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CHEMOGRAM

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Complying with the Americans with Disabilities Act

adapted by Don L. Rennie, Ph.D.

How Reasonable is Reasonable Accommodation? The American's with Disabilities Act (ADA) is a far reaching piece of legislation that can turn an Extension session into a costly affair if proper planning is not done. Recently one of your teammates had to handle a *How Reasonable is Reasonable Accommodation?* situation. A customer with a hearing impairment wanted to get his private applicators license, but couldn't hear the tapes very well. Did he need headphones, or a sign language interpreter? Before we could answer the question, we first had to know the extent of the person's disability.

The Texas Agricultural Extension Service is committed to the provisions of the ADA that became law on July 26, 1992. ADA focuses on integrating disabled individuals into the mainstream of society, both in employment and participation in programs and services. Its purposes are to assure equality of opportunity, full participation, independent living and economic self-sufficiency for disabled individuals. A thorough discussion with Dr. Bill Braden, Assistant to the Agency Director, resulted in the following observation and guidelines for effective program planning:

- State and local governments as well as private entities must ensure that individuals with disabilities are not excluded from services, programs and activities.
- Programs and services must be provided in an integrated setting unless separate or different measures are necessary to ensure equal opportunity.
- Reasonable modifications must be made in policies, practices and procedures that deny equal access to disabled individuals unless a

fundamental alteration in the program would result.

- Auxiliary aids and services must be provided to disabled individuals unless an undue financial burden or fundamental alteration would result. Such aids and services include qualified interpreters, assistive listening devices, note takers, television captioning and decoders, telecommunication devices for deaf persons (TDDs), Videotext displays, readers, taped texts, brailled materials and large print materials.
- Disabled individuals may not be charged extra to cover the costs of measures necessary to ensure nondiscriminatory treatment, such as costs involving program changes, special equipment or hiring interpreters.
- All programs shall be operated so that, when viewed in their entirety, they are readily accessible to and usable by disabled individuals.
- Buildings or meeting locations must be accessible to disabled individuals. If this is not achievable, alternatives might include providing an aide or personal assistant to enable a disabled individual to obtain the service or providing benefits or services at an individual's home or at an alternative accessible site.
- Actions need not be taken regarding accessibility that would result in a fundamental alteration in the nature of the service, program or activity or in undue financial and administrative burdens.
- A disabled individual is not required to accept a special accommodation or benefit if the individual chooses not to do so.
- The first step to determine the best aid or service is to ask the disabled individual what he or she would prefer. What aid or service does the individual use in other life activities? The law specifically states that you do not have to provide the person's preference; however, you do have to provide an aid or service that meets the requirements.
- Provide educational materials and services for disabled individuals that make the best use of their learning abilities, such as note taking and

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visual materials for the deaf and hearing impaired and tapes and recordings for the blind and sight impaired.

- A general statement on accessibility should be included on all program announcements so that arrangements can be made for anyone needing special accommodations. An example of such a statement follows:

"We seek to provide reasonable accommodations for all individuals with disabilities for this program. Please contact the (name) County Extension Office at (phone number) no later than (date)."

For additional questions, contact Dr. Bill Braden at (409) 845-7808.

Pesticide Use Recordkeeping

adapted from *Chemically Speaking* April 1999

Why am I being inspected? is a question often asked by growers. The answer is because it is a national requirement. The USDA's Agricultural Marketing Service (AMS) has entered into a cooperative agreement with the Texas Department of Agricultural (TDA) to monitor certified private applicators' restricted-use pesticide records. This includes section (18) registrations which are restricted use by definition. When a grower receives a "visit", the inspector will review the restricted-use pesticide application records and provide compliance assistance. A set number of randomly selected applicators are being visited in Texas to determine the level of compliance with the law. The TDA inspector will complete an inspection sheet. One copy is provided to the applicator and the others are forwarded to TDA and AMS.

