

FLORIDA PESTICIDE REVIEW COUNCIL

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES



2009 – 2010 ANNUAL REPORT

REPORT TO THE 2011 FLORIDA LEGISLATURE



NOVEMBER 1, 2010



**FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
PESTICIDE REVIEW COUNCIL REPORT TO THE 2011 FLORIDA LEGISLATURE**

TABLE OF CONTENTS

TABLE OF CONTENTS.....	1
TABLE OF APPENDICES.....	2
I. EXECUTIVE SUMMARY AND LEGISLATIVE RECOMMENDATIONS	3
II. INTRODUCTION	4
III. ADMINISTRATIVE ACTIVITIES.....	5
IV. COUNCIL MEMBERS AND STATUS	5
V. INVITED PRESENTATIONS.....	6
VI. AGENCY BRIEFINGS	6
VII. COUNCIL ACTIONS AND RECOMMENDATIONS	9
VIII. CONCLUSIONS.....	11

APPENDICES	12 - 16
A. COUNCIL’S UPDATED WORKPLAN	12
B. COUNCIL’S STATUTORY CHARGE.....	15

This Report was approved for transmittal to the 2011 Florida Legislature by Keith Tolson, PRC chair, on October 19, 2010.

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

PESTICIDE REVIEW COUNCIL 2009-2010 ANNUAL REPORT

(FOR THE PERIOD OCTOBER 1, 2009 TO SEPTEMBER 30, 2010)

I. EXECUTIVE SUMMARY AND LEGISLATIVE RECOMMENDATIONS

The Pesticide Review Council (PRC) convened three meetings during the operating year October 1, 2009 through September 30, 2010 (January 13, May 11, and September 13, 2010). The PRC continued to coordinate pesticide-related efforts among state agencies including the Florida Departments of Agriculture and Consumer Services (FDACS), Environmental Protection (FDEP), Department of Health (FDOH), Fish and Wildlife Conservation Commission (FFWCC), the Institute of Food and Agricultural Sciences of the University of Florida (IFAS/UF), and the South Florida Water Management District (SFWMD). Key issues discussed included the following: legislative and budgetary impacts on FDACS and IFAS programs; rulemaking by FDACS to implement supplemental pesticide registration fees to support analytical work of the FDACS Chemical Residue Laboratory (Division of Food Safety); FDACS collaboration with the Florida Department of Environmental Protection (FDEP) and the Florida Fish and Wildlife Conservation Commission (FFWCC) to streamline regulation of pesticide applications to water via the National Pollution Discharge Elimination System (NPDES) through a Florida “Generic Permit”; implementation of new USEPA label requirements to mitigate potential exposure of workers and bystanders to soil fumigants; the Commissioner’s pesticide stewardship award; grant funding to Florida by the United States Environmental Protection Agency (USEPA) for enforcement of federal pesticide requirements; Florida-specific requirements regarding well setbacks in Aldicarb applications; and, triennial report on the use of restricted use pesticides (RUP).

In September of 2010 the Council undertook a planning initiative that included visioning, expectations and desires for the Council in the future, and the development of a Council Workplan with associated key tasks and milestones. In addition, the Council began the process of enhancing and clarifying their organizational and procedural policies and guidelines focusing on ensuring the Council’s process is clear, consistent, fair and transparent.

During the reporting period, the Council voted to request that the statutory limitation on PRC officer terms be increased from one year to two years. This change should be proposed to the Legislature when Chapter 487 is next open for revision. The Council considers this a standing request until legislative action is taken on the request. In addition, at the May, 2010, meeting the Council voted unanimously to send a letter to the Governor voicing support for the NPDES-related legislation in HB 981 instructing state agencies to develop memoranda of understanding to establish respective roles and streamline permitting implementation and enforcement.

