

FINAL MINUTES
Pesticide Control Board
Virginia State University, Petersburg, Va
April 15, 2010

The Pesticide Control Board (Board) met at 1:30 p.m. at the Randolph Farm Extension Pavilion at VA State University, Petersburg, 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; Dr. Penelope Fenner-Crisp; Carl Garrison, III; Richard Nunnally; Robin Rinaca; Mark Tubbs; Linda Wallace; Liz White; Joe Wilson; Dr. Wondi Mersie (represented by Dr. Asmare Atalay); and Dr. Alan Grant (represented by Dr. Michael Weaver).

The following staff members were present: Liza Fleeson; Douglas Edwards; Joe Dictor; Kathy Dictor; Jeffrey Rogers and Rhonda Bates.

Others present: Tony Banks, VA Farm Bureau; Donna Pugh Johnson, VA Agribusiness Council; Tom Tracy, VA Turfgrass Council; Steve Smith, Specialty Turf Services; Andrea and Kristin Coron, VA Pest Management Association; Lindsay Snoddy, Albemarle County Public Schools; Laurie Coulter, VA Crop Production; Dr. Dini Miller and Susan Terwilliger, VA Tech.

CALL TO ORDER

Chairman Boshier called the meeting to order.

DETERMINATION OF A QUORUM

Chairman Boshier announced that a quorum was present.

PUBLIC HEARING

Chairman Boshier opened the hearing for the proposed amendments to 2 VAC 20-51-60, *Regulations Governing Pesticide Applicator Certification under Authority of Virginia Pesticide Control Act to exempt certain government employees*. There were no comments from the public and the public hearing was closed.

PUBLIC COMMENT

Tom Tracy, VA Turfgrass Council, commented on a two-day Category 3B certification training class held for nine people where only three people earned a passing score. Mr. Tracy indicated he would like to work with the Board to help improve the pass rate in the future.

APPROVAL OF MINUTES

Dr. Brown moved to adopt the minutes of the January 21, 2010, Board meeting. Dr. Atalay seconded. The motion carried unanimously.

GUIDELINES FOR INTEGRATED PEST MANAGEMENT ON SCHOOL PROPERTY

Dr. Dini Miller, assisted by Lindsay Snoddy of Albemarle County Public Schools, entertained questions regarding the draft guidelines for integrated pest management (IPM) in Virginia Schools. The Board concurred with the guidelines presented. OPS staff will complete a final review of the guidelines, and upon completion, the guidelines will be provided to the Department of Education. The Board will send a letter to the Board of Education requesting their endorsement of the IPM Guidelines for Virginia Schools.

PROPOSAL – IPM IN SCHOOLS TRAINING

Dr. Miller presented a proposal to fund *2010 Virginia School IPM: A Companion Training Program to the Distribution of the School IPM Guidelines*. A series of eight training programs (one in each of the school divisions) are proposed. The training programs will provide information including what IPM is, how the guidelines came about, how to implement an IPM program, and the importance of certification for anyone who applies pesticides on school grounds. Mr. Wilson moved that the Board fund the proposal in the amount of \$19,221. Dr. Brown seconded. The motion carried unanimously.

COMPLIANCE ACTIVITIES FOR THE QUARTER

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

Mr. Tubbs, Chair of the Enforcement Committee, presented one case to the Board for approval. In case 39982 involving Bug Busters Pest Control Services, Mr. Tubbs moved to accept the hearing officer's recommendation to reduce the \$400 civil penalty to \$160. Dr. Brown seconded. The motion carried unanimously.

UPDATE ON STATUS OF REGULATORY ACTIONS

Ms. Fleeson updated the Board on the outcome of the public comment from Matt Crabbe of Crabbe Aviation at the January meeting concerning requirements for aerial applicators and businesses. As requested by the Board, Mr. Crabbe submitted his comments in writing which was subsequently determined to be a petition for rulemaking. The petition was published in the Virginia Register of Regulations and comments will be accepted through May 3, 2010. The petition will be considered by the Board at the July meeting. Also at the January meeting, staff was directed to present state requirements for aerial applicators and application businesses, and requirements for similar professions. This information will be provided at the July meeting.

CERTIFICATION EXEMPTION FOR GOVERNMENT EMPLOYEES

Ms. Dictor provided a brief update of the exemption from certification for certain government employees. This exemption was discussed at the January meeting where the Board moved to grant the petitioners' request, and authorized staff to develop draft

language. Ms. Dictor presented two proposed versions of draft exemption language to 2 VAC 20-51-60, Section 8 for consideration. Mr. Wilson moved to adopt option 2, amending “and” to “or” in the first sentence. Mr. Tubbs seconded. The motion carried unanimously.

STATUS OF PESTICIDE APPLICATOR SAFETY TRAINING PROGRAM

Dr. Weaver and Susan Terwilliger provided updates on the status of manual development and on the pesticide applicator training programs. Dr. Weaver reported over 3,709 visits to the VTPP.ORG web site from 169 different locations in Virginia. Ms. Terwilliger gave a summary of the progress made producing manuals. She reported that there were three manual reprints; three manual revisions; and four manuals in progress. She stated that in light of new EPA guidelines regarding soil fumigation, a section on broad fumigation will be added to the manuals *Fumigation of Soil and Agricultural Products* and *Fumigation (Non-Ag)*.

EXECUTIVE SECRETARY’S REPORT

Ms. Fleeson reported that OPS has been working with a reduced staff in the Certification, License, Registration and Training Unit (CLRT) and is currently working to fill those vacant positions. Due to the staff shortage, the processing time for pesticide applicators had temporarily increased from a 14-day average processing time to a minimum of 30-day processing time. She informed the Board that OPS has been able to return to the average processing time with the efforts and cooperation of the OPS Team. Ms. Fleeson also reported that Matt Lohr has been appointed as VDACS Commissioner, effective May 1, and that the Deputy Commissioner position is currently being advertised. Finally, the Agency will embark on a review of the fertilizer statute later this year. The Agency is in the process of identifying participants for a Study Group. Commissioner Lohr will be sending a letter to all stakeholders to initiate the process.

CHAIRMAN’S REPORT

Chairman Boshier noted that a response to the letter requesting an informal opinion from the Attorney General’s Office (AG) has been received. The request has been forwarded to the appropriate Office for development of the opinion.

ADJOURNMENT

Meeting adjourned at 3:20 p.m.

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