

Pesticide Advisory Committee Meeting Minutes
October 19, 2012
Brake Conference Room, Constitution Hall
525 West Allegan, Lansing, MI

Present: Abby Schwartz, Jeff Fischer, Bob England, Michael Schiffer, Kara Moberg, Joe Bondra, Brian Rowe, John Stone, Amy Frankmann, Roger Mech, Tina Reynolds, Brian Verhougstraete, and Larry Olsen. A quorum was present.

Committee Chair Brian Rowe welcomed attendees to the meeting. Introductions were made and the agenda was reviewed. Minutes from the April 20, 2012 were reviewed.. A motion was made by Kara Moberg to approve the minutes (second by Joe Bondra). Motion carried.

New meeting dates for 2013 were proposed for January 18, April 19, July 19 and October 18. All meetings will be held in the Guyer Conference Room, at the Geagley Lab (1615 S. Harrison Road, East Lansing, MI) from 9:30 am to noon. Meetings are open to the public.

Brian announced that Mark Varner (alternate Sandra Silsby) representing Agricultural Chemical Industry and Elaine Clapp representing the Michigan Occupational Safety and Health Association member nominations were approved by the director. Their appointment is for three years.

Brian announced there is a new exemption for private applicators that waives certification fees for honorably discharged veterans of the United States armed forces. The exemption was created when the private fee sunset language was amended and moved forward another three years. The exemption was unexpected and has caused the certification program to make adjustments to accept veteran discharge documents to document honorable discharge status. A memo was sent to all private certified applicators announcing the change. A copy was provided to the committee members.

Roger Mech shared information on the fungus *Heterobasidion* root disease (HRD). It was been detected in a red pine stand in Wexford County in 2010. Previously, HRD was known to occur only in the southern Lower Peninsula. The disease moves into tree roots through cut stumps and is managed at the time timber is harvested by treating the stump with a borate-based fungicide. The Michigan Department of Natural Resources (MDNR) is surveying to determine the extent of distribution. MDNR may be able to identify an area of risk and only require treatment in those areas. The disease is prevalent in Wisconsin. Pesticide applicator training and certification may be required. Brian offered to contact Wisconsin to see how they are handling applicator certification for cut stump treatments. Brian indicated that logging companies that perform the cut stump treatment for hire would need a commercial pesticide applicator business license and applicators would have to be certified. Roger indicated industry groups would have to be engaged and informed of the requirements for certification and licensing. Larry Olsen offered that there would be a need for training materials and that Wisconsin may have some already developed. John Stone commented that loggers in Minnesota were having difficulty passing certification exams.

Brian shared a copy of the committee member list with proposed term expiration dates for long standing members that have been serving on the committee. According to committee business rules, reappointments may occur. Russ Ives moved to adopt the proposed committee member expiration dates (seconded by Bob England). Motion Carried.

The committee continued discussion on the issue of shared responsibility for commercial application of pesticides. The issue centers on general practices in several sectors of the pesticide industry where commercial applicators accept work contracts without direct contact with the customer. This may produce a misapplication to the wrong application site or to properties where residents object to the application of pesticides. The following questions were asked:

1. Can a policy document be developed to address this situation?
2. Is a rule amendment necessary?
3. Can a contract between commercial applicators be developed to define roles and responsibilities?
4. Can the department create a letter similar to MIOSHA actions that documents a contract for service violation but absolves the applicator?

Discussion included a concern that rulemaking can take time and may be difficult. The current rule is written to regulate the applicator, not other parties. Rulemaking may be necessary if additional parties are to be regulated. A subgroup needs to work on the issue and return a proposed action to the committee. Subcommittee volunteers include Brian Rowe, Mike Schiffer, Bob England, Sandy Silsby, Gary King, and Tina Reynolds.

Reports from MDCH, MSU and MDARD included the following:

- Abby Schwartz (MDCH) provided 2012 report update. She indicated there may be a problem with tenants obtaining treatment information from landlords. She indicated there were a couple cases where exposure and reactions occurred when water was added to a chemical instead of adding the chemical to water.
- John Stone (MSU-PSEP) reviewed his quarterly report and shared that the North Central Certification and Training meeting was held and that responses to attendee surveys were indicated it was an excellent meeting.
- Larry Olsen shared work on exam analysis for the turf (3a) certification exam. Results indicate revisions are needed for 40 questions. The exam analysis was funded by MDARD.
- Gary discussed soil fumigant labeling amendments and new training requirements of soil fumigant pesticide applicators.
- Brian shared that the new procedures for closing cases in a more timely manner has improved the process. New closure options may not handle complaints as use investigations, so it may appear that there are less complaints because use investigation numbers are lower.

Gina Alessandri provided the following Pesticide and Plant Pest Management Division updates:

- Discussed the FY'14 budget and the development of a document that defines division priorities, outlines where the funding originates and how it is spent, and requests additional funding for priority programs within the division. It will be used during budget communication activities.
- The American Association of Pesticide Control Officials is building a stakeholder team to look at pesticide safety education programs to ensure these programs have stable and sufficient long term funding.

The meeting adjourned. The next meeting will be held January 18, 2013 at the Geagly Laboratory from 9:30 am to noon.