II. INTRODUCTION

The Pesticide Review Council (PRC) advises the Commissioner of Agriculture regarding the sale, use and registration of pesticides and advises government agencies, including the State University System, regarding their responsibilities pertaining to pesticides. The Pesticide Review Council seeks consensus decisions on particular issues and recommendations to be submitted to the Commissioner through the FDACS Division of Agricultural Environmental Services. The Council serves as a statewide forum for the coordination of pesticide-related activities to eliminate duplication of effort and maximize protection of human health and the environment. The Pesticide Review Council consists of eleven (11) scientific members and operates under the authority of Chapter 487, Florida Statutes.

This Annual Report summarizes the activities of the PRC from October 1, 2009 through September 30, 2010 as reported in the summary reports/minutes of three PRC meetings held on:

- January 13, 2010 (Gainesville, Florida);
- May 11, 2010 (Gainesville, Florida); and,
- September 16, 2010 (Gainesville, Florida).

Copies of agendas, minutes and presentations for each meeting may be obtained by contacting the FDACS Bureau of Pesticides as indicated below:

Mail: 3125 Conner Boulevard, Building #6, Tallahassee, Florida 32399-1650
Phone: (850) 617.7917

In addition, information on the Council, including agenda packets, meeting reports, and related background documents may be found in downloadable formats at the project webpages linked below:

<http://consensus.fsu.edu/PRC/index.html>

<http://www.flaes.org/pesticide/pesticidereviewcouncil.html>

III. ADMINISTRATIVE ACTIVITIES

For 2000-2010, the officers were Dr. Keith Tolson, Chair, Dr. Brian Katz, Vice-Chair, and Mr. Rick Hicks, Secretary. Each year in accordance with adopted Council policy, members nominate and elect a new secretary, and the Vice-Chair ascends to the Chair position and the Secretary ascends to the vice-chair position. For 2010 – 2011 Dr. Brian Katz was approved as chair, Mr. Rick Hicks was approved as vice-chair, and Mr. Joe Gaudino was nominated and approved as secretary..

The Council adopted the following meeting schedule for 2010 – 2011:
January 18, 2011—Gainesville starting at 10:00 AM;
May 17, 2011; and,
July/August 2011 TBD.

IV. PRC MEMBERS AND STATUS

The current Council members, and their respective affiliations and terms are as follows:

Member	Affiliation	Term Expiration*
Bill Caton	Fish & Wildlife Conservation Commission	Indefinite
Joe Gaudino	Environmental Groups	09/30/2010
Rick Hicks	Department of Environmental Protection	Indefinite
Dennis Howard, Ph.D.	Department of Agriculture & Consumer Services	Indefinite
Brian Katz, Ph.D.	Hydrologist	09/30/2011
David Krause, Ph.D.	Department of Health	Indefinite
Mel Kyle, Ph.D.	Agricultural Chemical Industry	09/30/2012
Mark McLellan, Ph.D.	Institute of Food and Agricultural Science	06/30/2010
Richard Pfeuffer	South Florida Water Management District	06/30/2011
Gary Reeder	Grower/Producer Representative	12/31/2010
J. Keith Tolson, Ph.D.	Toxicologist	09/30/2011

*Members whose terms have expired may continue to serve pending consideration of their re-appointment for appointment of a replacement member by the Governor.

V. INVITED PRESENTATIONS

During the 2009 – 2010 period the Council did not receive any invited presentations, giving priority to a number of Federal and State agency issues that required Council review.

VI. AGENCY BRIEFINGS

Agency briefings are the principal method of information gathering used by the Council. Since the PRC lacks staff support, agency action is the mechanism for implementing recommendations by the Council. During the reporting period, staff from FDACS and IFAS provided pesticide-related briefings to the PRC.

A. Florida Department of Agriculture and Consumer Services (FDACS)

NPDES Permitting. Steve Dwinell and Dr. Davis Daiker (FDACS) reported that the Clean Water Act regulates the discharge of “pollutants” into the nation’s waters by, among other things, requiring entities that emit “pollutants” to obtain a National Pollutant Discharge Elimination System (“NPDES”) permit. As a result the U.S. Court of Appeals, Sixth Circuit ruling, the exemption for pesticides applied in accordance with Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) will expire on April 9, 2011, and NPDES permits will be required. Any operator with a point source discharge resulting from the application of pesticides will be in violation of the Clean Water Act if those discharges are not covered under an NPDES permit as of April 10, 2011. The USEPA is working with stakeholders, including regulatory agencies, mosquito control districts and applicators, regarding how NPDES permits will be issued for pesticides applied in accordance with FIFRA. The USEPA has completed work on a national general permit that will serve as a model for other states that have not delegated authority to EPA (Florida has delegated authority and will not be covered by an EPA-developed permit).

