

FINAL MINUTES
Pesticide Control Board Meeting
Richmond, Virginia
July 21, 2005

The Pesticide Control Board meeting was held at 9:00 a.m. in the Washington Building, Richmond, VA, Donald Fritz, Chairman, being in the chair, and the Secretary being present.

The following Board members were present: Dr. William Boshier; Dr. George Brown; Ruth Brown; Donald Fritz; Carl Garrison, III; Ernest Morse; Mark Tubbs; Liz White; and Joe Wilson. The following Board members were absent: Robin Rinaca; Dr. Sharron Quisenberry (represented by Dr. Michael Weaver); and Dr. Lorenza Lyons (represented by Dr. Asmare Atalay).

The following staff members were present: Andres Alvarez; Dr. Wayne Surles; J. Carlton Courter, III; Don Blankenship; Robert Bailey; Kathy Dictor; Marshall Trammell; Joe Dictor; Vickie Rengers; Elaine Lidholm; and Rhonda Bates.

Others present: Billy Walls, Consultant; Laurie Coulter, Dow AgroSciences; Frank Gasperini, RISE; Tom Tracy, VA Turf Council; Brock Herzberg, VA Farm Bureau; David Boose, VPMA; Gary Forrest, Forrest Exterminating Service; Lin Diacont, VGIC; Jimmy Ward, Buster Beier, Angela Phillips, Jeff Phillips, Joedy Sheets, Blox Daugherty, VACPA; and Susan Nessler, VA Tech.

CALL TO ORDER

Chairman Fritz called the meeting to order.

DETERMINATION OF A QUORUM

Chairman Fritz announced that a quorum was present.

PUBLIC COMMENT PERIOD

Joedy Sheets, representing VA Crop Production Association, commented on how the decisions made by the Board affects their entire customer base. Laurie Coulter, speaking on behalf of Jim Oliver of the VA Crop Production Association, thanked the Board for reopening the regulatory public comment period on the proposed changes to the regulations governing licensing of pesticide businesses (2 VAC 20-40). David Boose, representing VA Pest Management Association, commended the Board for appointing the Termite Task Force to study alleged fraud in soil termite pretreatments. Tom Tracy, VA Turfgrass Council, addressed the recordkeeping requirements for pesticide businesses asking that appropriate forms are made accessible.

APPROVAL OF MINUTES

Dr. Brown moved to adopt the minutes of the April 21, 2005 Board meeting. Mr. Morse seconded. The motion carried unanimously.

REGULATORY UPDATES

Marshall Trammell provided a brief overview of the regulations undergoing amendments: 2 VAC 20-20, *Enforcement of VA Pesticide Law* and 2 VAC 20-25, *Registration of Pesticide Products in VA*; 2 VAC 20-51, *Pesticide Applicator Certification*; and 2 VAC 20-40, *Licensing of Pesticide Businesses*. He directed the Board's attention to handouts detailing the status of each of the regulations.

DEVELOPMENT OF WEB SITE INFORMATION ON DRIFT CONTROL

Dr. Surles referenced Mr. Couzens' concern about pesticide applications adjacent to schools and noted that Mr. Couzens' submitted a proposal related to best management practices associated with drift control for consideration by the Board. Dr. Surles directed the Board to their copy of that proposal, noting that these points will be considered for incorporation in the literature he and Dr. Weaver will provide.

Dr. Weaver then commented that for the last fifteen years, an extensive drift education program has been in place in nearly every county in Virginia. The drift education program is offered through the cooperative extension and is funded by the Pesticide Control Board. He proceeded to give the Board a tour of the drift control web pages located on the VA Tech Pesticide Programs web site. When done, Mr. Wilson commended Dr. Weaver on the scope of the material presented, and suggested reducing the pertinent facts to a one-page best management practices for application of pesticides adjacent to school areas informational sheet for ready reference. Chairman Fritz further added that maybe industry could provide a drift informational sheet to their customers.

