



Pesticide Report for 2015

North Carolina Department of Agriculture and Consumer Services
Steve Troxler, Commissioner



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FOREWORD

This will acknowledge and express our appreciation to the following people who made significant contributions to the contents and preparation of this Pesticide Report: Structural Pest Control & Pesticides Division / Pesticide Section – James W. Burnette, Jr., Director; Betty H. Griffin, Effie Carroll, Rhonda O’Neal, Felicia Pate, Regina Ennis, Processing Assistant III’s; Torrey Vest, Office Assistant IV; Latega Powell and Laura L. Stover, Processing Assistant IV’s; Jamie Frye, Administrative Secretary II; Jan L. Culbreth, Information Processing Technician; Jennifer Johnston, Information Processing Manager; Karen Hunt, Administrative Officer I; Kimberly Mayes, Administrative Officer II; J. Patrick Jones, Deputy Pesticide Administrator; L. Lee Davis, Registration Manager; Renee Woody, Licensing, Certification & Outreach Manager; John Allran, Risk Assessment and Environmental Fate Team Manager; Dr. Henry F. Wade, Environmental Programs Manager; Derrick Bell, Pesticide Disposal Assistance Program Manager; Sergio Morales-Monroy, Bilingual Pesticide Specialist; Michael A. Mitchell and Gwen T. Minton, Pesticide Environmental Investigative Specialists; Jason H. Williams, Pesticide Operations Specialist; Guido Hommelsheim, Pesticide Registration Specialists; J. Cam McDonald, Jr. and John E. Feagans; Certification Specialists; N. Patrick Farquhar, and Dwight E. Seal, District Managers; Charles L. Clark, Steven F. Gatton, Travis Snodgrass, W. Barry Dunn, Jamie Ward, and Paul H. Ward, III, Eddie Nunn, Pesticide Inspector II’s; Douglas Bullard, Jimmy S. Merritt, Bruce Nicely, Charlie Jones, Eric Ball, John Colborne, Page Epele, R. Steve Taylor, Chris Hassell, Hollie Anne Brinkley and William Brad Boyd, Pesticide Inspector I’s; Food and Drug Protection Division – Audrey Pilkington, Director; Ron Willett, State Chemist; Dr. W. Mark Cosby, Chief Microbiologist; Dawn Davis and Vaishali M. Hingoo Microbiologists; Robert McIntyre, Organic Laboratory Supervisor; Tim Bollinger and Patrick Andrews, Chemist II; Greg Hare, and Stacy McArthur, Chemist I; David Mitchell, LAN Administrator; Ryan Gentes, Business and Technology Applications Technician.

How to Use This Report

The N.C. Pesticide Board is mandated by the General Statutes of North Carolina (§ 143-437) to make annual reports to the Governor on matters involving pesticides. The North Carolina Pesticide Report for 2015 fulfills this mandate. Considerable time and effort have gone into editing and organizing this 2015 edition which summarizes regulatory activities performed under the N.C. Pesticide Law of 1971. In this document you will find the following:

Introduction

The Introduction describes the development of laws and regulations governing the sale and use of pesticides in North Carolina. It also refers to certain divisions in the North Carolina Department of Agriculture & Consumer Services that perform key roles in regulating and controlling the sale and use of pesticides in this State.

North Carolina Pesticide Law of 1971 and Adopted Regulations

This section presents a brief abstract of the North Carolina Pesticide Law of 1971. It also indicates where to obtain a complete copy of the Law and the pursuant Regulations adopted by the North Carolina Pesticide Board.

Pesticide Board and Pesticide Advisory Committee

This section presents a brief description of the duties and composition of the North Carolina Pesticide Board and the North Carolina Pesticide Advisory Committee. In addition, a brief summary of each North Carolina Pesticide Board meeting and Pesticide Advisory Committee meeting held during 2015 is given.

Pesticide Environmental Trust Fund

In this section, a summary of the Pesticide Environmental Trust Fund's financial transactions for 2015 is presented. Balances, receipts, expenditures, refunds, cumulative (1993-2015) figures and project summaries are given.

Pesticide Container Recycling and Disposal Assistance Programs

This section summarizes the amount of plastic pesticide containers recycled during 2015 and the amount of pesticides waste collected at both the designated disposal collection sites and permanent household hazardous waste collection sites across North Carolina during the same year.

Definitions Adopted

This section explains definitions that were adopted for reporting the analytical results of pesticides sampled by pesticide inspectors and analyzed by the Department's laboratories.

Table I

Table I gives the analytical results of pesticides sampled and analyzed for their formulations. Company name and address are those listed on the product label when it was purchased in the marketplace.

Table II

Table II presents the results of disinfectants tested for their label guarantee to kill various microorganisms. Here again, company name and address are those listed on the product label when it was purchased in the marketplace.

Table III

Table III is an alphabetical listing of the names and addresses of manufacturers and/or distributors that were found to have unregistered or misbranded products in the marketplace during 2015.

Summary of Regulatory Activities Performed

This section presents a summary of the various regulatory activities performed by the Department under the North Carolina Pesticide Law of 1971. The following information is included: number of manufacturers who registered pesticides for sale; number of pesticide products registered; number of physical samples collected and examined; number of stop-sale, stop-use, or removal orders issued; the number of licenses and private applicator certificates issued; and the number of compliance inspections conducted.

Introduction

The term "Pesticide" covers a large number of materials and mixtures intended for destroying, controlling, or repelling pests such as insects, weeds, and other noxious plants, predatory animals and birds, soil-infesting pests such as nematodes, algae, snails, and bacteria. Other examples are disinfectants, antiseptics, and fungicides for use other than on living man or other animals, defoliants, various repellents, fly paper, and other adhesive products whose action goes beyond simple mechanics, moth proofers, wood preservatives other than common paints, mildew controls, and seed fumigants.

An adequate and readily available supply of many of these products is essential in the economical production of feed and fiber crops. The preservation of many products in storage and the control of domestic and industrial pests which affect both the health and welfare of human beings and animals are like-wise dependent on such materials.

While the development and distribution of various pesticides to serve the needs are important, provisions must be present to protect the public. During the years 1947 through 1971, it was the purpose of the economic poisons law (North Carolina Insecticide, Fungicide, and Rodenticide Act of 1947, G.S. 4A, Chapter 106) to protect the public from adulterated, misbranded, worthless, and dangerous products, and legitimate manufacturers from unscrupulous competition.

During the years 1953 through 1971, the aerial application of pesticides was regulated by the North Carolina Aerial Crop Dusting Law, G.S. 4B, Chapter 106. The Law and the regulations promulgated thereunder, in summary, required the registration and licensing of contractors and aviators who engaged in the custom application of pesticides by aircraft in North Carolina. The validity of a license was further restricted to the period of time that coverage by liability bond or insurance for damage by aircraft was in force.

