

Minutes
Pesticide Advisory Committee (PAC) Meeting
July 30, 2012

Present: PAC Members Scott Armbrust, Tina Booton, Ken Gerdes, Bobby Goeman, Kelly Gouge, Lanny Huston, Byron Kunugi, Joyce Van Horn, and Thia Walker; Colorado State Attorney General representative David Joeris, Colorado Department of Health and Environment representatives Janet Kieler and John Nieland; EPA (Environmental Protection Agency) Region 8 representatives Peg Perreault; Interested Public Guests Angela Medbery, Ken Gerdes, John Wright representing the Colorado Agricultural Aviation Association (CAAA); guests representing the Joint Budget Committee Megan Davison and Joy Huse, and Colorado Department of Agriculture (CDA) representatives, Mitch Yergert, John Scott, Steve Blunt, Laura Quakenbush, and Mary Jo Dennis.

Meeting began at 9:30 a.m. with introduction of the attendees.

John Scott announced that Aaron Doussett no longer works for CDPHE (Colorado Dept. of Public Health & Environment). Later in the meeting it was agreed that John Nieland will serve out the remainder of Mr. Doussett's 3-year term.

NPDES Update

Janet Kieler, CDPHE

According to Janet Kieler, CDPHE, there are no resources for outreach regarding the NPDES permit until 2013. CDPHE is still considered the regulating authority. Megan Davison, Joint Budget Committee analyst, sat in on the NPDES update to get the industry's perspective and implementation needs for CDPHE.

EPA delegated authority to CDPHE to collect NPDES permit fees on Colorado lands. The legislature has authority to set fees. At www.coloradowaterpermits.com, there is a State permit (16 pages) read and comply authorization without an application requirement.

With the help of EPA discretionary funding, CDA can fund for one .7 FTE through an inter-agency agreement (still in progress). Future fees will establish funding for this position at CDPHE. Ms. Kieler introduced John Nieland, CDPHE, formerly with Colorado Division of Wildlife, who has a background in biology. Mr. Nieland will handle NPDES complaint calls, investigations and provide broad outreach targeting decision makers for input.

July 2013 is the scheduled date for certification or compliance submissions. The permits will expire December 2013.

Certification & Training Update

Steve Blunt, CDA Pesticide Applicator Program Coordinator and
Thia Walker, CSU Extension

Online testing status:

Services of Metro Institute for the Commercial Applicator online testing is nearing a start date of August 1, 2013, at the CDA Lakewood office. Pesticide applicator exams can only be scheduled on line. A link will be provided on the www.colorado.gov/ag/dpi Plant Industry webpage.

The sites chosen for remote testing are Alamosa, Fort Morgan, Grand Junction, Lamar, and a yet-to-be-determined location in the Four Corners area. Testing at the remote locations is anticipated to occur from 9am-3pm, 2-3 days per week with at least two computer kiosks per site. Front Range testing will still occur at CDA headquarters office in Lakewood with an additional site in Fort Collins (CSU campus). The testing process is expected to be the same for all locations. CDA staff hopes to roll out the testing process by mid-February, 2012. The testing fee is expected to be \$30 per test. Target date to begin testing in remote offices is August 1, 2012.

CDA is also moving forward with purchasing a new printer for pesticide applicator licenses. The new printer would print a plastic license similar to a credit card with the future potential of including an applicator photo on the card. New licensees would receive the picture ID card when processing their license application. Existing licensees would need to attend CEC (Continuing Education Credit) workshops where a photo would be taken and processed at the Lakewood office. Then upon license renewal, existing licensees would receive the picture ID card.

Soil Fumigation

Dr. Laura Quakenbush, CDA Pesticide Registration Program Coordinator

Registrants will be adding changes to the label for soil fumigants that national soil fumigation training will be required to use the product. The labels are scheduled to be out by 12/2013. During CDA inspections, the applicator would be required to provide proof of training/testing. CDA is in the process of creating a "challenge" exam that would meet this training requirement and will be administered through CDA existing exam proctoring process.

CDPHE Occupational Exposure Survey

John Scott, Pesticide Program Manager

Four hundred responses were received from the 2,000 survey letters that were mailed. The health study focus was regarding those who had exposure to pesticides. The occupational health study findings will be used as an educational tool and will be shared with CDA. CDPHE survey group could be considered to be invited to the next PAC meeting to present their findings.

