

Pesticide Advisory Board Meeting
Summary Minutes
9:00 a.m. October 21, 2013
Natural Resources Building, Olympia, WA
Room 259, 2nd Floor

In Attendance:

Jeff Blackner, Washington Tree Service
Wayne Clifford, Department of Health
Catherine Daniels, Washington State University
Brian Dixon, Department of Ecology
Barry Duerk, Bayer Crop Science
Jim Fitzgerald, Far West Agribusiness Association
Art Losey, Washington State Pest Management Association
Ignacio Marquez, WSDA
Kirk Mayer, Washington Growers Clearinghouse
Tom McBride, McBride Public Affairs
Steven B. Passmore, Association of Washington Aerial Applicators
Joanne Predo, Department of Health
Allen Smith, Wilbur Ellis
Gary A. Smith, Department of Labor and Industries
John Stark, Washington State University
Margaret Tucker, WSDA
Cliff Weed, WSDA

Introductions and Updates

Assistant Director Ted Maxwell introduced himself as the newly appointed Assistant Director of the Pesticide Management Division as of August 2013, having served that role in an acting capacity for the previous year, since Bob Arrington's retirement in June of 2012.

Ted reviewed other division changes since June 2012, including the movement of the Feed Program to the Food Safety and Animal Health Division, and the addition of the Dairy Nutrient Management Program to the Pesticide Management Division.

Due to Ted's permanent appointment, his previous position as Program Manager of the Registration Services Program remains open for applicants until close of business on Friday, November 8th. Additionally, Joel Kangiser, recent Acting Program Manager of Registration Services during Ted's temporary appointment, accepted the position of Program Manager of Compliance Services; filling the vacancy created by Cliff Weed's acceptance to transfer to the division's Policy and Issues Assistant.

With the retirement of one field investigator in the Yakima WSDA office last spring, the position was refilled October 7th, after being relocated to operate out of the Moses Lake office with bi-lingual capability. The position will primarily cover Franklin and Walla Walla counties.

Ted added that the agency received no additional funding from the legislature, but due to a few unfilled positions and an across-the-board 3% salary cut for state employees making over \$25,000 per year, the division has maintained a positive fund balance over the previous biennium. A “longevity” salary increase of 2.5% for permanent employees at top salary levels for seven years or more, was implemented in July 2013.

George Tuttle, Agency Toxicologist

Ted introduced George Tuttle, Department of Agriculture’s Toxicologist who joined the agency’s Natural Resource Assessment Section (NRAS) of the Director’s Office in November 2012. George gave a PowerPoint presentation covering detections of Dacthal in groundwater.

Believed to be a legacy issue with the chemical leaching from soil, data show detections of 70 ppb at well depths of approximately 400 feet and metabolite concentrations. The 2009-2011 data survey results were enhanced by data from the state Department of Health well monitoring program and the United States Geographical Survey (USGS) in addition to the samples collected by NRAS. 2013 data is still in the process of being quality checked.

The presentation also covered pesticides in salmon-bearing streams, involving analysis of over 170 pesticide compounds from samples obtained at 15 sites over 21 week timeframe, in six watersheds. Again, metabolites and legacy compounds were present.

George also informed the group that data is currently under examination from an Urban Use pesticide survey.

New Agency Liaison, Ignacio Marquez

Next, Ted welcomed Ignacio Marquez, Community Liaison for the Director’s Office, who introduced himself to the board. Based out of the Yakima office, Ignacio will increase the agency’s involvement in farm labor issues, such as labor shortages in the tree fruit industry, wages, working conditions, housing and immigration status.

Ignacio has been reaching out to the Spanish speaking community across the state, and working to ensure the growing number of orchards owned and managed by the Spanish speaking population are aware of Department services, rules and regulations, including pesticide use and safety.

Ignacio brings a wealth of knowledge and experience to the agency, having grown up around the farm worker community in Yakima, working with the Washington State Labor Council, the Commission on Hispanic Affairs, worked at the Employment Security Department on employment and training services for farmworkers, the federal H2A Program for agricultural employers, and served as Regional Director of South Central Washington’s WorkSource Office.

Division Rulemaking Activities

Cliff Weed, Policy and Issues Assistant, updated the board with the division's latest rule-making activities, beginning with new restrictions on chlorpyrifos and diazinon use in Grayland, Washington by cranberry growers. The rules become effective January 1, 2014.

The department was also petitioned to change existing restrictions associated with the sale of phenoxy herbicides in quantities greater than one gallon. The current rule has been on the books for over forty years and any revision will focus on "ready to use" formulations only. Department of Agriculture Director, Bud Hover, recently granted approval to proceed with a CR101 proposal for public hearing and input.