During 1969, the North Carolina General Assembly through House Resolution 1392 directed the Legislative Research Commission to study the laws regulating pesticides in N.C. and report its findings and recommendations to the 1971 General Assembly. As a result of the findings and recommendations of the Commission, the North Carolina Pesticide Law of 1971 was adopted. The N.C. Pesticide Law of 1971 established the North Carolina Pesticide Board as the governing body for the programs of pesticide management and control set forth in the Law. Provisions for regulating the use, application (aerial and ground), sale, storage, disposal and registration of pesticides are set forth in the Law.

The Law provides for the adoption of a list of restricted use pesticides and requires the licensing of all pesticide dealers who sell restricted use pesticides directly to users. Pesticide applicators and consultants are also subject to licensing requirements. Private pesticide applicators are required to be certified or recertified in order to purchase, use, and supervise use of restricted use pesticides in agricultural commodity production.

The Commissioner of Agriculture is responsible for administering and enforcing the Law and all rules and regulations adopted by the Board.

Each brand or grade of pesticide must be registered with the North Carolina Department of Agriculture & Consumer Services before it can be legally offered for sale in the State. A \$150.00 registration fee for each brand or grade must accompany each application for registration. In addition to the registration fee, an annual environmental assessment must be paid for each brand or grade to be registered in North Carolina. The assessment shall be \$50.00 if the applicant's gross sales of the pesticide in this state for the preceding 12 months for the period ending September 30th were more than \$5,000.00 and \$25.00 if gross sales were less than \$5,000.00. This assessment must accompany the \$150.00 registration fee in order for the registration to be complete.

A statewide inspection service will be maintained to investigate incidents involving pesticide misuse and to implement programs to enhance compliance to the Law and regulations. In addition to product registration and applicator licensing programs, the Pesticide Section of the Structural Pest Control and Pesticides Division will implement programs as authorized by regulation pertaining to the quality of formulated pesticides, the storage, disposal, and use of pesticides. The Department will maintain analytical laboratories to conduct analysis of official samples obtained for regulatory purposes.

Brief of the North Carolina Pesticide Law of 1971

North Carolina Pesticide Board

Governing Body

Commissioner of Agriculture

Administrative and Enforcement

North Carolina Pesticide Advisory Committee

Assists the Board and Commissioner in an advisory capacity

Any pesticide may be designated as a “Restricted Use Pesticide” upon the grounds that in the judgment of the Board it is so hazardous or injurious to persons, pollinating insects, animals, crops, wildlife, lands, or the environment that additional restrictions on its sale, purpose, use, or possession are required. Restricted Use Pesticides also include any pesticide required by the Environmental Protection Agency to bear the designation on its labeling “Restricted Use Pesticide.” (Restricted Use Pesticides have been established by regulation.)

Restricted Use Pesticides

The Board may require certification and recertification of private pesticide applicators and charge a fee of up to \$10.00. The current fee is established by regulation at \$10 for a three-year certification.

Private Applicator Certification Requirement

All pesticide dealers who sell restricted use pesticides must be licensed. Application for a pesticide dealer’s license must be accompanied by a nonrefundable fee of \$75. All licenses shall expire on December 31 of the year for which they are issued. The license may be renewed annually upon application to the Department of Agriculture and Consumer Services, accompanied by a non-refundable fee of \$75 for each license. Each applicant must demonstrate upon written, or written and oral, examination his knowledge of pesticides, their usefulness and their hazards; his competence as a pesticide dealer; and his knowledge of the laws and regulations governing the use and sale of pesticides.

Pesticide Dealer Licensing Requirement

No person shall engage in the business of pesticide applicator within North Carolina unless he is licensed annually by the Board. Each license application shall be accompanied by a nonrefundable fee of \$75 for each applicator’s license and an additional \$25 for each aircraft to be licensed. A pesticide applicator is defined as any person who owns or operates a pesticide application business or who provides, for compensation, a service that includes the application of pesticides upon the lands or properties of another; any public operator; any golf course operator; any seed treater; any person engaged in demonstration or research pest control; and any other person who applies pesticides for compensation and is not exempt from this definition. It does not include:

Pesticide Applicator Licensing Requirement

a. Any person who uses or supervises the use of a pesticide (i) only for the purpose of producing an agricultural commodity on property owned or rented by him or his employer, or (ii) only (if applied without compensation other than trading of personal services between producers of agricultural commodities) on the property of another person, or (iii) only for the purposes set forth in (i) and (ii) above.

b. Any person who applies pesticides for structural pest control, as defined in the North Carolina Structural Pest Control Law (G.S. Chapter 106, Article 4C.)

Each applicant must demonstrate upon written, or written and oral, examination his competence as a pesticide applicator or public operator. In addition, to be licensed as a pilot, a person must have 125 hours and one year’s flying experience as a pilot in the field of aerial pesticide application.

No person shall perform services as a pest control consultant without first procuring from the Board a license. The application for a license shall be accompanied by an annual nonrefundable fee of \$75. A pest control consultant is defined as any person who, for a fee, offers or supplies technical advice, supervision, or aid, or recommends the use of specific pesticides for the purpose of controlling insects, plant diseases, weeds, and other pests, but does not include any person regulated by the North Carolina Structural Pest Control Act. Each applicant must demonstrate upon written, or written and oral, examination his competence as a pesticide consultant. An applicant for a pest control consultant license must possess a Ph.D., master’s, or bachelor’s degree in an agricultural or biological science from an accredited college or university with a minimum of 30 semester hours or 45 quarter hours of credit in subject areas pertinent to the category in which the applicant seeks to obtain a license. Emphasis of study must include insect, plant, bacterial, and fungal pests, as applicable to the category, and integrated pest management.

Pest Control Consultant Licensing Requirement

No person shall handle, transport, store, display, or distribute pesticides in such a

manner as to endanger man or his environment.

Every pesticide prior to being distributed, sold, or offered for sale within this State or delivered for transportation or transported in intrastate commerce or between points within this State through any point outside this State, shall be registered and such registration shall be renewed annually. Each manufacturer, distributor, or registrant of a pesticide shall supervise the activities of any employee or agent to prevent the making of deceptive or misleading statements about a pesticide. It shall be unlawful for any person to distribute, sell, or offer for sale any restricted use pesticide to any dealer who does not hold a valid N.C. Pesticide Dealer License.

A registration fee of \$150 for each brand or grade of pesticide is required. An additional \$200 delinquent registration penalty shall be assessed against the registrant for each brand or grade of pesticide marketed in North Carolina prior to registration.

