

Minutes
Pesticide Advisory Committee (PAC) Meeting
July 27, 2015

Present: PAC Members: Scott Armbrust, Thia Walker, Joyce Van Horn, Tina Booten, Terry Abbott, CDA legal counsel David Joeris , and Colorado Department of Health and Environment representative Leah Colton; *Colorado Department of Public Health, John Nieland; General Public Byron Kunugi, Kelly Gouge Turf/Ornamental: Interested Public Guests: Angela Medbery, Rella Abernathy, Richard Andrews, Beth Conrey* ; and Colorado Department of Agriculture (CDA) representatives: Mitch Yergert, John Scott, Jonathan Handy, Matt Lopez, Mike Rigozzi, Laura Quakenbush and Cheryl Shoup

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

Update: C&T Program

Thia Walker (CSU) Jonathan Handy (CDA)

Agricultural Weed Exam Committee

This opened with an update on developing new tests. They went through the old Ag Weed study guide and updated it. They are making good progress on the exam questions.

Wood Destroying Study Guide Committee

This stated that they are progressing on the study guide for the Wood Destroying category.

New PAC Nomination status/timeline:

John Scott, (CDA)

Nomination forms were sent out to several organizations, including the Beekeepers, Ag Industry, the marijuana growers and the Organic Growers for the PAC Committee. CDPHE has submitted their nomination form. We have not heard back from the organic growers. Those positions will be in place for the October meeting. The Ag Commission which will meet on September 23, 2015, will need to approve the nominations.

CPW Pollinator Protection Plan update:

John Scott, (CDA)

Mitch Yergert stated that EPA put out a request for comments on a proposal as far as label changes regarding contract bees and laying out framework for voluntary pollinator

protection plan. The comment period has been extended another month to the end of August. One of the comments was "how do we protect pollinators when crops are always in bloom"? The deadline for comments is on August 28, 2015. ASPCRO recommends that the states adopt the ASPCRO- Neonic pollinator protections.

Rules discussion:

John Scott, (CDA)

Senate Bill 15-119;

A big issue was the training aspect.

Section 1; Sunset will terminate on September 1, 2023. It will be 8 years until the next Sunset.

Section 3, 35-10-111

Record-keeping requirements.

This was a recommendation by CDA for Private Applicator records to match the Federal two year requirement.

Section 4, 35-10-107

This was a recommendation by CDA to change the wording to "received" not "postmarked" for business e-license renewals.

Section 5, 35-10-116

This was a recommendation by CDA to change the wording to "received" not "postmarked" for Qualified Supervisor and Certified Operator e-license renewals.

Section 6, 35-10-109

This section was proposed in the original Sunset bill that non-registered limited and public applicators be required to train technicians when applying general use pesticide applications. The original recommendation stayed about the same as far as requirements for public applicators to train their employees when making general use applications.

For Limited Commercial Applicators the language was changed slightly from the earlier proposal by requiring that the owner or designated person must be trained vs. all employees making the application in the CORE elements when applying general use products.

Section 7, 35-10-124

The Commissioner shall provide internet access to finalized enforcement action information to the general public. It will consist of name of the violator, date of the action, city or county in which the violation occurred, nearest major intersection of roads and the final enforcement disposition. There were no finalized cases in July. All finalized enforcement cases will be put on our web site. Matt stated that there will be a table updating the last week of every month so the requirements will be met for every 30 days. It will be a pdf file.

Section 8, 35-10-125

Advisory Committee

Change the Pesticide Advisory Committee from 11 to 15 members. It will include two representatives from the Colorado Department of Public Health and Environment. Two representatives from the general public, one of whom is actively engaged in urban agricultural production. A member of an apiary or beekeeper association. A representative from the agricultural sector who is a worker as defined in the Federal Worker Protection Standard and a representative from the organic agricultural production sector.

Rules Discussion:

John Scott

John Scott stated that the Rules the department needs to make to satisfy the statutory provisions, focusing on the training requirements for Limited Commercial and Public Applicators. The Pesticide Advisory Committee should take notes and provide any comments or concerns that we need to take into consideration for drafting the rules.

