

FINAL MINUTES
Pesticide Control Board
Oliver Hill Building, 102 Governor Street
April 20, 2006

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

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

The following staff members were present: Andres Alvarez; Dr. Wayne Surles; J. Carlton Courter, III; Marshall Trammell; Liza Fleeson; Joe Dictor; Doug Edwards; Barbara Elliotte; Reba Gilliam; Elaine Lidholm; Tonita Clark and Rhonda Bates.

Others present: Laurie Coulter, Dow AgroSciences; John Horsley, Terminix; Kevin Kordek, Brian Delaney, Jeff Johnson, Jason Leonard, Mark Degeare, Andrea Coron and Kristin Coron, VPMA; Gregg Basse, Lawn Doctor; Don Goff, Chesapeake Public School; Gary Forrest, Forrest Exterminating Service; Karen Boniface, BASF; Gena Lupini, Loyal Termite & Pest Control; Donna Pugh Johnson, VA Agribusiness Council; Louis DeMarco, Chesapeake Mosquito Commission; Barry Robinson and Wendy Platt, Servis Pros; Pete Smith, Dodson Brothers; Susan Nessler, VA Tech; Asmare Atalay, VA State University; Ron Jennings; Debra Ford and Charlie Church.

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

Gregg Basse, Lawn Doctor in VA Beach, requested that the Board consider providing tests for pesticide applicators in Spanish.

APPROVAL OF MINUTES

Mr. Morse moved to adopt the minutes of the January 19, 2006 Board meeting. Ms. White seconded. The motion carried unanimously.

REGULATORY UPDATES

Marshall Trammell reported that 2 VAC 20-40, *Licensing of Pesticide Businesses*, is in the final stage, has passed executive review and once it is published on Town Hall the 30-day public comment period will commence. 2 VAC 20-51, *Pesticide Applicator Certification* has to be resubmitted due to a change in the Administrative Process Act. 2 VAC 20-20 & 25,

Enforcement of Pesticide Law & Pesticide Registration is also affected by the change in the Administrative Process Act and will possibly require the Board's approval to extend the deadline.

OPS FINANCIAL REPORT

Dr. Surles presented a financial overview and projections for the Office of Pesticide Services. A discussion ensued. Chairman Fritz stated that even though finances look good now, the Board should focus attention on regulation that will allow it to be self-funded and the Board needs to monitor finances.

ENFORCEMENT ACTIVITIES FOR THE QUARTER

Joe Dictor provided a summary of enforcement activities for the quarter.

Mr. Tubbs, Chair of the Enforcement Committee, presented ten cases to the Board for approval because the hearing officers adjusted the penalties greater than 25%. In case 21069-Trustworthy Home & Termite Inspections, Mr. Tubbs moved to affirm the hearing officer's \$560 penalty and reject the adjudicative conference officer's recommendation. Mr. Brown seconded. The motion carried unanimously. In case 22803-E & R Exterminating Company, Inc., Mr. Tubbs moved to accept the hearing officer's recommendation. Mr. Brown seconded. The motion carried unanimously. In cases 22919 and 22946-Coastal Pest Control, Mr. Tubbs moved to accept the hearing officer's recommendations. Ms. White seconded. The motion carried unanimously. In case 23343-Forever Green Lawn Care, Mr. Tubbs moved to accept the hearing officer's recommendation. Dr. Brown seconded. The motion carried unanimously. In case 23650-Elite Termite & Pest Control, Inc., Mr. Tubbs moved to accept the hearing officer's recommendation. Ms. White seconded. The motion carried unanimously. In case 23775-Algerish Landscaping, Inc., Mr. Tubbs moved to accept the hearing officer's recommendation. Mr. Wilson seconded. The motion carried unanimously. In case 24275-Helena Chemical Company, Mr. Tubbs moved to accept the hearing officer's recommendation. Ms. White seconded. The motion carried unanimously. In case 24854-Edwards Pest Control, Mr. Tubbs moved to accept the hearing officer's recommendation. Ms. White seconded. The motion carried unanimously. Lastly, Mr. Tubbs moved to accept the hearing officer's recommendation in case 24925-S. L. Hess & Sons, Inc. Ms. White seconded. The motion carried unanimously.

PESTICIDE DISPOSAL/REQUEST TO INCLUDE HOMEOWNERS

Ms. Fleeson directed the Board's attention to a proposal to include homeowners in the Pesticide Disposal Program. Virginia's Pesticide Disposal Program assists agricultural producers, pesticide dealers and pest control firms with the proper disposal of unwanted agricultural and commercial pesticide; however, homeowner-type pesticides are not accepted in this program. Based on numerous requests from homeowners for inclusion in the program, Ms. Fleeson requested expansion of the program to include homeowners in ten localities for 2006. Mr. Morse moved that the proposal be accepted. Ms. White seconded. The motion carried unanimously.

PUBLIC POSTING OF CLOSED COMPLIANCE ACTIONS STATUS REPORT

Mr. Edwards reported that at the Board's direction, staff has implemented a contract with virginia.gov to publicize closed compliance actions by linking enforcement and compliance from OPS' web site to a civil penalty searchable database. He further presented a detailed demonstration of the proposed site. Ms. White moved that OPS go live with posting of compliance cases. Ms. Rinaca seconded. The motion carried unanimously.

INTERIM REPORT OF PRE-TREAT TERMITE TRAINING PROGRAM

Mr. Kordek reported that a workgroup has been formed for the *Soil Pretreatment Termiticide Application Training* and the first training workshop is scheduled for October 2006.

PRE-TREATMENT TERMITICIDE ENFORCEMENT PLAN

Dr. Surles summarized the pre-treatment termiticide enforcement plan, identifying the Task Force's strategy to target such issues as inspections, civil penalties, labeling and communication. The Board agreed that staff move ahead in that direction.

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. Ms. Nessler highlighted new manual publications, reprints and completions. Dr. Weaver stated that the annual Pesticide Education In-Service Workshop will be held October 9-11, 2006.

EPA FIELD IMPLEMENTATION PLAN FOR ENDANGERED SPECIES PROTECTION PROGRAM

Ms. Fleeson reported on the Endangered Species Protection Program, the EPA's response to the requirements of the Endangered Species Act. She provided information on how the Endangered Species Act relates to pesticide actions; gave an overview of the Endangered Species Protection Program; explained the field implementation of the Endangered Species Protection Program – labels, bulletins, and enforcement; the educational effort involved and a timeline for implementation.

EXECUTIVE SECRETARY'S REPORT

Dr. Surles reported that OPS staff members Robert Bailey and Gary Young are at home convalescing following illnesses, and that Micah Raub has been hired as a Pesticide Investigator, replacing Don Delorme. He stated that the PDA's used by staff aren't working as well as hoped, so continued use will be monitored. Drift is still the number one issue being dealt with across the country.

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COMMISSIONER'S/DEPUTY COMMISSIONER'S REPORT

Commissioner Courter stated that the agency is awaiting a new budget.

CHAIRPERSON'S REPORT

Chairman Fritz welcomed new Board member Dr. Alma C. Hobbs and Board members of the Virginia Pest Management Association. He stated that Joe Wilson has been recognized nationally by his constituents for his legislative activities for a number of years. He noted Mr. Wilson's commitment in that he has not missed one Board meeting in the seventeen years he's served.

Mr. Fritz tasked staff to explore options for being self-sufficient and to present a plan at the October 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 804/371-6558.)