An annual Pesticide Environmental Trust Fund assessment fee is required for each brand or grade of pesticide registered. This fee is either \$25.00 or \$50.00, based on gross sales of the pesticide within the State for the previous year. The assessments provide funding for agromedicine efforts at East Carolina University, North Carolina State University, and North Carolina A&T University and for pesticide environmental programs administered by the N.C. Department of Agriculture & Consumer Services.

Registration is subject to refusal or cancellation for cause and upon hearing.

Any brand or grade found to be deficient or excessive in active ingredients, misbranded, adulterated, or not registered is subject to "Stop Sale, Stop Use or Removal Orders."

The Pesticide Board may assess a civil penalty of not more than \$2,000 against any person who violates or directly causes a violation of any provision of this Article or any rule adopted pursuant to this Article. In determining the amount of any penalty, the Board may consider the degree and extent of harm caused by the violation and the cost of rectifying the damage caused by the violation.

Notwithstanding any other provision of this Law, the maximum penalty which may be assessed under this section against a "private pesticide applicator" is \$500 and such penalties may be assessed only for willful violations.

Any person who shall be adjudged to have violated any provision of the Law, or any regulation of the Board adopted pursuant to this Law, shall be guilty of a Class 2 misdemeanor and for each violation shall be liable for a penalty of not less than \$100 or more than \$1,000 or shall be imprisoned for not more than 60 days, or both. In addition, if any person continues to violate or further violates any provision of this Article after written notice from the Board, the court may determine that each day during which the violation continued or is repeated constitutes a separate violation subject to the foregoing penalties.

Handling, Storage,
and Disposal of
Pesticides

Registration

Registration Fee
and Delinquent
Penalty

Pesticide
Environmental
Trust Fund
Assessment

Refusal or Cancellation of
Registration

"Stop Sale, Stop Use
or Removal Orders"

Civil
Penalties

Other
Penalties

NOTE: Copies of the North Carolina Pesticide Law of 1971, as amended through 2009, may be obtained upon request to the Pesticide Section, North Carolina Department of Agriculture & Consumer Services, 1090 Mail Service Center, Raleigh, NC 27699-1090. Copies of the Regulations adopted by the North Carolina Pesticide Board may be requested from the same source. Both documents are also available on the Internet at www.ncagr.com/str-pest/pesticides

North Carolina Pesticide Board

The North Carolina Pesticide Board is a seven-member, governor appointed Board charged with the duty of governing pesticide management and control as set forth in the North Carolina Pesticide Law of 1971 §143-436. The members represent different sectors of the regulated public.

The Board adopts rules and regulations and makes policies for the program outlined in the North Carolina Pesticide Law of 1971. Board members serve staggered four-year terms. Appointments to fill vacancies in the Board are of individuals having the same credentials as the predecessor.

MEMBERS OF THE NORTH CAROLINA PESTICIDE BOARD, 2015

One member each representing the North Carolina Department of Agriculture and Consumer Services; the North Carolina Department of Environment and Natural Resources; and the State Health Director or his designee. The persons so selected may be either members of a policy board or departmental officials or employees.

Dr. Colleen M. Hudak-Wise, Director, Agronomic Services Division,
N. C. Department of Agriculture and Consumer Services, 1040 Mail Service Center, Raleigh, NC 27699-1040
(Tel. 919/733-2655 office) colleen.hudak@ncagr.gov

* **Dr. Ricky L. Langley**, Medical Epidemiologist, Occupational and Environmental Epidemiology Section,
N. C. Department of Health and Human Services, 1912 Mail Service Center, Raleigh, NC 27699-1912
(Tel. 919/715-6428 office) rick.langley@ncmail.net

Vacant, N.C. Dept. of Environment and Natural Resources,
1601 Mail Service Center, Raleigh, NC 27699-1601 (Tel.)/(Email:)

A representative of the agricultural chemical industry.

** **Dr. Thomas Allen Scarborough**, 7905 Farnham Ct., Raleigh, NC 27616
(Telephone: 919/676-4113 work) allen.scarborough@bayercropscience.com

A person directly engaged in agricultural production.

Mr. William "Shawn" Harding, 762 Harding Lane, Chocowinity, NC 27817
(Tel. 252/946-9349 home) info@southsidefarms.com

Two at-large members, from other fields of endeavor, one of whom shall be a nongovernmental conservationist.

Mr. Don F. Rogers, 2040 Dove Lane, Clayton, NC 27527
(Tel. 919/359-1004 home) neuseriverinspect@embarqmail.com

Dr. W. Benson Kirkman, 3712 Eakley Court, Raleigh, NC 27606
(Tel. 919/859-1187 home) bkirkman@mindspring.com

- * Chairman
- ** Vice Chairman

Secretary, James W. Burnette, Jr.
North Carolina Pesticide Board
1090 Mail Service Center, Raleigh, NC 27699-1090

North Carolina Pesticide Board Meetings

January 13, 2015

Dr. Wayne Buhler, NCSU; presented the 2015-2017 N.C. Private Pesticide Applicator Recertification Program curriculum to the Board for approval. After a brief discussion the Board approved the curriculum.

The Board considered proposed rule, 02 NCAC 09L .0707 Eastern and Hairy-tailed Moles. Mr. Burnette, SPC&PD, informed the Board that the rule had completed the public comment process, and neither any request for hearing nor any comments were received. The Board approved the motion for final approval of the rule, following which, it was transmitted for adoption to the Rules Review Commission.

The Board considered the revocation of Charles D. Taylor's Aerial Applicator License No. 644 due to non-compliance of the payment plan agreed upon by Mr. Taylor. After discussion the Board moved to revoke Mr. Taylor's Aerial Applicator License No. 644.

Assistant Attorney General Barry Bloch presented proposed settlement agreements for the Board's consideration and approval.

The Board moved to recess the meeting until the Board could get additional information regarding whether to allow WePak Corporation to begin registering their products in the State again.

February 11, 2015 (Conference Call)

Dr. Langley reconvened the January 13, 2015 NC Pesticide Board meeting. The Board continued to consider the request by WePak to dissolve the summary for suspensions of WePak's products listed in its Order of Summary Suspension dated June 20, 2014, File No. IR2014-036D. At the January meeting, the Board asked the Pesticide Section to gather additional information about the private laboratory used by WePak for testing of the formulation samples.

After additional information was provided explaining the process used to test the samples at the private lab, Mr. Ron Willett, supervisor for the Pesticide Section's lab determined that the test results were satisfactory and that the lab was certified. After a brief discussion the Board moved to dissolve the Summary Suspension Order and allow WePak to resume business.

May 12, 2015

Dr. Henry Wade, SPC&PD, presented to the Board a funding request for the Plastic Pesticide Container Program for 2015. After a brief presentation, Dr. Wade asked the Board for \$60,000.00 from the Pesticide Environmental Trust Fund (PETF) to fund the program for 2015. After discussion the Board approved Dr. Wade's request.

