

# PESTICIDE INCIDENT REPORTING AND TRACKING (PIRT)

## REVIEW PANEL

### MARCH 19, 2009 MINUTES

DEPARTMENT OF LABOR AND INDUSTRIES

TUKWILA, WASHINGTON

APPROVED BY PIRT 4/22/2009

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#### PANEL MEMBERS IN ATTENDANCE:

Cynthia Lopez (CL), Chair	Department of Health	(360) 236-3340
Pam Edwards (PE)	Labor and Industries	(360) 902-6457
Allan Felsot (AF) (phone)	Washington State University	(509) 372-7365
Rich Fenske (RF) (phone)	University of Washington	(206) 543-0916
William Hurley (WH)	Washington Poison Center	(206) 517-2350
Karen Ripley (KR) (phone)	Department of Natural Resources	(360) 902-1691
Debby Sargeant (DS) (phone)	Department of Ecology	(360) 407-6139
Ann Wick (AW)	Department of Agriculture	(360) 902-2051
Liesl Zappler (LZ)	Public Member	(425) 739.8100 EXT. 481

#### PANEL MEMBERS ABSENT:

Bridget Moran (BM)	Department of Fish and Wildlife	(360) 902-2589
Vacant	Toxicologist	

#### COORDINATOR

Fran McBride (FM), Coordinator	Department of Health	(360) 236-3367
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#### IN ATTENDANCE:

Alice Larson (AL)	Public	
Kammeron Todd (KT)	Washington Friends of Farms and Forests	

The meeting started at 9:35 a.m. CL announced that FM is recording the meeting. The PIRT-approved minutes are the official meeting record. Panel members introduced themselves. PE, AW, CL and WH were present, and AF, RF and DS were on the phone. LZ entered the meeting here.

#### **Draft Agenda**

PE moved to accept the draft agenda, WH seconded, and all were in favor.

#### **Draft February 19 Minutes**

AW added "primarily" to a sentence on WSDA Pesticide Program funding sources on page seven. AW moved to accept the minutes as amended, LZ seconded, and all were in favor.

The minutes from the March special meeting on the PIRT executive summary and the pesticide use reporting letter will be available at the April meeting.

#### **PIRT Business: Subcommittee Updates**

**Pesticide Use Reporting (PUR):** The meeting packet included a copy of the revised draft pesticide use reporting letter. CL informed DS of edits that her alternate, Dale Norton (DN), provided at the March special meeting. Most of the edits from DN, KR, AW, Vince Hebert (VH) and Gregg Grunenfelder (GG) were inserted. PE announced that Steve Cant (SC) had some late edits that were editorial changes, not content-related. CL said she would like the panel to vote on the letter at this meeting, as it had been on the agenda for some time. CL told the panel that California implemented their system over time, so the start up costs cited in the attached table are based on a study of what it would cost to start a PUR system today. She suggested language to indicate that the estimate is based on a study by California. AF asked about the cost to the state of California versus the counties. CL explained that one million dollars goes to the counties and that four FTE's are the cost to the state. She will specify this in a footnote. California has the only system that has support at the county level. AW brought forth a request from WSDA to indicate that the letter does not necessarily represent the viewpoint of all members. CL suggested adding language that WSDA, the agency that would likely be delegated the responsibility for a PUR system, would like to refrain from comment. DS said the letter looks good, and WH commended CL on the comprehensiveness and thoroughness of the letter. AF commented that technically, pesticide use records do not tell you about pesticide exposure, but can give information on pesticide use within a geographic region, which can then correlate with illness data. RF said that the letter should use the term "pesticide use pattern" because it is the temporal and spatial information from pesticide use reporting that allows for the kind of studies that California has done, particularly on reproductive concerns. CL suggested changing "exposures" to "pesticide use patterns." The California PUR system is the only system reporting benefits to agriculture because it is the only system looking at that.

