

FINAL MINUTES
PESTICIDE CONTROL BOARD MEETING
JANUARY 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.

The following Board members were present: Donald Fritz; Dr. William Boshier; Lynn Gayle; Joseph Wilson; Tom Saunders; Mark Tubbs; James Garner and Ruth Brown. The following Board members were absent: Scott Mayausky; Dr. John Munday, Jr.; Dr. Lorenza Lyons and Dr. Sharron Quisenberry (represented by Dr. Michael Weaver).

The following staff members were present: Dr. Marvin Lawson; Daniel Schweitzer; Liza Fleeson; Carlton Courter; Don Blankenship; Marshall Trammell; Robert Bailey; Vickie Rengers; Joe Dictor; Kathy Dictor; Elaine Lidholm and Rhonda Bates.

Others present: Liz White, VA Horticulture Society; Billy Walls, Consultant; Laurie Coulter, Dow AgroSciences; Donald Goff, Chesapeake Public Schools; Lloyd Hayden Eicher, VA Corn Growers Association; Dr. Dini Miller 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. Gayle moved to adopt the minutes of the October 16, 2003 Board meeting. Mr. Saunders seconded. The motion carried unanimously.

UPDATE ON THE STATUS OF PKATS

Kathy Dictor updated the Board on the progress made in the Pesticide Knowledge Automated Test System (PKATS).

BRIEFING ON THE USDA RECORDKEEPING PROGRAM

Robert Bailey briefed the Board on the USDA's requirements for pesticide recordkeeping.

PROPOSED REVISION TO §3.1-249.28 PESTICIDE CONTROL BOARD

Mr. Wilson, on behalf of the VA Pest Management Association, requested that the size of the Pesticide Control Board increase from 12 to 13 members, with the thirteenth member representing the structural pest control industry. He stated that 65% of business that comes before the Board historically deals with structural pest control. He asked that the request be considered and that the Board render a resolution of support. A lengthy discussion ensued.

PROGRESS REPORT ON SCHOOL IPM TRAINING

Dr. Dini Miller presented her final report on the IPM in School program and thanked the Board for their support of this grant.

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. Dr. Weaver informed the Board that the Pesticide Safety Education In-Service Workshop is scheduled for October 7, 2004, in Charlottesville.

STATUS REPORT ON REGISTERED TECHNICIAN PROCTORS

Kathy Dictor recapped the issue regarding proctors for the benefit of those members of the VA Corn Growers Association in attendance. She stated that VDACS has allowed certified commercial applicators to administer the registered technician certification examination to their employees and to report the scores to the Office of Pesticide Services. The Board began looking into the potential for security lapses within that system and at the July Board meeting directed staff to identify proctors who had not used materials within a year and to recover their testing materials. One hundred and sixty sets of materials have been collected, to date, of the 250 proctors who fell into that category.

UPDATE ON EFFORTS TO COLLECT UNPAID CIVIL PENALTIES

Liza Fleeson updated the Board on the continuing efforts to collect unpaid civil penalties.

ENFORCEMENT ACTIVITIES FOR THE QUARTER

Mr. Tubbs presented the recommendations of the Enforcement Committee in five cases involving unregistered products which required Board approval.

In case numbers 15266-Milazzo Industries, 15394-Bayer Environmental Science and 15343 and 15469-Church & Dwight Co., Inc., the Fact-Finding Conference (FFC) Officers abated the original civil penalties. In case 15305-Loveland Industries, Inc., the FFC Officer negotiated a settlement in lieu of the \$280 penalty. Mr. Tubbs moved to accept the decisions by the Fact-Finding Conference Officers in each of the above cases. Mr. Garner seconded. The motion carried unanimously.

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

Chairman Fritz asked staff to present an overview of the issues involving illegal/substandard termiticide pre-treatments at the April Board meeting.

COMMISSIONER'S REPORT

Commissioner Courter reported that the Governor's proposed biennial budget is pretty stable; however, the budget is built around certain revenue enhancements and if those aren't realized, agencies' budgets could be reduced again. Commissioner Courter stated that it has been difficult funding the agency for several years, but Governor Warner is committed to helping the agriculture industry.

The State Milk Commission's merge with VDACS is the only bill affecting the agency this general assembly session.

PROGRAM MANAGER'S REPORT

Dr. Lawson thanked the members of the VA Corn Grower's Association for their attendance at the Board meeting. He then directed the Board to the handout of a newspaper article concerning a conflict between FOIA and the open meetings law; specifically the use of email and how this will impact enforcement committee meetings. He asked Board members to call staff with any questions about potential conflict with FOIAs.

He stated that three pesticide regulations are in various stages of the process of amendments – fee, business license and pesticide certification applicator.

Dr. Lawson reported that VDACS is working through VIPNET, in association with Kelly Registration Systems, to develop an automated product registration system.

Dr. Lawson reminded everyone that the next Board meeting is scheduled for April 15, in Richmond.

ITEMS OF INTEREST

Robert Bailey introduced OPS' new staff member Joe Dictor, Worker Protection Standards Coordinator.

CHAIRPERSON'S REPORT

Chairman Fritz welcomed the VA Corn Grower's Association.

ADJOURNMENT

Meeting adjourned at 12:10 p.m.

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