

**Region 3 Pre-SFIREG Meeting**  
**April 6-7, 2016**  
**EPA Region 3 Office, 1650 Arch Street, Philadelphia, PA**

Attached are the Region 3 States/District PreSFIREG reports (text only). The Spring meeting is held in Philadelphia, PA at the EPA Region 3 headquarters. Agenda is attached at the end of this report.

The Pre-SFIREG meeting convened the afternoon of April 6 and wrapped up before noon on April 7. Highlights from the meeting included:

- State reports (see below)
- Enforcement Performance Measures update from Liza Fleeson.
- Zika virus topic was added by EPA. Presented state activities. Most have seen an increase in applicators wanting mosquito control category and most have been contacted by State DHHR offices. VDACS presented a draft Zika Virus Disease Response Annex. Office of Pesticide Services sat on the Statewide Taskforce that developed the Plan.
- Additional discussion of Federal Credentials included the consideration of an issue paper. Although Region 3 has provided excellent assistance to the Region 3 States renewing credentials the Region 3 States continue to struggle with the lack of flexibility, not recognizing state specific training and the difficulty in tracking the various programs.
- Open discussion included EPA QMP/QAPP approval process. Delaware was not pleased with the recent EPA review process. EPA Region 3 staff will follow up.

**No issue papers.**

## **District of Columbia**

### **STAFFING CHANGES**

Chianna Harrison has now joined the Pesticides Program on a permanent basis. She is our new program assistant. Russell Noratel resigned and returned to MDA to accept a position as an inspector. We will be filling that vacant position as soon as possible.

### **REGULATORY/LEGISLATIVE ACTIVITIES**

On January 19, 2016, the Pesticide Education and Control Amendment Act of 2016 (PECA 2016), was introduced at the DC Council. In essence, **the bill adds two more lists** into the “restricted-use” list. In addition to EPA’s restricted-use pesticide list being a District restricted-use pesticide, the bill defines restricted-use pesticides as a pesticide that contains:

- 1) a chemical that is classified as “known to be a human carcinogen” or “reasonably anticipated to be a human carcinogen” in the most recent report on carcinogen by the National Toxicology Program in the U.S. Department of Health and Human Services and
- 2) a chemical that is classified as “carcinogenic to humans” or “likely to be carcinogenic to humans” in the U.S. Environmental Protection Agency’s most recent list of chemicals evaluated for carcinogenic potential.

## **PROGRAM HIGHLIGHTS**

### USA Plants update

From a development perspective for licensing USAPlants estimates we may be 70-75% done. DOEE staff is currently testing out the database entering new operators, applicators and technicians and the ability to print/email renewals renew licenses, and print licenses. Once we get the licensing aspect completed we can focus on pesticide usage, inspection data and product registration.

### Integrated Pest Management

An official letter has been sent out to notify over 400 Child Care Occupied facilities of the requirements of PECA and the steps necessary to come into compliance. A template for an IPM plan is attached to the letter with an offer to assist the providers with creating a plan. The Program is also working with the DC Department of General Services (DGS) to identify District government agencies and properties and complete a comprehensive IPM Plan. We will provide assistance to DGS and any agencies and/or properties that may require a separate plan. We have also been in touch with the Office of the State Superintendent of Education (OSSE) to discuss School IPM and move forward with a comprehensive plan for all District Schools.

### Pollinator Protection Plan

We are continuing to work with DOEE’s Fisheries and Wildlife program to produce a MP3. We are currently in the process of planning for a stake holder meeting that will explain the process and the need for a MP3 for the District, address the new labeling for pesticides that was mandated by the EPA, inform applicators what these changes mean to them, and discuss beekeeping and native pollinators in the District and the need for forage. A final date will be announced soon and will be in mid-May or early June. Following the stakeholder meeting, we will start working on a draft MP3 and any educational materials associated with it.

## **PRODUCT REGISTRATION**

We will be registering our first 25b product **Procidic2** for use on Cannabis.

The active ingredient: 3.5% Citric Acid. Other states with legalized marijuana are doing the same.

## **PESTICIDE ENFORCEMENT PROGRAM**

### **5 Cases Settled**

Failure to obtain an operator or applicator license

Total fines prior to negotiation \$32,000.