PE gave SC's edits to CL. Some of his suggested edits had already been made. SC removed the last recommendation summarizing findings. AF suggested adding a closing paragraph. CL reread Representative Campbell's request for recommendations on pesticide use reporting from PIRT. The panel agreed that the last paragraph is a good summary and should remain in the letter. CL will use SC's suggested closure and specify that House Bill 1946 is from 2007. (KT and KR joined the meeting here.) CL will send the letter tomorrow if the panel approves it. CL asked if there was a motion to accept the letter as amended with the caveat that there will be some of SC's editorial changes, his closing sentence, and a statement that WSDA refrains from commenting on it. CL went over the earlier suggested edits. The letter also includes data on harvested cropland in Washington from AW for comparison to the other states. DS moved to accept the letter as amended, authorizing CL to make editorial changes. WH seconded, and LZ, CL, KR, AF and RF were in favor. None were opposed. AW and PE abstained.

### **PIRT Report Executive Summary**

CL forwarded some edits and comments to KR and LZ from GG. CL was unsure whether GG received the most recent version of the executive summary, but believes the edits addressed his comments. She had abstained from voting on it at the March special meeting. LZ and KR felt that his comments had been addressed appropriately, that PIRT voted to approve the Executive Summary and needs to get the report out. KR said that if GG continues to be uncertain about the funding comments or cuts them because it is a DOH report, we've got a problem that needs discussion. If he is not contemplating such a move, we should continue processing the report. CL will get clarification from GG. AW mentioned a minor change she sent to FM on the number of DOH cases. LZ asked about the timeframe for report completion. FM said she still has to work on the 2008 PIRT activities appendix and a children's appendix, and will probably require a couple weeks for formatting. Afterwards, the report goes to GG, Mary Selecky (MS), and OFM. Review

could take two to three months. WH asked whether MS would stop the report from publication with the funding comments. If so, PIRT can consider submitting it without them. If the report is not allowed to be available to the public and legislature, it serves no purpose. LZ thinks the report should stand. She spoke to Mark Calkins about the RCW and PIRT's legislative mandate to comment on public health. If DOH says PIRT cannot say this, we can refer to the RCW. This is a PIRT report and executive summary. Part of the reason the executive summary goes out prior to the report is because the report takes so long. LZ would like for PIRT to get the executive summary out, and doesn't see how that is different from writing a letter from PIRT to legislators. One complaint about PIRT has been that it takes too long to get the information out. LZ made a motion to get the executive summary out to the legislature and inform them that the full report is undergoing review and will be available in two to three months. CL said that if there is an issue with DOH or OFM, we will hear about it and it will be on the agenda at the next meeting. References to budget cuts or the Governor's budget were removed; it is couched more in terms of funding issues. WH likes it the way it is. LZ said if we don't comment on those things, PIRT would not be living up to its mandate to comment on matters that effect public or environmental health. It is unconscionable to overlook the impacts to agencies on this panel and the effects on pesticide incidents and exposures. That's what PIRT is here for. AW does not want to get CL in the crossfire with her agency. AF seconded LZ's motion. LZ clarified that the executive summary would be sent to heads of relevant legislative subcommittees with an accompanying letter, perhaps from the executive summary subcommittee. AF said that historically, PIRT has sent out preliminary reports to the legislature. KR, AF, DS, and WH voted to approve LZ's motion. CL and AW abstained, and PE opposed. RF was not available at this time. With five votes in favor, two in abstention and one in opposition, the motion carried.

(KR left the meeting here.)

### Legislative Update

**WAPC:** WH told the panel that if funding was cut to WAPC by one million dollars per year, it would close its doors shortly thereafter. The poison center should be considered a core service in Washington. WAPC is opposed to the cut. Scott White, a representative from Seattle, is sponsoring legislation to acquire alternate funding and recommending that the legislature acquire bridge funding for WAPC. At the top of the list would be a fee added to phone service, which is how most successful United States poison centers are funded. WAPC discussed other potential fees, but that one received the most support from the legislature.

