

FINAL MINUTES
PESTICIDE CONTROL BOARD MEETING
JULY 15, 2004

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

Board members present: Donald Fritz; Joseph Wilson; Mark Tubbs; Dr. William Boshier; James Garner; Tom Saunders; and Ruth Brown.

Board members absent: Dr. John Munday; Scott Mayausky; Lynn Gayle; Dr. Lorenza Lyons (represented by Dr. Asmare Atalay) and Dr. Sharron Quisenberry (represented by Dr. Michael Weaver).

Staff members present: Dr. Marvin Lawson; Daniel Schweitzer; Dr. Wayne Surles; Liza Fleeson; Don Blankenship; Marshall Trammell; Robert Bailey; Joe Dictor; Kathy Dictor; Vickie Rengers; Elaine Lidholm and Rhonda Bates.

Others present: Liz White, VA Horticulture Society; Jim Skillen and Chris Wible, RISE; Donald Goff, Chesapeake Public Schools; Laurie Coulter, Mary Jane Neiman, Jeff Phillips, Joedy Sheets, Franklin Dowless, Blox Daugherty and Buster Beier, VA Crop Production Association (VACPA).

CALL TO ORDER

Chairman Fritz called the meeting to order.

DETERMINATION OF A QUORUM

Chairman Fritz announced that a quorum was present.

APPROVAL OF MINUTES

Mr. Wilson moved to adopt the minutes of the April 15, 2004 Board meeting. Mr. Tubbs seconded. The motion carried unanimously.

PUBLIC COMMENT PERIOD

Jeff Phillips, representing the Virginia Crop Production Association's (VACPA) board of directors, gave some background on the association and its purpose.

Chairman Fritz introduced Dr. W. Wayne Surles, new program manager for the Office of Pesticide Services (OPS). Mr. Garner moved to place Dr. Surles in the position of executive secretary for the Pesticide Control Board. Mr. Wilson seconded. The motion carried unanimously.

DISCONTINUED AND UNREGISTERED PESTICIDES WORKGROUP REPORT

In response to the growing number of unregistered and discontinued pesticides found in the channels of trade in Virginia, Liza Fleeson presented a draft discontinuation policy on behalf of

the Board appointed workgroup. Bill Diamond, Assistant Attorney General, clarified some of the legal points involved in this policy making. This issue was discussed at length and Jim Skillen and Chris Wible of RISE both expressed their dissatisfaction with the most recent draft of the proposed policy. Chairman Fritz recommended tabling this issue until the Attorney General's Office could review the draft comprehensively for Board action in October.

ENHANCING TERMITICIDE PRE-TREATMENT COMPLIANCE

Robert Bailey presented four action steps to assure compliance with label instructions during termite pre-construction treatments. After a point-by-point discussion by the Board, Chairman Fritz tasked staff to develop a specific plan that identifies the scope of this problem.

APPROVAL OF PROPOSED AMENDMENTS TO 2 VAC 20-51, REGULATIONS GOVERNING PESTICIDE APPLICATOR CERTIFICATION UNDER THE AUTHORITY OF THE VIRGINIA PESTICIDE CONTROL ACT

Dr. Lawson presented the draft proposed amendments to 2 VAC 20-51 *Regulations Governing Pesticide Applicator Certification*.

Mr. Wilson moved that the Pesticide Control Board propose amendments as discussed to 2 VAC 20-51, *Regulations Governing Pesticide Applicator Certification Under the Authority of the Virginia Pesticide Control Act* and authorize staff to file with the Virginia Registrar of Regulations and with any other entity any and all necessary documents relating to amending such regulations. Mr. Tubbs seconded. The motion carried unanimously.

STATUS OF PESTICIDE APPLICATOR SAFETY TRAINING PROGRAM

Dr. Weaver provided an update on the status of the manual development and the pesticide applicator training programs. He informed the Board that the Pesticide Safety Education In-Service Workshop has been expanded to include sessions from October 5-7, 2004, in Charlottesville. Dr. Weaver stated that Dana Beegle, Public Relations Assistant Specialist (manual developer), will leave her position as of September 1, to be replaced by Susan Nessler.

ENFORCEMENT ACTIVITIES FOR THE QUARTER

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

An adjudicative conference requested by United Industries Corporation-Case Numbers 15318 and 15441, was held on June 3. Mr. Garner moved to accept the decision of the hearing officer. Mr. Saunders seconded. The motion carried unanimously.

DEPUTY COMMISSIONER'S REPORT

Mr. Blankenship reported that the Virginia Grown promotion starts this month and that the capitol square renovation is underway.

PROGRAM MANAGER'S REPORT

Dr. Lawson welcomed OPS' new program manger, Dr. Wayne Surles.

He updated Board on the status of regulations. The amendments to the fee regulations received final approval and will become effective August 26. The proposed amendments to the pesticide business license regulations also received approval (proposed stage) and the regulation package is being submitted for publication in the Virginia Register and on the Regulatory Town Hall. The public hearing will be held at the October Board meeting.

Dr. Lawson reported on the concern across the United States regarding soybean rust fungal disease. States are developing Section 18's to control this disease.

He stated that VDACS' strategic planning process is in progress.

CHAIRPERSON'S REPORT

Chairman Fritz thanked the Board and the staff for their time and effort.

ADJOURNMENT

Meeting adjourned at 12:25 p.m.

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