DACS is working with DEP and FWWC to develop and implement a “Generic Permit” (in Florida, general NPDES permits are called “generic permits”) for use in Florida that would encompass certain pesticide application operations. DEP is adopting a rule that would establish a pesticide generic permit that will include mosquito control, aquatic weed control, aquatic nuisance animal control, and forest canopy/area-wide pest control. The strategy for Florida is to develop and implement a generic permit that will covers multiple facilities/sites/activities within a specific category for a specific period of time (not to exceed 5 years). For the generic permit, Florida will develop and issue the permit in advance, with dischargers then generally obtaining coverage under the permit (some are required to file a Notice of Intent; NOI).

DEP is drafting the “Florida Generic Permit” and is planning on conducting five public workshops in late October. The workshops are planned for Pensacola, Tallahassee, Orlando, Tampa, and West Palm Beach.

The Pesticide Review Council will have an important coordinating role regarding implementation of the NPDES generic permit and will serve as the forum/mechanism for the reporting requirements of state activities and coordinating responses to any adverse impacts related to the application of pesticides to qualifying waters in Florida. In addition, although EPA is silent on the issue, Florida is covering certain agricultural operations under the generic permit provisions.

USEPA Pesticide Performance Partnership Grant Funding Issues. Mr. Anderson Rackley (FDACS) described to the Council challenges that FDACS is facing in its regulatory relationship with the USEPA. The level of USEPA grant funding to Florida has remained relatively steady whereas the scope of program responsibilities the Agency has delegated to FDACS has greatly increased. The new federal soil fumigant requirements and NPDES permitting are examples of two programs that have placed new burdens on the state without providing commensurate funding and in seeming disregard to the current budgetary crisis Florida is experiencing. As a result of this untenable situation, FDACS has engaged the USEPA in a frank discussion of the need for the Agency to adjust their expectations, increase their flexibility, and/or provide adequate resources to the state program. A number of other states have joined in this discussion.

Soil Fumigants. Dr. Dennis Howard and Mr. Bruce Nicely (FDACS) briefed the Council on the implementation of new USEPA label requirements to mitigate potential exposure of workers and bystanders to soil fumigants. The requirements were developed during the Agency's Re-registration Eligibility Decision (RED) of the fumigants methyl bromide, metam sodium, metam potassium, chloropicrin, and dazomet (iodomethane is also affected). Dr. Howard's presentation focused on the challenges Florida is facing in implementing the complex, new USEPA requirements, and in particular on the label review requirements facing FDACS. The Department expects that the label reviews will take months and is making plans to synchronize the release of the new labels, upon acceptance for registration in Florida.

Mr. Nicely (FDACS) explained the need for training of applicators and compliance inspectors on the new fumigant label requirements. Most of the applicators of fumigants in Florida are private applicators who have not taken core training in soil fumigants. Under the RED, all of the new soil fumigants will be classified as restricted use pesticides, and will require additional training. The labels will be released by the USEPA in two phases, with the second phase focusing primarily on requirements related to buffer zones. The USEPA has assigned training responsibility to the registrants, with implementation to begin in the second phase. However, FDACS believes that training is also needed in the first phase, because of scope and complexity of the new requirements. Not only applicators, but also handlers will need to be trained. The Department is working with IFAS, the Florida Fruit and Vegetable Association, the Florida Fertilizer and Agrichemical Association, the Florida Farm Bureau Federation and fumigant registrants in an attempt to coordinate training programs. IFAS has already taken the initiative to develop some training materials. The Department is also engaging the USEPA in discussions to support training development by the state. In follow-up discussion, Dr. Krause noted that it will be important for County Health Departments to be aware of the new soil fumigant requirements, since they may be responding to complaints and questions. FDACS offered to share information for a future Florida Department of Health (DOH) coordinating call with County Health Departments.