This is Poison Prevention Week. WAPC staff and the 12 year old poison prevention poster contest winner met with legislators at the Capitol on Monday. The Governor was scheduled to meet with them, but was too busy. WH was very disappointed, and took that as further evidence of the uncertainty of WAPC funding. If WAPC ceases to exist, the cost to Washington will probably exceed a hundred million dollars the first year. WAPC would likely be reinstated like poison centers in Louisiana or Michigan, at a greater cost than if it continued. CL asked about calls the DOH Pesticide Program would receive if WAPC closed its doors. WH said that currently Oregon could not handle the WAPC volume. Idaho is covered by Rocky Mountain Poison Center, who covers multiple states, and acquires business from other states who cannot maintain their own poison centers. Based on analyses of Idaho charges, Rocky Mountain would charge Washington 2.8 million dollars to pick up their calls. WAPC is currently costing two million dollars. The director of Rocky Mountain Poison Center confirmed this number. For a period of time, people would attempt to call other states like Oregon that will be blocked with a recording, and those calls

would go unanswered. In Louisiana and Michigan, those people went to their physician's office or the local emergency department. When the Michigan Poison Center was cut by one million dollars, they chose to serve half the state and measure the impacts on the other half of the state. The cut ended up costing 144 million dollars in health care costs in the next twelve months. WH anticipates that if WAPC is not funded, they would have a similar experiment at some point.

PE asked whether fee-based legislation would be a good solution. WH replied that a fee-based system seems to take care of the problem, at least in Texas. Their phone tax covers virtually all the poison center costs. California enacted a similar phone tax, which is county-based, where certain counties pay for poison center service and certain counties don't. Their poison center is in trouble because of that discrepancy. With a million dollar cut, the WAPC estimates that they can use their reserves for three to four months, and then cease to exist. Legislation will take at least a year, so they will need some bridge funding. PE suggested that even if WAPC was funded, they might consider going to a fee-based system because of its stability. Fees would be considered an excise tax. WH assumes that WAPC cuts would result from cuts to DOH pass through funding, which could happen this session.

AL asked whether they looked at the stimulus package in regard to electronic transfer of health data. WH said that there is language in the bill addressing public health and poison centers, but it is not worded as such. WAPC took the language to the Governor's Office and recommended that they access stimulus funds for the WAPC; they have not yet received a reply. This could be a possibility for bridge funding.

**WSDA:** AW reported that there are two bills regarding pesticide use in schools and how parents and guardians should be notified, which are still moving through the process (Second Substitute House Bill 2167 and Substitute Senate Bill 5889). One bill states that written information would be available upon request. The other bill says that online information would be provided, and written information would be available upon request. Both bills have been through the house and senate committees and are going to switch. CL asked whether the Pesticide Advisory Board is also affected by proposed legislation on boards and commissions. AW responded that a second meeting on boards and commissions was scheduled for last week, but never happened. LZ asked why the schools bills would require online notification. AW replied that it was part of a very long bill with a simplification to schools for unfunded mandates to provide information. LZ believes it is essential that the information is available to everyone, as it is not something a parent would think to request. There are also bilingual and internet access issues. AW said she wrote these comments into her bill analyses. WSDA was going to eliminate their international marketing division should budget cuts increase, but the Governor emphasized that activity as one that she wants to see promoted.

PIRT is on the list of boards and commissions to be cut. LZ said that the legislation currently reads that it cuts PIRT and all other agency reporting requirements and keeps the reporting requirement for DOH. AW clarified that in the Governor's budget, PIRT was lined out. Cutting PIRT requires a change in statute that has to go through the bill process. CL said that since she has been in DOH, there hasn't been a budget item for PIRT; DOH has absorbed its cost. LZ asked if other agencies provide annual pesticide incident reports to the legislature. Ecology and WAPC do not. WSDA does an online report to the legislature on fines and incidents. WAPC generates an annual report that includes all classes of exposures, which is available to the public, but not provided to the

legislature. CL said the Pesticide Program is completely funded by General Funds. She believes that DOH is still planning to cut the program by fifty percent.

