

**FINAL MINUTES**  
**PESTICIDE CONTROL BOARD MEETING**  
**APRIL 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 were present: Donald Fritz; Joseph Wilson; Mark Tubbs; Scott Mayausky; Dr. John Munday, Jr.; and Ruth Brown. Board members were absent: Dr. William Bosher; Lynn Gayle; James Garner (represented by Phil Grimm) Tom Saunders; Dr. Lorenza Lyons (represented by Dr. Asmare Atalay) and Dr. Sharron Quisenberry (represented by Dr. Michael Weaver).

Staff members were present: Dr. Marvin Lawson; Daniel Schweitzer; Liza Fleeson; Carlton Courter; Don Blankenship; Marshall Trammell; Robert Bailey; Barbara Elliotte; Joe Dictor; Kathy Dictor; Don Delorme; Reba Gilliam; Elaine Lidholm and Rhonda Bates.

Others present: Liz White, VA Horticulture Society; Billy Walls, Consultant; Laurie Coulter, Dow AgroSciences; John Horsley, Jr., Terminix; Charles Rock, Kelly Registration System; Matt Crabbe, Crabbe Aviation/VA Aerial Applicators; Jim Skillen, RISE; Matt Vickers, Bonide Products; Gary Forrest, Forrest Exterminating; Scott Crawford, Richmond Termite; John Crawford, VPMA; Ellen Davis, VA Corn Growers Association; and Dana Beegle, VA Tech.

**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. Tubbs moved to adopt the minutes of the January 15, 2004 Board meeting. Mr. Mayausky seconded. The motion carried unanimously.

**PUBLIC COMMENT PERIOD**

John Horsley, Jr. of Terminix voiced concern in regard to the streamlining of the proctor program, and John Crawford of Richmond Professional Termite and Pest Control voiced concern regarding fraudulent termiticide pretreatments.

**INDUSTRY PROPOSAL: PESTICIDE PRODUCT DISCONTINUANCE POLICY**

Jim Skillen of Responsible Industry for Sound Environment (RISE) requested of the Board that Virginia adopt a formal pesticide product discontinuance policy. Matt Vickers of Bonide, Inc. followed up the request for adoption of a policy stating that other states have found this policy workable. Liza Fleeson offered some background information on discontinued and unregistered products in Virginia; she stated that Virginia currently has a voluntary

discontinuance policy. Ms. Fleeson presented a proposal for unregistered and discontinued products to the Board.

After much discussion, Chairman Fritz directed staff to work with the Enforcement Committee and industry on a recommended policy and present to the Board at the July meeting.

#### **IMPLEMENTATION OF AN AUTOMATED PRODUCT REGISTRATION SYSTEM**

In a continuing effort to improve service for and to clients of Virginia, an automated product registration system has been developed (not yet implemented). Charles Rock of Kelly Registration System (KRS) showed features of the functions offered by KRS.

#### **APPROVAL OF FINAL ACTION FOR RULES AND REGULATIONS GOVERNING THE PESTICIDE FEES CHARGED BY THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES UNDER THE VIRGINIA PESTICIDE CONTROL ACT**

The proposed regulation, 2 VAC 20-30 *Pesticide Fee Regulations* was published in the Virginia Register July 2003 and the public comment period was closed on November 27, 2003. One comment was received from Happy Jack, Inc.

Dr. Munday moved that the Pesticide Control Board adopt the proposed amendments 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 that the staff be directed to take all necessary steps to make this a final regulation of the Board. Mr. Tubbs 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**

Mr. Mayausky presented the recommendations of the Enforcement Committee on cases which required Board approval.

The Fact-Finding Conference (FFC) Officers abated the original civil penalties in case numbers 15274-Value Garden Supply, 15307-Control Solutions, 15317-M2 Technologies, 15440-Ken Matthews Landscape Nursery Co., and 15441-Lebanon Seaboard. The FFC Officers reduced penalties in case numbers 15274-Control Solutions, 15310-Dragon Chemical, 15317-Happy Jack, Inc., 15665-Dr. Dan's Lawn Service, 15469-Enforcer Products, 15344-Enforcer Products, and 15271-Enforcer Products. Mr. Mayausky moved to accept the decisions by the Fact-Finding Conference Officers in each of the above cases. Mr. Tubbs seconded. The motion carried unanimously.

Liza Fleeson provided a brief summary of enforcement activities for the quarter. She informed the Board that an additional twenty-five cases involving unregistered product have yet to be processed and asked the Board's direction for proceeding. The Board accepted Ms. Fleeson's recommendation to notify registrants and allow thirty days for action.

Mr. Wilson moved to adopt the suspension of licensing letters drafted by staff and approved by the Attorney General's Office. Dr. Munday seconded. The motion carried unanimously.

#### **SUBSTANDARD TERMITICIDE PRE-TREATMENTS**

Robert Bailey presented an in-depth overview of the issues involving illegal/substandard termiticide pre-treatments. Chairman Fritz suggested that staff focus on a solution to fraudulent pre-treatments with emphasis on established policy and enforceable issues. Staff will present these impact issues at the July Board meeting.

#### **COMMISSIONER'S REPORT**

Commissioner Courter reported that VDACS, as well as other agencies, is awaiting a budget, hopefully by June 30. He stated that VDACS is doing more work with fewer employees and that regulatory programs are lessening.

Mr. Blankenship added that the legislature approved a new secretariat – the Secretary of Agriculture and Forestry – under which VDACS would fall. Funding and implementation have not yet been defined.

#### **PROGRAM MANAGER'S REPORT**

Dr. Lawson welcomed back OPS' staff member Barbara Elliotte.

He stated that the United States (US) has been working with international bodies on the methyl bromide critical use exemption (this is of special interest to the Commonwealth's tomato and strawberry producers). A compromise has been reached increasing the US allocation by 35% of the standard baseline level established in 1991.

Dr. Lawson reported that a representative from EPA Region III is conducting a mid-year review.

Dr. Lawson stated that an Aquatic Plant Management handbook, containing best management practices, is available for all to view, and can be accessed via the web site of the Aquatic EcoSystem Restoration Foundation.

#### **CHAIRPERSON'S REPORT**

Chairman Fritz thanked the Board and the staff for continually doing really good work.

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**ADJOURNMENT**

Meeting adjourned at 12:35 p.m.

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