Mr. Vernon Cox, Director, NCDA&CS Plant Industry Division, requested the Board consider an exemption request from the requirements of 02 NCAC 09L .1003 (3). Mr. Chris Elder, Plant Industry, explained the public notification process taken by the Division in advance of such treatment operations. After some discussion, the Board approved the exemption specific to the pheromone treatment being requested.

The Board reviewed technical changes to the Administrative Rules 02 NCAC 09L, as presented by Mr. Pat Jones, Deputy Director for Pesticide Programs. After a brief discussion, the Board approved the motion to accept the proposed rule changes as recommended by the Section, and to proceed through the rulemaking process.

The Board considered the adoption of NC Pesticide Board Rules 02 NCAC 09L .0500 and .1100. Mr. Burnette advised the Board that these proposals had completed the required public notice and comment period, with no request for hearing and no public comments received. The Board approved adopting these proposals and sending them to the Rules Review Commission for adoption under 02 NCAC 9L.

Dr. Langley, NC Pesticide Board Chairman, commended Dr. Wade for the 2015 Stewardship Award presented to the Section for Program Excellence from The Pesticide Stewardship Alliance (TPSA).

July 14, 2015

Mr. Patrick Jones, SPC&PD, presented to the Board a Pesticide Environmental Trust Fund (PETF) funding request for Pollinator Protection, Pollinator Protection Update, and proposed changes to the Apiary Notification Rules. After his combined presentations, Mr. Jones requested \$27,750.00 from PETF to fund the programs. The Board approved Mr. Jones's request for funding and requested that the Board be given an update before the annual renewal cost is approved.

After hearing the proposed changes to the Apiary Notification Rules and discussion, the Board approved the corrections as noted.

Mr. James Burnette, SPC&PD, provided the Board with an update on the rules review. Mr. Burnette told the Board that the attorney who reviewed the rules did find issues with parts of the rules. The section drafted the new language which was sent back for further review. Board members voiced their support of the Department's efforts to get these parts of the law amended.

Assistant Attorney General Barry Bloch presented proposed settlement agreements for the Board's consideration and approval.

After the Board meeting adjourned, Ms. Rosa Saavedra of Toxic Free NC asked to come before the Board and voiced her concerns regarding the apiary registration and the burden being placed on the beekeepers. Mr. James Burnette, SPC&PD, replied to some of her concerns.

Preston Peck of Toxic Free NC also asked to come before the Board. Mr. Peck commented on the rules review and his concerns that the continuing education information from previous testing is not lost and applicators are still reviewing all needed information. Mr. Burnette, SPC&PD, replied stating that there is a national stakeholder team looking at pesticide safety education across the country to ensure that both basic pesticide safety and “new” components of pesticide safety are included in pesticide education programs.

November 10, 2015

Dr. Henry Wade, NCDA&CS, presented the 2014 John L. Smith Plastic Pesticide Container Recycling Awards. These awards recognize counties that have taken the initiative to establish an outstanding plastic pesticide container recycling program for farmers and licensed pesticide applicators. Ms. Della King, who accepted on behalf of Sampson County was presented a check for \$2,000.00 and a plaque. These awards were made possible by a grant from the Pesticide Environmental Trust Fund.

The Board heard several requests for funding from the Pesticide Environmental Trust Fund (PETF). The first request for the Board was presented by Dr. Stephanie L. Richards. Dr. Richards gave a brief overview of her proposal which included a timeline, survey example, and budget justification. She is requesting \$21,067.00 for the Regional Survey of Mosquito Control Knowledge and Usage in North Carolina. The Board approved the request.

The second request for the Board was presented by Dr. R. Michael Roe. Dr. Roe gave an overview of his proposal with his budget request. He is requesting \$33,000.00 for a two-year period. After review and discussion of the proposal, the Board asked that Dr. Roe come back to the next meeting with a detailed budget justification, before the Board proceeds with approval of the PETF request.

Mr. Jim Burnette updated the Board on the proposed changes to the Apiary Notification rule. He gave an overview of how this process will work. After a brief discussion, the Board moved to accept the proposed rules for adoption.

Mr. Pat Jones presented additional technical changes to the Administrative Rules 02 NCAC 09L that were requested by various attorneys with the Rules Review Commission and sent back to the section for consideration by the Board. The Board moved to accept the changes.

Assistant Attorney General Barry Bloch presented proposed settlement agreements for the Board’s consideration and approval.

Mr. Preston Peck, Toxic Free NC, addressed the Board in regard to a peer reviewed study regarding the presence of neonicotinoid pesticides in rivers and streams. Mr. Peck summarized key findings of the study, including concerns for the effects that neonicotinoids have on insects and their neurological functions; the need to ensure that applicators exercise good judgement when they are applying pesticides to crops near water; or native pollinators, who cannot be removed from the areas to be treated as can managed pollinators. The Board thanked Mr. Peck for his presentation and the information packet that he provided.

Dr. Langley advised the Board that today would be Mr. Bloch’s last day as the Assistant Attorney General Representative for the Board. He thanked Mr. Bloch for his more than eleven years of dedicated service to the Board. Mr. Bloch introduced the new attorney and paralegal who will be working with the Board.

The North Carolina Pesticide Advisory Committee

The North Carolina Pesticide Law of 1971 §143-436 establishes a twenty-member Pesticide Advisory Committee to advise the N.C. Pesticide Board on technical questions and on the development of rules and regulations. Members of the Advisory Committee represent different sectors of the regulated public. Members of the Committee serve at the pleasure of the Board.

MEMBERS OF THE N.C. PESTICIDE ADVISORY COMMITTEE, 2015

Three practicing farmers

***Mr. Dan McConnell**, 475 Old Dana Road, Hendersonville, NC 28792 (Tel. 828/692-2819)

***Mr. Greg Bunn**, 1626 Exum Road, Nashville, NC 27856 (Tel. 252/459-7154)/gregbunn@gmail.com

***Mr. Darryl K. Corriher**, 1475 Corriher Springs Road, China Grove, NC 28023 (Tel. 704/857-6557 home)
dbcorriher@ctc.net

One conservationist (at large)

***Mr. Manly Wilder**, 4609 Manassa Pope Lane, Raleigh, NC 27612 (Tel. 919/789-8377)/mwilder002@nc.rr.com

One ecologist (at large)

****Dr. Johnny Randall**, Assistant Director for Conservation,
NC Botanical Garden, CB 3375, UNC-CH, Chapel Hill, NC 27599 (Tel. 919/962-0522) jrandall@email.unc.edu

