

Minutes
Pesticide Advisory Committee (PAC) Meeting
October 28, 2013

Present: PAC Members: Leonard Felix, Scott Armbrust, Ken Gerdes, Kelly Gouge, Thia Walker, Bobby Goeman, Byron Kunugi, Colorado State Attorney General representative David Joeris, and Colorado Department of Health and Environment representative Leah Colton and John Nieland; EPA (Environmental Protection Agency) Region 8 representatives Peg Perreault; Interested Public Guest Angela Medbery and Rella Abernathy, City of Boulder, IPM Coordinator ; and Colorado Department of Agriculture (CDA) representatives: Mitch Yergert, John Scott, Steve Blunt, Laura Quakenbush, Matt Lopez, Mike Rigirozzi and Mary Jo Dennis.

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

PAC Member Appointment

John Scott, CDA

John Scott announced Dr. Leah Colton was appointed the PAC representative from the Colorado Department of Public Health and Environment (CDPHE). Dr. Colton has a background as a microbiologist. She replaces Aaron Doussett who no longer works for the Colorado Department of Public Health and Environment.

NPDES Update

John Nieland, CDPHE

In compliance with NPDES, the permit has been extended through 2014; 2015 should have a renewal.

Three open forum meetings will be held for discussion regarding changes to make the permit more Colorado specific and streamlined. The next meeting is scheduled for November 14, 2013. Mr. Nieland would like to have a representative from each applicator category.

EPA compliance requires the permit 10 days prior. The Compliance/Annual report is due at the end of the calendar date. EPA compliance for dry ditches and dischargers that have been empty for a year requires a permit.

Mr. Nieland's task will be working on compliance and enforcement of NPDES.

Certification & Training Update

Steve Blunt, CDA

Thia Walker, CSU

FY14 Study Guide Identification-Committee Development

In December, letters will be mailed soliciting volunteers to help with the development of the study guide for category 103-Agricultural Weed Control.

Regarding category 305-Stored Commodities Treatment, to discuss the possibility of creating a new potato storage treatment licensure category, a subset of the Stored Commodity category. Steve Blunt visited the San Luis Valley. Washington State has given permission for CDA to use their study guide. Questions and review by industry has begun.

An ad hoc committee is being formed to develop a licensure category specifically for potato treatments. The next meeting will be held in May 2014.

Applicator ID Cards – CEC Options

CDA has begun issuing plastic photo ID cards for licensed pesticide applicators. The goal is to issue the photo ID cards for every applicator, beginning with applicator renewals. Photos will continue to be taken of testers in all testing locations. Also, available in testing locations, applicators can go to the nearest testing location to have their photo taken which can be put in the database for their future renewal at no charge. Cameras will also be available at various continuing education workshops for the convenience of applicators to have their photos taken to be on file for their future renewals.

If an applicator chooses to have a **replacement** photo ID license **before** the renewal date, the **\$10.00** replacement fee will be required.

At Private Applicator (PA) renewal time, the applicator can send a passport-type photo (or a head-shot with a smart phone) along with the license renewal form. The goal is for all Private Applicator licensees to have a photo ID issued over the next 3 or 4 years.

Thia Walker Update

For the convenience of those needing to purchase study guides, **all** study guides (revised or not) are available at the University Resource Center in Fort Collins. That eliminates the need to shop at two locations for study guides.

The General study guide has been revised and should be available in mid-November. The revisions are not huge – clarification in areas and some modifications to formulations.

The study guide for category 102-Agricultural Insect Control has been completed.

Thia finished the Applicator Clean-out survey. The next task is to determine how to use the survey information. She will work with Purdue on guidelines of "How to Clean Pesticide Equipment." Thia will share the survey information at CAAA.

Pesticide Safety Education Program funding is dwindling. Thia reports that EPA funding is down \$10K. Manufacturer foundations are being pursued for funding possibilities. Dupont is guaranteeing a \$1.5 million grant for North Dakota State University per Andrew Thostensen. Anyone having information regarding simple grants, please let Thia know.

The School IPM Coalition had another meeting. The coalition now has 14 districts participating including St. Vrain, two in Colorado Springs and two in Adams County.

A recent miscommunication of a bedbug incident resulted in a classroom being evacuated and an entire school being sanitized. This incident has prompted the need for conversation and communication of having a good policy in place. It also prompted the need for discussion of setting up a mentoring program and a YouTube presentation of how to use equipment.

Emerald Ash Borer (EAB)

Mitch Yergert, CDA Division Director

It was determined by the Boulder City Forester on September 23, 2013, that a dead tree in a Boulder neighborhood in Boulder had Emerald Ash Borer (EAB).

