

Minutes
Pesticide Advisory Committee (PAC) Meeting
July 25, 2016

Present: PAC Members: Scott Armbrust, Tina Booton, Leah Colton, Nickolas Gerace, Lyle Johnston, Byron Kunugi, John Nieland, Brett Rutledge, Joyce Van Horn, Thia Walker. Invited Guests: David Joeris, CDA legal counsel, Rebecca Perrin (by phone). Interested Public Guests: Angela Medbery, Laura Taylor. Colorado Department of Agriculture (CDA) representatives: John Scott, Mitch Yergert, Jonathan Handy, Mike Rigirozzi, Laura Quakenbush and Lora Richards.

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

Updates:
John Scott

Agricultural Commission Resolution for PAC members

- PAC nominations were tabled until the final resolution was adopted.
 - The Ag Commission will move forward with appointments at their next meeting in September.
 - The purpose of the resolution was to address term limits with terms varying from 1 to 3 years.
- John encouraged all committee members that are stepping off the committee remain active and work with new members, encouraging them to attend meetings as members of the general public as their institutional knowledge is invaluable.
- PAC members with terms expiring are Scott Armbrust, Leonard Felix, Kelly Gouge and Joyce Van Horn.

CDA personnel update

- John updated the committee on the new staff additions to the department.
 - Six new inspectors have been added with funds generated from the Cannabis General Fund. Amanda Terry will serve as the new Pesticide/Cannabis Education Specialist. She will help to develop the Best Management Practices, Pesticide Use, Safety and WPS education information. This is a two year term limited position through June 2018.
 - Three new enforcement positions will be starting on August 15, 2016. These positions will handle case compilations, conduct investigations and follow-up on investigations.
- In FY 2016 the department saw a 309% increase in cases opened over the previous year. CORA requests have increased significantly as well.
- 400+ WPS compliance meetings have been conducted for the marijuana industry to date.

Limited Commercial/Public Applicator Training module update:

Thia Walker

- A new rule was passed last year requiring basic training for Limited Commercial and Public Applicators that are not registered.
- There are five modules available through CSU, each module is approximately 30 minutes in length.
 - To date, 78 people have registered but not all have completed the modules.
 - The training can also be used as commercial technician training and will equate to 2.5 hours of classroom training.

EPA Rules Update

Worker Protection Standards (WPS) Rule status:

Mike Rigirozzi, Thia Walker

- Still waiting on some guidelines and training materials from EPA.
- Inspectors have done an email blast to marijuana applicators outlining the new information.

- There has been an update in the application exclusion zone that lessens the burden to comply with this new provision.
- WPS rule actually goes into effect January 2, 2017, some training elements will go into effect January 2018.
- www.pesticideresources.org is the repository for the WPS materials. There are also other resources to obtain training materials.
- EPA is working on a “How to Comply” manual which will serve as a quick reference guide. Should be available late August.

Proposed Legislation and Rules:

Potential Marijuana legislation in 2017

Mitch Yergert

- The marijuana rules, required under the Governor’s Executive Order, will be mirror the rules currently under Pesticide Applicators’ Act. CDA understands there likely will be legislation proposed in 2017 by the marijuana industry due to the fact they still feel there are not enough products labeled for use on cannabis. Industry should be concerned over any proposed legislation that may conflict with existing laws.
- Tolerances or market access levels of pesticide residue is also being questioned by industry. Oregon and Washington also have addressed the issue and are working on legislation. The regular pesticide industry needs to engage themselves over these conflicting issues.
 - Expecting to see legislation proposed allowing changes that would affect what the marijuana industry may use.
 - This committee needs to be aware of these proposals and how they affect the various parts of the industry. CDA will be forwarding information on legislative proposals as they become available.
 - Registrants believe that states are enforcing their labels as intended. There are liability concerns for those companies that register their products in the state.

Pesticide Act Rules Discussion

John Scott

- The department is considering a rule change to the Pesticide Act.
- CDA has no authority to act on the distribution of pesticide products that may contain pesticides but are not marketed as a pesticide.
- Formulators are selling products that are not being sold as a pesticide but contain pesticides that are not listed in the active ingredients.
- EPA has ongoing investigations into some of these companies.
 - CDA believes there are additional products that need to be tested.
- Will be developing language for a rule change and will distribute to the committee.

CDPHE Pesticide General Permit Overview and Update:

John Nieland

- CDPHE continues to migrate from compliance assistance and moving toward enforcement.
- Sampling from last summer showed generally good results with minimal detections.
 - Publication data is not yet posted on their website.
- Yampa and White Rivers were resampled this summer, report will be available by next meeting.

Open Discussion:

- Comments from guest relating to mosquito control and the understanding that applicators are tested, licensed and are receiving continuing education to maintain their license. Product label language dictates how the product can be used.

Meeting was adjourned at 11:35am.