

**WASHINGTON STATE COMMISSION ON PESTICIDE REGISTRATION**

**MINUTES (APPROVED)**

**May 8, 2003**

**Washington Potato Commission – Moses Lake, WA.**

**Chair Herb Teas, Presiding**

**Commissioners in attendance:** Herb Teas, Ann George, Dan Robinson, Mike Norman (for Ted Maxwell), Kurt Volker, Bryan Sakuma, Art Losey, Jay Shafer, Andy Jensen, Bob Berger, Chuck Masters, Bill Mason, Doug Walsh, Kevin Corliss, Kathleen Emmett.

**Commissioners absent:** Janet Kurina (non-voting member)

**WSU Liasons in attendance:** Sandra Ristow

**Staff in attendance:** Alan Schreiber, Amie Fowler

**Guests in attendance:** Jane Thomas, Catherine Daniels, John Brown, Jay Brunner (all from WSU).

**INTRODUCTIONS**

Kathleen Emmett is the Commission's newest non-voting member, replacing William Green. Kathleen is an Environmental Planner with the Washington State Department of Ecology's Water Quality Program. She has a Masters of Public Administration with an emphasis in environmental policy and program development from Evergreen State College, Olympia, WA and Bachelors of Science in Education, English and Political Science from Eastern Montana College, Billings, MT. Kathleen has worked for the Department of Ecology since 1990 in the areas of solid waste management, municipal wastewater operations and, since 1999, in the area of aquatic pesticide regulation.

Jane Thomas and Kathleen Daniels are from WSU and work on the Pesticide Notification Network. John Brown is the Chair of the Department of Entomology, Jay Brunner is with WSU's Tree Fruit Research & Extension Center in Wenatchee.

**PUBLIC COMMENTS**

There were no comments.

**REVIEW OF PROPOSED MINUTES**

Commissioners reviewed the proposed minutes from prior Commission meetings. Some typographical errors were found and Commissioners suggested to use conformity with names throughout the documents – using full names. Commissioners also wanted consistency with the tense throughout.

Ann George made a motion to approve the October proposed minutes with the consistency issues corrected. Kurt Volker seconded the motion.

**The motion passed by unanimous voice vote.**

Kurt Volker made a motion to approve the January proposed minutes with the consistency issues corrected. Anne George seconded the motion.

**The motion passed by unanimous voice vote.**

Ann George made a motion to approve the January Executive Committee proposed minutes with the consistency issues corrected. Kurt Volker seconded the motion.

**The motion passed by unanimous voice vote.**

Ann George made a motion to approve the March proposed minutes with the consistency issues corrected. Andy Jensen seconded the motion.

**The motion passed by unanimous voice vote.**

#### **FINANCIAL REPORT**

Alan Schreiber explained that we are in the red and that we will not become further in the red as the year ends. We can forward allocate. WSU has told us not to forward allocate more than 25%. We are at about 10% forward allocated now. We have approximately \$5,000-6,000 more that will be expended. Financially, the Commission is less in the red than it has been in the last three years. Alan Schreiber handed out a budget sheet and explained that it reflects all of the Commission's grants and contracts except those that haven't been received or invoiced yet. Alan Schreiber stated that there was one emergency request that wanted to be heard here today. Alan Schreiber said that it was rejected for this meeting because it did not meet emergency criteria. He brought a copy with him for the Commissioners to look at – it will be presented at next meeting. Alan Schreiber will be providing the Commissioners with a Quick books report with itemized breakdown as well as this financial report beginning at the July 8, 2003 Commission Meeting.

#### **ADMINISTRATIVE REPORT**

Alan Schreiber briefly reviewed an Excel spreadsheet with the hours spent on WSCPR. He discussed projects that haven't been completed that the Commission funded - clover and swiss chard – money was spent and projects were not completed. Contractually they are on shaky ground. Alan Schreiber reviewed the list of projects the Commission has funded this fiscal year. Alan Schreiber stated that he would like to see the Commission put a provision in the Letter of Agreement with WSU on the time frame for turn around on payments to the Commissioners, grant payments and contract issues – 30 days turn-around. Doug Walsh input that the newer researchers do need the cash flow, so the delay from WSU does hamper research work. Several Commissioners vocally agreed.