### **Public Comment**

AL commented that the Governor and interviewing subcommittee could not have done better in choosing LZ as public member. LZ has done a great job in her year as public member. As of this meeting, the Governor has gone one whole year without feeling it important to appoint a toxicologist. There is a hole in the panel. She thinks it is too bad that the Governor has not fulfilled her responsibilities under PIRT legislation and appointed a toxicologist.

At 10:48. WH moved to break, PE seconded and all were in favor.

The panel reconvened at 11:05. CL, LZ, WH, AW and PE were present, and DS was on the phone.

### **Draft Agenda for April Yakima Meeting**

CL cannot attend the April 16 meeting. She mentioned responses to FM's survey on Yakima meeting attendance that reiterated the importance of PIRT meeting in the Yakima area. The panel discussed moving the meeting to April 22 to follow the Pesticide Advisory Board meeting, evening meeting times, accommodating the public at Yakima meetings, and whether an evening meeting would be better attended than a daytime one. CL mentioned complaints from people who could not attend daytime PIRT meetings and farm workers who did not feel comfortable at the WSDA location. LZ made a motion to move the Yakima meeting to April 22, PE seconded, and all were in favor.

RF will have the draft air monitoring report at the end of this month, which will go to the technical review panel before public discussion. FM included a list of possible agenda topics. She had asked AF or VH to present on a study of effects of synergism of pesticide mixtures for Science Corner. AW received a comment from industry regarding the study. She will give a name to FM in case they want to provide comment. LZ will do a presentation on how Washington fees and penalties for pesticide violations compare to other states. PE and AW will present on their work on a revision to the Worker Protection Standard (WPS) to match new federal standards. AF suggested an update on the Pesticide Management Transition Plan (PMTP). CL said that preliminary results of the survey that Nadine Lehrer conducted are ready. AF thought that her perspective on the project would be useful to the public and could attract farm workers to the meeting. FM will add more time for public comment. Subcommittee updates could be eliminated, as their work is done except for forestry's. AW suggested budget updates. CL suggested getting an update from Department of Fish and Wildlife. Air monitoring and WPS should bring in more farm workers. Pesticide licensing recertification credits will be available for meeting attendees. The meeting most attended by farm workers was probably April 2007; AL thought the reasons for this were encouragement by locals and the availability of simultaneous translation. AW and PE will ask if their investigators can assist with interpretation. DOH has equipment for this. KDNA can do a public service announcement about the meeting. Since advertising in the local newspaper is cost prohibitive, LZ will investigate community papers for advertising. CL would like to ask Matt Keifer and DOH investigators if they have suggestions for agenda topics from farm workers. AW suggested that PIRT be flexible with agency updates if additional public comment time is required. AL suggested that FM ask whether KDNA could include a question and answer time on the air with translators available. This could result in more participation.

**ACTION:** FM will check on availability of the KDNA facility for April 22, the KDNA public service announcement for the meeting, and a question and answer period on the air. She will also request WSDA recertification credits for the meeting and contact Nadine Lehrer from PMTP. LZ will look into community papers for meeting announcements. AW and PE will ask their bilingual investigators for assistance in translation.

### Agency Updates

**WSDA:** AW reported that Northwest Agricultural Plastics is able to provide plastic agricultural container recycling again this year. They have had quite a few more companies elect to participate this year. This program is funded by companies that sell pesticides in plastic containers.

AW passed out information on WSDA statewide crop data availability on the website and a contact for more detailed information. She will give this to FM to distribute by email. This pertains to salmon protection and the court order on pesticides applied near water bodies that may affect salmon. All agricultural lands were geomapped by what crop is on what field, so there is current data on what crop is grown where. They integrate this with information received from extensions, commodity commissions, and USDA as far as what pesticides are used on crops and rates. Though this is anecdotal info, not specific factual, it is still pretty good quality. DS said that Ecology uses this information for the Pesticide Surface Water Monitoring Report.