Effective 10/31/2013, Boulder County will be quarantined. This includes Erie and landfills. Do not move firewood or pallets. Hopefully, the EAB can be held to Boulder County.

Whitney Cranshaw, CSU, is doing a study for CDA on how to manage the EAB. USDA is doing lab tests on the dead trees to determine how long the EAB have been in the trees.

Licensed commercial pesticide businesses can provide treatment. Possible treatments would be soil injection, Basil-Merit and above ground trunk injection.

For more information see www.EABColorado.com. A link is also on the CDA website.

WPS Private Applicator Meeting

Mike Rigirozzi, CDA Enforcement Specialist

CDA would like to bring together a panel of about 6 to 11 private applicators to form a work group for the purpose of discussing WPS.

Peg Perreault said that the EPA "ride-alongs" with CDA inspectors was successful. Revision of the EPA Certification and Training EPA regulations will, hopefully, improve the language.

Dave Joeris made the strong suggestion that the EPA use "plain English" so that people can understand the language.

John Scott said that a review of age requirements, annual training, and improving "train the trainer," will be among review topics.

CAVU

Mitch Yergert
John Scott

With the help of the company IRON DATA, CDA is building a "more" paperless e-licensing system that will combine all data bases. Implementation is scheduled sometime in 2014.

Elements of improvement with this system:

- Lists of licensed dealers
- Verify licensure
- Verify public information
- Replace functionality of program modules.

CDA Location Move

Mitch Yergert

The Colorado Department of Agriculture Divisions are located in several buildings. A new building has been identified that will be able to accommodate consolidation of all Divisions into one location. The savings will be around \$300K annually. The move is scheduled by March or April 2014.

Label Language

John Scott

EPA released new Pollinator Protection Labeling language on August 15, 2013. Label changes and directions for use can be reviewed in the document. EPA says that this language will not change.

Label Language addressed:

1. For crops under contracted pollination services; provisions allow applicators with 48 hours notice to beekeepers
2. For food crops and commercially grown ornamentals not under contract for pollination services but are attractive to pollinators; 5 provisions that allow applications when met.
3. Non-agricultural products: Do not apply (product name) to plants that are flowering. Only apply after all flower petals have fallen off.

More restrictive language in label may supercede exemption provisions for certain crops.

ASPCRO Comments Regarding Label Language-

- Enforceability and Guidance of Statements on Labels
- Consistency of Use of the Term Pollinators vs Bees
- Bees as the Target Pest (Clarification of bees; honey, bumble, Africanized)
- Specific Terms on Label As Relates to Structural or Urban Settings

Proposed Rule Change

John Scott, CDA

Effective July 31, 2013, Part 15.05 creates **a new Rule** requiring devices that produce a pesticide, such as carbon monoxide, that when used for hire to control pests, requires a commercial application license.

Individuals that use this device expressed concerns and arguments that the current rule is overly restrictive; and will negatively impact their businesses when making applications within 150' of structures which is what the current PERC direction restrict applications that they do not currently abide by. CDPHE Modeling for the Pressurized Exhaust Rodent Controller was used for the potential CO² to penetrate a structure. CDPHE and CDA are still discussing verifying distance. Rule does not include a pre-survey of the structure.

Other areas of concern include technician training or devices that require training.

DORA Duties

John Scott, CDA

The Pesticide Applicators' Act sunsets on July 1, 2015. DORA has begun to review. John cover the elements that DORA looks at during the review.

- Prepare sunrise reviews to examine if there is a need to regulate a previously unregulated profession;
- Analyzes and evaluates the impact of proposed rules on small businesses, job creation and economic competitiveness;
- Conduct sunset reviews to discuss whether the agency under review should be continued with or without changes or terminated;
- Conduct reviews of advisory committees to determine if they have fulfilled its statutory mandate;

Last sunset DORA began meeting with industry/stakeholders and sitting in on PAC meetings from January – June.

Probable timelines:

- January – March 2014, CDA suggested sunset recommendations, which be discussed with the Pesticide Advisory Committee
- PAC comments and suggestions will be taken into consideration and formal recommendations will be presented to DORA
- July 2014 DORA begins drafting report of findings and recommendations
- October 2014 – CDA will receive a draft of all recommendations and findings

- October 2014 – Report will be made public. New Statutory language will be drafted based on DORA’s recommendations

Potential Sunset Topics:

State Uniformity

- Pesticide notification
- Additional pesticide applicator requirements to operate within city limits
- Pollinator protections – application restrictions – beekeeper registry
- Pesticide Sensitive Persons

The meeting adjourned at 1:40 p.m.

Respectfully submitted to and edited by John Scott.