#### **STATUS ON 2003 PEST CONTROL TOUR**

Alan Schreiber stated that he has a good handle on what needs to happen for the tour. He explained that there was a Tour Planning Committee and that anyone was welcome to join. Reviewed tour plans and people involved. Discussed goals and focuses of the tours. The main goal of the tour will be to educate legislators and other decision makers on the pest, pesticide, pest management and related environmental issues in Washington. Three targets: Ag Committee, Ways and Means, and everyone else in the legislature. Focus on West of the Cascades. Our theme is "The Pests Are the Problem". The Committee decided on three one-day tours, with a theme for each day. Primary focus on agriculture in the Skagit area (north of Seattle); an urban theme for the Greater Seattle area. Glendale Country Club – pesticide monitoring there, structural pest control, water quality; Forest/Natural resources theme for south of Seattle area. Art Losey suggested to include mosquitoes in tour. Alan Schreiber discussed possible dates for tour – weeks of July 21, July 28, and August 11. Funding will come from registrants, Commission and commodity groups. Eastern Washington commodity groups have always been able to contribute more than the West side groups. This tour won't be as intense and involved as in previous years – won't cost as much as in the past,

but the Commission will have to put a higher percentage in to it. Bob Berger suggested limiting it to one bus; first come, first serve. Alan Schreiber discussed options for transportation – and participation levels. Chuck Masters asked about how we will get legislators to actually commit. Alan Schreiber said that we will be working with the Ag Committee staff and key legislators. We will send out hand delivered invitations to the legislators and ask for an RSVP.

### **THIRD PARTY LABEL REPORT**

Alan Schreiber explained that there were some folks interested in having the Commission do some third party registrations. Was not feasible, so Alan Schreiber started up Pest Management Northwest to hold these registrations. It is a non-profit corporation. Received a lime sulfur registration – Alan Schreiber reviewed Pest Management Northwest documents with Commissioners. He explained how the organization works. The company that produces this lime sulfur will start a production facility to meet the anticipated demand. PMNW is negotiating for a second label – forest nursery product. More information to come.

### **LEGISLATIVE REPORT**

Alan Schreiber explained that he continues to get positive feedback on the WSCPR Legislative Report. OFM switch: one benefit being with WSU, we can carry over funds. If we put our money with OFM, we have to have it spent by the end of the fiscal year. If we did go with OFM, we would have to have some other arrangement to allow us to carry forward. Not a straight forward process since we cannot spend by the end of the fiscal year. Bob Berger asked about budget cuts including our money at WSU – did we ask for a fiscal note or a piece of legislation to state that cuts to WSU do not include cuts to WSCPR. Chair Herb Teas said that we would discuss this a little later in the meeting.

