

FINAL MINUTES

Pesticide Control Board
Oliver Hill Building, Richmond, VA
April 21, 2011

The Pesticide Control Board (Board) met at 9:00 a.m. at the Oliver W. Hill Building, Richmond, VA. Presiding members were Richard Nunnally, Acting Chairman and Liza Fleeson, Executive Secretary.

The following Board members were present: Dr. George Brown; Dr. Penelope Fenner-Crisp; Richard Nunnally; Robin Rinaca; Liz White; Joe Wilson; Dr. Wondi Mersie (represented by Dr. Asmare Atalay); and Dr. Alan Grant (represented by Dr. Michael Weaver).

The following Board members were absent: Dr. William Boshier, Jr.; Carl Garrison, III; Mark Tubbs.

The following staff members were present: ; Sandy Adams; Andres Alvarez; Liza Fleeson; Douglas Edwards; Micah Raub; Vickie Rengers; Jeffrey Rogers; Keith Tignor; Larry Nichols; Elaine Lidholm and Rhonda Bates.

Others present: Laurie Coulter, VA Crop Production; Bucky Kennedy, Southern Crop Production Association; John Horsley, Terminix; David Stover, East Richmond Beekeepers Association; Edwin Ingram and Dr. Iain Kelly, Bayer Crop Science; Tom Tracy, VA Turfgrass Council; Wayne Surles, WS Associates; Dr. Rick Fell, Dr. Troy Anderson and Susan Terwilliger, VA Tech.

CALL TO ORDER

Mr. Nunnally called the meeting to order.

DETERMINATION OF A QUORUM

Mr. Nunnally announced that a quorum was present.

PUBLIC COMMENT

None.

APPROVAL OF MINUTES

Ms. White moved to adopt the minutes of the January 20, 2011, Board meeting. Dr. Brown seconded. The motion carried unanimously.

COLONY COLLAPSE DISORDER AND THE STATUS OF HONEY BEES IN VIRGINIA

Professor Emeritus Dr. Richard Fell, accompanied by Assistant Professor Dr. Troy Anderson, both with the Department of Entomology at Virginia Tech, presented information to the Board related to Colony Collapse Disorder and the current status of

honey bees in the Commonwealth. Dr. Fell reported that honey bee populations have declined significantly in the U.S. in recent years. In Virginia, the number of managed colonies is down over 50% since the mid 1980's. Large bee population declines were initially due to parasitic mite introduction, but recent declines have been attributed to Colony Collapse Disorder (CCD) – the sudden loss of a colony's population. Dr. Fell noted that there is no single, specific cause of CCD. Several potential causes are being examined such as chemical/pesticide residues; parasitic mites; pathogens or viral diseases; and colony stress. The media and a lot of beekeepers have placed pesticides, particularly neonicotinoids, at the top of the list of possible CCD causes. Dr. Fells said that neonicotinoid insecticides have a higher toxicity to insects than mammals because they work on the neonicotinic pathways. This has caused them to be considered a leading cause of CCD. According to Dr. Fells, there is no research or data to support such claim. He further noted that there are a lot of other insecticides which are highly toxic to bees. Neonicotinoids have been used as seed treatments in corn, canola, sunflower, soybeans, etc. Bee exposure to neonicotinoids can occur as the pesticide is translocated throughout the plant and into nectar or pollen. Bees may also be exposed to guttation drops of young seedlings. There is a lot conflicting evidence as to the effects of pesticides on bees. Potential sub-lethal effects of exposure are primarily behavioral and may impact orientation, memory and foraging. Additionally, some pesticides may act in synergy with pathogens to cause more serious issues. Chemical analyses of residues in bee hive materials reveal that pesticides are being found in beeswax and pollen samples. The two most common residues are from the miticides used by beekeeper to control parasitic mites. Sub-lethal doses of these miticides have been shown to impact bee reproduction, larval development, life spans, behavior and immune responses. Less than 1% of wax samples and less than 3% of pollen samples contained neonicotinoid pesticides although Dr. Fell added some studies indicate the percentages may be higher. Dr. Fell concluded that currently they have no knowledge of pesticide residues in honey bee colonies in Virginia, particularly with regard to the chemical compounds or the concentration levels and as a result, they cannot determine the impact of pesticides on bee health in the state. Research needs to be done to determine how current management practices may be impacted by pesticide residues and how pesticide residues interact. For instance, researchers have found an increase in pesticide toxicity after treatment with antibiotics. Dr. Fell stated that he and his colleagues are trying to initiate a program to answer some of the questions raised starting with a survey of honey bee colonies in Virginia; looking at how the various materials impact colony health; and examine bacterial regulation of pesticide toxicity.

Dr. Fell presented to the Board a preliminary proposal in the amount of \$60,000 for a two-year project entitled *Impact of Pesticides on Honey Bee Colonies in Virginia*. He stated that the summer season is their main research season. Given this research project is time sensitive, Ms. Rinaca moved to approve up to \$30,000 for the first year of

study pending staff approval of the proposal. Mr. Wilson seconded. The motion carried unanimously.

PROJECT COMMITTEE – WEB SITE

Ms. Fleeson provided an update on the proposal to develop the Pesticide Control Board Web site. The proposal has been approved by VDACS. Staff will meet with Virginia Interactive project manager next week and present the actual web site at the July meeting.

