefuran and imidacloprid, the two active ingredients implicated in the bumblebee deaths.

The temporary rule adopted by ODA in June that restricted use of 18 pesticide products containing dinotefuran expires December 24. In its place, ODA has adopted permanent restrictions on the use of certain pesticide products containing dinotefuran and imidacloprid. As a condition of annual registration for 2014, ODA is requiring an Oregon-specific label statement on dinotefuran and imidacloprid products for use on plants. Labels on these products being distributed into Oregon beginning January 1, 2014 will prohibit the application on linden, basswood, or Tilia species. It appears the tree species' natural toxicity to bumblebees in combination with the pesticide contributed to the bumblebee deaths.

ODA is also expanding its educational efforts on pollinator protection to licensed pesticide applicators and the general public. For applicators, additional emphasis on pollinator protection will be included in the required testing and re-certification process to become licensed. Outreach to the general public will include information on ODA's website as well as brochures and other materials distributed through master gardener programs and retail outlets.

In addition, ODA Director Katy Coba sent a letter last month to the US Environmental Protection Agency (EPA) requesting additional evaluation of these pesticide active ingredients and other neonicotinoids to determine if use limitations on a national basis should be considered.

ODA's pollinator incident web page can be found at  
<<http://www.oregon.gov/ODA/PEST/Pages/Pollinator.aspx>>

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