Mr. Steve Dwinell (FDACS) reported that the mitigation measures are being implemented via major changes in label instructions for soil fumigants that were recently reviewed under the Agency's registration eligibility decision. The label changes will go into effect in two phases: a) many revisions will take effect on December 1, 2010; b) label changes principally dealing with establishment of buffer zones and posting

requirements will be implemented in 2011. The requirements will take time and training for applicators to understand. The new measures were developed without a cost benefit analysis, and FDACS estimates that the cost for inspection implementation for 2010 will be approximately \$500 thousand, and for 2011 changes, an additional \$268 thousand will be needed. Implementation is also going to involve an ambitious schedule for label review by FDACS, training for inspectors, and training programs for applicators. IFAS experts have been working closely with FDACS to develop training materials. Implementation will place a significant burden on FDACS, and the Department will need to make adjustments in enforcement to prioritize protection of human health and farm workers.

Well Setbacks in Aldicarb Applications. Dr. Dennis Howard (FDACS) informed the Council about the recent occurrence of misapplications of aldicarb in citrus groves and the rapid response by regulatory authorities and the registrant (Bayer CropScience; BCS) to address the problem. Aldicarb is a restricted use pesticide for which many Florida-specific measures have been established to allow continued use without contaminating potable water supplies. These measures include Florida-specific label instructions, a rule in the Florida Administrative Code that requires issuance of a permit prior to application, and a registrant stewardship program that includes monitors who assist applicators in establishing application-free buffer zones around potable wells. In March, 2010, BCS reported to FDACS that aldicarb applications at a site in Hillsborough County were mistakenly made too close to neighboring potable wells. Through prompt action by FDACS, the Florida Department of Health, the County Health Department, the FDEP, and with the cooperation of BCS, bottled water was provided to residents and all vulnerable wells were tested. No aldicarb residues were detected, but as a precaution, the homes were connected to city water supplies. Further internal review by BCS revealed eight similar problem sites in five other counties. In each case, similar timely and coordinated responses assured the safety of residents' drinking water. Despite lack of detection of aldicarb residues in any wells, BCS offered to provide and maintain well filters or to connect homes to available municipal water. FDACS is conducting enforcement investigations of all of the misapplications, and both the Department and BCS are retooling safeguards for permitting and stewardship programs.

Pesticide Use Report. Dr. Davis Daiker (FDACS) briefed the Council on the status of current efforts to produce a report of pesticide usage in Florida, and requested feedback from members on how future reports might be approached, given diminishing Department resources and the availability alternative sources of information. Florida statutes mandate that a report on the use of restricted use pesticides (RUP) and RUP-related compliance issues be prepared every three years. Due to resource limitations, in 1999, FDACS shifted from attempting to conduct surveys of growers to relying on more statistically valid usage surveys prepared by the USDA and others on both RUP and general use pesticides. These reports were supplemented with information about mosquito control pesticide usage that was readily available to the Department, as well as information on compliance trends for RUPs. The upcoming report (expected this fall) will again include USDA usage reports, but for fewer crops since the USDA has cut back on the scope of its surveys. Dr. Daiker noted that all the pesticide usage data is available from other sources... the report's primary service is to compile the information in one location. There are relatively few requests from the public for the reports, and the Department is interested in the Council's views on whether the reports are worth the effort or how they might be made more useful.

B. Institute of Food and Agricultural Sciences of the University of Florida (IFAS/UF)

Budgetary Issues. Dr. Mark McLellan (IFAS) summarized the budgetary forecast for the University of Florida. He agreed with Mr. Rackley (FDACS) that further cuts were anticipated. Over the past 40 months, a cascading, cumulative 25% cut has been sustained in all spending, and this is having dramatic impacts on the need for researchers at the University of Florida Institute of Food and Agricultural Sciences (IFAS) to become more entrepreneurial and seek outside sources of funding. There are also the challenges of a changing social contract in food production in the United States: rather than expecting that agriculture would produce a stable, safe food supply as in the 1930s and 1940s, citizens now are placing demands on high-cost, boutique food supplies, without understanding how food is produced and while hunger is still a global problem. This places growers in a real dilemma. Dr. McLellan characterized as a “game-changer” the U.S. Environmental Protection Agency’s (USEPA) recent court-driven, non-scientific requirement for a single numeric value for nutrients in water resources. Unless a solution is found, this will have profound changes in production agriculture in Florida.

