

**Minutes**  
**Pesticide Advisory Committee (PAC) Meeting**  
**February 1, 2016**

Present: PAC Members: Leonard Felix, Chairman, Terry Abbott, Scott Armbrust, Tina Booton, Leah Colton, Nickolas Gerace, Kelly Gouge, Matthew Kahl (by phone), John Nieland Thia Walker. Invited Guests: David Joeris, CDA legal counsel, Peggy Perreault. Interested Public Guests: Al Summer, Angela Medbery, Richard Andrews, Kyle Scott. Colorado Department of Agriculture (CDA) representatives: John Scott, Mitch Yergert, Matt Lopez, Jonathan Handy, Mike Rigirozzi, Laura Quakenbush and Lora Richards.

The meeting began at 9:15 am with the introduction of the attendees and introductions.

**Updates:**  
**John Scott**

Several of the PAC members will have their terms expiring the end of this month. Terms expiring are Scott Armbrust, Leonard Felix, Kelly Gouge and Joyce Van Horn. Letters will be going out to professional associations seeking nominations for the committee. All nominations will go before the Ag Commission meeting in April.

**Limited Commercial/Public Applicator Training module update:**  
**Thia Walker**

Currently working on the Limited Commercial Applicator training module

- Modules will be free to all and available at CSU online
- There will be a link on the CDA website once testing is completed
- Anyone can sign up to take the modules and associated quiz. Once completed a certificate of completion will be issued to the participant
- Testing on this module will begin next month. Each module should take approximately 30 minutes to complete  
Modules will cover core content, including laws, regulations, applicator safety, environmental protection, etc.
  - This training is intended as a step forward to comply with the new PAA requirements
  - The training can be used as commercial technician training and will equate to 2.5 hours of classroom training.
  - The online training is not the only option for training

**Worker Protection Standards (WPS) Rule status:**

**Mike Rigirozzi, (CDA)**

WPS rules are in Code of Federal Regulations (CFR) as of January 2, 2016. States have one year to start compliance. Rules go into effect January 2, 2017, but some provisions are being delayed to January 2018. Initial phases will concentrate on training and compliance. CDA activities currently include:

- Currently training department inspectors on new rules
- The compliance training manual, which should be available by April 2016
- CDA has plan in place to start making contact with all groups (2800-3000 facilities) for presentation of the new rule
- A memo will be going out to all Private Applicators along with their CEC letters in March, giving info on new WPS rule and a mass email will be sent out to our marijuana applicators with similar information
- The EPA has planned a training session here at the CDA to provide training for CDA personnel and surrounding EPA region states

EPA made some changes that were not originally proposed bringing up some concerns

- Application exclusion zones
- Medical evaluations and fit testing will be required annually
  - Fit testing still working under current WPS until January 2017
- Minimum age restrictions for applicators

### **EPA Proposed Certification and Training Rule:**

#### **Thia Walker and Jonathan Handy**

Comments on EPA certification and training rule were discussed. Some of the specific elements of the proposed rule were:

- Standardize reciprocity between states
- Redefines definition use of a pesticide, which the department has concerns about and will require a statutory change
- Minimum age for applicators
- Exam standards, core standards for commercial applicators and Private applicators increases certification requirements to 11 training categories from the current 5

If passed as proposed, the department would have to open the PAA to address some of these changes

- The Federal C & T rule covers RUP's only. CDA may consider a split in the requirements to address RUP vs GUP use. There is a lot to consider with this approach
- EPA wants to move this through quickly

### **CDPHE Pesticide General Permit Overview and Update:**

#### **John Nieland**

Compliance reports are due today and the newly imposed fee is \$275. CDPHE is migrating from compliance assistance and moving toward enforcement.

- Sampling from last summer showed generally good results with minimal detections. None were levels of concern
- EPA has released for comment the pesticide general permit which is now open for comment
- The Waters of the US rule, which would clarify some definitions, has been put on hold by the EPA

Comment: It has been requested that the state provide a public searchable database that lists all pesticide applications by date, product and location.

- It was noted that similar sites have been proposed and failed or do not have current data
- Development and enforcement would be a financial burden to any state agency and difficult to comply with by the regulated community

### **Proposed Rules Discussion:**

#### **John Scott**

PAA proposed Marijuana and Pesticides Rule was revised and discussed. Specific elements were explained (see rule on CDA website)

- Ag Commission meeting is scheduled and rule will be brought forward for final approval
  - The proposed timeline was reviewed and will go into effect March 30
- The committee gave a couple of items for clarification to the document
  - Regulations are designed to articulate the use of a pesticide in accordance with the label

### **Open Discussion:**

Comments from committee and guests relating to the PAA proposed rule. The committee had additional discussion regarding the proposed rule touching on concerns of whether the CDA has any legal liability concerns for passing such a rule, the department's authority restricts use further and there are concerns as marijuana and hemp production is moved outdoors.

Meeting was adjourned at 1:35pm.