

**MINUTES
PESTICIDE CONTROL BOARD MEETING
JANUARY 16, 2003**

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

The following Board members were present: Scott Mayausky; Joseph Wilson; Thomas Saunders; James Garner; Dr. John Munday, Jr., Lynn Gayle, Dr. Robert Satcher, Sr.; Dr. William Boshier; and Mark Tubbs. The following Board members were absent: Donald Fritz; 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; Donald Blankenship; Robert Bailey; Marshall Trammell; Bobbie Lee; Elaine Lidholm; and Rhonda Bates.

Others present: Sherri Smith and Julie Jones, VA Health & Environment Project; Liz White, VA Horticulture Society; Billy Walls, Consultant; Laurie Coulter, Dow AgroSciences; Don Goff, Chesapeake Public Schools; Dana Beegle and Dr. Dini Miller, VA Tech.

CALL TO ORDER

Chairman Mayausky called the meeting to order and then introduced new Board member Mark D. Tubbs who was appointed by Governor Warner to fill the unexpired term of Joel Artman.

DETERMINATION OF A QUORUM

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

APPROVAL OF MINUTES

Mr. Saunders moved to adopt the minutes of the October 17, 2002 Board meeting. Mr. Garner seconded. The motion carried unanimously.

PROGRESS REPORT ON SCHOOL IPM TRAINING

Dr. Dini Miller presented the final progress report on the IPM in Schools project funded, in part, by the Board. Dr. Miller reported difficulty in identifying a contact person to promote the statewide program. Dr. Miller also requested a no-cost time extension through 2003 to complete the project. Mr. Wilson moved that staff explore the possibility of getting information regarding IPM in Schools listed on the school superintendent's update. Mr. Gayle seconded. The motion carried unanimously.

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.

ENFORCEMENT ACTIVITIES FOR THE QUARTER

Dr. Munday presented the recommendations of the Enforcement Committee in case No. 12363-Bernard Hartman, which required Board approval. After much discussion, Dr. Satcher moved to accept the decision of the adjudicative conference officer to reduce the total civil penalty assessed from \$320 to \$80. Mr. Garner seconded. The motion passed by a majority vote. Dr. Munday and Mr. Saunders opposed.

Mr. Wilson suggested that staff review the civil penalty collection procedure and prepare a response for presentation at the April meeting.

Dr. Satcher recommended that staff develop a standard statement to incorporate into Notices of Violation that "failure to pay civil penalties could have potential consequences."

REGISTERED TECHNICIAN EXAM PROCTOR PROGRAM

Marshall Trammell presented some interim steps for Board approval in addressing the problem of registered technician exams proctorship. Mr. Wilson moved that the staff come back with language to adequately control the proctor program. Mr. Gayle seconded. Motion carried unanimously.

REVIEW AND AMENDMENTS OF PESTICIDE REGULATIONS

Dan Schweitzer discussed the next step in the Administrative Process Act for amending the fee regulations and the pesticide business regulations. He stated that the Notice of Intended Regulatory Action was approved and published. After discussing the proposed changes, the Board considered staff's recommendation for each regulation and acted upon them separately as follows:

2 VAC 20-30-10 through 2 VAC 20-30-50, Rules and Regulations Governing Pesticide Fees

It was moved by Mr. Wilson, seconded by Dr. Munday and passed unanimously that the Pesticide Control Board propose amendments as discussed to *2 VAC 20-30, Rules and Regulations Governing the Pesticide Fees Charged by the Department of Agriculture and Consumer Services Under 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 regulatory documents related to amending such regulation.

2 VAC 20-40-10 through 2 VAC 20-40-110, Rules and Regulations Governing Licensing of Pesticide Businesses

Dr. Munday suggested the insertion of the word "either" for clarity on page 3 of 16, line 18, behind the first comma. Dr. Garner moved to accept Dr. Munday's suggestion and continue with reviewing this regulation. Mr. Mayausky seconded. Motion carried unanimously.

It was moved by Dr. Satcher, seconded by Mr. Saunders and passed unanimously that the Pesticide Control Board propose amendments as discussed to *2 VAC 20-*

40, Rules and Regulations Governing Licensing of Pesticide Businesses Operating Under Authority of the Department of Agriculture and Consumer Services Operating 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 regulatory documents related to amending such regulation.

DISCUSSION OF VA TECH MOUs

Dr. Lawson summarized the three MOUs – Pesticide Applicator Training Manuals, Pesticide Applicator Certification and Pesticide Applicator Training – currently in place between the Pesticide Control Board, VDACS and VA Tech. Some modification to the existing MOUs was recommended as well as reduction in funding due to budget shortfalls. Mr. Wilson moved to adopt the recommendations of staff to adjust MOUs. Mr. Saunders seconded. The motion passed by a majority vote. Dr. Munday and Mr. Gayle opposed.

RECOMMENDATION FOR PESTICIDE DISPOSAL PROGRAM

Mr. Schweitzer presented to the Board a recommendation for continuing the pesticide disposal program based upon available finance resources. Mr. Saunders moved to accept the recommendation as presented. Mr. Wilson seconded. Motion carried unanimously.

COMMISSIONER/DEPUTY COMMISSIONER REPORTS

Mr. Blankenship reported on the budget situation affecting the Commonwealth. He mentioned that under the agency's reorganization, Dr. Lawson became Acting Director of the Division of Consumer Protection, replacing former director, Dr. Donald Butts, who has assumed responsibilities as the State Veterinarian and Director of the Division of Animal, Plant and Food Industry Services.

PROGRAM MANAGER'S REPORT

Dr. Lawson referred Board members to a letter from a citizen requesting that the Pesticide Control Board reconsider her 1994 request for the establishment of a registry for chemically sensitive individuals in Virginia. Dr. Lawson reported that currently thirteen states have such a registry. This was brought to the Board's attention for their information and action.

As a follow-up to a report concerning methyl bromide critical use exemption reported last year, Dr. Lawson informed all that the EPA stated that a number of countries appear to be more dependent upon methyl bromide than originally thought and more countries will apply for critical use exemption. EPA has informed the states that there will be other opportunities to apply for an exemption if any industry missed the September 2001 deadline for submission of an application.

Dr. Lawson directed the Board's attention to information in their packages regarding the establishment of an endowment to recognize Dr. Andy Swiger who retired as dean of the VA Tech College of Agriculture and Life Sciences January 1, 2003. Funds from the endowment will support awards for deserving faculty and staff at VA Tech. Contributions to the endowment may be sent to VA Tech by individuals or groups.

CHAIRPERSON'S REPORT

No report.

ADJOURNMENT

Meeting adjourned at 1:35 p.m.

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