In addition, Dr. Mark McLellan updated the Council on the outlook at IFAS, and noted great interest at the University in the pending resolution of the final budget. IFAS is involved with problem solving on key emerging issues, such as black spot, an introduced disease of citrus; laurel wilt, a fungal disease that can devastate the avocado industry, and; assisting in responses to the Deepwater Horizon oil spill to assess potential impacts on seafood safety.

VII. PRC ACTIONS AND RECOMMENDATIONS

During the reporting period the Council took a variety of actions, they are summarized as follows:

At the July 10, 2009 meeting, the Council unanimously voted to request that the statutory limitation on PRC officer terms be increased from one year to two years. At the September 16, 2010 meeting the Council expressed their commitment and continued support for this recommendation. This change should be proposed to the Legislature when Chapter 487 is next open for revision.

At the May 2010 meeting the Council voted unanimously to send a letter to the Governor voicing support for the NPDES-related legislation in HB 981 instructing state agencies to develop memoranda of understanding to establish respective roles and streamline permitting implementation and enforcement.

At the September 16, 2010 meeting the Council unanimously adopted the following Guiding Principles:

- Principle 1:** The overall purpose of the Pesticide Review Council (PRC) is to serve as an advisory body to the Commissioner of Agriculture and Consumer Services, through the Division of Agricultural Environmental Services (FDACS).
- Principle 2:** The PRC shall adhere to its statutory authorities and charge.
- Principle 3:** The PRC shall strive to achieve consensus on substantive recommendations made to DACS, other agencies and state universities.

Principle 4: The PRC shall operate under clear, concise, consistent, and fair policies and procedures.

Principle 5: The PRC shall serve as an accessible liaison between the Division of Agricultural Environmental Services, other agencies and state universities, the regulated industry, and consumers, thereby protecting the interests of the public.

At the September 16, 2010 meeting the Council unanimously adopted the following Mission Statement:

The mission of the Pesticide Review Council is to advise the Commissioner of Agriculture regarding the sale, use, and registration of pesticides and to advise government agencies, including the State University System, with respect to those activities related to their responsibilities regarding pesticides. Duties include recommending appropriate scientific studies on any registered pesticide and for actions to be taken with respect to the sale or use of a pesticide reviewed by the Council relative to protecting the environment and/or human health from unreasonably adverse effects, and reviewing biological and alternate controls to replace or reduce the use of pesticides. The council shall serve as a statewide forum for the coordination of pesticide-related activities to eliminate duplication of effort and maximize protection of the environment of the state and the health of the public.

At the September 16, 2010 meeting, consistent with their statutory mission (Attachment B), the Council unanimously adopted a Workplan identifying and tracking key tasks. The Council will conduct a Workplan prioritization exercise in early 2011 for the purpose of establishing and implementing Council policies and actions. The Council's adopted Workplan is included as "Attachment A" of this Report.

At the September 16, 2010 meeting the Council reviewed the results of an Effectiveness Assessment Survey that included member's rankings of seven key topical indices using a 10-point scale where 10 is excellent and 1 is extremely poor. The survey was conducted as an on-line exercise and will be an annual activity for the Council. Following are the Effectiveness Assessment Survey ranking results for 2010:

<i>Annually, Council members will be asked to pick the number that best describes how the Council functions in seven (7) key topical areas: Scale Range 10 - 1 (10 highest rating to 1 lowest rating)</i>	
TOPIC	2010
Decision Making Process	8.7
Participation and Communication	8.9
Council Relationship to Agency	9.1
Council Relationship to Staff	9.0
Time for Consideration	7.8
Information and Analysis	8.2
Process/Meeting Facilitation	N/A
Overall Average	8.6