From where did pesticide use recordkeeping come? Section 1491 of the 1990 Farm Bill required that all pesticide applicators keep records of their use of federally restricted-use pesticides. Changes to "Recordkeeping Requirements for Certified Applicators of Federally Restricted-Use Pesticides" became effective May 11, 1995. Similarly, TDA, under the authority of Texas Pesticide Law, requires private applicators to maintain records relating to the application of all

restricted use and state limited use pesticides. These requirements are unrelated to the Worker Protection Standard requirements that provide specific information to agricultural workers and pesticide handlers about applications made to fields, forests, greenhouses and nurseries to meet immediate personal protection information needs.

Crop Profiles

adapted from *Chemically Speaking*, April 1999

The Food Quality Protection Act (FQPA) requires the USDA and EPA to reassess all existing pesticide tolerances. EPA must do dietary and exposure risk assessments as a part of the tolerance reassessment process and needs information. Since some pesticides or pesticide uses may be lost due to FQPA, it is important to identify key pest problems on crops and to document what pesticides are used for their control. FQPA has added a new dimension to a continuing need for accurate pesticide use information.

The USDA and State Land Grant Institutions are cooperating to develop "crop profiles" that are condensed production stories of an individual agricultural commodity for a state or for a region. A crop profile includes basic production statistics (acres produced in the state, production value, state ranking in U.S. production, etc.); typical cultural practices for the crop (how it is grown, i.e., soil types, irrigation practices, planting and harvesting techniques, etc.); insect/mite, weed, nematode, and disease damage/problems; a review of typical control measures (chemicals used, method of application, percent of acreage treated, typical number of applications, application rates, timing, pre-harvest intervals, reentry intervals, etc.); and more.

Crop Profiles help USDA/EPA to:

- Evaluate and review EPA risk assessments, Reregistration Eligibility Documents (REDs), proposed risk mitigation/management measures, and proposed label.
- Identify critical pest management need, including the importance of individual pesticides to both IPM and Resistance Management Programs,

- Provide information for developing risk mitigation/management plans, transition strategies, possible phase-out times, and future research needs should cancellation of critical pesticides occur;
- Develop for state and USDA use an encyclopedia of crop production information for most of the crops produced in the U.S.
- Identify crop production experts that can be quickly and easily identified from crop profiles and consulted as needed.

Crop Profiles provide EPA with:

- Typical pesticide use and usage data that can replace default assumptions often used in the risk assessments. This information can also be used in risk assessment refinement;
- A background of production information that can be used in a *commodity approach* to implementing FQPA;
- Information on IPM and Resistance Management Programs, and identification of biological control agents and strategies; and
- A sound basis upon which EPA can develop risk mitigation/management plans.

Where Can I See Completed Profiles?

Scores of crop profiles are currently underway nationwide. Instructions for developing a crop profile can be found at < <http://pestdata.ncsu.edu/CropProfiles/instructions.html> >. Lists of profiles in progress and profiles that are completed are available on the National Agricultural Pesticide Impact Assessment Program web site, < <http://ipmwww.ncsu.edu/opmppiap/subcrp.htm> >.

**Farm Bureau Predicts Problems if
OPs and Carbamates Banned**
Pesticide Report Vol. 2 No. 23

The American Farm Bureau Federation released a report May 11 on Capitol Hill predicting catastrophic effects for the farming industry if EPA bans all organophosphates and carbamates. EPA officials have publicly stated that such a scenario is "highly unlikely".

The report was based on a study, "Impacts of Eliminating Organophosphates and Carbamates from Crop Production," written by Ronald

Knutson and Edward Smith of Texas A&M University's Agricultural and Food Policy Center.

The statement about it by the Farm Bureau says that "The domestic elimination of two effective and commonly used groups of pest-fighting crop protectants would bolster foreign food producers while hurting America's consumers and farmers."

The Environmental Working Group, responding to the Farm Bureau study, said the group was "over exaggerating," and "Playing Chicken Little about pesticide controls" with its report.

One of the statistics contained in the Texas A&M study said that consumers could pay up to \$8.60 more in their annual food bills if OPs and carbamates are banned. EWG President Ken Cook sent a check for \$8.60 to AFBF President Dean Kleckner, which cook said was for "covering your household's cost from a ban on all OP and carbamate pesticides."