SOIL APPLIED TERMITICIDES – RESULTS OF REQUEST FOR RESIDUE DATA

Mr. Edwards and Mr. Raub presented the results of a request staff submitted to certain pesticide registrants for residue data in soil applied termiticides. Mr. Edwards reminded Board members that the goal of the termiticide residue project was to establish specific soil residue levels that could be used for action points for compliance decisions for all soil applied termiticides and which would be scientifically and legally defensible. These actions points could be used to determine if a termiticide was applied correctly within 180 days from the initial treatment. The existing residue standards adopted by the Board for a number of products were developed by the Association of Structural Pesticide Control Regulatory Officials (ASPCRO). Cypermethrin is the only one of those products still in common use. There are not any standards for the other products registered in Virginia – bifenthrin, chlorfenapyr, chlorantraniliprole, fipronil or imidacloprid. In April and July 2009, staff presented to the Board the need for residue standards; and in July 2009, the Board directed staff to obtain soil residue data from registrants. After reviewing the data received from registrants, staff recommended that it should not use the data as action points for enforcement purposes. A large number of registrants have not developed their own soil residue data but instead rely on a pioneer registrant's data for registration. Staff recommended that the Board consider doing independent soil residue studies. After discussion the Board determined that due to the costs of such studies the agency should continue to enforce standards based on the presence or absence of the termiticide in soil samples unless there was an existing standard.

PETITIONS FOR RULEMAKING

Ms. Fleeson presented two petitions for rulemaking to the Board. The first petition asked to exempt gypsy moth trappers working under the auspices of VDACS from having to hold or obtain pesticide applicator or registered technician certification. The petition was published and the 21-day comment period will close on May 16. The second petition asked for exemption for cotton boll weevil trappers working under the auspices of VDACS from having to hold or obtain a pesticide application or a registered technician certification. The petition was published and the 21-day comment period will close May 30. At the July meeting the Board will grant or deny each petition for rulemaking. Ms. Fleeson introduced Larry Nichols, Program Manager of the Office of

Plant Industry Services, who demonstrated the steps that gypsy moth and cotton boll weevil trappers go through to assemble the respective traps.

COMPLIANCE ACTIVITIES FOR THE QUARTER

Mr. Edwards provided a summary of enforcement activities for the quarter.

Ms. Rinaca, PCB Enforcement Committee, presented one case to the Board for approval. In case 37219 involving Presto Pest Control, Inc., Dr. Brown moved to accept the hearing officer's recommendation to reduce the \$33,400 civil penalty to \$26,280. Ms. White seconded. The motion carried; two opposed.

STATUS OF PESTICIDE APPLICATOR SAFETY TRAINING PROGRAM

Dr. Weaver and Susan Terwilliger provided updates on the pesticide applicator training and manual development. Dr. Weaver reported that the USDA/EPA Pesticide Applicator Training (PAT) funds to state Extension services were restored a few years ago to FY00 funding levels. FY10 funds were released in September and Virginia's PAT allocation was reduced from \$28,695 last year to \$22,771 for the coming federal FY. He stated that this reduction jeopardizes a key position in his staff. There is a good chance that these funds will be cut entirely for the next fiscal year. Dr. Weaver reported on a marked increase in web access and that the online course has seen significant increase in users. He said that as a result of a request from VCU's grounds manager, VA Tech is working to adopt "IPM Elements for Turf" for higher education grounds management. The plan is to organize a statewide/regional consortium so that grounds managers can work under a set of standard best management practices for IPM.

Ms. Terwilliger reported that four manuals were reprinted this quarter; several were completed with validated exams; and four manuals were in progress. She mentioned that due to steeply rising shipping and storage cost, the fee for training manuals has increased by \$2 to offset overhead cost; shipping and handling may increase as well. In the future, they will offer the option to pay by credit card when purchasing online.

EXECUTIVE SECRETARY'S REPORT

Ms. Fleeson updated the Board on personnel issues in OPS. Regarding regulatory actions she reported that the Board withdrew its original Notice of Intended Regulatory Action (NOIRA) for the Container/Containment Regulation and reissued a new one which has gone through the Secretary's review and is currently awaiting comments through April 27. The Board was provided with an overview of the EPA's Petition for Bilingual Pesticide Labels and the call for comments. The Agency will be providing comments and the Board indicated their desire to have joint comments submitted. Ms. Fleeson gave updates on special projects:

The soil fumigation outreach and education program addressed a series of changes to soil fumigation labeling. Five separate training sessions were held to ensure compliance and those sessions will be repeated in 2011-12.

A full report on the IPM in Schools Training project conducted by Dr. Dini Miller will be presented at the October meeting.

Six forums have been held for the Bed Bug Outreach and Education project.

COMMISSIONER'S REPORT

Deputy Commissioner Adams reported that the General Assembly session is over and VDACS fared well. One million dollars was added to VDACS' budget for farmland preservation efforts and two positions were added for the Ag stewardship program.

CHAIRMAN'S REPORT

Mr. Nunnally informed the Board of two invitations for away meetings in July. The VA Crop Production Association invited the Board to tour an active retail outlet facility that blends specialty fertilizers and pesticide formulations in Aylett, VA. VA Tech extended an invitation to tour their campus, various labs and farms, and observe demonstrations. Mr. Wilson moved to accept the VA Crop Production Association's invitation. Ms. White seconded. Motion carried.

The Board unanimously agreed to recognize Linda Faye Wallace for her service to the Board.

ADJOURNMENT

Meeting adjourned at 11:32 a.m.

(For further detail, an audio recording of the meeting is on file at VDACS and can be accessed by calling 804.225-2223.)