The complete results of the Survey are available on the project webpage, at the following link:
<http://consensus.fsu.edu/PRC/index.html>

VIII. CONCLUSIONS

In the year 2009 - 2010, the Pesticide Review Council continued to provide a public forum to identify and scientifically address pesticide issues in Florida. In particular, the Council provided an opportunity for detailed discussion and public commentary on challenging emerging federal requirements pertaining to NPDES permits, implementation of complex new risk mitigation measures for soil fumigation operations, and well setbacks for aldicarb applications. This discussion will help to frame and inform further dialogue on these issues. The Pesticide Review Council will have an important coordinating role regarding implementation of the NPDES generic permit and will serve as the forum/mechanism for the reporting requirements of state activities and coordinating responses to any adverse impacts related to the application of pesticides to qualifying waters in Florida. The Council is in the process of conducting a comprehensive self-assessment that includes reviewing and revising organizational and procedural policies and guidelines and the development of a prioritized Council "Workplan". The Council also continued to serve as an effective mechanism to minimize duplication and promote efficiency among state agencies that address pesticide issues in Florida. The Council's work continues to grow in value as budgets to address pesticide-related activities across the state decline, yet regulatory issues become more complex.

ATTACHMENT A
COUNCIL'S ADOPTED WORKPLAN

WORKPLAN BY TASK (A-G)

A. ANNUAL TASKS
487.0615(1)(c) In conducting its meetings, the council shall use accepted rules of procedure. A majority of the members of the council constitutes a quorum for all purposes.
(d) The members of the council shall meet and organize by electing a chair, a vice chair, and a secretary whose terms shall be for 1 year each.
(e) The council shall meet at the call of its chair, at the request of a majority of its members, at the request of the department, or at such time as a public health or environmental emergency arises.
1. Council shall meet three times per year starting with January of each year. Regularly scheduled meetings will held in January, May, and September of each year, and start at 10:00 AM.
2. Council reviews Workplan Prioritization Exercise results annually at the September meeting (Facilitator introduces at the May meeting).
3. Council reviews Effectiveness Assessment Survey results annually at the September meeting (Facilitator introduces at the May meeting).
4. Council rotates chair and vice-chair positions and elects new secretary during each September meeting. New officer positions become effective in October.
5. Council will deliver annual report to the Legislature by November 1 of each year.
B. COUNCIL FUNCTIONALITY—COMMUNICATION, PLANNING, PARTICIPATION, REPRESENTATION, PROCESS, DECISION-MAKING, AND IMPLEMENTATION
1. Council will review and adopt revised procedures, polices, and consensus-building and decision-making procedures at the January 2011 meeting.
2. Council will receive updates on budgetary, legislative (including proposed statutory changes) and rulemaking issues at each meeting.
3. Council will develop, prioritize and maintain a Workplan.

C. SCIENTIFIC STUDIES AND FUNDING PRIORITIES AND STRATEGIES
487.0615(2)(a) Recommend, based upon review of state pesticide program needs, appropriate scientific studies on any registered pesticide when substantive preliminary data indicate that the pesticide could pose an unreasonably adverse effect on the environment or human health. The recommendations may include using available services of state agencies or of the State University System to conduct such scientific studies or may recommend that these agencies seek funding for this purpose. When the council recommends a study, it must support legislative budget requests for funding needed to conduct the study. The council may also conduct scientific studies if specific funding is provided to the department or other governmental agency by the Legislature.
1. Transport and fate of pesticides and their degradates in the environment (e.g., groundwater, surface water, atmospheric, and biological).
2. Health effects to pesticide applicators and people living near where pesticides are applied.
3. Data to evaluate pesticide effects/impacts on human health and the environment.
4. Spray drift.
5. Formulations and adjuvants - including nanotoxicological concerns.
6. Antimicrobials.
7. Emerging pests and diseases.
8. Restricted pesticides: update on usage and usage surveys for Florida.
9. Pesticide resistance: current trends and how to manage.
10. Strategy to secure a funding source for needed scientific studies.
11. Research involving biological and alternate controls to reduce pesticide use.