Specifically, report authors Knutson and Smith said results of eliminating OPs and carbamates would be:

- reduced yields and product quality with regionally different effects;
- more variable yields and prices;
- increased production costs and an increased transition to fewer but larger farms that are better able to cope with greater risk;
- increased food prices, the burden of which would have a greater effect on low income families;
- reduced exports and the potential loss of the U.S.'s competitive advantage in certain crops;
- increased imports of fruits and vegetables.

IR4

Agrichemical Insider Vol. II, (No. 2)

The Directors of State Agricultural Experiment Stations worked with the USDA to organize Inter-regional Research Project No. 4 (IR-4) in 1963 to address the lack of available pest control products for minor uses. Since that time, the Program has expanded in scope and size.

1963 Establishment of IR-4
1975 Regional Leader laboratories established (Michigan State University, Cornell University, University of Florida, University of California-Davis)
1976 USDA-ARS established minor use program
1977 Scope expands to cover nursery and floral crops, forest seedlings, turfgrass, Christmas trees, and woody nursery stock
1982 Scope expands to cover registration of biological pest control agents
1989 Good Laboratory Practice (GLP) program established (in response to 1988 FIFRA Amendments)
1993 Quality Assurance Unit initiated with SOPs and GLP guidelines and training. Field data notebooks started
1997 Food Quality Protection Act Reduced Risk Strategy
1998 The "NEW IR-4"

In 1998, IR-4 conducted 163 studies supported by 609 field trials. Pesticide performance trials were conducted on 17 field trials. The 1999 research agenda was finalized by the IR-4 Regional, ARS and Headquarters, coordinators in October 1998. A total of 606 field trials are currently scheduled for 1999 to support 136 studies.

The purpose of IR-4 was and is to work with farmers, agricultural groups, scientists and extension to facilitate the regulatory clearance with the EPA for specific pesticide uses needed by minor food and ornamental crop producers. The program has grown over the years and now includes the clearance of biological pest control agents such as microbials, biochemicals and new technology such as genetically modified organisms that can be important to IPM programs on minor crops. IR-4 carries out the research needed for the registration of pest control products on minor crops. In most cases, IR-4 prepares and submits data to the EPA to request tolerances or exemptions for pest control products on minor crops.

IR-4 receives funds from both USDA-Cooperative State Research, Education and Extension Service and USDA-Agricultural Research Service. The budget for FY 1998/1999 is approximately \$12.39 million. \$8.99 million is from USDA-CSREES, \$2.10 million from USDA-

ARS, \$500,000 from Federal Hatch funds and \$800,000 from the private sector.

Cooperating scientists, mainly state and federal agricultural researchers and state extension personnel, carry out field trials to develop crop safety data and to collect residue samples. These samples are analyzed in IR-4 laboratories located at state agricultural experiment stations and federal analytical laboratories. The Program is coordinated from the Headquarters at the New Jersey Agricultural Experiment Station in New Brunswick, NJ.

During its 35-year history, IR-4 has developed data and has supported some 4,745 food uses and 5,142 ornamental registrations for minor crops in the United States and 50 biopesticide registrations on 107 crops.

Some Interesting Sites

Link to useful sites
<http://www4.linknet.net/>

Exttoxnet - Ag Chemical Information
<http://ace.orst.edu/info/exttoxnet/>

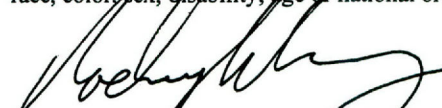
Ag Chemical Information
<http://www-aes.tamu.edu/ag/ag.htm>

Weather
<http://www.intellicast.com/weather/iah/radarloop/>

Texas Department of Agriculture
<http://www.agr.state.tx.us/>

Chemogram is an internal Extension newsletter produced quarterly by the Agricultural and Environmental Safety unit. For more pesticide-related information, check our web site at www-aes.tamu.edu or contact us at 409-845-1099 or fax 409-845-6251.

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