**Total collected \$10,200.**

### **4 Cases Sent to Office Administrative Hearings**

Record keeping and unlicensed applicators, unregistered technicians

Failure to obtain an operator or applicator license

Total fines prior to negotiation \$60,000.

### **2 open enforcement actions**

Using pesticide inconsistent with the label

Possible harmful to human health & environment

Failure to report a spill, Failure to maintain equipment

Using pesticides in a faulty manner, unlicensed applicator and recordkeeping,

Total fines prior to negotiation \$18,000.

## **State of Delaware**

**April 4<sup>th</sup> 2016**

**Pre-SFIREG State Report**

**A: General Overview**

**Staff Changes:**

- Steve Carter, Agricultural Specialist retired January 1<sup>st</sup> 2016. Mr. Carter was responsible for the sections Certification and Training program.
- Ben Coverdale has accepted the Agricultural Specialist position and will start in this position on April 4<sup>th</sup> 2016. Mr. Coverdale previously worked in our section as an inspector.

**Budget Outlook:**

- The Pesticide Holding Account funds six FTE salaries and fringe benefits. Revenue for the fund comes from various fees collected during the year.
- The FY 2016 State budget does not include any increases in salaries.
- The FY 2016 EPA/PPG Cooperative Agreement has been fully funded: the final award was received September 29<sup>th</sup> 2015. Included in this award is \$82,654 for lab equipment.
- The lab equipment funds have been used. The lab purchased a new HPLC. It is up and running.

**Training Initiatives:**

- Pesticide staff training initiatives: The Pesticide Section inspection and enforcement staff attended the Regional State Pesticide Inspector's workshop hosted by Maryland in October. Joyce McGee, Analytical Chemist attended the Florida Pesticide Residue Workshop held at St. Pete Beach, FL. DDA urges EPA to continue to fund the training programs.
- All staff who will be involved with the implementation of the new WPS rule will attend PREP and PIRT courses.
- The Certification test is still in high demand. Having the test at the Harrington State Fair Grounds has worked out great. The facility offers more seating for the testing. The increase demands for testing are in the mosquito, ornamental and turf and general pest control categories.
- DDA has completed the production of the Spanish version of the training DVD. The final goal will be to have the English and Spanish version on one DVD.

**Equipment/Technology:**

- DDA continues to utilize the Pesticide Sensitive Crop Registry, Delaware DriftWatch. The registry provides a means to facilitate communication among those with pesticide sensitive specialty crops or habitat areas and pesticide applicators. The majority of the crops registered have been commercial bee operations. The project created a web site that brings together the pesticide sensitive area data streams from each of the producers into a single map display. Users are able to search and zoom in to see the sensitive areas mapped over the aerial image. DDA continues to expand the use of this website to help support the Managed Pollinator Protection Plan. BeeCheck is a new portal on DriftWatch. BeeCheck is specifically designed for the

beekeepers. DriftWatch/BeeCheck is now offering signs and bee flags to go along with the site. DDA purchased some of these signs and flags.

***Pick List Initiatives:***

- **Bed Bugs:** DDA website has links to various publications on bed bugs. Also DDA website has a link to VDACS bed bug information page. DDA will also use inspections with pest control operators to provide outreach on treatment techniques. DDA currently conducts use observations with pest control technicians. DDA also follows up on resident complaints involving misuse of pesticide products during bed bug treatments. DDA also responds to EPA referrals involving the misuse of pesticides in bed bug control. During routine marketplace inspections label reviews will be conducted.
- **Pollinator Protection:** DDA has worked in coordination with the Departments Plant Industries section to roll out the new MP3. DDA has presented to various stakeholder groups. To date the total attendance of all of these outreach events is over 1000. These groups include: beekeepers, farmers, custom agricultural applicators, University personnel (UD and Del State), Department of Transportation, DNREC, Parks and Recreation, Golf Course managers, pest control applicators, lawn care applicators.
- DDA provides commercial beekeepers with communication via DriftWatch. More outreach materials are needed for distribution. DDA has expanded our outreach in the areas of pollinator protection. The DriftWatch website allows for commercial beekeepers to register the location of their hives so that applicators can manage their applications around these hives. DDA has extended this to beekeepers who have registered their hives with the Plant Industries section.
- Also labels will be reviewed during routine inspections to ensure that pollinator protection language is followed. DDA will look for the pollinator protection box in the product labels where appropriate. DDA will target during marketplace inspections and take steps to stop distribution of unregistered or misbranded pesticides that could adversely affect pollinators.
- Working with the plant industries section, DDA applied for and was awarded a specialty crop block grant to help fund Pollinator Protection Outreach in the coming year. This SCBG focuses on increasing forage for bees. Many of the goals of the SCBG mirror the MP3 focus areas.
- The comment period for the draft MP3 passed on March 15<sup>th</sup> 2016. DDA has reviewed the comments, eight, and will now move on to finalizing the plan.
- **Spray Drift:** Much of this outreach is conducted during our yearly inspections. This includes business license inspections and use inspections. Also drift reduction outreach materials are given out at large events (Fair, Ag-Week, DNLA Convention). Past drift data is available for review in CATS system. Labels are always reviewed during the application to ensure drift precautions (wind speed, buffer distances, proximity to water, etc.) are followed.