Assistant Director Maxwell added that the proposal will follow the original intent of the existing rule to limit home-owner use. Cliff is working with other states on the "ready to use" definition, and specific language has yet to be developed, but the final rule is expected to be in place by March 2014.

Rulemaking activity around new classifications of spray nozzles will also be looked at. Current rules have become out of date, being based on orifice size, which is no longer referred to by the American Society of Agricultural and Biological Engineers (ASABE), which defines nozzles as very fine, fine, medium and coarse, and are also now color coded. The United States Environmental Protection Agency (EPA) also refers to this standard. This effort was originally undertaken in 2010, before the 2011-2012 rulemaking moratorium was imposed, putting further development on hold. Cliff will be reactivating the stakeholder group for their support around the issue.

Neonicotinoids and Pollinators

A formal petition was received from the Thurston County Commissioners to restrict neonicotinoid use by home owners. After thorough review, the Director denied the petition but the department continues to monitor this class of pesticides and work with EPA on new label statements to protect pollinators, which is on the fast track. The division also produced an outreach brochure and recently received a proposal from WSU for further research involving hobby bee-keepers.

I-502 and Marijuana Regulations

Joel Kangiser gave a PowerPoint overview of Initiative 502 (I-502) regarding the recreational use of marijuana, and the agency's involvement with the Washington State Liquor Control Board (WSLCB) around its processing, facilities, labeling and the use of pesticides and fertilizers. This has been a challenging new issue, due to the sudden change in laws, without a case history build-up of chemical use, as with most other crops. WSLCB's rules 314-55-087 and 314-55-105 WAC cover use, packing and labeling.

WSU will be adding I-502 as a search term to their PICOL database for those seeking a list of pesticide products that may be used on marijuana.

Joel also provided an overview of 18 complaint investigations resulting from necrotic damage and leaf spotting. Physical drift appears to have occurred up to over a mile from application sites from wind blown, post application particles, even though the applications were made according to label directions, and point to possible inadequate or inconsistent labeling.

Licensing & Recertification Program Update

Margaret Tucker provided an overview of the Certification and Training Program (C&T) beginning with the new Soil Fumigation Phase II label requirements for training, licensing and risk mitigation. A new license exam category has been added after an exam development project that involved collaboration with WSU and the industry.

Licensing staff are preparing for 2014 renewals that will be mailed around Nov. 15. In the past two years, the program has implemented online renewals for all license types and bar-coding for recertification session attendance. This latter innovation allows for recertification credit information to be displayed on-line within a few days of the end of the recertification course. C&T is currently working on an on-line pesticide exam registration process.

Department of Health

Wayne Clifford informed everyone that the Commission on Pesticide Registration has grants available for small studies and research projects and an announcement will be out soon. Also Ag Safety Day will be February 26, 2014 and Wayne is on the planning committee.

The Pesticide (formerly PIRT) report is on the DOH website. The report now has topic areas instead of case-by-case analysis, as the production of the report is quite labor intensive without the efforts of the PIRT panel. Electronic data reporting from agencies will help streamline this effort in the future. Pesticide illness surveillance is around 200-250 cases per year with 20 year old criteria from the CDC and NIOSH.

Agri-Plas will have two mobile grinding units doing plastic pesticide container collections in January 2014. They will fulfill their contract as in the past and a link is on Far West's website.

Cliff Weed stated that development of WSDA's annual Report to the Legislature is underway, with around 159 cases from July 1, 2012 through June 30, 2013 as the new data reporting period. The new timeframe will result in increased accuracy. Civil penalty and license suspensions are now on the division web page and will be continuously updated. The new reporting timeline, consistent with the agency fiscal year, is consistent with Department of Health timelines, and will reduce reporting gaps due to late case closures and the previously adhered to early reporting timeframes and due date.

Closing Remarks and Future Considerations

In closing, Ted thanked everyone for their attendance and asked that participants consider the future direction and make-up of the Pesticide Advisory Board, as it is now voluntary and not in state statute.

Recommendations for candidates for the unfilled positions and topics input are greatly appreciated, as the agency places high value on the information and interactions with board members. Scheduled meetings are another consideration for board members; frequency, location and live video-conferencing ideas and suggestions are welcome and appreciated.

Feedback included:

- Jim Fitzgerald's Far West office in Spokane has a Polycom available for future meetings via video conference
- The Environmental Community should be represented on the board, as well as labor groups.
- A representative from the bee industry is recommended
- Check with Tribal entities for their interest in participating

The next Pesticide Advisory Board meeting will be held after the 2014 legislative session ends.