Present: Brian Rowe, Kara Moberg, Jeff Fischer, Abby Schwartz, Mike Schiffer, Russ Ives, Amy Frankmann, Bob England, Mark Varner, Larry Olsen

Meeting called to order at 9:35 am. Brian Rowe introduced Lisa Leibrand, administrative support at MDARD, who will be taking meeting minutes for the committee. Introductions and affiliations were made around the table.

Meeting Minutes: Minutes from the October 2012 meeting were reviewed; Abby Schwartz pointed out that her name was misspelled in two places in the meeting minutes. Brian Rowe will correct the spelling for the final minutes. Russ Ives motioned to accept the meeting minutes with correction. Seconded by Bob England and the motion was carried.

Committee Membership:

Commodity Representation: Brian Rowe provided an update regarding additional appointment to the committee for the producers of agricultural commodities. Brian presented information on the pesticide advisory committee (PAC) at the last commodity board meeting and asked for a volunteer. We still haven't heard from them. It appears that they may not nominate a representative to the committee. If that is the case, we do need someone to represent the commodity interest.

Larry Olsen nominated Amy Frankmann, as she attends the meetings and works with many of the producers of commodities. Abby Schwartz made a contingency motion to check with the Director of MDARD to confirm if she's heard anything from the commodity board. If no response is received within one month, Brian Rowe should recommend Amy's name to the director. Larry Olsen seconded the motion. Motion passed.

Brian Rowe indicated that when he recommends her name to the director, he'll need a resume/biography from Amy as well as an endorsement from a commodity association in accordance with the PAC business rules.

Missing Members: Bill Weil and Roger Wabeke have not attended the last 3 meetings. According to the business rules, the director shall remove any member who is absent, either personally or through a designated representative or substitute, for 4 or more consecutive meetings. Brian Rowe suggests sending a hard copy letter to each asking if they are still interested in sitting on the committee and if not, if the designee has any recommendations for filling their seat. He will email the committee to inform of their responses before the next meeting.

Reappointments: Abby Schwartz and Mike Schiffer are up for re-appointment. Brian Rowe motioned that Abby and Mike are re-appointed; Mark Varner seconded. Both Abby and Mike are willing to sit on the committee for an additional 3 years. Motion passed.

Member Suggestion: Kara Moberg suggested that Molly Schairer, Director of the Michigan Department of Human Services Office of Migrant Affairs ("OMA"), be reviewed as a potential member. She works with all agencies who directly services migrant workers, growers concerns over pesticides as well as pesticide
legislation. After discussion, it was decided that an invitation to membership shouldn’t be extended to Molly as Kara herself represents the farmworkers on the committee. However, she could be invited to participate in meetings as they are open to the public. It was suggested that Kara send her an email inviting her to visit the meetings and provide the committee with any relevant information.

**Shared Responsibility:** Discussion was continued regarding shared responsibility. Brian Rowe reviewed examples of why this topic is an issue. According to Kara Moberg, the policy states that there needs to be a contract and customer consent. In the examples provided, customer consent was provided. Brian Rowe would like to have an agreement between the primary contractor and sub-contractor. He will work to draft a contract or agreement and send it via email to the members to have the final copy ready for discussion at the next meeting.

If the committee recommendation to the Director is approved, the agreement will be sent out to the members of the PAC in order to inform affiliated agencies.

**Subcontracting:** Subcontracting is the practice of hiring a licensed company to apply pesticides to complete a portion of the contracted job; i.e. Brian’s Unlicensed Lawn Care has a customer but doesn’t apply pesticides. Brian hires Bob’s Licensed Spraying to complete the job for the customer.

Brian Rowe explained that in the early 1990’s, the AG’s office verbally interpreted Regulation 637, Rule 12 to MDARD. The interpretation was that an unlicensed company can only subcontract if the company is not advertising pesticide services and is bidding on a contract that requires pesticide application services. Since that time the Michigan Department of Agriculture and Rural Development (MDARD) has been taking enforcement action against companies that are holding themselves out to the public as “being in the business” of applying pesticides and do not have a PABL license. The regulation doesn’t require a pesticide application be made to be found in violation.