## *Statute/Regulatory Changes*

- Currently there are no anticipated changes to the Delaware Pesticide Law or the Rules and Regulations.

## **B. Program Specific Issues**

- **Enforcement:** Follow up letters, and follow up inspections are conducted when non-compliance is documented, most common violations are PPE and recordkeeping.
- **Certification & Training:** DDA now offers certification testing every 45 days to align with the new re-test interval. DDA plans to re-write the General pest control (7A) Wood Destroying pest (7B) and the Ornamental and Turf exams (03). The 7A exam is almost completed. The retirement of Steve Carter delayed the completion of this project.
- **Water Quality:** DDA is continuing to monitor the state's shallow groundwater for pesticide residues using the state-wide network of shallow monitor wells. The Hydrologist will begin spring sampling soon. Annual sampling results from the Groundwater Monitoring Program are available on the DDA Groundwater Monitoring Program's web page [http://dda.delaware.gov/pesticides/Pest\\_gwater.shtml](http://dda.delaware.gov/pesticides/Pest_gwater.shtml).
- The Hydrologist continues to work with the US Geological Survey to implement a special shallow groundwater monitoring study. This joint USGS/DDA project is assessing changes in shallow groundwater nitrate concentrations over time to determine the impact of agricultural Best Management Practices for nitrate usage. All study wells included in the special project were sampled in the fall of 2014. Data analysis is currently being conducted on the results of the fall sampling to identify trends and determine if additional sampling is required.
- **Worker Protection:** As previously mentioned all staff will attend training courses to learn all aspects of the new rule. This year the inspectors will conduct inspections with a focus on educating growers on changes to the rule.
- **Endangered Species:** When requested, DDA provides pesticide analytical testing for wildlife cases involving endangered species.
- **Disposal/Recycling:** DDA continues to support this project with monthly pickups in each county. DDA collected 40,000 containers (Calendar year 2015). U.S Ag Recycling provided on-site chipping at five locations in DE. Approximately 30,000 containers were chipped during the contractor's time in Delaware. The program is popular with the commercial applicators and growers.

- **Obsolete Pesticide Disposal:** DDA's program to assist growers with the disposal of obsolete and unwanted pesticide (Environmental Sweep Program) continues to garner support. MXI Environmental Services, Inc. contract was extended for 2016. The program is being offered to farmer first, commercial applicators second and finally to pesticide retailers. DDA had a April and September 2015 collections, between these two collections over 24,000lbs of obsolete pesticides were collected. Since the start of the program, DDA has collected 73,000lbs from 155 locations. DDA is working on a list for another round of collection.

### **C. Emerging Issues**

- Aerial Pesticide Applications near new residential housing developments in the agricultural areas (flight patterns and drift concerns) continues to be nuisance complaint area. Increased uses of fungicides (mostly corn) appear to be the reason for the rise in complaints. Delaware does grow many processing vegetable crops, which require insecticide and fungicide application.
- A new tick control strategy has been passed by legislation. The program focuses on tick control in public parks. The control measures outlined include pesticide applications and host animal control. DDA is concerned with the use of residual pesticides in the tick habitat; these are also areas where pollinators may be found. The Department of Nature Resources and Environmental Control Mosquito Control Section will be in charge of the tick program.
- Non-compliance with pesticide business licensing requirements for lawn/landscape businesses. DDA continues to find new and old lawn care/landscaping companies using pesticide without the proper licensing. The majority of the businesses use a glyphosate product for crack and crevice weed control on homeowner or commercial properties.

