

**FINAL MINUTES**  
Pesticide Control Board Meeting  
Second Floor Board Room  
October 16, 2003

The Pesticide Control Board meeting was held at 9:00 a.m. in Council Chambers, City Hall, 715 Princess Anne Street, Fredericksburg, VA, Donald Fritz, Chairman, being in the chair, and the Secretary being present.

The following Board members were present: Donald Fritz; Dr. William Boshier; Lynn Gayle; Scott Mayausky; Joseph Wilson; Dr. John Munday, Jr.; Tom Saunders; Mark Tubbs and Ruth Brown. The following Board members were absent: Dr. Lorenza Lyons (represented by Dr. Asmare Atalay); Dr. Sharron Quisenberry (represented by Dr. Michael Weaver); and James Garner (represented by John Carroll).

The following staff members were present: Dr. Marvin Lawson; Daniel Schweitzer; Liza Fleeson; Carlton Courter; Robert Bailey and Rhonda Bates.

Others present: Liz White, VA Horticulture Society; Billy Walls, Consultant; Laurie Coulter, Dow AgroSciences; Dr. Dini Miller and Therese Schooley, VA Tech.

**CALL TO ORDER**

Chairman Fritz called the meeting to order.

**DETERMINATION OF A QUORUM**

Chairman Fritz announced that a quorum was present. He welcomed new board member Ruth Brown and thanked Mr. Wilson for hosting the Board's visit to Fredericksburg.

**APPROVAL OF MINUTES**

Dr. Munday moved to adopt the minutes of the July 17, 2003 Board meeting. Mr. Mayausky seconded. The motion carried unanimously.

**PUBLIC HEARING**

Dr. Lawson summarized the proposed amendments to *2 VAC 20-30, Regulations Governing the Pesticide Fees Charged by the Department of Agriculture and Consumer Services under Authority of Virginia Pesticide Control Act*. There were no comments from the public and the public hearing was closed.

**REQUEST TO FILE NOTICE OF INTENDED REGULATORY ACTION (NOIRA) AMENDING 2 VAC 20-51, REGULATIONS GOVERNING PESTICIDE APPLICATOR CERTIFICATION UNDER AUTHORITY OF THE VIRGINIA PESTICIDE CONTROL ACT**

Dr. Lawson directed the Board to the draft NOIRA Agency Background Document prepared by staff for amending 2 VAC 20-51. He summarized staff's recommendations for amending this regulation, allowing discussion for each amendment separately.

It was moved by Dr. Munday, seconded by Mr. Saunders and passed unanimously that the Pesticide Control Board file a Notice of Intended Regulatory Action to amend *2 VAC 20-51, Regulations Governing Pesticide Applicator Certification Under Authority of the Virginia Pesticide Control Act* and authorize staff to file with the Virginia Registrar of Regulations and

with any other authority any and all necessary regulatory documents relating to amending such regulation with respect to the proposed and discussed items that have been presented and approved.

**PROGRESS REPORT ON SCHOOL IPM TRAINING**

Dr. Dini Miller presented a progress report on the IPM in School program for this quarter.

**STATUS OF PESTICIDE APPLICATOR SAFETY TRAINING PROGRAM**

Dr. Weaver provided an update on the status of the manual development and pesticide applicator training programs.

**ENFORCEMENT ACTIVITIES FOR THE QUARTER**

Mr. Mayausky presented the recommendations of the Enforcement Committee in seven cases involving unregistered products which required Board approval.

In case numbers 15162-Becker Underwood and 15274-Wellmark International, the Fact-Finding Conference (FFC) Officers reduced the original civil penalty from \$280 to \$160 in both cases. In case 15224-Woodstream Corporation, the FFC Officers negotiated a settlement in lieu of the \$280 penalty. In case numbers 15217, 15258, 15260, 15269-Dragon Chemical Corporation, the FFC Officers negotiated a settlement in lieu of the original civil penalties. Mr. Mayausky moved to accept the decisions by the Fact-Finding Conference Officers in each of the above cases. Mr. Gayle seconded. The motion carried unanimously.

Liza Fleeson provided a brief summary of enforcement activities for the quarter.

**COMMISSIONER'S REPORT**

Commissioner Courter reported that VDACS is doing well and not experiencing the dramatic budget reductions that it faced last year. He stated that since VA was declared a national disaster after hurricane Isabel, the agricultural community's assessed damage was sent to federal agencies. There was 12 million pounds of lost food product.

**PROGRAM MANAGER'S REPORT**

Dr. Lawson reported that OPS Investigator Robert Christian was awarded inspector of the year at the EPA Region III Annual Inspectors' Workshop. This is the second time Robert has received this award.

Dr. Lawson reported on the continuing conflict between FIFRA and the Clean Water Act. In July, EPA provided interim guidance on application of pesticides to waters in the US in compliance with FIFRA. EPA clearly states that a normal application done according to label directions is not a pollutant. EPA filed this interim guidance in the federal register for public comment. The public comment period closed on October 14.

**CHAIRPERSON'S REPORT**

Chairman Fritz asked Dr. Lawson to draft a congratulatory letter to Robert Christian from the Board.

**ADJOURNMENT**

Meeting adjourned at 12:00 p.m.

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