One representative of the pesticide industry

***Dr. Stewart Sherrick**, 4774 River Farm Road, Rocky Mount, NC 27803
(Tel. 252/442-8374) stewart.l.sherrick@monsanto.com

One representative of agri-business (at large)

****Mr. William M. McLawhorn**, PO Box 370, Cove City, NC 28523 (Tel. 252/514-2416 home)
bmclawhorn@ncsiag.com

One local health director

****Mr. Phillip E. Tarte**, MHA, Union County Health Dept., 1224 W. Roosevelt Blvd., Monroe, NC 28110
(Tel. 704/296-4801 office) phillptarte@co.union.nc.us

Three members of the North Carolina State University (NCSU) College of Agriculture & Life Sciences, at least one of which shall be from the area of wildlife or biology

***Dr. Clyde E. Sorenson**, Associate Professor, Dept. of Entomology, NCSU, Box 7630, Raleigh, NC 27695-7630
(Tel. 919/515-8427 office) clyde_sorenson@ncsu.edu

***Dr. Rick Brandenburg**, Professor & Extension Entomology,
Dept. of Entomology, NCSU, Box 7613, Raleigh, NC 27695-7613
(Tel. 919/515-8876 office) rick_brandenburg@ncsu.edu

***Dr. David Jordan**, Peanut Specialist, Dept. of Crop Science, NCSU, Box 7620, Raleigh, NC 27695-7620
(Tel. 919/515-4068 office) david_jordan@ncsu.edu

One member representing the North Carolina Department of Agriculture & Consumer Services (NCDA&CS)

***Mr. James W. Burnette, Jr.**, Pesticide Administrator, Structural Pest Control & Pesticides Div.,
NCDA&CS, 1090 Mail Service Center, Raleigh, NC 27699-1090
(Tel. 919/733-3556 office) james.burnette@ncagr.gov

One member representing the North Carolina Department of Environment & Natural Resources (NCDE&NR); the State Health Director or his designee

***Mr. Ted Bush**, Division of Water Quality, NCDE&NR, 1636 Mail Service Center, Raleigh, NC 27699-1636
(Tel. 919/715-6172 office) ted.bush@ncdenr.gov

***Dr. Mina W. Shehee**, Division of Public Health,
Dept. of Health & Human Services, 2622 Meronies Church Road, Bear Creek, NC 27207
(Tel. 919/837-5148) mina.shehee@ncmail.net

The North Carolina Pesticide Advisory Committee

The North Carolina Pesticide Law of 1971 §143-436 establishes a twenty-member Pesticide Advisory Committee to advise the N.C. Pesticide Board on technical questions and on the development of rules and regulations. Members of the Advisory Committee represent different sectors of the regulated public. Members of the Committee serve at the pleasure of the Board.

MEMBERS OF THE N.C. PESTICIDE ADVISORY COMMITTEE, 2015

One representative of a public utility or railroad company which uses pesticides

***Mr. Jimmy Brown**, Energy United, PO Box 1831, Statesville, NC 28687
(Tel. 704/924-2143) jimmy.brown@energyunited.com

One representative of the Board of Transportation

***Mr. Don Lee**, NC Dept. of Transportation, Roadside Environmental Unit,
1557 Mail Service Center, Raleigh, NC 27699-1557
(Tel. 919/733-2520 office) dlee@dot.state.nc.us

One member of the North Carolina Agricultural Aviation Association

***Mr. Harold Thompson**, Air Ag, Inc., PO Box 36, Tarboro, NC 27886 (Tel. 252/823-5374 office) Harold@airag.com

One member of the general public (at large)

***Mr. Warren A. Davis**, 7320 Valley Lake Drive, Raleigh, NC 27612 (Tel. 919/848-1051)

One member actively engaged in forest pest management

***Mr. Coleman A. Doggett**, 217 Rosecommon Way, Cary, NC 27511
(Tel. 919/467-0551 home) ncdogget@mindspring.com

One member representing the Division of Waste Management of the North Carolina Department of Environment and Natural Resources

***Ms. Jenny Patterson**, Division of Solid Waste Management,
NCDE&NR PO Box 11213, Winston-Salem, NC 27116 (Tel. 336/767-0031) jenny.patterson@ncdenr.gov

*Agency appointments

**Appointed by Board

Chairman, Vacant

Vice-Chairman, Marshall W. Grant

Secretary, James W. Burnette, Jr., 1090 Mail Service Center, Raleigh, NC 27699-1090

PESTICIDE ENVIRONMENTAL TRUST FUND

Throughout 2015, the North Carolina Department of Agriculture & Consumer Services (NCDA&CS) continued to fulfill the mandate of N.C. General Statutes §143-442 and §143-468 which specify the collection and disposition of environmental assessment fees that pesticide manufacturers and distributors pay when they register pesticide products for sale in North Carolina.

RECEIPTS for 2015

NCDA&CS collected \$524,900.00 in environmental assessment fees from the registration of approximately 15,236 pesticide brands during 2015. Forty-nine percent of the receipts were for products with reported annual North Carolina gross sales of less than \$5,000, and fifty-one percent of the receipts were for products with annual sales of \$5,000 or more. (The annual environmental assessment/product is \$25 or \$50 per brand, respectively.)

BALANCES for 2015

Initial receipts from pesticide registrants paying PETF assessments are deposited into the NCDA&CS Pesticide Environment Assessment Fund (PEAF, Account No. 6136). Transfers are made from Account No. 6136 according to North Carolina G.S. § 143-468(b) as follows: 25% to agromedicine and 75% to the Pesticide Environmental Trust Fund (PETF, Account No. 6137), the account which is used by NCDA&CS to sponsor the various pesticide environmental programs summarized in this report.

As of December 31, 2015 there was a balance of \$464,872.46 in Account No. 6136 and a balance of \$273,343.22 in Account No. 6137. The total amount in both accounts as of December 31, 2015 was \$738,215.68.

EXPENDITURES FOR 2015

During 2015, NCDA&CS accrued a total of \$524,900.00 from pesticide product registration fees.

As specified in North Carolina G.S. § 143-468(b), PETF funds were distributed to North Carolina State University (NCSU), NC A&T State University and East Carolina University for operational expenses associated with administering and implementing a statewide agromedicine program; each university received 2.5% of the total PETF receipts collected during the calendar year. Twenty-percent of the total PETF receipts were used to support the agromedicine information specialist position in NCSU's Environmental & Molecular Toxicology Department. The aggregate amount of PETF funds spent on agromedicine during 2015 was \$127,839.92.

The NC Pesticide Board approved a project award of \$27,750.00 for the implementation of a specialty crop and apiary registration program by NCDA&CS as part of the State Pollinator Protection Plan.