## **Maryland**

### **PESTICIDE REGULATION SECTION**

#### **STATE REPORT**

#### **EPA REGION III Pre-SFIREG & GRANTS MEETING**

**April 5<sup>th</sup> - 7th, 2016**

#### **PERSONNEL**

The Pesticide Regulation Section recently filled two staff positions that had been vacant for some time. We filled one Pesticide Inspector position when Russell Noratel, a former MDA Inspector, was selected to fill the vacant position. We were also able to fill a vacant Office Secretary position. We hope to fill another Pesticide Inspector position later this year, which would bring us to our full complement of seven Pesticide Inspectors.

#### **LEGISLATION**

The 2016 Session of the Maryland General Assembly runs from January 13 to April 11, 2016. The Pesticide Regulation did not submit any Bills to the Legislature. However, House Bill -211 and Senate Bill -198 were introduced. Both Bills sought to limit the use of neonicotinoid pesticide products in the State of Maryland. A number of amendments have been made to the Bills, some of which strike out a number of the requirements of the Bill. The Maryland Senate and House committees are now holding a joint conference try and reconcile the differences between the two Bills.

## **REGULATIONS**

No regulatory changes.

### **PLASTIC PESTICIDE CONTAINER RECYCLING PROGRAM**

MDA's Pesticide Regulation Section again offered the recycling program for empty plastic pesticide containers to farmers, growers and commercial pesticide applicators. Collection centers were maintained in seven counties (Frederick, Harford, Kent, Prince George's, Talbot and Washington) with the assistance of county government agencies. A total of 24 collection days were held. In addition, 13 pesticide dealer/custom applicators participated in inspection and collection of containers at their own facilities. A total of 46,800 containers weighing 23 ton, were collected. The containers were processed for transporting to a plastic recycling facility.

### **UPDATE ON MDA'S ON-LINE LICENSING AND CERTIFICATION (INITIAL AND RENEWALS)**

The MDA has two major renewal periods. Renewals for Pesticide Businesses Licenses, pesticide applicator certificates and Registered Technicians expire on June 30<sup>th</sup> and must be renewed by July 1<sup>st</sup>. Pest Control Consultant Licenses, Consultant Certifications, Private Applicator's and, Permitted Restricted Pesticide Dealer Permits expire on December 31<sup>st</sup> and must be renewed by January 1<sup>st</sup>.

Last year the Maryland Office of Information Technology (DoIT) selected the Pesticide Regulation Section as the first unit within MDA to be able to offer and provide licensees and certificate holders to renew their licenses/certificates/registered technicians on-line with credit cards. Unfortunately NIC, the vendor that DoIT contracted with to assist with the development of the on-line system did not get the system up and running, as early as, we would have liked. As a result, instead of finishing up the renewal period by June 30<sup>th</sup>, of 2015, we did not finish until August 30<sup>th</sup>. In addition, MDA and our licensees experienced a few problems with the online system.

We learned a great deal from the first renewal period and requested the vendor to make a few changes to the system. As a result, the renewal of Pest Control Consultant Licenses, Consultant Certifications, Private Applicator Certificates and, Restricted Use Pesticide Dealers was much smoother and on time.

### **POLLINATOR PROTECTION PLAN ACTIVITIES**

On January 20, the department hosted a facilitated summit at the University of Maryland, College Park to help us develop a Managed Pollinator Protection Plan to address risks to honey bees and other pollinators in our state. The summit was well attended by a diverse group of 73 stakeholders representing 54 different entities. Keynote speakers, breakout discussions, and real time electronic

polling which allowed state agencies and key stakeholders to identify opportunities and barriers to promoting pollinator health in the state. The response was overwhelmingly positive as stakeholders appreciated their inclusion in this process. The final report from the summit has established a framework for open communication and collaboration as Maryland begins to develop the Maryland MP<sup>3</sup>. When complete, this draft plan will be presented to the stakeholder groups for further discussion and feedback. Once we have proper feedback and approval from the stakeholder groups, we will finalize and publish the Maryland MP<sup>3</sup>.