D. ADVISE AND RECOMMEND ON PESTICIDE USE RESPONSIBILITIES— COMMUNICATION AND COOPERATION BETWEEN AND AMONG RESPONSIBLE AGENCIES AND AFFECTED INTERESTS
487.0615(2)(c) Provide advice or information to appropriate governmental agencies, including the State University System, with respect to those activities related to their responsibilities regarding pesticides.
1. Council will discuss the implementation of DEP NPDES Pesticides Generic Permit (PGP) at each meeting until significant implementation issues are resolved.
2. Coordinate and collaborate with the Florida Coordinating Council on Mosquito Control (FCCMC) and the Pest Control Enforcement Advisory Council (PCEAC).
3. Establish a system that is comprehensive and user friendly for governmental agencies to find or request pesticide related information.
4. Pesticide applicator health and safety issues.
5. Pesticide registration and compliance issues.
6. Implementation of the Soil Fumigation RED requirements.
7. Endangered Species Act implementation for FIFRA regulated products.
8. Monitoring regarding well setbacks in aldicarb application areas.
9. Genetically modified organisms (GMO).
10. Implementation of revised fumigant labels (training, compliance issues).
11. Implementation of new federal restrictions for arsenical herbicides.
12. Pesticide residue and land use change.

E. ENHANCING COMMUNICATION BETWEEN AND AMONG THE AGENCY, INDUSTRY AND PUBLIC
1. Promoting public education regarding pesticide use, safety, benefits, and risks
2. Coordination role in environmental impact of pesticides: a forum for research/monitoring efforts statewide.
3. Council member review and recommendations regarding submissions for the annual Commissioner Award for Pesticide Stewardship.
4. Council should create a strategy and process to assist stakeholders to identify, prioritize and resolve pesticide issues of concern.
5. Promoting the value of U.S. agriculture.

F. MITIGATION MEASURES TO MANAGE PESTICIDES—ISSUES AND RECOMMENDATIONS
487.0615(2)(b) Make recommendations...to the Commissioner of Agriculture for actions to be taken with respect to the sale or use of a pesticide which the council has reviewed.
(2)(e) Consider, at the request of any member, the development of appropriate advice or recommendations on a pesticide when substantive preliminary data indicate that the pesticide could pose an unreasonably adverse effect on the environment or human health.
(2)(f) Assist the department in the review of registered pesticides which are selected for special review based upon potential environmental or human health effects. This process must include, but need not be limited to, selecting pesticides for special review, providing periodic updates to the council on preliminary findings as a special review progresses, and formulating final recommendations on any pesticide on which a special review has been conducted.
1. Monitoring for pesticides and their degradates in environmentally sensitive areas.
2. Evaluate potential human health impacts on pesticide applicators, farm workers and residents that consume groundwater near areas where pesticides are applied.
3. Soil fumigation procedures and recent federally required re-labeling.

G. BIOLOGICAL AND ALTERNATE CONTROLS TO REPLACE OR REDUCE PESTICIDE USE
487.0615(2)(d) Review biological and alternate controls to replace or reduce the use of pesticides.
1. Pesticide resistance.
2. Research updates regarding biological and alternate controls to reduce pesticide usage.
3. Recommendations for reductions in pesticide applications and usage with alternative methods.
4. Develop a suite of incentives for farmers to switch to alternative controls that are equally viable and also have other benefits (including BMPs and IPM).

ATTACHMENT B

COUNCIL'S STATUTORY CHARGE

ESTABLISHMENT, MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES

PESTICIDE REGULATION AND SAFETY

487.0615 Pesticide Review Council. —(The 2009 Florida Statutes)

(1)(a) There is created within the department the Pesticide Review Council. The purpose of the council is to advise the Commissioner of Agriculture regarding the sale, use, and registration of pesticides and to advise government agencies, including the State University System, with respect to those activities related to their responsibilities regarding pesticides. The council shall serve as the statewide forum for the coordination of pesticide-related activities to eliminate duplication of effort and maximize protection of the environment of the state and the health of the public.

