

**AAPSE Board of Directors Conference Call
July 21, 2008**

Attendance: Ples Spradley, Dan Wixted, Don Renchie, Sandra McDonald, Margaret Tucker, Ed Crowe, Jim Wilson, Ron Gardner, Joanne Kick-Raack, Jennifer Weber, Carol Ramsay

President Ples Spradley called the meeting to order at 11:06 a.m.

New Language on Soil Fumigant Labels

BOD members began the meeting by stating that new language on soil fumigant labels would mandate product-specific training. One board member has been in contact with state cooperative extension educators about this new language and a training requirement for users of certain soil fumigants. After further investigation the board member learned that many people, including regulators, hadn't heard about the regulation. This is a big concern as users of these products will likely call extension agents, state lead agencies, and/or AAPSE members for guidance. He suggested that AAPSE consider starting an informational campaign to let people know about the new training requirement.

Carol added that the statement about the additional training requirement is buried in the labels of both the generic and Dow/Agro Sciences products. The statement says that the registrant would need to supply product-specific training prior to handling the product. This statement sent up red flags in the user community. The Department of Agriculture in her state received calls from people who had questions about who would be considered "the product user" and how to document or certify the training.

Carol met with Jim Gray about the issue. Jim and Carol talked about the enforceability of such label language and wondered who would provide the training. Would the responsibility fall on the registrant or pesticide safety education programs?

During the conference call, the BOD shared their thoughts on how individual states might address this issue. Sandra said that the training could suddenly become product-specific and not broader to include other important recertification topic such as general pesticide safety or pest control. This could bias a recertification course and the course may lean toward product endorsement. Margaret agreed and added that it could become training on pesticides as opposed to pest control. Other board members were concerned that a certified applicator who needed three-hours of Continuing Education to renew a license (for example) could attend a single, 4-hour course on the Picloram product label to fulfill their recertification requirements. In effect, the applicator would not need to attend or read any other pest or pest control information to recertify.

The BOD decided that they needed to draft and send letters to EPA and other key groups to let them know about our concerns on this issue and our suggestions for improving label language. The BOD agreed to contact AAPCO and CTAG leaders for their input and to ask if they would like to co-author the letter.

Sandra made a motion to that the BOD send an AAPSE organization letter to EPA about label training issue. Joanne seconded the motion.

Carol said that she has an 82-page on-line dialogue to Western Press on the issue. She will send it to the Board members to review. She also put together a document of 13 key points about the issue, which could help with the draft of the letter. Carol sent the document and Ples encouraged Board members to review it. ***Please see attachment following meeting notes.***

Ples and Carol said that Dirk Helder, EPA Registration Division, contacted them because he would like to get a group of people together to work through this concern and soil fumigant certification/recertification issues in general. During this meeting, the board created a list people who may be good candidates to serve on this workgroup. Among the list were Jack Peterson, Tom Hoffman, Fred Fishel, Sherm Takatori, Wayne Buhler, and Kay Harris. Individual board members offer to contact people from the list.

Later on in this meeting, Carol reviewed a RED that had just come out and looked for clarification to answer the Board's fumigant training questions. The RED stated that the registrant will be responsible for the training and the label language will require training of soil fumigants as a cluster of products not as individual products.

Pesticide Program Dialogue Committee Liaison

Carol said that Amy Brown and she are AAPSE representatives to the Pesticide Program Dialogue Committee (PPDC). There is also a nomination for Catherine Daniels to sit on the PPDC.

National Certification and Training Directory

Dan has been in contact with Roger Flashinski about a draft document from June to develop a centralized national certification and training directory. It would include contact information from AAPSE, PSEP, AAPCO, SLAs, etc. It would be a single directory that would contain a search engine to allow users to send e-mail to subgroups, if needed. The main idea is to have all lists in one place and updated simultaneously.

While this seems like it would be a good idea, it might be detrimental to AAPSE. Since the general public would have access to the association's members, there wouldn't be a benefit to paying dues in order to use the AAPSE listserv.

Carol said that one of the things that came out of the 21st Century Report, years ago, was to have a centralized directory list. The problem is the upkeep because someone would need to go in and make the contact changes. Who would be responsible for updating the list? Would a CTAG, AAPCO, AAPSE representative update all? Various Board members agreed that it may be too difficult to update and maintain even if individuals were encourage to check their contact information frequently and update if needed.

Joanne added that the idea of a centralized directory sounds good in theory, but from an organizational standpoint, AAPSE is a professional organization of members that may not want to give up service.

Dan said that he will talk to Roger Flashinki a little more about this concept and will ask about his goals for the centralized directory.

Journal of Pesticide Safety Education

Ples said that he received e-mail from an AAPSE member who had submitted an article for inclusion in the Journal of Pesticide Safety Education (JPSE). The article was published, but the author was not pleased with the editorial process and the amount of time that it took before the article was included. Ples talked to the JPSE Editorial Review Board to gather more information. They said that the article that was originally submitted just needed a little more work in order to fit JPSE's publishing guidelines. The Editorial Review Board worked with the author to assist in formatting the article before it could be published. This did result in a delay.

The BOD said that they have been pleased with the JPSE Editor and Editorial Review Board, but recognized that other authors may have concerns, ideas, or compliments that they would like to share with the JPSE Editor. A formal evaluation process after an article is submitted and/or published could be valuable and enable authors to provide their feedback to JPSE. Ples offered to talk to the Editor and Editorial Review Board about this idea.