Submitted By:

Dennis Howard, Program Manager *DWH*

Pesticide Regulation Section

Maryland Dept. of Agriculture

**Pennsylvania State Report  
Pre SFIREG Meeting  
April 6, 2016  
Philadelphia, PA**

**Staffing**

Staffing for the Pesticide Program continues to evolve with retirements, transfers and replacements over the past year. Staff has participated in g in house training to complete credentialing requirements. With the aid of Evelyn Sorto at EPA Region 3, 11 inspectors have renewed their EPA credentials. Two new inspectors Chad Witmer and Daniel Duer, have also completed training and their credentials have been applied for. Most have had experienced difficulties with the EPA training website. We currently have one vacant field position (Harrisburg area) and one clerical vacancy.

**Funding**

The pesticide program is self-funded through a restricted account which continues to provide stable funding for the program. EPA FY15 (7-1-14 thru 6-30-15) funds were released for use on September 18, 2015 and draw down on these funds for program activities is on track.

**Regulation Changes**

We are currently conducting training on the changes to WPS and commented on the proposed C & T changes.

**Enforcement**

The PDA Enforcement Program continues to provide a strong enforcement presence while at the same time, promoting education and compliance assistance during inspection opportunities. Civil penalty assessments have continued and are an effective enforcement tool.

### **Pollinators**

PDA currently has one bee kill complaint under review. The laboratory screened samples for 160 compounds on the LCMS/MS and one tested positive for trace amounts of fungicides.

PDA did not select this issue from the “pick list” on our grant proposal. A stakeholder meeting to work on the development of a MP3 program for the state was held in February. The vast majority (90-95%) of 4,000+ apiaries in PA are hobbyists with less than 10 hives. There are less than 5 with more than 500 hives. Registered individuals and businesses of our PaPlants website currently have the ability to locate/map apiary sites. We see this as a major benefit to the communication between the parties that we need to include in our plan during development.

### **Worker Protection Standard**

Thus far for FY 2016, 18 Worker Protection Standard (WPS) inspections were conducted. A total of 7 violations were identified. The most common violations identified were, improper or lack of notification, improper or lack of safety training.

PDA continues to contract with the Pennsylvania Office of Rural Health (PORH) to provide WPS compliance assistance to all Pennsylvania growers. With the publication of the changes to WPS we are planning on updating the seven commodity DVDs so they can continue as approved training for workers and handlers. Staff is also attending training on the changes to the regulation.

### **Certification & Training**

PDA continues the process to transition category exams to closed book status. As category exams or study materials are revised the process to change previously open book exams to close book status is put in place. Category 07 Lawn and Turf joins categories; 11 Household & health related; 22 Interior Plant Scape, and the core as closed book tests. PDA feels this better aligns with EPA guidelines, will increase exam security, and better align our testing practices with surrounding states. CPARD is updated to reflect these changes as they occur.

To date for FY 16 PDA inspectors proctored 177 testing sessions at locations across the Commonwealth. During these exam sessions over 5,000 examinations were administered. Numbers of certified applicators is holding fairly steady with increases in commercial applicators is offsetting the decline in private applicators.

PDA staff attended 243 of the instate meetings and has giving 57 presentations.

### **Water Quality-Groundwater Monitoring**

A three-year contract with USGS began in January 2014 with focus on sampling and analysis in the vulnerable settings in PA. The objective of continued Joint Funding Agreements (JFA) with USGS is to maintain an ongoing monitoring network to detect pesticide occurrence in the most vulnerable settings in Pennsylvania. We have not received any results from the sampling conducted this year. Meetings are scheduled to work on a new multi-year contract to revisit highly leachable areas. This contract will include retesting of wells to develop data for decadal comparisons.

The fifty-seven EPA pesticides of interest (POI) have been evaluated and entered into the POINTS database. For Performance Measure 1, PDA has evaluated 98.2% of the POI list:

Isoxaflutole remains as the sole POI for which PDA has no sampling data, thus there has been no evaluation. This compound is included in the new 2437 schedule to be used by USGS.

### **CHEMSWEEP Waste Pesticide Disposal Program**

PDA continues to support the waste pesticide disposal stewardship program. 2015 activities included:

- Farm-to-farm collections in 18 counties at 175 locations totaled 37,719 pounds
- Thirteen (13) HHW in 11 counties events collected 53,793 lbs. of homeowner pesticides
- Total of 91,212 lbs. collected.