Funds from the PETF totaling \$60,000.00 were awarded to support local recycling of plastic pesticide containers during 2015.

Funds from the PETF totaling \$171,546.80 were disbursed for pesticide disposal during 2015.

REFUNDS FOR 2015

There were no refunds received during 2015.

CUMULATIVE PETF FIGURES (1993-2015)

As of December 31, 2015, a total of \$9,771,707.00 in receipts has been collected since the inception of the PETF.

Since 1993, PETF has provided a total of \$2,582,838.94 for support of agromedicine in North Carolina.

Expenditures for pesticide environmental programs between 1995 and 2015 have totaled \$6,941,409.43.

Summary of Pesticide Environmental Trust Fund Projects for 2015

FieldWatch/DriftWatch (\$27,750.00) [2015]

One of the critical elements of the State Pollinator Protection Plan is to establish a method where growers/pesticide applicators can access timely information on the location of nearby bee colonies and contact information for beekeepers to alert applicators of pending treatment. FieldWatch is a non-profit company created to develop and operate a specialty crop and apiary self-registry program to provide applicators with crop and apiary location information known as DriftWatch. The North Carolina Department of Agriculture & Consumer Services will utilize this voluntary registration system to identify the locations of specialty crops and apiaries geographically.

Pesticide Disposal Assistance Program

The North Carolina Pesticide Disposal Assistance Program, created by the North Carolina Department of Agriculture & Consumer Services, provides the public a legal, free-of-charge, environmentally acceptable mechanism to dispose of unwanted or unusable pesticides. The Pesticide Disposal Program is a public service stewardship program contained within the Structural Pest Control and Pesticides Division.

The Pesticide Disposal Assistance Program disposes of pesticides collected at designated single day disposal collection sites and at permanent household hazardous waste collection sites across the North Carolina. In 2015, the Pesticide Disposal Assistance Program supervised the collection and disposal of 165,576 pounds of pesticide waste at a total of 103 collection events. A total of 43 single day disposal events were organized by NCDA&CS with NC Cooperative Extension during 2015. NCDA&CS also assisted 100 counties in disposal of pesticides collected at permanent household hazardous waste (HHW) sites. A participant must notify the Pesticide Disposal Assistance Program prior to taking unwanted pesticides to a HHW site.

Pesticide Container Recycling Report for PETF in 2015

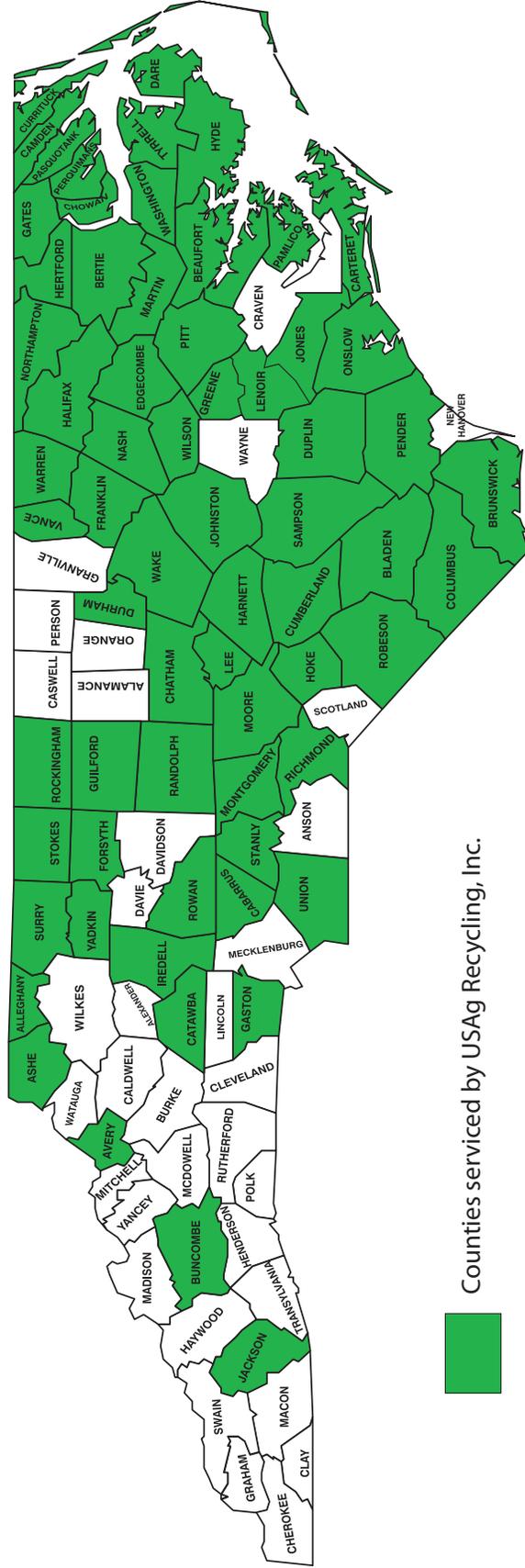
Farmers and commercial applicators participated in the recycling of plastic pesticide containers by transporting their empties to collection sites that were established by county agencies. USAg Recycling, Inc., the ACRC approved recycler for North Carolina, reported that 569,297 pounds of plastic pesticide containers were recycled, which is a new annual record. Since 1995, over 7 million pounds of pesticide containers have been recycled, which was the first year that Pesticide Environmental Trust Fund grants were awarded to counties for pesticide container recycling programs. Sixty-eight counties were participating in this recycling program during the year. The recycled plastic is sold by USAg Recycling, Inc. to companies that make industrial type products.

Pesticide Environmental Trust Fund grants were awarded to Cleveland, Hoke, and Martin counties. The total funding awarded to these counties was \$27,720. The grant funds were used to purchase a shelter with a fence and gate, concrete pads, 20-foot and 40-foot cargo containers, treated posts, instructional signs, plastic bags, and pressure rinse nozzles.

Pesticide Inspector IIs visited recycling sites across the state to check on the cleanliness of pesticide containers being stored for recycling and discussed any problems with individuals involved in the inspection of the containers and the education of farmers, commercial applicators, and collection site staff. They gave farmers jet rinse nozzles to aid in the rinsing of empty containers and calibration cups to improve the accuracy of the amount of pesticides applied with sprayers.

These grants have enabled counties to create and enhance pesticide container recycling programs for farmers and commercial applicators, which reduces the burden on landfills, protects human health and the environment by reducing the threat of improper rinsing and disposal, and ensures the user is in compliance with state regulations that prohibit open dumping, burning, and water dumping of pesticide containers.

Summary of 2015 Container Recycling Activities



DEFINITIONS ADOPTED

Table I lists the analytical results of formulation samples based on the following:

“PASSED” - signifies that all active ingredients were found to be present at acceptable levels based on the label guarantee.