### **PESTICIDE NOTIFICATION NETWORK REPORT AND FUNDING REQUEST**

Alan Schreiber said that it is in the Commission's enabling legislation that we fund a tracking system (RCW 15.92.060), therefore, this is not considered a normal proposal – do not need to go through the same procedures. We are obligated to fund this project or something to replace it; PNN is our vehicle to do something that we are legislatively obligated to do. Jane Thomas reviewed what the PNN is. They have a targeted distribution, web page, electronic copies of 24cs and 18 labels. Been in business since 1997 – Commission has funded since then. Jane Thomas reviewed the budget request for next fiscal year as well as 2002 accomplishments. In 2002 the PNN put out 338 notifications, via 15,000 transmittals. They add more people to PNN each year. Made improvements and added a place for miscellaneous info posted on web page (WSDA bee kill info, new regulations, EPA brochures, etc.). Also posted subscription form on PNN – when people are interested on becoming subscribers, they can just print it off – working well. Updated state restricted use list – sort by product name, etc. New lists have been posted. Also covered special topics on PNN: ag in PNW – WSDA's clopyralid use on turf, info on potential continued use on different crops. Hoping to make the PNN searchable on the web by the end of summer. PNN is putting a request in to WSCPR for funding in the amount of \$48,487 to maintain operations at the current level. Bob Berger asked her how many hits she's gotten on the miscellaneous info page – she responded that she doesn't have the ability to check that on just that page. Will be switching servers soon, and should be able to do that. Everyone has switched over to email, except one person. Bob Berger asked about the budget and how many FTEs and what travel includes. FTEs is 42% of her salary, 20% database operator, 50% part time clerical person (three people, partial salaries paid for by WSCPR). Travel – various electronic resource talks; trade shows demos of PNN web page, WSCPR meetings. \$500 doesn't cover the amount of travel she does. Out of state recipients: Oregon (email). Bill Mason asks if money wasn't an issue, is there anything else that she would be doing – Jane Thomas would like to go back to summarizing issues out of the federal register and putting them on the PNN.

### **REVIEW OF THE FY 2002 BUDGET/WSCPR-WSU MOU**

Alan Schreiber reviewed Historical and Proposed WSCPR budget worksheet. Budget categories: Reimbursables, administrative fee, attorney general, commissioner travel/meetings, WSU fiscal specialist. Alan Schreiber reviewed proposed reductions to reimbursables – Portland meeting – need to find a less expensive facility. Commissioners discussed meeting venue options.

IPM Symposium Tour – targets EPA, IR-4, USDA, state regulatory agencies, WSU, OSU. Tour on which our tour is based upon. Ann George has been the lead on it since 1988. This is an exceptional tour. Alan Schreiber would like for WSCPR to be a sponsor of this tour. This year based out of Pasco – Columbia Basin. Ann George described the value of the tour. Reviewed co-sponsors. Alan Schreiber proposed to

support tour at \$2,000. Alan Schreiber discussed differences between WSCPR tour and this tour: not many overlaps. This tour is strictly agriculture and targets federal agencies. WSCPR targets state legislators and goes beyond agriculture.

Herb Teas wanted to discuss adding \$4000 to PNN so Jane Thomas can go back to summarizing the federal register issues. Commissioners discussed possibility of putting it on Dept of Ag website, instead.

Alan Schreiber reviewed his proposed FY2004 WSCPR budget:

Operating Expenses	\$ 14,000
Admin Fees	\$115,000
Attorney General	\$ 2,000
C. Travel/Meetings	\$ 7,000
WSU	\$ 15,000
IPM Symposium Tour	\$ 2,000
PNN	\$ 48,487

Herb Teas asked for comments on the budget. Commissioners agreed with Alan Schreiber's proposed budget. Herb Teas asked whether or not WSCPR should sponsor IPM Symposium Tour.

Andy Jensen made a motion to sponsor the IPM Symposium Tour in the amount of \$2,000. Bob Berger seconded the motion.

**The motion passed by unanimous voice vote.**

Herb Teas then asked if the Commission wanted to support the PNN at \$48,487 to maintain current operations. Alan Schreiber commented that none of this will go in effect until July 1, 2003 (next fiscal year).

Ann George made a motion to approve funding for the PNN in the amount of \$48,487. Chuck Masters seconded the motion.

Herb Teas asked for any comments: Alan Schreiber commented on adding the 18% to restore the federal register issues to the PNN. Commissioners discussed finding other options – leave it at the \$48,487 for now. Could add on later.

**The motion passed by unanimous voice vote.**

Ann George made a motion to accept Alan Schreiber's proposed WSCPR budget as it stands. Art Losey seconded the motion.