For 2016, 17 counties are included for farm-to-farm collections, with an expected additional 13 HHW events. Site inventories are currently being reviewed by field staff with collections to begin in June.

### **Plastic Pesticide Container Recycling Program (PPCR)**

PDA continues to offer the PPCR program to the agricultural and professional pesticide application industries. Single-use bottles and drums are collected and granulated from 165 locations across Pennsylvania. 120,000 pounds of pesticide containers were recycled in 2015.

## **FY 2015/2016 for Pennsylvania**

### **Pesticide Product State Registrations and Special Registration Actions (Section 18 & Section 24(c))**

FY2015 - 7 Specific Emergency Exemptions approved, 3 Special Local Need registrations, and 13,141 Section 3, and “minimum risk pesticide,” products state registered.

#### **Section 24(c)s:**

PA-0001 - GoalTender® herbicide  
(a.i. oxyfluorfen; EPA Reg. No. 62719-447) for use on cabbage, broccoli and cauliflower

PA-0002 - Heritage  
(EPA Reg. No. 100-1093) on greenhouse-grown basil

PA-0003 - Subdue Maxx®  
EPA Reg. No. 100-796 for Control of Downy Mildew on Basil Transplants Grown for Re-sale

#### **Section 18s:**

15-PA-01 – Thiabendazole  
Mertect® 60 WP Fungicide, EPA File Symbol No. to control Green mold on mushrooms

15-PA-02 PhorEx EPA Reg. No. 2724-804 etofenprox (with piperonyl butoxide synergist) to control sciarid and phorid flies in mushroom houses.

15-PA-03 (apple), -04 (peach), & -05 (nectarine)

Brigade WSB (I 0% bifenthrin, EPA Reg. No. 279-31 08); Bifenture EC (25% bifenthrin, EPA Reg. No. 70506-227); and Bifenture 10DF (10% a.i ., EPA Reg. No. 70506-57), to control brown marmorated stink bug (BMSB).

15PA06 (pome fruit) 15 PA07 (stone fruit) Venom Insecticide (EPA Reg. No. 59639-1 35, containing 70% dinotefuran), manufactured by Valent U.S.A Corporation and Scorpion 35SL Insecticide (EPA Reg. No. 101 63-317, containing 35% dinotefuran), manufactured by Gowan Company,LLC,

Minimum Risk Pesticide Issues:

We continue to work without Agency support to remove illegal products from distribution.

### **Laboratory**

PDA's is utilizing a LCMS/MS in the Department's laboratory. We are experiencing no delays in sample processing times. This new equipment has reduced the sample turnaround time by 1 –2 days with an average turnaround time of less than 10 days. The laboratory is participating in the AAPCO and Wisconsin check sample programs.

Submitted By:

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## **EPA REGION III Pre-SFIREG/GRANTS MEETING**

**APRIL 5-7, 2016**

## **VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

### **OFFICE OF PESTICIDE SERVICES**

### **STATE REPORT**

### **Budget**

The proposed biennium budget (2017-2018) includes an increase of ~\$8.4 million per year to VDACS. OPS is funded through non-general revenue thus is not directly impacted by the budget increase. The increase includes an across the board increase of 3%. The Governor's veto session is April 20.

### **Personnel**

The Office of Pesticide Services is currently fully staffed. Two Pesticide Investigators have indicated their intent to retire during 2016. We will move to refill those positions.

### **Regulatory Update**

The following regulations are currently being amended (no substantive changes):

- Final Stage – 2 VAC 5-685 (*Regulations Governing Pesticide Applicator Certification under Authority of Virginia Pesticide Control Act*). This is stage 3 of the 3 step process.
- Proposed Stage - 2 VAC 5-670 (*Rules and Regulations for Enforcement of the Virginia Pesticide Law*.) This is stage 2 of the 3 step process.
- Proposed Stage - 2 VAC 5-680 (*Regulations Governing Licensing of Pesticide Businesses Operating Under Authority of the Virginia Pesticide Control Act*). This is stage 2 of the 3 step process.

