

**DRAFT MINUTES**  
**PESTICIDE CONTROL BOARD MEETING**  
**Richmond, Virginia**  
**JANUARY 20, 2005**

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

Board members were present: Dr. William Boshier; Dr. George Brown; Ruth Brown; Scott Mayausky; Ernest Morse; Robin Rinaca; Tom Saunders; Mark Tubbs; Joe Wilson and Carl Garrison, III. The following Board members were absent: Dr. Sharron Quisenberry (represented by Dr. Michael Weaver); and Dr. Lorenza Lyons.

Staff members were present: Andres Alvarez; Dr. Wayne Surles; J. Carlton Courter, III; Don Blankenship; Liza Fleeson; Marshall Trammell; Robert Bailey; Joe Dictor; Kathy Dictor; Elaine Lidholm; and Rhonda Bates.

Others present: Liz White, VA Horticulture Society; John Horsley, Terminix; Billy Walls, Consultant; Laurie Coulter, Dow AgroSciences; and Susan Nessler, VA Tech.

**CALL TO ORDER**

Chairman Mayausky called the meeting to order.

**DETERMINATION OF A QUORUM**

Chairman Mayausky announced that a quorum was present.

**APPROVAL OF MINUTES**

Mr. Tubbs moved to adopt the minutes of the October 14, 2004 Board meeting. Mr. Wilson seconded. The motion carried unanimously.

**PERSONNEL CHANGES**

Mr. Blankenship introduced Andy Alvarez, Director, Division of Consumer Protection to the Board.

Chairman Mayausky introduced Carl Garrison, III to all present. Mr. Garrison fills the State Forester position on the Board. He also introduced Robert Bloxom, Secretary of Agriculture and Forestry.

**PUBLIC COMMENT PERIOD**

No comments.

**DISCONTINUANCE POLICY UPDATE**

Robert Bailey presented a brief report on the discontinuance policy approved by the Board at the October meeting. He stated that the policy is in effect and that when

unregistered pesticides are found in the marketplace, the registrant is notified to remove the product within thirty days or register the product. Mr. Bailey stated that an extensive polling of stakeholders to evaluate client response is being conducted by OPS.

#### **ENFORCEMENT ACTIVITIES FOR THE QUARTER**

Liza Fleeson provided a summary of enforcement activities for the quarter. There were three cases requiring Board approval.

In the case involving Bascapes, Inc., Case Number 19329, the fact-finding officer reduced the assessed penalty of \$1,040 to \$560. In the case involving All Seasons Termite & Pest Control, Inc., Case Number 19015, the fact-finding officer reduced the assessed penalty of \$640 to \$400. In the case involving Peyton R. Thomas Fly Control, Case Number 20564, the fact-finding officer reduced the assessed penalty from \$1,600 to \$800.

Mr. Tubbs moved to accept the decision of the hearing officers in all cases. The motion was properly seconded and carried unanimously.

Chairman Mayausky appointed the following to the Enforcement Committee: Mark Tubbs, Chair; Robin Rinaca; and Dr. George Brown.

#### **REVISIONS TO ADMINISTRATIVE PROCEDURE FOR PROCESSING VIOLATIONS OF THE PESTICIDE CONTROL ACT**

Robert Bailey reported that following the October Board meeting, staff met with Bill Diamond of the Attorney General's Office regarding OPS' process for handling violations. Mr. Diamond reviewed the process and recommended revisions to some of the procedures. The Board directed staff to work with VDACS' Office of Policy, Planning & Research and the Attorney General's Office to restructure the appeal process, deferring action until the April meeting.

#### **TERMITICIDE PRE-TREATMENT TASK FORCE REPORT**

Robert Bailey stated that the termiticide pre-treatment task force has been formed. The task force will address all aspects of pre-construction termiticide applications and develop a comprehensive plan for solution of alleged fraud.

#### **PESTICIDE DISPOSAL AND PESTICIDE CONTAINER RECYCLING SUMMARIES**

Liza Fleeson summarized the Pesticide Disposal and Pesticide Container Recycling Programs for 2004.

**STATUS OF PESTICIDE APPLICATOR SAFETY TRAINING PROGRAM**

Dr. Weaver and Susan Nessler provided an update on the status of the manual development and the pesticide applicator training programs. Dr. Weaver gave the Board a tour of the VA Tech Pesticide Programs web site.

**WILLIAM COUZENS' REQUEST TO ESTABLISH A TASK FORCE TO ADDRESS BEST PRACTICES FOR PESTICIDE SPRAYING ADJACENT TO SCHOOLS**

Dr. Surles reminded the Board of Mr. Couzens' request to establish a task force to study drift adjacent to schools. A discussion ensued. Chairman Mayausky directed that Dr. Surles and Dr. Weaver develop a preliminary proposal to address the education of the public regarding agricultural development and urbanization.

**COMMISSIONER'S/DEPUTY COMMISSIONER'S REPORT**

Commissioner Courter reported that the General Assembly legislative session has started and that bills are light so far. Mr. Blankenship stated that VDACS is currently tracking approximately sixty-three bills. He stated that the Governor has a Virginia Work Program Initiative that includes economic development initiative, tourism initiative and specialty agriculture initiative. He reported that recruitment for a State Veterinarian in the Division of Animal & Food Industry Service is underway. Mr. Blankenship thanked OPS for the work done to get Section 18 approval for soybean rust.

**PROGRAM MANAGER'S REPORT**

Dr. Surles reported that OPS is continuing to automate as much as possible to ensure efficiency and consolidating files in anticipation of moving into the Finance Building.

He stated that VDACS and VA Tech will host the annual Pesticide Inspectors Residential Training (PIRT) this year.

He also reported that Liza Fleeson has been selected to fill the Environmental Program Planner position vacated by Dan Schweitzer.

**CHAIRPERSON'S REPORT**

No report.

**ADJOURNMENT**

Meeting adjourned at 12:35 p.m.

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