The rule language needs to be completed and comments back to John Scott no later than August 14. Notice of the rule will be filed Sept 15 and published Sept 25. The hearing for the rules will be on October 15-23, 2015. That will be right before the October 26, 2015 PAC meeting. We need to make sure there is a consensus among the committee as we are moving the proposed language forward and address any concerns prior to submitting the rules. David Joeris stated that once it is published then any of the PAC members or anybody in industry can submit written comments.

John Scott said that the one rule we have from the statute is the training for Limited and Public applicators. One of the training rules would be to exempt ready-to-use pesticides under most circumstances and antimicrobial products. There was a discussion on mixing and loading compared to mixing or loading of a pesticide. A statement was made that once you transfer the pesticide to another container then training requirements must be met. The second would be the use of any ready to use product (GUP) in and around children's daycare facilities, schools, assisted living facilities and hospitals.

John Scott said training is not required for general use pesticides for any antimicrobials such as those intended to disinfect, sanitize, reduce or mitigate growth or development of biological organisms.

How the training needs to be conducted:

John Scott

Non-registered limited applicator owners or their designated person or non-registered public employees making any pesticide applications must obtain training in all of the core categories, laws and regulations, pesticides and their families, applicator safety, public safety, environmental protection, and the use of pesticides. Persons that are required to be trained may meet these if someone already holds a current QS, CO, or PA license, or if

they have taken and passed any CORE or Private Applicator Commercial exam within the last 5 years. They may also take the online pesticide training course being developed for CDA by CSU. The on-line training course will have four 30 minute modules. There will be questions at the end and they must pass with 100%. Another way is attending a Continuing Education Course that covers all of the subjects in the core categories and is approved by the Commissioner. Training must be conducted within a minimum of 3 years of any application. Training records for each person must be maintained for a period of 3 years.

John Scott stated that there is a change to Part 10, the structural applicators stored commodities treatment post-harvest potato treatments. Post-Harvest Potato Pest Control will be a separate category. It will have a grandfather clause that anyone who holds the stored commodity 305 category will be awarded the 308 category. Thia Walker has completed the study guide and the exam questions for the 308 category.

John Scott explained a new rule that will allow notification of applications electronically in the agricultural, turf and ornamental and structural categories. All current requirements will remain in place. The new Rule will require applicators to obtain an express written statement requesting electronic notification from each occupant, the applicator must maintain this request in records. Failure to have the request on file requires the original notification required by PAA to be left. Notification required under 35-10-112(d) cannot be met through electronic notification.

Part 10:

Structural applications;

Currently in 10.05 it states that any structural applicant must leave for the occupant a printed legible written notice stating the name of each pesticide applied, the date applied, and any precautionary statements from the label as necessary. A new Rule is proposed that if the application is made to common areas of multiunit structures then notice must be left on each entry way. John Scott said that CDA would like feedback from the structural industry about this rule. Matt stated that notification should be posted at the main entry and the treated entry.

Rules discussion:

John Scott

1. Rule change in the Pesticide Act, referenced the old CDA address. The proposed change is to CDA's current address.
2. Pesticide use on marijuana. CDA is developing Rules to meet the original Executive Order and developing Rules under the PAA that address all pesticide use on cannabis.
3. Business locations. Matt Lopez said there are complaints from licensed commercial applicators about competitors who are operating as a commercial applicator from a location that is not registered but do not meet our current definition of a business location. There was significant discussion and suggestions on how the department

may be able to redefine a business location. The department will draft language and provide it to the PAC for comment.

**Clean Water Act:
John Nieland**

There will be a pesticide fee effective July 1, 2016, but only when a compliance certificate is issued.

Public Comment:

Angela Medbery commented on the training. She also asked about getting the draft language.

Richard Andrews passed around some information on pesticide research and spoke to the committee about using pesticides and the alternatives.

With no further discussion the meeting adjourned at 2:00.