

Pesticide Advisory Board Meeting

Final Summary Minutes

Room 238, Department of Agriculture Building, Yakima, WA

9:30 a.m. April 23, 2015

Board Members in Attendance

Jim Colbert, Chelan Fruit Cooperative, Representative, Food Processing Industry
Dr. Catherine Daniels, Washington State University – University Pesticide Coordinator
Dan Ford, Columbia Legal Services – Representative, Agricultural Labor
David Heimer, Department of Fish and Wildlife (WDFW) - Representing WDFW Director
Dr. Timothy Lawrence, PhD, Island County WSU Extension - Entomologist in Public Service
Ted Maxwell, Department of Agriculture (WSDA) – Representing WSDA Director
Jim Ossman, Two Rivers Terminal - Licensed Applicator- Ag Ground Apparatus
Steve Passmore, Assn. of Washington Aerial Applicators - Licensed Aerial Applicator
Allen Smith, Wilbur Ellis - Licensed Pest Control Consultant
Gary A. Smith, Department of Labor and Industries (L&I) – Representing L&I Director
Monte Spence, Windflow Fertilizer, Licensed Pesticide Dealer/Manager
Larry Treleven Sprague Pest Solutions - Licensed Applicator- Structural Pest Control
Ed Walter, Washington Tree Service - Licensed Applicator- Urban Landscape

Interested Parties in Attendance

Ofelio Borges, Farmworker Education & Training, WSDA
Holly Cushman, Hazardous Waste Toxics Reduction, Central Region, Department of Ecology
Jim Fitzgerald, FarWest Agribusiness Association
Ranie Haas, Washington State Tree Fruit Association
Erik Johansen, Registration Program, WSDA
Joel Kangiser, Policy Assistant to the Assistant Director, WSDA
Ignacio Marquez, Community Liaison, Office of the Director, WSDA
Ginny Prest, Program Manager, Dairy Nutrient Mgmt., Acting Compliance Program Mgr., WSDA
Luis Tito Rodriguez, Pesticide Section, Department of Health
Robin Schoen-Nessa, Program Manager, Registration Program, WSDA
Margaret Tucker, Program Manager, Certification & Training, WSDA
Matt West, Acting Central Regional Manager, Compliance Program, WSDA

Introductions

The PAB meeting was well attended between board members, agency staff and guests.

Agency Changes

Assistant Director Ted Maxwell reviewed a number of recent and future changes to the Pesticide Management Division including the following:

- Joel Kangiser has moved to a division policy position after being Compliance Program Manager (PM). The Compliance PM position is temporarily being filled by Ginny Prest who also is the PM for the Dairy Nutrient Management Program. The announcement to recruit for a permanent PM went out last week and will remain open until the position is filled. Ted asked those in attendance to distribute the information as widely as possible. There was a request from Jim Fitzgerald to email information about the recruitment to those in attendance.
- Gary Buckner moved from the Central Washington Area Manager to a new Quality Assurance and Training position to fill a much needed role. The Area Manager position has been announced, but hiring is on hold until the Compliance Program Manager is hired and able to have input in the hiring decision. Matt West out of our East Wenatchee office is serving as the Acting Area Manager until the position is filled permanently.
- On July 1, The Registration & Licensing programs will merge under Program Manager Robin Schoen-Nessa. Margaret Tucker, the current PM of Certification & Training is retiring so this presented the opportunity to look at the way the division was structured and make changes. The other two programs within Registration and C&T, Waste Pesticide Disposal and Farmworker Education, are being reviewed to determine where they best fit.
- Angela Owen and Joy Harkness, both in Registration Services, will be retiring at the end of June. Mike McCormick, who has worked in the Waste Pesticide Program out of Yakima for many years, will also be retiring. There was a question about how waste activities will continue as Mike has worked with the tree fruit industry quite a lot. Ted said that the announcement will probably go out next week. The division is looking at splitting the position between the Waste Pesticide Program and other important areas.
- Lastly, Ted will also be retiring June 30. The agency is currently developing a Position Description for the AD position; an announcement should go out the middle of May. Ted was asked if we had a succession plan and responded that while there are a lot of people leaving, there will be plenty of experienced managers within the program (Joel, Steve, Erik and Robin) who will be able to keep things moving forward.

Legislative Update

- SB 5209 (Title: *Concerning a hazardous substance tax exemption for certain hazardous substances defined under RCW 82.21.020(1)(c) that are used as agricultural crop*)

protection products and warehoused but not otherwise used, manufactured, packaged, or sold in this state.) - Jim Fitzgerald stated that he believes the bill is alive and still in rules and that it will make it into the special session.