In addition to the evaluation process, Board members discussed different ways that they could help to promote JPSE to non-AAPSE members. One idea was to develop a poster that can be displayed at a variety of university extension conferences, such as those focusing on weed science or entomology. This may also encourage others to join AAPSE. The Board agreed that these ideas would be great to send to the AAPSE Membership and Public Relations Committee and the E-Services Committee.

The meeting was adjourned by President Ples Spradley at 1:00 p.m. (Pacific Time)

Label-Mandated Training Issues – Conference Call July 8, 2008 –c.ramsay notes

Stage is set by risk assessment finding concerns with a chemical that by making RUP does not mitigate the risk sufficiently. Reducing rates, frequency and other risk mitigation methods are insufficient in mitigating risk. Thus, additional training is viewed as a possibility to mitigate risk.

Several questions must be asked when evaluating the decision to require a training program be mandated by a label and training provided by registrant or other sponsor.

1. **Is enforcement important to a stewardship mitigation measure?** If there is no active enforcement program and enforcement is to be lax or mute by EPA and states, do not include stewardship program on label. Make sure EPA does not use label language [and location on label] to set up: 1) an unenforceable statement, or 2) a program that is ripe for a significant portion of users to be non-compliant. Non-compliance for stewardship training due to burden to complete training (time, distance, dollars) increases chances of non-compliance with other label statements – reducing practiced mitigation measures from labeling. How is applicator to demonstrate compliance and how can states get access to roster of trained people?
2. **Why is RUP certification insufficient?** What about requiring any user to be a certified applicator, does that cover the risk gap? Do we need to assess the fundamental RUP certification knowledge standards to better improve base knowledge on phytotoxicity, off-target movement, water quality, endangered species, bystander exposures, etc.
3. **Can EPA very clearly identify the risks that “push” the need for mitigation for the product beyond the protections of current RUP classification?** If so, it is important to focus the stewardship effort only on those identified “additional” risks and not simply a basic educational program that contains a lot of “core training” or “reiteration of label language” as filler for time. The educational message for the risk mitigation is diluted when incorporated with other information, even if that information is important to proper handling of a product.
4. **Is the training program sufficiently important to require any user to prove completion prior to their purchase and handling this product?** If yes, make the sale of the product conditional on proof of training? Such as: *Restricted Use Pesticide: For retail sale to and use only by persons who can provide documentation special training provided by XXXXX on the added risks of this XXXXXX product (or active ingredient, or new subcategory) and who are Certified Applicators or persons under the direct supervision of the Certified Applicator, and only for uses covered under the Certified Applicator’s certification.* This is not perfect and sets up some other issues – how do you know who will use it – Maybe only certified applicators should be able to purchase and use without provision for applying under the supervision – would this mitigation alone satisfy the picloram concern?
5. **Why registrant-specific training?** Understand the marketing issue, but not practical for the user, who may have reason to purchase AI from different manufacturers, especially large companies who service multiple states or large land acreages (railroad, forest service contractors). Reasonably, how many different training events could one user be required to take for variety of products on the market with same AI? Or, with this as a future mitigation for other products, how many different ai-product combination trainings can you envision?

6. **Is training alone sufficient to mitigate risk if training is not complemented by some required demonstration of competency by a third party?** Currently most states require RUP certified applicators to pass a competency exam to demonstrate knowledge as measured by a third party. Typically those exams are closed-book and monitored. How do you verify who took training on end of computer terminal?
7. **When comparing label-mandated training curricula to current pre-certification or re-certification training programs, does the content of the training really go beyond the current national average for curricula?** Maybe EPA should assess current certification standard training to find out if it already meets the need label-mandated training is trying to achieve. If only a few states are not training at the national average, can effort be targeted in those locations where training is insufficient?
8. **If label-mandated training becomes the best option for risk mitigation, EPA must clearly ask and set policy as to:** 1) who defines the scope of training, 2) who approves the training, 3) should it be melded into current state C&T programs or be independent (registrant-sponsored), 4) can face-to-face courses and internet training be adequately monitored, if so how often to ensure training criteria are being presented and received. Does inadequate training (too little time and reduced quality) allow for enforcement action? What are the consequences to the course sponsor and to attendees?
9. **Is there an institutional cost to setting up a new requirement for retraining on a specific time interval that is separate from states that currently have recertification programs?** How does product-specific retraining relate to current state-mandated recertification programs and what conflicts arise when replacing time (credits) with product-specific training; resulting in applicators filling their CEU needs without exposure to other state-deemed important topics, such as federal and state laws, and personal or environmental safety topics?
10. **If registrant is required to offer training, is it clear on the label how to contact the registrant, like a toll-free phone number?** This concern relates to who the applicator normally reaches out to for certification or training issues, which is currently fielded by State lead agency and Cooperative Extension personnel. Consider other burdens could states might realize from registrant-required training, i.e. registrants seeking timing and location of possible meetings to which they can add a training segment for their product?
11. **Would new subcategories capture more products than product-specific training?** However, how to keep the number to a very limited, well-defined number of subcategories so that we do not end up with a bundle of subcategories? Category examples based on risk issues: Volatilization (Soil or Structure applications)? Surface and Ground Water Vulnerability? Off-target Spray drift? Severe Applicator Exposure Concerns? Bee Toxicity?
12. **What does the future hold? Where does the burden fall: registrants, states, Extension, users?**
13. **Can a stewardship program be designed that offers protections but does not appear to be a marketing strategy to exclude companies from the marketplace?**