

FINAL MINUTES

Pesticide Control Board
Oliver Hill Building, Richmond, VA
January 20, 2011

The Pesticide Control Board (Board) met at 9:00 a.m. at the Oliver W. Hill Building, Richmond, 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; Richard Nunnally; 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: Carl Garrison, III; Robin Rinaca; Linda Wallace.

The following staff members were present: Matt Lohr; Sandy Adams; Liza Fleeson; Douglas Edwards; Jeffrey Rogers; Micah Raub; Barbara Elliotte; Elaine Lidholm and Rhonda Bates.

Others present: Thomas Cunningham, AMC Specialty Lawn and Landscape; Laurie Coulter and Buck Tharpe, VA Crop Production; John Horsley, Terminix; Marlene Larios, Telamon; Anne Morrow Donley and David Stover, East Richmond Beekeepers Association; Andrea Coron and Kristin Coron, VA Pest Management Association; Don Goff, Chesapeake Public Schools; 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 COMMENT

Mr. Thomas Cunningham, President, AMC Specialty Lawn and Landscape, Inc., requested that the Board consider providing tests for pesticide applicators in Spanish. Dr. Boshier shared with Mr. Cunningham that the Board is concerned about the issue but noted that one factor in their current position is that labels are currently in English. It was further noted during the discussion with agency staff and Board members, that although some labels may be available in Spanish, the EPA only reviews and accepts the English version of the label. Dr. Boshier said the issue would not go away and would continue to be a part of the Board's discussions.

Ms. Anne Morrow Donley, East Richmond Beekeepers Association (ERBA), urged the Board to recommend that Virginia ban the pesticide clothianidin which is thought to be

toxic to honey bees and honey bee larvae. Ms. Morrow cited information in an EPA memo related to clothianidin dated November 2010 which she had provided for the Board's reference prior to the meeting. She stated her purpose in the request is to protect the honey bees and other pollinators, to help protect the public health, and ultimately the jobs and welfare of farmers and gardeners throughout the Commonwealth. The Board discussed what role they could play in the issue at the state and federal level but also expressed that they needed more information on the subject to make a decision. Dr. Boshier asked agency staff to inform the Board as much as possible about the issue by arranging for speakers with more technical expertise on the subject matter to speak at a future Board meeting, possibly in April 2011.

Ms. Laurie Coulter, VA Crop Production Association, invited all present to their annual meeting on January 24-26, 2011, at the Holiday Inn Koger Center in Richmond.

APPROVAL OF MINUTES

Ms. White moved to adopt the minutes of the October 21, 2010, Board meeting. Dr. Brown seconded. The motion carried unanimously.

PROJECT COMMITTEE – WEB SITE – FINAL PROPOSAL

Mr. Raub presented Virginia Interactive's proposal to develop a Web site for the Pesticide Control Board to include information for citizens, businesses and board members. Mr. Nunnally moved that the Board approve the Agency contract with Virginia Interactive, LLC to develop the Web site as presented. Mr. Wilson seconded. The motion carried unanimously.

COMPLIANCE ACTIVITIES FOR THE QUARTER

Mr. Edwards 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 41437 involving AMC Specialty Lawn & Landscape, Inc., Mr. Tubbs moved to accept the adjudicative conference officer's recommendation to uphold the \$1,800 civil penalty. Dr. Brown seconded. Mr. Cunningham, President of AMC Specialty Lawn & Landscape, Inc., presented final arguments on his behalf. The motion carried unanimously.

CIVIL PENALTY DECISION MATRIX

Ms. Fleeson provided an overview of the Civil Penalty Assessment Decision Matrix as requested by the Board at the October 2010 meeting.

STATUS OF PESTICIDE APPLICATOR SAFETY TRAINING PROGRAM

Dr. Weaver and Susan Terwilliger provided updates on the pesticide applicator training and manual development. Dr. Weaver reported that the Pesticide Safety Education In-

Service Workshop has been scheduled for September 7-8, 2011 at Virginia Tech's Hotel Roanoke. He stated that user statistics from the VTPP.ORG web site are now fully based on a new reporting system (Google Analytics). This has changed the statistics significantly from the previous method because they no longer measure the majority of the crawler traffic (search engine data). In 2010, there were 19,266 visitors from the US; 13,298 came from 354 cities in Virginia.

Ms. Terwilliger reported that four manuals have been reprinted and two manuals are in progress.

EXECUTIVE SECRETARY'S REPORT

Ms. Fleeson reported that Vickie Rengers filled the Program Supervisor position in the Certification, Licensing, Registration and Training Unit. The Program Coordinator position is now vacant and will be advertised. She stated that the new Soil Fumigation Risk Mitigation Measures outreach and education training for users is ongoing and will be completed in February. Last year the Board asked staff to gather data from registrants regarding the expected residues for termiticides at 180 days after full label rate for pre-construction. Staff members have collected that information and will present the submitted residue data at the April meeting. Ms. Fleeson also gave an update on the Container/Containment Regulation. She informed the Board that the EPA planned to seek comments on a Spanish Labeling Initiative in a Federal Register Notice likely to be released in early 2011. Under 40 CFR (Code of Federal Regulation) all required labeling is to be in English, however, the agency may require it in additional languages. At the October meeting, the Board voted to withdraw the original Notice of Intended Regulatory Action (NOIRA) for the Container/Containment Regulation (completed November 4) and voted to authorize staff to move forward with a new NOIRA which is currently undergoing review in the Secretary's Office.

COMMISSIONER'S REPORT

Commissioner Matt Lohr thanked the Board for its service to the Commonwealth. He gave a brief history of his agricultural background and work experience. He reported that the Agency is tracking many, many bills – about eight or nine bills involving fertilizer regulation. Animal welfare issues are a hot topic this year, as well as farmland preservation. He stated that last year the Governor formed a Government Reform Commission in the interest of making government more efficient. All boards were evaluated by the Commission as to efficacy. The Pesticide Control Board is safe. Additional discussion of the pending fertilizer bills ensued during which the Commissioner said that lawmakers were looking at requiring more oversight and reporting requirements for commercial fertilizer applicators. Lawmakers and the Agency wanted any laws or regulations to be reasonable while not placing too much of a burden on distributors or the Agency.

CHAIRMAN'S REPORT

Chairman Boshier shared a previous conversation he had with Commissioner Lohr, specifically, that of all the Board's on which he has served, the issues discussed by this Board are not partisan and members do not try to politicize the issues. He also stated that the termiticide research needs resolution. He closed with the request that Board members give consideration to an away meeting location at the April meeting.

ADJOURNMENT

Meeting adjourned at 11:50 a.m.

(For further detail, an audio recording of the meeting is on file at VDACS and can be accessed by calling 804.225-2223.)