

On May 17<sup>th</sup>, Secretary of Agriculture and Forestry Matt Lohr, VDACS Commissioner Joe Guthrie, and VDACS Consumer Protection Division Director Larry Nichols met with representatives of the landscape and turfgrass industry including Kyle Shreve of Virginia Agribusiness Council, Tom Tracy of the Virginia Turfgrass Council, and several business owners and industry leaders.

There were several topics discussed, but the meeting focused primarily on delays in the processing of applications for prospective registered technicians during the spring of 2022, which caused hardship for some businesses. Following comments from industry leaders, Director Nichols responded that there were regrettable delays. Some of the delay was caused by factors outside of VDACS control, such as delays in the US Mail. Some were also caused by inaccurate or incomplete applications. In addition, the implementation of a new online system and the unanticipated technical issues further hampered VDACS's efforts to process applications.

Mr. Nichols said that steps are in progress to mitigate delays in the future, and particularly prior to the annual spring rush of applications expected again in 2023. He said that the Office of Pesticide Services is currently working closely with Information Systems to address technical issues with the online application system to ensure it is functioning properly, which will reduce the processing time substantially. The online system should also help prevent the delays currently being caused by inaccurately completed applications as it will not allow the form to be submitted online unless all information is entered correctly. In addition, he said the current proposed budget includes two new administrative positions which will assist with processing applicator certification. Those additional personnel would be expected to come onboard some time after July 1.

Secretary Lohr indicated a willingness to hold a follow-up meeting to discuss this and some other related issues, which might be legislative or budgetary. Subsequently, there was interest expressed by industry in a meeting on June 22. However, that date ultimately did not fit the schedule for some of the key personnel, so in place of that meeting, VDACS is providing an update as of this date and will work with industry representatives to schedule a follow-up meeting. The meeting would be best suited for a time when there is a sufficient agenda to discuss, including potential legislative and budgetary items along with an update on the new positions and the online system. That would most likely be in the fall of 2022.

The status of the VDACS's applicator certification and business license queues is as follows (as of June 21, 2022):

- Registered Technicians: 721 applications. Currently processing applications received 5/11/2022 and later;
- Commercial Applicators: 172 applications. Currently process applications received 5/16/2022 and later;
- Pesticide Business Licenses: 200 applications. Currently processing applications received 6/8/2022 and later;
- Reciprocal Agreements: 21 applications. Currently processing applications received 6/8/2022 and later.

Development of the agency's online pesticide system for certification of registered technicians and commercial applicators, pesticide business licensing, and product registration is continuing. While the online system was scheduled for release on May 19, technical issues have been encountered which

prevents full functionality. Once all issues have been resolved, certificates will be processed and mailed as soon as possible. However, it is likely that many renewals will not be issued until after July 1, due to the amount of time it takes to enter recertification training credits, print and mail the renewed certificate. It should be noted that applicators who have met all of the renewal requirements will be certified as commercial applicators or registered technicians on July 1, even if they do not receive their renewed certificate until after July 1. VDACS is currently mailing letters to all licensed pesticide businesses to provide information for businesses that need to verify the certification status of an applicator who does not receive their certification until after July 1.

In addition to the items discussed, Commissioner Guthrie has been made aware by members of the landscape industry of a concern regarding testing for pesticide applicator certification by Spanish-speaking workers. In short, the concern is that instruction for the test is given in Spanish but the test is administered in English. VDACS is currently working on a Spanish language test that will also test the Spanish-speaking individual's rudimentary knowledge of the English language sufficient to understand the label instructions.

While it would seem a natural solution to simply give the test in Spanish, the issue is that the labels for all pesticides approved by the EPA are only written in English, so therefore some knowledge of English is necessary. In learning more about this issue, Commissioner Guthrie found that the EPA is reluctant to open up labeling to any other language as doing so may open the door to writing labels in any number of other languages, not just Spanish. While that is an understandable concern for EPA, Commissioner Guthrie is concerned for the well-being of Spanish-speaking workers who comprise a large percentage of the people who would need the label information to correctly and safely use the labeled products.

With that in mind, Commissioner Guthrie added this topic as an agenda item to the meeting of the Southern Association of State Directors of Agriculture (SASDA) which met on June 5<sup>th</sup>. He asked for assistance from SASDA and the National Association of State Directors of Agriculture (NASDA). He proposed a North American label written in English, Spanish and French – the official languages in North American countries – as a potential solution to EPA's concern of opening the label up to other languages. A NASDA representative said that EPA was aware of this concern but the issue was on their "back-burner". Commissioner Guthrie asked NASDA to assist in moving the topic and the potential solution to a more prominent place with EPA. This is another topic for which there may be an update in the fall following a meeting of NASDA September 26-29.