The following bills have passed and will amend the Code of Virginia:

- Senate Bill 356 – *Virginia Pollinator Protection Strategy* - Directs the Department of Agriculture and Consumer Services to develop and maintain a Virginia Pollinator Protection Strategy (the Strategy) to promote the health of and mitigate the risks to pollinator species, including honeybees and other managed pollinators. In developing the Strategy, the Department is required to seek assistance from the Department of Conservation and Recreation, the Department of Game and Inland Fisheries, and the Department of Environmental Quality and recommendations from stakeholders. The Strategy shall include a protection plan for managed pollinators that provides voluntary best management practices and supports efforts to reduce exposure to pesticides, increase habitat, and take other steps to protect pollinators. Effective 7/1/2016.
- Senate Bill 328 - *Pesticide Control Act* - Agency bill clarifies the process by which the Board of Agriculture and Consumer Services (Board) assesses a penalty for a violation of the Virginia Pesticide Control Act (VPCA), aligning the provisions of VPCA with those of the Administrative Process Act (APA). The bill provides that a notice of an alleged violation does not constitute a “case decision” as defined in the APA and gives the recipient of such notice 30 days to provide additional relevant facts to the Board. The bill preserves the recipient's rights to an informal fact-finding conference, an appeal of a final order, and other aspects of due process found in current law. Effective 7/1/2016.

### **Enforcement & Compliance**

As of December 31, conducted 1,013 inspections and 51 investigations; resulted in the issuance of civil penalties totaling \$14,960. These penalties were contained within 32 unique cases.

### **Select Program Activities**

During FY16, the agency continued to fund:

- *Decline of Honey Bees in VA: An Assessment of Colony Health and Pesticide Exposures* (April 1, 2013 – January 31, 2018; \$1,371,419)
- *Interpreting Data from Brown Marmorated Stink Bug Traps in Apple Orchards: Toward the Development of Trap Based Thresholds for Management Decisions* (April 1, 2013 – June 30, 2016; \$93,813)

Pesticide Control Act Grant Proposals Beginning in FY15, VDACS committed to fund up to \$250,000 on projects and initiatives designed to address a variety of research, professional development and education, and public outreach issues related to pesticides in the Commonwealth. Four projects were funded during the inaugural year. Selected projects may qualify for up to four (4) subsequent project renewals in one-year increments subject to funding availability and demonstrated progress. The current projects are as follows:

- *Chasing Away The Ham Mite* (July 1, 2015 – June 30, 2016; \$80,000)
- *Virginia Bed Bug and Urban Pest Guidance Partners* (July 1, 2015 – June 30, 2016; \$132,068)
- *Monitoring the Seasonal Abundance and Host-Use of Brown Marmorated Stink Bug Nymphs at the Orchard/Woodland Interface* (March 17, 2014 – June 30, 2016; \$33,759 )

### **Other Project Funding**

Ongoing MOAs include:

VA Tech - Applicator Training (July 1, 2012 – June 30, 2017; \$706,226)

VA Tech - Training Manuals (July 1, 2012 – June 30, 2017; \$413,722)

VA Tech - Private Applicator Certification (July 1, 2012 – June 30, 2017; \$784,141)

Telamon – WPS Training (October 1, 2015 – September 30, 2016; \$68,696)

### **Program Highlights**

During FY16:OPS certified 6,657 private applicators, 7,311 commercial applicators, and 7,516 registered technicians

- OPS licensed 2,902 pesticide businesses and registered 15,130 pesticide products
- More than 4,400 of the approximately 8,040 applicator certification exams taken in FY 2015 were administered through PKATS (DMV).

### **Pesticide Disposal Program**

In 2016, the disposal program will take place in the counties of Albemarle, Augusta, Bath, Clarke, Culpeper, Fauquier, Fluvanna, Frederick, Greene, Highland, Louisa, Madison, Nelson, Orange, Page, Rappahannock, Rockbridge, Rockingham, Shenandoah, Warren and the cities of Buena Vista, Charlottesville, Harrisonburg, Lexington, Staunton, Waynesboro and Winchester. For 2015, the program collected and disposed of a total of 62,261 pounds. Since its inception the program has collected approximately 1.3 million pounds of unwanted, expired, or discontinued pesticides. The program provides an environmentally conscious option for agricultural producers, pesticide dealers, pest control firms, homeowners and golf course operators to dispose of unwanted pesticides at no cost.