TERMITICIDE PRE-TREATMENT TASK FORCE UPDATE

Kathy Dictor reported on the progress made by the Termite Task Force, an ad-hoc committee appointed by the Pesticide Control Board to study alleged fraud during treatment of the ground in a construction as a barrier against termites. The task force found that other state programs agree that there is widespread misapplication of termiticides throughout the country and in Virginia. Two components contributing to this are a lack of knowledge on the part of the applicators as to what constitutes a valid treatment within the label; and for the contractors, builders and consumers, what is the true cost of doing a valid treatment. Ultimately, consumers' homes aren't being protected. The task force recommended education and enforcement as two approaches to this issue, and if necessary, regulatory changes.

ENFORCEMENT ACTIVITIES FOR THE QUARTER

Joe Dictor provided a summary of enforcement activities for the quarter. After some discussion, Mr. Wilson suggested publishing the names of companies delinquent in paying civil penalties assessed for non-compliance.

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STATUS OF PESTICIDE APPLICATOR SAFETY TRAINING PROGRAM

Dr. Weaver and Susan Nessler provided updates on the status of the manual development and on the pesticide applicator training programs. Dr. Weaver informed the Board that the Pesticide Safety Education In-Service Workshop is scheduled for October 10-12, 2005, in Charlottesville. He also mentioned that the Pesticide Inspectors Residential Training (PIRT) Course will be held in Blacksburg, VA on September 11-15, 2005.

WATER QUALITY PROTECTION PROGRAM PLAN

Dr. Surles reported that the federal government grants \$30,000 annually to OPS which is used to support the disposal and container recycling programs. The EPA has mandated that starting with FY06, the monies be used for other activities, such as a water quality protection program plan. They offered three options for this program: 1) implement generic plan to monitor water; 2) investigate misuse; or 3) mitigate. To ensure continued funding, Dr. Surles proposed to the Board that VDACS collaborate with the VA Department of Health, the VA Department of Environmental Quality Water Control Board, and the VA Department of Game and Inland Fisheries to develop a multi-agency procedure and plan for stewardship of pesticides applied in, on and around ponds, lakes, streams and rivers in VA; and to develop a standard procedure to address recurring issues associated with multi-agency responsibilities regarding these pesticide applications.

EXECUTIVE SECRETARY'S REPORT

Dr. Surles reported on the ongoing compressing of files via electronic scanning in anticipation of relocating to the Finance Building in October.

He stated that OPS has two new wage employees, Sherri Boardley and Sheniqua Watson, and a vacant Worker Protection Pesticide Registration Coordinator position formerly held by Joe Dictor.

Dr. Surles reported that a questionnaire was sent to those on the Pesticide Control Board Interested Parties list to gauge interest and better improve communication.

The Environmental Protection Agency awards a total of \$640,000 in Pesticide Partnership Performance Grants (PPPG) to OPS. The EPA has developed a new mandate to measure everything they do. As a result, OPS will be required to develop outcome measures for each major program area. The issue OPS is facing is more reporting requirements and more demands on staff's time.

Dr. Surles welcomed new Board members Donald Fritz, Liz White and the reappointment of Joe Wilson.

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COMMISSIONER'S/DEPUTY COMMISSIONER'S REPORT

Mr. Blankenship stated that VDACS is in the midst of developing new strategic plans in conjunction with the budget submission, aiming for simplicity. VDACS is also working on legislation proposal development for the upcoming 2006 session. He reported that a new law went into effect July 1, 2005 that requires the Department of Planning and Budget to assess the impact on small businesses during the regulatory review process.

CHAIRPERSON'S REPORT

Chairman Fritz stated that he looks forward to working with the Board again and he encouraged industry representatives to continue to participate in and be involved with the pesticide program in the state of VA.

ADJOURNMENT

Meeting adjourned at 11:50 a.m.

(For further detail, taped minutes of the meeting are on file at VDACS and can be accessed by calling 804/371-6558.)