

**MINUTES
PESTICIDE CONTROL BOARD MEETING
JULY 17, 2008**

The Pesticide Control Board met at 9:00 a.m. at the Oliver W. Hill Building, Richmond, VA. Presiding members were Donald Fritz, Chairman and Liza Fleeson, Secretary.

The following Board members were present: Dr. William Bosher; Dr. George Brown; Donald Fritz; Carl Garrison, III; Richard Nunnally; Robin Rinaca; Linda Wallace; Liz White and Joe Wilson. The following Board members were absent: Mark Tubbs; Dr. Alma C. Hobbs, (represented by Dr. Asmare Atalay); and Dr. Sharron Quisenberry (represented by Dr. Michael Weaver).

The following staff members were present: Donald Blankenship; Liza Fleeson; Joe Dictor; Kathy Dictor; Barbara Elliotte; Vickie Rengers; David Townsend; Micah Raub; Elaine Lidholm; and Rhonda Bates.

Others present: Andrea Coron and Kristin Coron, VA Pest Management Association; Jack Horsley, Terminix; Karen Boniface, BASF; Wilmer Stoneman and Tony Banks, VFBF; Jim Fredericks, Home Paramount; David Moore, Danny Wayland, Angela Phillips, Jeff Phillips, Laurie Coulter, James Ward, James Oliver, VACPA; Marshall Trammell; Dr. Wayne Surles; Steven Jack, Assistant Attorney General; and Susan Nessler, VA Tech.

CALL TO ORDER

Chairman Fritz called the meeting to order.

DETERMINATION OF A QUORUM

Chairman Fritz announced that a quorum was present. He introduced Steven Jack of the Attorney General's Office.

PUBLIC COMMENT

Jim Ward, President of the VA Crop Production Association, gave a brief background on the organization. He told the Board that his organization wants to be involved in the regulatory process. Dr. Wayne Surles, citizen, voiced concern in regards to the stewardship of the Pesticide Control Act, specifically the container/containment rule, the water quality protection plan, and the finances affecting the pesticide program.

APPROVAL OF MINUTES

Dr. Brown moved to adopt the minutes of the April 17, 2008, Board meeting. The motion was properly seconded. The motion carried unanimously.

COMPLIANCE ACTIVITIES FOR THE QUARTER

Joe Dictor provided a summary of enforcement activities for the quarter.

Ms. Rinaca, of the Enforcement Committee, presented eight cases that required Board approval. In case 30567 involving Elizabeth River Lawn & Landscape, the Hearing Officer reduced the civil penalty from \$1,040 to \$240. Ms. Rinaca moved to accept the recommendation of the Hearing Officer. Dr. Brown seconded. Motion carried unanimously.

In case 30742 involving Outdoor Impressions Lawn & Landscaping LLC, the Hearing Officer abated the civil penalty. Ms. Rinaca moved to accept the recommendation of the Hearing Officer. Dr. Brown seconded. Motion carried unanimously.

In case 30931 involving Thomas Bishop, the Hearing Officer reduced the civil penalty from \$800 to \$520. Ms. Rinaca moved to accept the recommendation of the Hearing Officer. Dr. Brown seconded. Motion carried unanimously.

In case 31080 involving Hy-Tech Property Services, Inc., the Hearing Officer reduced the civil penalty from \$1000 to \$650. Ms. Rinaca moved to accept the recommendation of the Hearing Officer. Dr. Brown seconded. Motion carried unanimously.

In cases 31181, 31182 and 31183 involving Home Paramount Pest Control Company, the Hearing Officer abated the civil penalties. Ms. Rinaca moved to accept the Hearing Officer's recommendation. Dr. Brown seconded. Motion carried unanimously.

In case 31271 involving AMC Specialty, the Hearing Officer reduced the civil penalty from \$440 to \$320. Ms. Rinaca moved to accept the recommendation of the Hearing Officer. Dr. Brown seconded. Motion carried unanimously.

DESCRIPTION OF PESTICIDE SPECIAL REGISTRATION PROCESS

Mr. Raub gave a brief description of his duties as Program Coordinator of the Product Registration/Worker Protection Standards programs.

UPDATE ON STATUS OF REGULATORY ACTIONS

Ms. Dictor reported that the minor amendments to 2 VAC 20-10 (Public Participation Guidelines) approved by the Board as Fast Track/Proposed at the January 17, 2008 meeting completed Executive Branch review and will be published in the Virginia Register in July, to become effective sometime in September 2008. The significant amendments to 2 VAC 20-51 (Certification Regulation) approved by the Board as Final at the January 17, 2008, meeting were in Executive Branch review and will be forwarded to Virginia Regulatory Town Hall. No action is required by the Board at this time.

STATUS OF PESTICIDE APPLICATOR SAFETY TRAINING PROGRAM

Dr. Weaver and Susan Nessler provided updates on the status of manual development and on the pesticide applicator training programs. Dr. Weaver

stated the 2008 Pesticide Safety Education In-Service Workshop is being planned/organized, and will be held at the Hotel Roanoke on October 8 and 9.

Ms. Nessler reported that five training manuals were reprinted and that several new manuals have been completed.

EXECUTIVE SECRETARY'S REPORT

Liza Fleeson gave a final update on the Termiticide Pretreatment and Enforcement Plan. She stated that within the enforcement component of the Plan, the Office of Pesticide Services conducted 205 termiticide pretreatment inspections, resulting in forty-four percent of some form of enforcement action. OPS will continue efforts to bring builders/contractors into compliance. Ms. Fleeson gave the floor to Ms. Coron, VPMA, who reported on the educational component of the Plan. Ms. Coron thanked all involved who contributed to the success of the plan. She summarized the original grant proposal and brought the Board up-to-date on progress made via a powerpoint presentation. Ms. Coron stated that in the process of training pest management professionals (PMPs), the VPMA, along with their partners at the OPS, raised the bar on standards for label compliant preconstruction soil termiticide applications through intensive, targeted training for PMPs in Virginia; thus the VPMA considers their efforts a tremendous success.

Ms. Fleeson reported on personnel changes, noting that Vickie Rengers was promoted to Program Coordinator for Certification and Training; that Steve Keene, Pesticide Investigator in the North Richmond territory has moved to the Southwest territory; and welcomed David Townsend, Pesticide Investigator in the North Richmond territory.

COMMISSIONER'S/DEPUTY COMMISSIONER'S REPORT

Mr. Blankenship stated how all are looking forward to working with Liza Fleeson in her role as Program Manager of OPS. He reported on several issues the Agency is facing – emerald ash borer; salmonella in tomatoes,

noting that Virginia is the number four producer of commercial tomatoes; with acreage up, Virginia has a record wheat crop this year; and the Virginia Grown promotion, where he encouraged all to visit their farmer's markets and road side stands.

CHAIRPERSON'S REPORT

Chairman Fritz asked if there was any new business for the Board. Mr. Wilson responded referencing his letter to the Albemarle County School Board regarding its consideration of a safer chemical management policy for Albemarle County schools. He commented that the PCB in joint effort with VPISU and the VA Pest Management Association has for the past three years dedicated considerable time and money providing training to pest control professionals and school personnel on the proper methods to use in combating insect and rodent problems in schools. The PCB was set up by the Virginia General Assembly to regulate all use of pesticides in Virginia. So what authority does the locality has to regulate pesticide? After a brief discussion, Chairman Fritz asked Attorney Steven Jack to give the Board a ruling regarding this at the October meeting.

ADJOURNMENT

Meeting adjourned at 12:00 p.m.