**The motion passed by unanimous voice vote.**

#### **ADMINISTRATION CONTRACT PROPOSAL**

Alan Schreiber reviewed the Electronic Personal Service Filing Sheet for sole sourcing the contract between the Commission and ADG, Inc. There needs to be discussion and a vote on this before we have our attorney general file this with OFM. Kurt Volker wanted a reminder on why we are sole sourcing this

year. Richard McCarten recommended to bid every third year. Herb Teas recalled from prior minutes that this would be a sole source year. Herb Teas said that the fee in the contract needs to be adjusted to show the new budget.

Ann George made a motion to approve the sole source as proposed. Bob Berger seconded the motion.

Herb Teas asked for discussion/comments: Kurt Volker asked if we need to make an amendment in the justification to sole source, that we will be putting this out for competitive bid in the next fiscal year. Commissioners discussed options and renewals statutes.

**The motion passed by unanimous voice vote.**

Kurt Volker made a motion that for the fiscal year 2004, the position of Administrator of WSCPR be put out for competitive bid. Art Losey seconded the motion.

**The motion passed by unanimous voice vote.**

**FOOD AND ENVIRONMENTAL QUALITY LAB**

Ann George reported that the FEQL Board had a meeting on April 23, 2003. Catherine Daniels – FEQL, has spent a lot of time on crop profiles – utilized by EPA and other agencies. A new activity: adding an excel spreadsheet on all crop profiles that provides an activity timeline. They are attempting to demonstrate for EPA the approximate time during the year that various activities occur. FEQL strategic plan review. FEQL has been directed to do an annual report to the legislature – in a format that can be adapted to be provided to the industry. Time frame will cover the last three years in this report. Setting up an editorial board for A&E news. Environmental health aspects of pesticides were discussed. They will be going to an annual meeting format. They had an election of officers. Ann George is the new Chair. Randy Smith, Tree Fruit Industry, is the new Vice Chair.

**RESEARCHER REPORT – UPDATE ON RAYNOX: JAY BRUNNER, WSU**

Raynox for suppression of insects in apple and pear – Larry Schrader, Jay Brunner, Elizabeth Beers and John Dunley, WSU Tree Fruit Research & Extension Center, Wenatchee:

Jay Brunner reviewed the significant findings of RAYNOX for the years 2000, 2001 and 2002. He also reported that the major impacts of this research were that RAYNOX will not likely be used as an insecticide, at least initially. Effects against most pests was partial and alternative controls are likely cheaper and more effective. The greatest promise is for control of pear psylla, similar to that of Surround. RAYNOX has best effect against leafminer, leafhopper, and spider mites. However, with competing new insecticides and miticides, RAYNOX will likely not be the product of choice for management of these pests. RAYNOX offers potential as a spreader/sticker and may slow the degradation of some biological pesticides. They are continuing some research on the possible use of RAYNOX as a pheromone carrier.

**RESEARCHER REPORT - WINE GRAPE CUTWORM WORK: DOUG WALSH, WSU**

Management of Cutworms in Washinton Vineyards. Doug Walsh, Ronald Wright, Timothy Waters and Holly Ferguson, Dept of Entomology, WSU, Prosser:

Doug Walsh reviewed the project summary and background as well as the chemical management findings. Doug Walsh reviewed 2003-Targeted Pyrethroid Sprays. He reported the conclusions of this research: The targeted pyrethroid insecticide barrier sprays are proving to be effective at reducing cutworm feeding injury. A switch away from the foliar application of Lorsban will provide additional benefits by conserving natural enemies, e.g., predatory mites that aid biocontrol of other secondary pests. It is Dough Walsh's

firm opinion that none of the pyrethroid insecticides should be used as a foliar treatment for general pest management. They should only be applied in dire emergencies as rescue insecticides. They found that pyrethroid insecticides are broad-spectrum in their activity and will disrupt populations of almost all of the beneficial natural enemies that are present in vineyards. Additionally, the pyrethroid insecticides will repel most beneficial arthropods that fly into vineyards. Cutworm is the biggest pest for wine grapes in Washington. The Grape Industry is pleased with the results from this research. Doug Walsh briefly reviewed 2003 summer research plans. An attract and kill trap has been developed by Pete Landolt, a Research Entomologist at the USDA Wapato Entomology Research Facility.