Aquatic and Agricultural Plant Disease Exam Guides

Steve Blunt and Thia Walker

Aquatic Pest Control Guide:

The Aquatic Pest Control study guide has been completed.

Agriculture Plant Disease Control Exam Study Guide:

The Guide is almost complete and will be sent out for review soon. They are looking at late September for bringing together the item writing committee.

Pesticides Registration Program Updates

Laura Quakenbush, CDA Pesticide Registration Coordinator

Dimethoate:

Used for mites in corn is in short supply.

Endangered Species Bulletins - Rozol:

The first bulletin included 8 counties seeking to limit the use of Rozal to the period November 1 → March 15 (vs. current label restriction of Oct. 11 → March 15) where the Preble's Meadow Jumping Mouse resides in riparian areas. Also, the counties are seeking to prohibit Rozol where the Black Footed Ferret and the Blacktail prairie dog reside.

Conrac Recent 24 (C) approval for blox:

Allows use for control of wood rats and deer mice indoors or outdoors within 100' of a structure.

Aluminum Phosphide fumigants:

The EPA label language change. It did "prohibit use on residential properties" for all uses. Due to Association of Structural Pest Control Regulatory Officials (ASPCRO) efforts, the solution that was agreed to was "for burrowing rodent applications, prohibition on use within 100' of any building where humans and/or domestic animals do or may reside." The label applicator should as for is product dated April 2012 or later. Not all A.P manufacturers have changed their label . A supplemental label is not available online.

Zinc Phosphide:

Baits for field rodents dropped prairie dogs from label and added ES language for Black-footed ferret. The ES language now found on the A.P. Ag label prohibits use 4.2 miles from Black-tailed prairie dog colonies greater than 80 acres and white-tailed prairie dogs great than 200 acres.

Non-Ag Pyrethroid Label Issues:

Concerns were presented to the EPA by the Association of Structural Pest Control Regulatory Officials' (ASPCRO) label issues regarding the wording and application area limitations. ASPCRO is in ongoing discussions with EPA to clarify and reduce use restrictions on the label.

Pesticides Program Updates

John Scott, Pesticides Program Manager

Reorganization/Personnel changes within CDA:

Mary Jo Dennis has taken Tammra's former Administrative position.

Multiple Inspectors:

- Dan Goldhammer, Northwest Colorado
- Pam King, Boulder/Estes Park
- Brian Koontz, Southeast Denver, Douglas, Elbert Counties
- Rob Donald, North Denver/I-25 corridor

Private Applicator Inspectors:

- Gary McElroy, Southeast Denver, Douglas, Elbert Counties

Lead Private Applicator Investigator:

Investigation is time consuming during the summer for the inspectors. In light of that, consideration is being given to creating a lead investigator position.

DriftWatch Program:

The DriftWatch program is targeted to go live August 9, 2012. CDA received an EPA grant-funding for an 18-month time frame. Purdue University has already installed the DriftWatch program in Minnesota, Idaho, and Oklahoma. The CDA website has a link to <http://driftwatch.org>.

Medical Marijuana Investigations:

- No pesticides are designated to be applied to medical marijuana. As a result, there could be some illegal applications due to this industry. Nothing is currently available over-the-counter.
- WPS – requirements apply although this site of application is not listed making application to control pests on these crops.

There was some discussion around medical marijuana being an organic product and purchasing product via the internet.

More Cities With Pesticide Regulations – Greeley:

John has had recent communication with the Greeley City Manager to ensure City of Greeley is in compliance with State uniformity provisions. The communication has resulted in Greeley agreeing to revise the ordinance that deals with the its forestry license requirement, which had some language the conflicted with the PAA's State Uniformity provisions.

Delta County Judge Greenacre's ruling:

A recent lawsuit in Delta County between two citizens resulted in an injunction that prohibited the homeowner from making mosquito adulticide applications, with a product call "Fyfanon," that "trespassed on to the complainant's property. 150 ft. buffers were required for future applications.

Sunset Review:

DORA sent notification that Sunset review begins November 12, 2013.

Industry Concerns and/Issues Discussion

False Complaints Penalties:

John Wright brought forth that CAAA is recommending that a provision be put in place for "false complaints."

CDA is mandated to investigate every complaint that comes to the attention of the Department. "False complaints", which are costly to the Department, have to be proven. Discussion continued regarding malicious/false complaints.

Angela Medbery suggested to bring complaint information to the next meeting.

The meeting concluded at 1:45 p.m.