### **Plastic Pesticide Container Recycling Program**

For 2016, the program will collect and granulate properly-rinsed plastic pesticide containers at 32 sites, including nineteen localities, eleven licensed dealers and commercial applicators and two private agricultural producers beginning in November. The 2015 program experienced significant growth collecting nearly 30% more pounds than in the previous year for a total 166,992 pounds. Since inception in 1993, the program has collected almost 1.5 million pounds of containers and is available to any pesticide applicator or dealer in Virginia. New to this program will be the implementation of an intermediate bulk container (IBC) recycling/collection program with the first collections taking place as soon as April 2016.

### **Pollinator Protection**

Approximately 450 agricultural producers, beekeepers, private and commercial pesticide applicators, landowners, researchers, and cooperative extension agents participated in the seven listening sessions. The agency is in the process of drafting its pollinator protection plan which will then be reviewed by an Advisory committee made up of individuals representing the major producer and applicator groups, beekeepers, Virginia Tech and VCE as well as VSU. The advisory committee will provide input to the agency on the proposed methods to enhance communication between beekeepers and applicators, producers and landowners and the best management practices included in the draft plan. The plan will be finalized after the advisory committee has completed its review and met with agency staff. The final Virginia State Managed Pollinator Protection Plan will be developed taking into consideration the input received from stakeholders and the feasibility and cost effectiveness of each component of the Plan.

### **Items of Interest to Virginia**

1. EPA's Bilingual Pesticide Label Pilot
2. WPS – Application Exclusion Zone
3. EPA's C&T Proposal

## **West Virginia Department of Agriculture**

### ***Staff***

Certification and Training Assistant position filled April 1. Agriculture Health and Safety Coordinator, Environmental Programs Specialist, and Compliance Assistance Specialist positions remain vacant.

Continue to seek applicants for two Pesticide Residue Chemists positions.

### ***Regulations***

None proposed since 2015 product registration fee increase from \$125-\$150 and applicator fee increase from \$10 to \$20.

### ***Mid Atlantic Nursery Trade Show (MANTS)***

January 6-8, 2016. Emphasis placed on WPS revisions. Pop up panel with Comparison Chart and handout to match. Others resources included WPS DVDs, CDS, posters, record keeping manuals, etc.

Outreach efforts on WPS revisions have been ongoing statewide. Numerous presentations at conferences and site visits have been completed and well received by the regulated community.

### ***Pollinator Protection***

Worked in cooperation with Plant Industries Division to draft a Managed Pollinator Protection Plan. Draft has been released for comment. Contact is being made with stakeholders to gain comments and input for a collective plan to be finalized in May.

### ***Plastic Pesticide Container Recycling***

10 sites available for collecting plastic pesticide containers for recycling. Have purchased sea container for 3 recycling locations set up at WVDA field offices and one grower location. Remaining 7 locations utilize rented sea containers.

### ***Waste and Unwanted Pesticides***

In June of 2015, 11,648 pounds of liquids and solids were disposed at the price of \$0.98 per pound. Inventory sheets are being collected and preparation made for drafting the next request for bids.

### ***WV Plants***

Web based product and applicator data tracking via USA Plants went live November 1, 2011. Online payment for renewal of pesticide products and applicators was added in 2014 for the 2015 Renewal Season.

### ***Inspectors Workshop***

October 17-22, 2016 at The Waterfront Place Hotel in Morgantown. Inspector credential Health and Safety training topics will be submitted to Region 3 for approval prior to the Workshop.

**Agenda**  
**Region 3 Pre-SFIREG Meeting**  
**April 6-7, 2016**  
**EPA Region 3 Office, 1650 Arch Street, Philadelphia, PA**

**Pre-SFIREG MEETING**

**Wednesday, April 6, 2016 – Brandywine Room (4-102) – 4<sup>th</sup> Floor**

- 1:00 PM      **State Reports**
- 3:00 PM      Break
- 3:15 PM      **Enforcement Performance Measures**—Liza Fleeson
- 3:45 PM      **Federal Credentialing**—Mary Begin and Liza Fleeson
- 4:30 PM      Adjourn

**DAY 3 - Thursday, April 7, 2016 – Brandywine Room (4-102) – 4<sup>th</sup> Floor**

- 8:15 AM      **Zika Virus**—Region 3 and Update on State Activities if any.
- 9:00 AM      Open Discussion
- 12:00 PM     *Adjourn*