(b) The council shall consist of 11 scientific members as follows: a scientific representative from the Department of Agriculture and Consumer Services, a scientific representative from the Department of Environmental Protection, a scientific representative from the Department of Health, and a scientific representative from the Fish and Wildlife Conservation Commission, each to be appointed by the respective agency; the dean of research of the Institute of Food and Agricultural Sciences of the University of Florida; and six members to be appointed by the Governor. The six members to be appointed by the Governor must be a pesticide industry representative, a representative of an environmental group, a hydrologist, a toxicologist, a scientific representative from one of the five water management districts rotated among the five districts, and a grower representative from a list of three persons nominated by the statewide grower associations. Each member shall be appointed for a term of 4 years and shall serve until a successor is appointed. A vacancy shall be filled for the remainder of the unexpired term.

(c) In conducting its meetings, the council shall use accepted rules of procedure. A majority of the members of the council constitutes a quorum for all purposes, and an act by a majority of such quorum at any meeting constitutes an official act of the council. The secretary shall keep a complete record of each meeting which must show the names of members present and the actions taken. These records must be kept on file with the department, and these records and other documents about matters within the jurisdiction of the council are subject to inspection by members of the council.

(d) The members of the council shall meet and organize by electing a chair, a vice chair, and a secretary whose terms shall be for 1 year each. Council officers may not serve consecutive terms.

(e) The council shall meet at the call of its chair, at the request of a majority of its members, at the request of the department, or at such time as a public health or environmental emergency arises.

(2) The council shall have the power and duty to:

(a) Recommend, based upon review of state pesticide program needs, appropriate scientific studies on any registered pesticide when substantive preliminary data indicate that the pesticide could pose an unreasonably adverse effect on the environment or human health. The recommendations may include using available services of state agencies or of the State University System to conduct such scientific studies or may recommend that these agencies seek funding for this purpose. When the council

recommends a study, it must support legislative budget requests for funding needed to conduct the study. The council may also conduct scientific studies if specific funding is provided to the department or other governmental agency by the Legislature.

(b) Make recommendations, subject to a majority vote, directly to the Commissioner of Agriculture for actions to be taken with respect to the sale or use of a pesticide which the council has reviewed. When such review is performed in conjunction with the registration of a pesticide, the council shall comply with the time framework of the registration process pursuant to chapter 120 and as implemented by department rules.

(c) Provide advice or information to appropriate governmental agencies, including the State University System, with respect to those activities related to their responsibilities regarding pesticides. However, confidential data received from the United States Environmental Protection Agency or the registrant shall be confidential and exempt from the provisions of s. 119.07(1); and it is unlawful for any member of the council to use the data for his or her own advantage or to reveal the data to the general public.

(d) Review biological and alternate controls to replace or reduce the use of pesticides.

(e) Consider, at the request of any member, the development of appropriate advice or recommendations on a pesticide when substantive preliminary data indicate that the pesticide could pose an unreasonably adverse effect on the environment or human health.

(f) Assist the department in the review of registered pesticides which are selected for special review based upon potential environmental or human health effects. The department shall consult with the council in the special review process. This process must include, but need not be limited to, selecting pesticides for special review, providing periodic updates to the council on preliminary findings as a special review progresses, and formulating final recommendations on any pesticide on which a special review has been conducted.

(3) The council shall submit an annual report, no later than November 1 of each year, to the Commissioner of Agriculture, the Speaker of the House of Representatives, and the President of the Senate, containing a record of the council's activities, recommendations regarding any pesticide reviewed by the council, and recommendations related to any other duty of the council and its purpose.

(4) The council is defined as a "substantially interested person" and has standing under chapter 120 in any proceeding conducted by the department relating to the registration of a pesticide under this part. The standing of the council shall in no way prevent individual members of the council from exercising standing in these matters.

(5) Members of the council shall receive no compensation for their services, but are entitled to be reimbursed for per diem and travel expenses as provided in s. 112.061.