- Possibility of fee increases – Ted has been keeping an eye on the budget for the Pesticide Program. The division has made it three years beyond where we originally thought we would need to seek increases. The fund balance through the end of June is looking like a bit more than it was at the start of the biennium but he predicts this will not be the case after the end of the next biennium. The program may need to look at fee increases in 2017.

Compliance Update

- Joel reviewed the annual Legislative Report, which is posted at <http://agr.wa.gov/FP/Pubs/docs/458-FY14ReportToLeg-PesticideMgmtDiv.pdf>. He explained that the division decided to change the reporting period from calendar year to fiscal year starting with the 2013 report. When the report was published by calendar year, there were often unfinished cases that could not be reported on. With going to fiscal year reporting, the program can provide a more complete annual picture of compliance activities. Beginning with the FY 13 report, information on the other programs with pesticide responsibilities (Registration, Waste Pesticide Disposal, Licensing and Farmworker Education) is being included.
- The report describes the investigative process which Joel briefly reviewed as well as the structure of the Compliance Program (organizational chart overview) and details of each investigation.
- Joel covered some main findings covered in the report including the following:
 - Number of investigations (104) for FY14.
 - Graph of investigations from 2005-2014 shows a gradual decline. Joel hopes it is related to education and technical assistance but can't be sure. The numbers could also be down last year because of less surveillance – there were staff retirements so time was spent more on training new staff than conducting field surveillance. This led to less investigations being initiated. In addition, there has been an emphasis on screening calls better to make sure they are really a potential violation and not just someone angry that a pesticide is being applied or that their neighbor is doing it. Calls that are potential violations, especially those involving possible human exposure, are treated with the same urgency as in the past. Matt West stated that he believed the overall trend is down with drift in tree fruits although last year there was a spike. Although there are fewer incidents, they are involving more people. Tito Rodriguez stated there appears to be more complacency and poor decision making by those spraying. There was a question of where fumigant cases fit into the numbers breakout. Response: One case involved a fumigant where three people were exposed.
 - Usually there is a fairly even split between the numbers of eastern and western Washington cases although this year there were more on the eastside. Joel believes it

- might be related to better screening of calls and not going out on the traditional neighbor to neighbor complaints.
- Joel reviewed the investigations by type with ag being the greatest at 40%. Once again, herbicides led for type of pesticide investigated (49%) with the most common active ingredient being glyphosate. Matt asked if Joel foresees any changes to glyphosate since it is the #1 problem. Some states are designating it as a Restricted Use Pesticide. Joel said that violations involving glyphosate are generally not drift-related.
 - Almost all of the agricultural investigations (39 of 42) involved drift with 16 involving orchards and 15 of these involving air blast sprayers. There were only a few incidents of drift in the non-ag sector.
 - There was a question from Alan Schreiber of how many people were involved in the drift cases on the severity of findings slide. Response: 81 people were exposed in those cases which resulted in an NOI (WSDA does not track numbers of individuals for non-NOI cases).
 - There was a discussion of why there seems to be an uptick in drift cases. Matt believes that the move towards high density orchards has resulted in workers always being in the orchards. Monty Spence stated that farmers around Mattawa are getting out of row crops and going to orchards; Matt said that farmers are also moving down to the Mattawa area because land around Wenatchee is getting too expensive. Alan indicated with the rise in blueberries in eastern Washington that a lot more crops are being planted that use air blast sprayers. In addition, more applications of softer chemicals are being made to control pests that required fewer applications when azinphos-methyl was used. Matt added that our outreach efforts may not be reaching the people who have the authority to make the critical decisions. Ofelio responded that they are working on that with owners/growers and are hopeful it won't be an issue in the future.
 - Last spring, there was a spike in human exposures due to air blast applications in orchards. WSDA worked to get information out about preventing drift through a news release and email and then incidents tapered off in mid-May.
 - Dan Ford commented that he believes some cases were missed. Incidents almost always involve many people. Joel - our numbers differ from DOH because their numbers include employee-employer complaints which LNI investigates. Also, sometimes DOH will investigate an incident but is asked by those involved not to pass on the case to WSDA.
 - Joel reviewed the inspections conducted by WSDA. There are generally around 160-200 conducted each year, which include around 40 Worker Protection Standard inspections. In FY14, 36 WPS inspections were conducted. The program tried to focus on operations other than orchards because of changes to fumigation labels. The violations found were pretty typical of those seen in previous years.