“Failed Due to Deficient Active Ingredient” – signifies that one or more active ingredients fell significantly below the guarantee. Such products are placed under “Stop Sale Order” and are removed from the market place.

“Failed Due to Excessive Active Ingredient” - indicates a significant excess of one or more active ingredients. Since such formulations could be harmful to the user and/or result in excessive residues, these products are placed under “Stop Sale Orders” and are removed from the market place.

Table II lists the analytical results of microbiological samples based on the following:

“PASSED” - indicates that the product was effective in killing the specific microorganisms guaranteed by the product label.

“Failed” - indicates that the product was ineffective in killing the specific microorganisms guaranteed by the product label or that bacterial contamination of the product was found.

Table III lists manufacturers that had products placed under “Stop Sale Orders” due to the following:

“Unregistered” - signifies that the product was not registered at the time it was found by a pesticide inspector in the marketplace. Any such product is required to be registered prior to release from a “Stop Sale Order.” A delinquent registration penalty is also assessed against the manufacturer.

“Misbranded” - indicates that the labeling of a pesticide product failed to conform to federal and/or state requirements.

**Table I - Analytical Results of Formulation
Samples Collected During 2015**

Name and Address of Company	SAMPLES		
	Passed	Deficient Active Ingredient	Excessive Active Ingredient
Albaugh Inc. Cordova, TN	7	-	-
Alligare, LLC Gig Harbor, WA	1	-	-
Ambrands Salem, VA	7	-	-
Amrep, Inc. Marietta, GA	1	-	-
Amvac Chemical Corporation Newport Beach, CA	1	-	-
Applied Biochemists Alpharetta, GA	2	-	-
Arysta Life Science NA Cary, NC	1	-	-
Bacon Products Company Chattanooga, TN	2	-	-
Bayer Advanced, LLC Research Triangle Park, NC	25	-	-
Bayer Crop Science LP Research Triangle Park, NC	5	-	-
Bayer Environmental Sciences Research Triangle Park, NC	3	-	-
Bayer Healthcare, LLC Animal Shawnee Mission, KS	4	-	-
Bonide Products Inc. Oriskany, NY	32	-	-
Cape Fear Chemicals Elizabethtown, NC	3	-	-
Central Garden and Pet Salem, VA	4	-	-
Cheminova, Inc. Washington, DC	1	-	-
Chemisco, Division of United Industries St. Louis, MO	8	-	-
Combat Insect Control Systems Washington, DC	2	-	-
Control Solutions Inc. Pasadena, TX	7	-	-
Cut Heal Animal Care Products Cedar Hill, TX	1	-	-
Direct Ag Source Clovis, CA	2	-	-
Dow Agrosciences, LLC Indianapolis, IN	5	-	-
Drexel Chemical Company Memphis, TN	5	-	-
Du Pont de Nemours and Company, E.I. Newark, DE	1	-	-
Durvet, Inc. Blue Springs, MO	1	-	-
Elanco Animal Health Macon, MO	1	-	-
Envincio, LLC Schamburg, IL	1	-	-
Farnam Companies Inc. Phoenix, AZ	9	-	-
FMC Corporation/Agricultural Products Philadelphia, PA	7	-	-
Gro Tec, Inc. Covington, GA	4	-	-
Happy Jack, Inc. Snow Hill, NC	1	-	-

**Table I - Analytical Results of Formulation
Samples Collected During 2015**

Name and Address of Company	SAMPLES		
	Passed	Deficient Active Ingredient	Excessive Active Ingredient
Harris Manufacturing Company Cartersville, GA	2	-	-
Hartz Mountain Corporation Secaucus, NJ	3	-	-
HBC Chemical, Inc. Cranbury, NJ	2	-	-
Helena Chemical Company Collierville, TN	2	-	-
Helmagrous, Inc. Hockessin, DE	2	-	-
Intervet, Inc. Madison, NJ	1	-	-
Lawn and Garden Products Fallon, NV	1	-	-
Lesco, Inc. Cleveland, OH	3	-	-
LG International America Clifton, VA	1	-	-
Loveland Industries Inc. Greeley, CO	5	-	-
Mana, Inc. dba Adama Raleigh, NC	8	-	-
Monsanto Agricultural Company St. Louis, MO	12	-	-
Nufarm Inc. Burr Ridge, IL	2	-	-
Ortho Group, The Marysville, OH	24	-	-
PBI/Gordon Corporation Kansas City, MO	19	-	-
PIC Corporation Voorhees, NJ	4	-	-
Prime Source, LLC Hockessin, DE	1	-	-
Ragan and Massey, Inc. Fallon, NV	2	-	-
Rotam North America, Inc. Clovis, CA	1	-	-
S.C. Johnson & Son, Inc. Racine, WI	6	-	-
Scott Company, The Marysville, OH	1	-	-
Select Source, LLC Hockessin, DE	1	-	-
Senoret Chemical Company Inc. Lititz, PA	3	-	-
Sergeant's Pet Products, Inc. Omaha, NE	2	-	-
Sipcam Agro USA, Inc. Roswell, GA	1	-	-
Southern Agricultural Insecticides Inc. Palmetto, FL	13	-	-
Southern States Cooperatives Salem, VA	1	-	-
Spectrum Group, Division of United Industries St. Louis, MO	23	-	-
Swiss Farms Products Inc. Las Vegas, NV	1	-	-
Syngenta Crop Protection Greensboro, NC	16	-	-
Tacoma Ag, LLC Brookfield, CT	1	-	-

**Table I - Analytical Results of Formulation
Samples Collected During 2015**

Name and Address of Company	SAMPLES		
	Passed	Deficient Active Ingredient	Excessive Active Ingredient
Tech Pac LLC Covington, GA	7	-	-
Tenkoz Inc. Alpharetta, GA	2	-	-
Tessengerlo Kerley, Inc. Phoenix, AZ.....	1	-	-
United Phosphorus, Inc. King of Prussia, PA	4	-	-
Valent USA Corporation Walnut Creek, CA	2	-	-
Voluntary Purchasing Groups Inc. Bonham, TX	26	-	-
Wellmark International Schaumburg, IL	4	-	-
W. F. Young, Inc. Hillsboro, MO	1	-	-
Willert Home Products, Inc St. Louis, MO.....	4	-	-
Winfield Solutions St. Paul, MN.....	7	-	-
Wisconsin Pharmacal Company Davis, CA	1	-	-
Zep Com Sales & Service Atlanta, GA.....	1	-	-