**Health** – DOH case investigation season is starting, but so far has been slow. DOH has fifty to sixty percent of 2008 case data entered into the database, particularly drift cases. DOH is struggling with budget issues. DOH is preparing with WSDA and Ecology anticipating the mosquito season and potential for WNV. There will be a meeting on the 21<sup>st</sup> on the Westside and the 23<sup>rd</sup> in Ellensburg with all agencies participating on this project.

LZ commented that meeting materials are not posted on the PIRT webpage. She thinks that everything should be on the website for the public and members that cannot attend. Panel members concurred. CL will take this back to DOH. FM reported that the DOH web person has PIRT contact information and pesticide resources, which should be posted soon.

**L&I:** PE reported that L&I had the first cholinesterase stakeholder meeting, which went very well. There will be a call-in meeting in June and at the end of the season. L&I will be holding a meeting with DOH and WSDA with enforcement people out in the field on April 15 in Yakima.

**WAPC:** WAPC recently presented at several Emergency Medical Services (EMS) meetings. A couple sessions involved pesticides as cases. WAPC also presented a new training video for EMS providers encouraging them to call WAPC for help in managing exposures in the field. Last week, WAPC held an all day course entitled “Washington Poisons Course for Emergency Medicine Physicians and Nurses.” One of the topics was pesticide exposure. WAPC is gearing up to do a hazardous materials life support training in Tacoma in September or October. Pesticides will be a big part of the curriculum. The EPA encouraged WAPC to invite the Coast Guard, who responds to large disasters in coastal areas.

**WSU:** The Food and Environmental Quality Lab (FEQL) will undergo a twenty percent cut. This will affect Vince Hebert (VH), who has two technical people in FEQL whose salaries are supported by state funds. LZ asked about the cuts to WSU Extension, which could be up to seventy percent.

AF replied that there has been a lot of negative reaction about cutting the Extension Program. Though they don't know yet, AF thinks that the Extension will take a greater proportion of cuts than research or teaching, as WSU's teaching arm is small compared to research and extension.

**UW:** RF said that the latest estimate for cuts to UW is twenty percent, the biggest cut in state funding in the UW's history. The state hasn't kept up with adequate support to UW even in good times. A twenty percent cut will result in elimination of programs. Already, there have been some layoffs, and no one is hiring. People are writing more proposals for less money and funding is competitive.

AL asked about how DOH's investigative mandate would be affected by the upcoming cuts to the Pesticide Program? CL responded that the mandated activities will be protected as much as possible, but things like outreach, participation with other agencies and projects, and ability to do research will take a hit. CL was not sure if the reporting function would be just for DOH pesticide program or shared with PIRT. The program had trouble in 2006 meeting the investigation mandate when it was short staffed. She is also concerned that if WAPC cannot take pesticide exposure calls, they will come to DOH. AL recalled a time when WSDA was short on investigators and had difficulty meeting its mandates until they were able to get more investigators. She commented that it would be a crime to lose PIRT as she has seen how PIRT has evolved, as exemplified by PIRT agencies working together and the data exchange between WAPC and DOH.

FM asked for clarification on who would be writing the letter to the legislature to accompany the PIRT Executive Summary. The panel discussed the fact that it was appropriate to come from the executive summary subcommittee.

PE moved to adjourn the meeting, WH seconded, and all were in favor. The meeting ended at 12:04 pm.

**Future PIRT Meetings**

April 22	Northwest Communities Education Center – Granger
May 21	Department of Health, Tumwater
June 18	Department of Labor and Industries, Tukwila

See <http://www.doh.wa.gov/ehp/Pirt/pirt-meetings.htm> for agendas directions, and meeting materials.