- Jim Ossman asked whether there was a link between failure to post “field postings” as required on some labels and exposure incidents. There was a discussion of field posting and whether this was investigated. Matt stated that he and Jaime Ramon will conduct a WPS inspection if they see workers in a posted field. Inspectors always review posting when doing an inspection. In addition, inspectors will cite the grower if signs are left up after the time when they should have been taken down. Jim Ossman clarified and voiced concern that field posting is not occurring as required for many of the products applied in row crops. Matt stated this was understandable given the lack of knowledge in the row crop industry and because WSDA’s primary focus and inspection efforts has been in tree fruits where most of the exposures occur. As Joel mentioned during his review of inspection numbers, WSDA did try and focus more on row crops during its FY14 WPS inspections, in particular potatoes with recent changes to the fumigation labels and rules.
- Joel reviewed the cranberry project conducted by western Washington compliance staff in Grayland. The team was trying to work cooperatively with growers to encourage compliance with new rules for the Grayland ditch area that designated diazinon and chlorpyrifos as state restricted use pesticides and required cranberry farms using these products to have ditch cribbing and covering or sub-surface drains in place. The team found a number of problems especially with lack of backflow prevention. WSDA will find out this year what water samples collected by the NRAS program reveal about the success of the management strategies.
- Joel mentioned that the division is working on consolidating the county rules. They will be putting together a general meeting this summer and then get a working group together to move forward on revising the rules. Jim Ossman proclaimed, “FANTASTIC”.

Pollinator Protection

- Robin introduced the issue by reviewing the federal push for state pollinator protection plans. EPA and USDA are heavily involved. WSDA staff worked with the honey bee work group, which included beekeepers and other stakeholders. A report from the work group was submitted to the Legislature in December. She also mentioned that PNW Extension has a publication on reducing bee poisoning from pesticides. Also, as a means to protect bee populations, the Washington State Beekeepers Association can help homeowners get swarms out of the homes so a pest control company does not need to come in and kill the bees. She also talked about the requirement for all hives to be registered. Although many are not, registration of hives is critical so beekeepers don’t have problems with agricultural operations.

- Erik Johansen gave a presentation on pollinator protection. More than 50% of the pollinated crops in the US are grown in Washington, Oregon and California, making this a critical issue for the west coast. EPA has updated the risk assessment process to better address pollinators. How do you solve potential problems? Some things can go on labels, but EPA also came up with the idea of managed pollinator protection plans to better address local issues. WSDA felt this was important to do as did a fairly large group of around 50 stakeholders. They discussed whether to attack the whole problem at once or start smaller and decided on the latter approach. Since there is a lot of things going on with the tree fruit industry (retirements and consolidation of four associations), the decision was made to start with the alfalfa seed industry, who were willing partners. The biggest area in need of improvement is communication. North Dakota has a pollinator management plan but their main focus is honey production and not pollination. While WSDA can learn from the ND plan, the Washington plan will probably be more complex, since we grow over 300 different crops. The guidance has required and optional elements but they are not finalized yet so the process is moving along slowly. At a recent meeting in Idaho, Erik had the chance to talk with others doing similar work. There is some interest in putting out an educational brochure for the tree fruit industry that includes best management practices, communication and other strategies for avoiding a problem in the first place. WSDA hopes to have a draft of the initial part of the plan out this fall. Larry Treleven stated that beekeepers may be reluctant to divulge where their hives are located.
- Tim Lawrence from WSU stated that the situation has improved because of less use of organophosphates and other insecticides. This is somewhat offset by the rampant use of neonics that are often used as a prophylactic. He addressed a paper in the journal Nature that reports that bees don't taste neonics and are attracted by them. A big key, according to Tim, is that we must increase suitable habitat for pollinators. Killing dicots and reseeding with grass creates pollinator deserts. He recommends replacing with non-invasive plants instead of those considered noxious weeds that are used by pollinators. David Heimer from F&W also mentioned the connection between bees and the control of noxious weeds foraged by pollinators. He recommended that someone from F&W be involved in Erik's pollinator group.
- Steve Passmore stated that he doesn't think the alfalfa seed growers are the best place to start because they are so unique and their pollinators are not representative of honey bees.