#### **CARBARYL/OYSTER ISSUE**

Alan Schreiber explained that oyster growers have agreed to give up carbaryl, even though they say they can't grow oysters without it. WSCPR funded projects for carbaryl as well as alternatives to carbaryl. Bob Berger explained that the Commission signed on with the DOE and the oyster growers and formed the IPM Coordinating Committee for concerned agencies and support groups. The coordinating committee would add a seat. There was no option to the oyster growers. They had to resolve this – they bought some time. Burrowing shrimp problem is going to continue – WSCPR's investments have been appropriate in the past years. We have a crop that is in jeopardy. 25% of nation's supply comes out of this area. Phasing carbaryl out by 2012. Agreement is only through two entities. Someone else could easily come in and file a suit against them.

#### **WSCPR-WSU MOA**

An Executive Session was called and guests were asked to step out of the room. Alan Schreiber reviewed the Letter of Agreement between WSCPR and WSU. He discussed the role of the parties and stated that the Commission should consider adding in some language on 2b – regarding turn around time on payments to WSCPR as well as contracts and awards; perhaps 30 days. Richard McCarten can help us with wording. Remove preparation for legislative report comments. Change effective dates for next fiscal year. Doug Walsh stated that the typical turn around time in the past four years has been three weeks; it has just been recently that it has been slow. Alan Schreiber asked if there is anything else anyone wanted to add. In 1997 we signed an agreement (memorandum of understanding) with WSU that said we would get cut if WSU got cut. It also said it would remain in effect until further notice. We now have a letter of agreement that doesn't say that we would be cut. Bob Berger suggested that we note that the new agreement supersedes all previous agreements and memos of understanding. Recitals – item 1, second paragraph, last sentence...our strength is that it says they are only our *custodian*. We can place a demand, and they have to respond to our demand. Keep that language in there. Alan Schreiber would like to have a motion regarding this. We need a new memo of understanding as well as a new letter of agreement – either party can cancel with six months written notice. We need to open negotiations with them – to start. Executive Session ended and guests were invited back in to the room.

Ann George made a motion to approve the Letter of Agreement with the proposed changes on turn around time and the deletion of item number 4. Kurt Volker seconded the motion.
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**The motion passed by unanimous voice vote.**

Bob Berger made a motion to terminate the Memo of Understanding with WSU dated March 27, 1997, as provided under the six month termination clause – and operate solely under the Letter of Agreement. Chuck Masters seconded the motion.

Herb Teas asked for comments/discussion: Ann George said we should have Richard McCarten review the MOU to see if there is anything from it that needs to be inserted in the Letter of Agreement. Kurt Volker doesn't want to cancel the MOU until we know what the legal consequences of it will be – premature to approve a motion – talk to Richard McCarten first. Alan Schreiber could do that and then go back to the Executive Committee or the full Commission.

Bob Berger amended his motion to: After consultation and direction from Richard McCarten, Attorney General, terminate the Memo of Understanding with WSU dated March 27, 1997, as provided under the six month termination clause – and operate solely under the Letter of Agreement. Chuck Masters seconded the amended motion.

**The amendment passed by unanimous voice vote.**

Herb Teas asked for a voice vote on the *full motion*:

**The motion passed with a voice vote of 13 in favor and 3 opposed.**

#### **OTHER BUSINESS**

Alan Schreiber reviewed the latest version of the Commissioner information list – took down changes to cell phone numbers.

#### Upcoming WSCPR Meetings:

July 8, 2003, Pasco – Franklin County PUD

September 9, 2003, LaConner, – LaConner Channel Lodge

Nov 18-19 – Yakima – TBD

Jan \_\_\_\_, 2004, Portland – TBD

March 10, 2004, Pasco – Franklin County PUD

May 12, 2004, Moses Lake – Washington Potato Commission

Herb Teas adjourned the meeting at 3:00 p.m.