WSDA Update Grayland Ditch 2012

- WSDA Surface Water Monitoring
- WSDA Proposed Rules Moving Forward
Monitoring 2012

The goal is two-fold:

1) Establish a good baseline data set by which to assess the effectiveness of mandatory BMP’s

2) Provide high quality, third party data to assess whether the Grayland Ditch system should remain on Ecology’s 303(d) list for impacted water bodies

- Weekly sampling April to July
- 6-8 samples along the ditch – sites tbd
- Only Lorsban and Diazinon
Monitoring 2012

• Monitoring will be conducted by WSDA through the Natural Resource Assessment Section

• WSDA has worked extensively with officials from the Drainage District and the Cranberry Growers Association in developing this monitoring program

• WSDA will coordinate with Ecology to ensure that the data collected will be considered valid to address the 303(d) listing issues
Rule making 2013/2014

• Just for Grayland ditch area (not Long Beach or North Beach)

• Makes Diazinon and Lorsban restricted use (must have a pesticide applicator license and the purchase and use of must be recorded)

• It will be a violation to apply these two chemistries on a farm without ditch cribbing and covering, or sub-surface drains
Rule making 2013/2014

• Ditch protection requirements same as NRCS Standards and BMPs in place for Years

• Also, If you farm in Grayland you are in violation if you get Diazinon or Lorsban in open water (ditch or sump).

❖ This is true everywhere with all pesticides – it’s not legal to put pesticides into any water body if it is connected to waters of the state
Rule making 2013/2014

• Enforced By WSDA Pesticide Management Compliance

• First Restrictive Use For Insecticides And For A Specific Water Body In Western Wa.

  ❖ Quite A Few Statewide And Eastern WA Herbicide Restricted Use Rules

  ❖ Some Pollinator Protection Restricted Use Rules And

  ❖ Aquatic Uses Are Restricted Use Across The State
Implementation- Process

• 2012-2014 and beyond as needed – Technical Assistance Available To Educate Growers On Requirements

• 2013-2014 and beyond as needed – Field Technical Assistance And Outreach To Gain Voluntary Compliance

• 2013 Or 2014 – Likely Implementation Of Rule

• Talk To Board Members If You Have Concerns Regarding Rule
Possible Enforcement Scenarios

- WSDA may sample Grayland ditches for Diazinon & Lorsban in subsequent years
- Complaints may come in informing WSDA of lack of compliance – i.e. growers not cribbing and covering
- WSDA may conduct surveillance in Grayland and ask for Pesticide Records to determine who is still using Diazinon and Lorsban
- Detections of Lorsban and Diazinon in water may trigger enforcement action
- Enforcement Action Includes
Enforcement Process

• Full Investigation
  – Sampling, Records, Testimony, Photos

• Chlorpyrifos and/or Diazinon Residues in Water after Implementation
  – May result in Notice of Correction
  – Or if Adverse Effects Likely Could Result in
    • Fines and/or License Suspension { WAC 16-228-1130}
  – Ecology Could Become Involved
  – Could Adversely Affect Cranberry Industry
  – Could Adversely Affect Grayland Area and Farming in WA
WSDA Civil Penalty/ Enforcement – Actions

- **1st Time Violations** w/ more than minor environmental harm could result in
  - Fines from $350 w/ 5 day license suspension/violation
  - To $550 w/ 9 day license suspension/violation
- Can be **multiple violations** in one application
  - Applying a Pesticide in a Way that Pollutes a Waterway
  - Applying Restricted Use Pesticide Without a License
  - Applying a Pesticide Contrary to Label
  - Not Keeping Complete Records, and so on.

- **2nd Time Violations** (ie. 2nd year in a row or twice in 3 yrs)
  - Fines from $600 w/ 10 day license suspension/violation
  - To $2000 w/ 20 day license suspension/violation

- **WSDA fines** can be up to $7500/violation, but rare

- Does not include any possible **Ecology** action