SLN Registrations on Marijuana

- Certain pesticides (mainly biopesticides, organic pesticides and minimum risk pesticides) are allowed for use on marijuana based on WSDA criteria. However, they are not likely to be very effective in the event of a pest or disease outbreak. EPA has stated that they are willing to consider WSDA's approach for reviewing applications for SLN registration to allow the use of conventional active ingredients on marijuana, if the proposed data requirements can be met. This will be difficult because the normal method to obtain

supporting data from WSU and USDA is not available, due to concerns with loss of federal funding or restrictions on federal activities. The pesticide candidates will probably be from those used on surrogate crops (hops, mint and tobacco). Erik reviewed possible AIs; Alan Schreiber described possible pests – primarily those that are found on hops and on greenhouse crops. He also discussed illegal pesticide use on marijuana and that he is starting to get emails from people who are concerned about pesticide residues on marijuana. Erik believes that marijuana would be in the top ten agricultural commodities in Washington, if accurate information was available. He discussed the importance of this issue for the WSDA: protection of human health, workers, the environment, and consumers from improper pesticide use on marijuana.

Farmworker Outreach

Margaret gave an update on when the federal WPS is expected. If there is no political intervention, the final rule should be out in Sept. with implementation a year later. Joel reviewed the draft brochure, in both English and Spanish, which provides information on calling a toll-free WSDA line if someone thinks they have been drifted on from a neighboring farm. Ignacio Marquez talked about working on a joint publication with LNI but the two agencies decided to independently develop flyers. LNI will continue to work on their flyer which will have more detail and WSDA will finalize its flyer in the near future. The toll free WSDA line is aimed at dealing with drift incidents only and to direct those individuals to the right place.

Pesticide Application Equipment BMPs Training

Ofelio gave a presentation on the four pilot Pesticide Application Equipment BMPs training programs that took place in March. The modules, which are a mix of classroom and field exercises, include parts of the spray equipment, calibration, configuration and environmental and equipment factors affecting applications. The pilot programs were very successful although extremely labor intensive. (See attached presentation for more details.)

Jim Fitzgerald asked about covering spill response and mixing pesticides. Ofelio explained that the all-day Hands-on Handler Pesticide Safety training covered a number of topics including the mixing of pesticides, the need to stop applications if unprotected bystanders are present and the proper use and decontamination of personal protective equipment.

Matt stated that aerial applicators are already doing a lot to improve their industry and reduce drift. Will the tree fruit industry step forward and do the same? Ofelio responded that there is a need to improve training for both applicators and their supervisors. Margaret Tucker said that we need to get more English speakers, that often include owners and foreman, to the training as they tend to be ultimately responsible for changing farm practices.

Matt asked how the program was going to reach the audience that had the ability to make the critical decisions. Catherine Daniels said that providing detailed information on the economics of improperly applying pesticides through air blast sprayers (estimated at a 40 to 60% loss of product) might encourage better attendance. Ofelio said that he will be discussing the training at

grower meetings and working to revise curriculum. He would like to expand the training to 1.5 days because there is so much information to cover. Ofelio commented that he had met the previous day with Jon DeVaney of the new tree fruit association and was asked to provide an additional 6-8 trainings in 2016. Unfortunately, the training schedule for 2016 is already booked and existing resources don't allow the program to conduct more.

Governor's Workgroup

Ignacio reviewed the Governor's farm worker task force findings. Representatives from labor, agriculture and agencies met several times in 2014. The purpose was to find joint initiatives that could move forward. On pesticide issues, labor and ag agreed on some issues such as providing health care workers with more information and more enforcement around signage. Two other initiatives were of interest but not a priority – creating a toll free line to report problems and developing a policy for workers that would instruct them to stop working when they feared exposure. The group was split on training – labor thought it was of interest but not a priority while ag thought it was a priority. The report is in draft form and should be finalized in the next couple of weeks for review by the general public.

Agency Updates

Holly Cushman, Department of Ecology – the Yakima office is moving to new location. Ecology had an opportunity to renegotiate lease and could not come to agreement with the owners. There new location is near the intersection of Longfibre Avenue and Ahtanum Road.

Tito Rodriguez, Department of Health – Health has provided a report to the Legislature on the number of drift cases in agriculture. Over 50% are drifts to neighboring farms. Like everyone, Health would like to see case numbers go down in 2015. Even with acute exposures, workers worry a lot about long term effects of pesticides.

Gary Smith, Department of Labor & Industries – He is working on case numbers for the last fiscal year. He has been involved with other staff on working with WSDA to develop outreach materials including a joint publication on emergency washing requirements in response to concerns/questions that came up last fall. The publication is available on the LNI website at <http://www.lni.wa.gov/IPUB/417-257-000.pdf>.

Fish & Wildlife – no information to report.