The issues that need to be addressed are:

1) **Wording and Advertising.** Weed Control doesn’t necessarily mean pesticide application; but can mean pulling weeds per the ruling of the administrative law judge who presided over a licensing case.

2) **Customer Service Agreement & Risk Benefits.** Currently, the customer service agreement goes to the “customer”. In the case of subcontracting in the example above Bob’s customer is Brian so he receives the agreement and written risk benefits. We need to make sure that the end customer is receiving those documents.

Russ Ives questioned whether the end customer in the case of large corporations is the individual sites or corporate. Brian explained that the customer is corporate and each site does not need its own risk benefits and customer information.

Jeff Fischer suggested that it be required to put a disclaimer on advertising to inform customers that they are subcontracting. Thereby informing the customer that someone else would be at their home doing the work giving them opportunity to check out the subcontractor as well and make sure they get the risk benefits in writing.

Brian would like to see a contract between the subcontractor and the initial business that inspectors can ask for when complaints arise. Currently, subcontractors are investigated in complaint cases but often it's
a verbal/handshake agreement. Bob England suggested that the contract have wording for the middle man to accept responsibility for getting the risk benefits to the end customer. We should have a consistent and standard agreement for everyone's benefit.

Amy Frankmann raised some concerns over requiring firms to put a disclaimer on advertising, stating that other industries subcontract and no one has a disclaimer requirement. In today's age, subcontracting is expected. By requiring disclaimers & contracts, Amy fears it may harm all of the firms that are doing things correctly.

Mark Varner feels that having a clear-cut way of how to handle subcontracting will be good for those firms that are doing it correctly now. Having a contract and advertising your license number as a way of verifying to the customer that you are licensed and avoid harassment.

Brian closed discussion due to time and will write up a possible solution to discuss further at the next meeting. He'd like to take the documents to the internal Pesticide Project Team and inform them that the solution is under consideration by the PAC.

Updates from MSUE, MDCH & MDARD:

**MSUE:** Larry Olsen updated the PAC on the first quarter sales of the pesticide manuals. Field crop manuals are substantially up as they have been sold to other states, which is good for MI. MSUE has completed the item analysis for the turf exam. Currently, MSUE has a partnership with MLNA for seminars. They would love to have new partnerships for training programs which would split the net proceeds with MSUE.

**MDCH:** Abby Schwartz explained that the Poison Center data included in the written report for pesticide poisonings initially included only unintentional occupational and environmental poisonings. Michigan records other categories so there is a spike in the numbers as more cases are being reported. There was a report in the Boston Globe stating that there was a 50% drop in asthma cases in public housing complexes that were taught and implemented an IPM plan. IPM appears to be very effective. Abby also reviewed the complaint/misuse calls that she received with MDCH. Brian suggested that any complaints with "Danger" labels be referred to MDARD as these products are more hazardous to human health and the environment.

**MDARD:** Brian Rowe presented the enforcement update. Of the complaints that turn into use investigations, drift is the number one complaint, followed by misuse and application by an uncertified applicator. There have been two changes in 2012: 1. PPPM started tracking everything electronically. All files are on a shared drive which makes it easier for everyone to stay updated and close files quickly. 2. Dashboard indicators were put into place and the objective was to improve the closure rate of UI cases within the 90 day mark. Last year, PPPM improved that number by over 15% to 56% closed within 90 days.

**DEQ:** Larry Olsen requested an update from Jeff Fischer on permits. Jeff reported that DEQ has issued less permits than anticipated; less than 100 certifications for pesticide applications. EPA changed their ruling so there is no need for as many permits especially within the mosquito control area. There has been no negative feedback regarding the permits.

**Next Meeting:** Brian Rowe suggested that at the next meeting, or possibly in July, we take a 15-20 minute tour of the pesticide residue lab to get an understanding of all the work that takes place there. Suggestions
were made to adjust the time of the meeting in order to fit in a tour and still have the normal time for PAC business. Discussion on exact time was tabled until the April meeting with the lab tour being in July. Next meeting is April 19 at 9:30 am at the Geagley Lab.

Meeting was adjourned at 12:00 pm.