

FINAL MINUTES

Pesticide Control Board Meeting April 19, 2007

The Pesticide Control Board met at 9:00 a.m. at the Oliver W. Hill Building, Richmond, Va. Presiding members were Donald Fritz, Chairman and the Executive Secretary.

Board members were present: Dr. George Brown; Ruth Brown; Donald Fritz; Richard Nunnally; Mark Tubbs; Liz White and Joe Wilson. The following Board members were absent: Dr. William Boshier; Carl Garrison, III; Dr. Alma C. Hobbs, (represented by Dr. Asmare Atalay); and Dr. Sharron Quisenberry (represented by Dr. Michael Weaver).

Staff members were present: Andres Alvarez; Dr. Wayne Surles; Donald Blankenship; Liza Fleeson; Joe Dictor; Kathy Dictor; Marshall Trammell; Robert Bailey and Rhonda Bates.

Others present: Laurie Coulter, VACPA; John C. Horsley, Jr., Terminix; Kevin Kordek and Mary Beth Kordek, A-Active; Andrea Coron and Kristin Coron, VPMA; Karen Boniface, BASF; Marlene Larios, Telamon Corporation; Gary Forrest, Forrest Exterminating Service and Susan Nessler, VA Tech.

CALL TO ORDER

Chairman Fritz called the meeting to order. He welcomed and introduced new Board member Richard Nunnally. Chairman Fritz called for a moment of silence in recognition of the tragedy at VA Tech on April 16.

DETERMINATION OF A QUORUM

Chairman Fritz announced that a quorum was present.

APPROVAL OF MINUTES

Ms. White moved to adopt the minutes of the January 18, 2007 Board meeting. Ms. Brown seconded. The motion carried unanimously.

PUBLIC COMMENT PERIOD

None.

COMPLIANCE ACTIVITIES FOR THE QUARTER

Joe Dictor provided a summary of enforcement activities for the quarter. Mr. Wilson suggested that violations for label misuse on the civil penalty action report be noted with "PT" to easily identify them as pre-treats.

Mr. Tubbs, Chair of the Enforcement Committee, presented four cases to the Board for approval where the hearing officers adjusted the penalties greater than 25%.

In case 27090 involving Commonwealth Exterminating Co., Inc., Mr. Tubbs moved to accept the hearing officer's recommendation to reduce the \$2000 civil penalty to \$1200. Dr. Brown seconded. The motion carried unanimously. In case 27093 which also involved Commonwealth Exterminating Co., Inc., Mr. Tubbs moved to accept the hearing officer's recommendation to reduce the \$2000 civil penalty to \$1200. Dr. Brown seconded. The motion carried unanimously.

In case 27299 involving Shadow Valley Services, LLC, Mr. Tubbs moved to accept the hearing officer's recommendation to reduce the \$520 civil penalty to \$280. Dr. Brown seconded. The motion carried unanimously.

In case 27555 involving Conner Lawn Care and Interior Landscaping, Mr. Tubbs moved to accept the hearing officer's recommendation to reduce the \$560 civil penalty to \$320. Dr. Brown seconded. The motion carried unanimously.

PRETREATMENT TERMITICIDE EDUCATION AND ENFORCEMENT PLAN

Dr. Surles provided a brief overview of the termiticide pretreatment education and enforcement plan to date. The Termiticide Pretreatment Task Force reconvened on March 20, 2007 and the consensus of the task force is that the enforcement component is working quite well and should continue under the existing plan. Kevin Kordek, VPMA, presented an improved education plan, after first summarizing the successful completion of the initial round of workshops under the education component. Mr. Kordek stated that during the training they learned that Virginia's problems with pretreats are most likely due to the technicians' inability to calculate the amount of termiticide needed rather than outright fraud as originally thought. They also learned that more work needs to be done outside the structural pesticide industry, specifically with builders and building code officials. Based on the lessons learned from the 2006 Professional Pretreat Program, the VPMA would like to revise the curriculum and manual for the pretreat training and undertake a second year of classes with a goal of reaching twice as many applicators as the 2006 program. Mr. Kordek concluded that the VPMA cannot move forward without a grant from the Board and he submitted a single proposal in the amount of \$98,000. Chairman Fritz clarified that the funding request consisted of two parts – a feasibility study for continuous regional training capability (\$24,000) and pretreat training (\$74,000) for May 2007 through December 2008. He then opened the floor for Board discussion of the proposal, after which Mr. Wilson moved to grant the funding for phase two of the pretreat training in the amount of \$74,000. Mr. Nunnally seconded. The motion carried unanimously. Chairman Fritz directed staff to work with the VPMA to implement the pretreat training program.

Chairman Fritz suggested that the VPMA present to the Board an in-depth explanation for the feasibility study at the July 2007 Board meeting.

PESTICIDE DISPOSAL PROGRAM

Ms. Fleeson directed the Board's attention to a two page proposal regarding expanding the pesticide disposal program to include homeowners. After a brief overview of the current program, Ms. Fleeson asked the Board to consider expanding the pesticide disposal program to include homeowners, providing an opportunity for them to safely and legally dispose of their pesticides. Mr. Nunnally moved to accept the proposal to include homeowners in the program and move forward. Dr. Brown seconded. After further discussion, Mr. Nunnally amended his motion to include golf courses in South Central Virginia for one year. The motion, as amended, carried unanimously.

HISTORY OF PESTICIDE REGULATIONS

Ms. Dictor presented a brief 15 minute history of pesticide regulations.

REGULATORY UPDATES

Mr. Trammell brought the Board up-to-date on the status of certification regulations. He reported that a change to the Administrative Process Act required changes in the wording of the certification regulations. The Board will be asked to approve specific language later this year.

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 reported that the 2007 Pesticide Safety Educators Workshop will be held in Roanoke, October 10-11, 2007, at the VA Tech Hotel Roanoke Conference Center and will include a field day centered around container reduction and pesticide waste minimization. He noted that this is a change from earlier reported dates of October 2-3.

Ms. Nessler highlighted reprints of three training manuals, as well as new and completed publications and exams.

EXECUTIVE SECRETARY'S REPORT

Dr. Surles presented a brief report of OPS' cash flow. In regard to personnel, he reported that Marshall Trammell, Supervisor of Certification, Licensing, Regulations and Training is retiring January 2008; Jim Hartlage, Pesticide Investigator in Wytheville, will retire August 1; and that OPS is filling the Pesticide Investigator Lynchburg position formerly held by Don Weaver, retiring May 1. Robert Bailey, Supervisor of Enforcement has accepted a promotion to the Office of Product and Industry Standards. Liza Fleeson has been elected Vice President of the National Pesticide Stewardship Alliance. Kathy Dictor will speak on PKATS at the annual meeting of the Southern Region Pesticide Safety Educators in New Orleans, LA.

He reported that effective May 1, the OPS pesticide investigators will begin using new PDA's with scanning capabilities for pesticide labels.

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DEPUTY COMMISSIONER'S REPORT

Mr. Blankenship stated that the final budget was adopted by the General Assembly and signed by the Governor. VDACS received \$4.3 million for farmland preservation and major funding of \$280,000 in wine industry. He stated that the extent of damage due to a major freeze over Easter weekend is not yet known.

CHAIRPERSON'S REPORT

Chairman Fritz thanked everyone for a successful meeting.

ADJOURNMENT

Meeting adjourned at 12:40 p.m.

(For further detail, taped minutes of the meeting are on file at VDACS and can be accessed by calling 804/225-2223.)