

## **FINAL MINUTES**

Pesticide Control Board  
Oliver Hill Building Sr. Richmond, VA  
July 15, 2010

### **CALL TO ORDER**

Chairman Boshier called the meeting to order. The Pesticide Control Board (Board) met at 12:30 p.m. at the Eastern Shore Chamber of Commerce, 19056 Industrial Parkway, Melfa, VA. Presiding members were William C. Boshier, Jr., Chairman and Liza Fleeson, Executive Secretary.

The following Board members were present: Dr. William Boshier; Dr. George Brown; Carl Garrison, III; Richard Nunnally; Robin Rinaca; Mark Tubbs; 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. Penelope Fenner-Crisp and Linda Wallace.

The following staff members were present: Andres Alvarez; Liza Fleeson; Douglas Edwards; Jeffrey Rogers; Gary Young and Rhonda Bates.

Others present: Donna Pugh Johnson, VA Agribusiness Council; Tom Tracy, VA Turfgrass Council; Laurie Coulter, VA Crop Production; Susan Terwilliger, Anne Donner and Whitney Weaver, VA Tech.

### **DETERMINATION OF A QUORUM**

Chairman Boshier announced that a quorum was present.

### **PUBLIC COMMENT**

None.

### **APPROVAL OF MINUTES**

Ms. White moved to adopt the minutes of the April 15, 2010, Board meeting. Dr. Brown seconded. The motion carried unanimously.

### **PROJECT COMMITTEE**

Mr. Nunnally, Chair of the Project Committee, reported that the committee met on May 11. The Committee was charged with bringing back to the full Board potential projects for funding targeting the general public. The committee reviewed items from the *1988-90 Council on the Environment Report* and found three items referring to public information – 1) PCB should develop a coordinated, public pesticide information program; 2) VDACS should expand its staff to include a public information coordinator to supervise public information programs; and, 3) the public pesticide information

program should be supported with initial appropriations. In line with these items, the committee recommends that staff prepare a Request For Proposal (RFP) to:

- design a web site for the general public;
- design and implement public service announcements; and
- design training modules built around SOL's aimed at educating children.

Much discussion ensued, after which Mr. Tubbs moved that the Board accept the recommendations of the Project Committee and authorize Dr. Boshier and Mr. Nunnally to work with OPS staff to explore options for designing a web site. Mr. Wilson seconded. The motion carried unanimously.

#### **COMPLIANCE ACTIVITIES FOR THE QUARTER**

Ms. Fleeson provided a summary of enforcement activities for the quarter.

Mr. Tubbs, Chair of the Enforcement Committee, presented three cases to the Board for approval. In case 39863 involving Affordable Services LLC, Mr. Tubbs moved to accept the hearing officer's recommendation to reduce the \$1,080 civil penalty to \$440. Dr. Brown seconded. The motion carried unanimously. In case 40093 involving Facility Service Company, Inc., Mr. Tubbs moved to accept the hearing officer's recommendation to reduce the \$400 civil penalty to \$120. Dr. Brown seconded. The motion carried unanimously. And finally, in case 40095 involving Bruce Terminix Company, Mr. Tubbs moved to accept the hearing officer's recommendation to reduce the \$400 civil penalty to \$280. Dr. Brown seconded. The motion carried unanimously.

#### **UPDATE ON STATUS OF REGULATORY ACTIONS**

Ms. Fleeson reported that at the April 15, 2010 meeting, the Board took final action on an amendment to 2 VAC 20-51-60 which provided an exemption from certification requirements for certain government employees applying pesticides. The amendment was filed with the Virginia Regulatory Town Hall and was published as final in the Virginia Register of Regulations June 21, 2010. The amendment will become effective July 21, 2010.

#### **REQUIREMENTS FOR AERIAL APPLICATORS AND APPLICATION BUSINESSES**

Ms. Fleeson updated the Board on the status of the public comment concerning requirements for aerial applicators and application businesses at the January 21, 2010 meeting. As requested by the Board, the comments were submitted in writing and were subsequently determined to be a petition for rulemaking. Staff was directed to present state requirements for aerial applicators and application businesses, as well as any requirements for similar professions. Ms. Fleeson gave an overview of Virginia's

general requirements for certification, as well as the specific certification requirements for commercial applicators. She noted that in addition to the requirements mentioned, aerial pesticide application applicants must also meet the requirements of the Federal Aviation Agency, the Department of Aviation of the Commonwealth, and any other applicable federal or state laws or regulations to operate aerial equipment. Ms. Fleeson then briefly highlighted Virginia's pesticide business license requirements.

Finally, Ms. Fleeson provided an overview of certification and business license requirements in other states. To determine aerial applicator and application business requirements in other states, staff distributed a survey consisting of four questions through the Association of American Pesticide Control Officials (AAPCO). 30 responses were received. Staff also queried similar professions in the Commonwealth.

#### **PETITION FOR RULEMAKING: AERIAL APPLICATORS AND APPLICATION BUSINESSES**

Ms. Fleeson stated that the Board must decide to grant or deny the petitioner's request. After much discussion, Mr. Nunnally moved that the Pesticide Control Board deny the petition of Matt Crabbe, Crabbe Aviation LLC, to prescribe additional experience requirements for certified commercial aerial applicators who are seeking to own and operate a commercial aerial pesticide application business, and that the Board direct staff to post this decision on the Virginia Town Hall and publish it in the Virginia Register. Mr. Tubbs seconded. The motion carried unanimously.

#### **STATUS OF PESTICIDE APPLICATOR SAFETY TRAINING PROGRAM**

In the interest of time, Dr. Weaver and Susan Terwilliger did not provide oral summaries on the status of manual development and the pesticide applicator training programs. However, the floor was opened for any questions members had from the report.

#### **EXECUTIVE SECRETARY'S REPORT**

Ms. Fleeson reported on personnel issues – OPS has a new pesticide investigator, Debbie Brown, in the Harrisonburg territory effective June 14. Three administrative support positions have been approved for hire in the Certification, License, Registration and Training Unit (CLRT). Also, Joe and Kathy Dictor have announced their retirement effective September 30.

Ms. Fleeson updated the following activities:

- the IPM guidelines developed by Dr. Miller were provided to Dr. Wright of the Department of Education by July 1, as required. The guidelines and certification requirements were sent to public schools through Dr. Wright's office;

- OPS also distributed certification requirements to private schools;
- Ms. Fleeson has been appointed by VDACS Commissioner Matt Lohr to serve on the Department of Environmental Quality's Technical Advisory Committee (TAC). TAC is charged with offering recommendations to the State Water Control Board as they develop Virginia's Pollutant Discharge Elimination System (VPDES) permit program;
- staff has completed the first of five bed bug forums funded through a grant from the EPA.

### **CHAIRMAN'S REPORT**

Chairman Boshier thanked Ms. Rinaca for hosting the Pesticide Control Board's visit to the Eastern Shore.

Chairman Boshier reported that he and Ms. Fleeson met with Commissioner Matt Lohr and Deputy Commissioner Sandra Adams. They had open communication regarding funds, legislation and the long-term nature of the Board. The Commissioner plans to attend the October meeting.

### **OTHER BUSINESS**

Mr. Garrison reported that VDACS has expanded the Emerald Ash Borer quarantine area to eleven localities total in order to limit movement of regulated articles, etc.

Dr. Weaver reported concerns with ability to conduct pesticide training in light of many extension agents' retirements.

### **ADJOURNMENT**

Meeting adjourned at 2:24 p.m.

**(For further detail, taped minutes of the meeting are on file at VDACS and can be accessed by calling 804.225-2223.)**