

**MINUTES
PESTICIDE CONTROL BOARD MEETING
OCTOBER 17, 2002**

The Pesticide Control Board meeting was held at 9:00 a.m. at the Florence Elston Inn and Conference Center, Sweet Briar, VA, Donald E. Fritz, Chairman, being in the chair and the Secretary being present.

The following Board members were present: Donald Fritz; Joseph Wilson; Thomas Saunders; James Garner; Dr. John Munday, Jr., Lynn Gayle, Dr. Robert Satcher, Sr. The following Board members were absent: Dr. William Bosher, Jr.; Scott Mayausky; Dr. Lorenza Lyons (represented by Dr. Asmare Atalay); and Dr. Louis Swiger (represented by Dr. Michael Weaver).

The following staff members were present: Dr. Marvin Lawson; Daniel Schweitzer; Liza Fleeson; Marion Horsley; and Rhonda Bates.

Others present: Sherri Smith and Julie Jones, VA Health & Environment Project; Liz White, VA Horticulture Society; Billy Walls, Consultant; Wulf Berg, Sleepy Lake Homeowners' Association; Jeff Phillips, VA Crop Production Association; Laurie Coulter, Dow AgroSciences; Don Goff, Chesapeake Public Schools; John Carroll, VA Dept. of Forestry; and Dana Beegle and Dr. Dini Miller, VA Tech.

CALL TO ORDER

Chairman Fritz called the meeting to order.

DETERMINATION OF A QUORUM

Following the roll call, Chairman Fritz announced that a quorum was present.

APPROVAL OF MINUTES

Mr. Saunders moved to adopt the minutes of the July 18, 2002 Board meeting. Mr. Garner seconded. The motion carried unanimously.

PROGRESS REPORT ON SCHOOL IPM TRAINING

Dr. Dini Miller presented the third progress report on the IPM in Schools project funded, in part, by the Board.

STATUS OF PESTICIDE APPLICATOR SAFETY TRAINING PROGRAM

Dr. Weaver and Dana Beegle provided an update on the status of the manual development and pesticide applicator training programs.

VA COOPERATIVE EXTENSION RECOGNITION AWARDS PROGRAM

Dr. Munday reported on the Awards Committee's recommendations for the VCE Recognition Awards Program.

ENFORCEMENT ACTIVITIES FOR THE QUARTER

Dr. Lawson stated that Liza Fleeson filled OPS' Compliance Manager position vacant since June 7, 2002. He also reported that during the interim, outstanding compliance support was provided by Robert Christian and Jeff Rogers, Pesticide Investigators in OPS.

Dr. Munday presented the recommendations of the Enforcement Committee on those cases requiring action from the Board. In Case No. 10446-Sleepy Lake Homeowners' Association, Dr. Munday moved to accept the recommendation of the fact-finding officer to reduce the civil penalty from \$640 to \$400. Mr. Wilson seconded. Motion carried unanimously. Mr. Wulf Berg, Chairman, Lake Committee, was given an opportunity to respond.

In Case No. 9788-Bergmann Pest Control, Inc., the fact-finding officer abated the civil penalty of \$400. The Enforcement Committee recommended that the original penalty of

\$400 be reinstated. Mr. Wilson moved to accept the recommendation of the Enforcement Committee to reinstate the penalty. Mr. Saunders seconded. Motion carried unanimously.

In Case No. 10967-Bergmann Pest Control, Inc., Dr. Munday moved to affirm the civil penalty of \$520 for label violation; and, not accept the decision of the fact-finding officer to abate the penalty for the certification violation in the amount of \$400. Mr. Wilson seconded. Motion carried unanimously.

OVERVIEW OF CIVIL PENALTY ASSESSMENT MATRIX

Liza Fleeson presented an in-depth review of the penalty matrix to the Board.

RECOMMENDATION FOR PESTICIDE DISPOSAL PROGRAM

Dan Schweitzer presented options for continuing the pesticide disposal program in the future. The Board will make a decision on the future of the program during its January meeting.

PROGRAM MANAGER'S REPORT

Dr. Lawson reported that Don Blankenship is actively working on budget reductions as 56 persons are slated for layoffs at VDACS. Dr. Lawson stated that he has been appointed as the Acting Director of Consumer Protection, replacing Dr. Butts who is serving as Acting Director of Animal Industry Services. Marshall Trammell, Jr., Daniel Schweitzer, and Robert Bailey will rotate as the Acting Program Manager in OPS.

Dr. Lawson stated that

- EPA Region III Inspector Workshop was held October 7-11 in Roanoke, VA where Jeff Rogers, OPS Pesticide Investigator, was selected EPA Region III Inspector of the Year.
- OPS submitted a supplemental application to EPA requesting \$30,000 in support of the plastic pesticide container recycling program

- AAPCO has requested NASDA to provide assistance to help states gain an increase in federal funding for state pesticide programs.
- Dr. Lawson and Mr. Fritz completed a JLARC survey of boards and commissions.
- Dr. Lawson represented Mr. Fritz at the Secure VA Subcommittee Forum on September 25.
- Informational posters OPS developed to target commercial lawn care companies are now on display at points-of-sale in retail stores where pesticides are sold.
- Certification Training Advisory Group (CTAG) recommends a 16 year-old minimum age requirement for private and commercial applicators as a way to improve certification programs. CTAG is also considering recommending the possibility of tiered categories for pesticides.

CHAIRPERSON'S REPORT

Chairman Fritz asked for a moment of silence in remembrance of Joel Artman, Board member, who died on July 27, 2002. He also thanked Tom Saunders for hosting an informative tour of Saunders Brothers nursery and farm.

ADJOURNMENT

Meeting adjourned at 1:20 p.m.

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