**Table II - Analytical Results of Microbiological
Samples Collected During 2015**

Name and Address of Company	SAMPLES	
	Passed	Failed
Carroll Company Garland, TX.....	1	-
Chase Products Company Maywood, IL.....	3	-
Chem-Tec, Inc. Winston-Salem, NC.....	-	1
Clean Control/Adams Tech Alpharetta, GA.....	1	-
Diversey, Inc. Sturtevant, WI.....	3	1
Floors and Courts, Inc. Kinston, NC.....	1	1
Franklin Cleaning Tech Great Bend, KS.....	1	-
Handi-Clean Products, Inc. Greensboro, NC.....	2	1
Harvard Chemical Research Atlanta, GA.....	-	1
Hillyard Industries, Inc. St. Joseph, MO.....	1	-
Image Supply, Inc. Lumberton, NC.....	1	-
ITW Professional Brands Olathe, KS.....	2	-
KIK International/Delta Analytical Silver Spring, MD.....	1	-
Kor-Chem, Inc. Atlanta, GA.....	1	-
National Chemical Laboratories Inc. Philadelphia, PA.....	4	-
Reckitt Benckiser, Inc. Columbia City, IN.....	1	-
Sherwin-Williams Diversified Brands Division Cleveland, OH.....	1	-
Spartan Chemical Company, Inc. Maumee, OH.....	3	-

Table III - Manufacturers Found to Have Unregistered or Misbranded Products in the Marketplace During 2015

Name and Address of Company	SAMPLES	
	Unregistered	Misbranded
Amcor Group USA		
No address available	1	-
Bayer Healthcare, LLC C/O Adams Technology Systems, LLC		
Alpharetta, GA 30022.....	1	-
Bayer Healthcare, LLC AH		
Shawnee Mission, KS 66201	-	11
Bonide Products, Inc.		
Oriskany, NY 13424.....	1	-
Clorox de Mexico		
San Nicolas Tlaxcoplan, De Vaz, Mexico	5	5
Colgate Palmolive S. De R.L. De C.V.		
Mexico D.F.....	3	3
Control Solutions, Inc.		
Pasadena, TX 77507	1	-
Dragon Chemical Corporation		
Roanoke, VA 24019.	2	-
Espree Animal Products C/O Lewis & Harrison, LLC		
Washington, DC 20001	5	-
Farnam Companies, Inc.		
Schaumburg, IL 60173.....	1	-
Go Green		
Cherry Hill, NJ 08003	1	-
Green Tree, LLC RediFlame, Inc. Products Division		
Finley, ND 58230	1	-
Heochem Laboratories Company		
Tampa, FL 33610.....	1	-
Intradevco Insustrial S.A.		
Chorrillos Lima, Peru	2	2
Kop-Coat, Inc.		
Pittsburg, PA 15238.....	2	-
Lynwood Laboratories		
Needham, MA 02492.....	1	-
Maid Brands, Inc.		
Harford, WI 53027	1	-
Mango Pet Products, Inc.		
Smithfield, RI 02917	1	-
Mistigator Mosquito Control Systems		
Austin, TX 78758	1	-
MSI		
Bennington, VT 05201	1	-
New Mountain Sandalwood PTY, Ltd.		
Canning Vale, Western Australia 6970	1	1
Petco Animal Supplies, Inc.		
San Diego, CA 92121	1	-
PIC Corporation		
Linden, NJ 07036	3	-
Purina Mills, Inc.		
St. Louis, MO 63164	1	-
Saba Chemical Corporation		
Brooklyn, NY 11207	3	-
Safeguard Chemical Corporation		
Bronx, NY 10454.....	3	-
S.C. Johnson & Son, Inc.		
Racine, WI 53403.....	1	-
Schering-Plough Animal Health		
Roseland, NJ 10454.....	1	-
Specialty Products of America, LLC		
West Palm Beach, FL 33405	1	-
Spectrum Brands/United Industries		
St. Louis, MO 63114	1	-
Sunniland Corporation		
Longwood, FL 32750.....	2	-

Table III - Manufacturers Found to Have Unregistered or Misbranded Products in the Marketplace During 2015

Name and Address of Company	SAMPLES	
	Unregistered	Misbranded
Synergy Labs Ft. Lauderdale, FL 333122.....	1	-
Triangle Chemical Company Macon, GA 31206	1	-
Universal Crop Protection Alliance Eagan, MN 55121.....	1	-
Value Smart Products, Inc. Greeley, CO 80634.....	1	-
Virbac Corporation/ St. Jon Labs Fort Worth, TX 76161	1	-
Walgreen Company Columbia City, IN 46725.....	3	-
Weeks & Leo Company Des Moines, IA 50322.....	1	-
Willert Home Products St. Louis, MO 63110	1	-
ZinGarr Sales & Marketing, LLC Cherry Hill, NJ 08003.....	1	-

**Summary of 2015
Program Activities Performed
Under the N. C. Pesticide Law of 1971**

PESTICIDE REGISTRATIONS

Total Number of Registrants	1,599
Registrants from North Carolina	117
Pesticide Products Registered	15,236
Section 24(c) Registrations	57
Section 18 Exemptions.....	4
Product Registration Checks	16,840

COMPLIANCE MONITORING

Inspections	9,801
Worker Protection	354
Investigations	79
Citizen's Inquiries	126
Physical Samples Submitted for Analyses	
Formulation.....	324
Disinfectants	31
Investigation	226
Domestic Wells	8

REGULATORY ACTIONS

Stop-Sale, Stop Use, Removal Orders.....	92
License or Certification Suspensions	1
License Revocations	0
Civil Penalties.....	21
Notices of Noncompliance	268
Notices of Warning	10
Delinquent Registration Penalties	\$ 4,200.00

COURSES APPROVED

Number of courses	1,199
Number of credits issued	2,644

EXAMINATIONS

Exams Administered	5,518
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LICENSED APPLICATORS

Pesticide Dealer Licenses	586
Ground Pesticide Applicator Licenses	9,836
Aerial Pesticide Applicator Licenses.....	163
Public Operator Licenses.....	4,416
Pest Control Consultant Licenses	97
Total Pesticide Licenses.....	15,098

CERTIFIED APPLICATORS	
Private Pesticide Applicators.....	15,123
PESTICIDE ENVIRONMENTAL TRUST FUND	
Active Projects	1
Disbursements	\$ 387,136.72
Agromedicine Program.....	127,839.92
Pesticide Disposal Program	171,546.80
Container Recycling Program	60,000.00
Other Environmental Projects	27,750.00
PLASTIC PESTICIDE CONTAINER RECYCLING	
Number of Counties with active programs	68
Total weight collected	569,297
PESTICIDE DISPOSAL ASSISTANCE PROGRAM	
Containers.....	9,199
Drums	35
Pounds	165,576
Collection Events.....	103
OUTREACH	
Fairs and/or Trade Shows.....	14
Presentations at Recertification Classes.....	321