

# REGULATORY & ENVIRONMENTAL AFFAIRS DIVISION

*"The Basis of All Wealth is Agriculture"*



*The mission of the Regulatory and Environmental Affairs Division (READ) is to protect the health, property and environment of the citizens of West Virginia by providing uniform and equitable inspection, sampling analysis and investigative services. agricultural products and their products.*

*READ consists of four sections: Food and Agricultural Materials, Laboratory Services (Guthrie and Moorefield), Pesticide Regulatory Programs and the Environmental Programs Section, located at the Moorefield Regional Agricultural Complex. Each section functions as a consumer-protection/consumer-service organization for, among others, dairy and egg products, pesticides and various agricultural products. In addition, READ licenses and provides training for private pesticide applicators, and registers distributors of Environmental Programs Section staff members recently marked the tenth anniversary of the division's water quality sampling program. Results from the ongoing project indicate that non-agricultural sources are major contributors to sediment and nutrient loads in West Virginia streams.*

## **Food and Agricultural Materials**

- Collected 2,668 product samples during 590 facility inspections.
- Issued 650 Frozen Dairy Dessert Permits.
- Assisted 16 manufacturers with proper cleaning and sanitizing procedures.
- Issued 20 shut-down orders and nine summary

suspensions under the Frozen Dessert and Imitation Frozen Dessert Program.

- Canded 2,733 lots of eggs at 593 retail or wholesale outlets to assure quality and safety to the consumer.
- Issued embargoes to 85 firms for product that failed to meet USDA / WVDA standards.
- Licensed 186 egg distributors.
- Collected 1,494 agricultural material samples.
- Assessed \$8,700 in penalties for fertilizer violations.
- Cited 66 feed violations and issued five embargoes.
- Registered nearly 10,000 products
- Collected 352 seed samples and issued 69 related embargoes.

## **Product Registration**

This program utilizes its ever-expanding database to maintain pertinent information on companies selling, or attempting to sell, regulated products in the state, including fertilizer that can be used to make explosives.

The Division expects to increase its registration of feed and fertilizer products by placing an emphasis on animal hospitals and pet boarding houses for additional registrations and sampling. Staff has been using digital cameras and notebook computers to record products in the field to eliminate paperwork and allow for more accurate registration of state feed, fertilizer, and pesticide products.



## Laboratory Services

The Guthrie Laboratory supports the Department's agricultural product and food safety programs. Quality control measures and routine split sampling ensure the precision and analytical accuracy of laboratory tests.

**Statistical Sample Summary FY 2008**

Laboratory	Determinations Made	Samples Analyzed	Officials Analyzed	Number of Violations	% Violations
Ag Materials	5,258	1,340	1,251	188	15.0
Dairy	6,234	3,289	2,793	486	17.4
Meat	839	593	588	0	0.0
Microbiology	1,082	663	408	2	0.5
Pesticide Residue	4,199	469	--	--	--
Seed	862	427	351	0	0.0
Feed Microscopy	11	8	6	--	--
<b>TOTALS</b>	<b>18,485</b>	<b>6,789</b>	<b>5,397</b>	<b>676</b>	<b>12.5</b>

## Pesticide Regulatory Programs

This program includes agricultural health and safety, certification and training, compliance assistance, compliance management/enforcements, environmental programs, pesticide registration and agricultural worker protection. The section has submitted state approval of a special local needs registration to EPA to allow the use of emamectin benzoate as a tree injection to control Emerald Ash Borer.

### The Pesticide Residue Laboratory

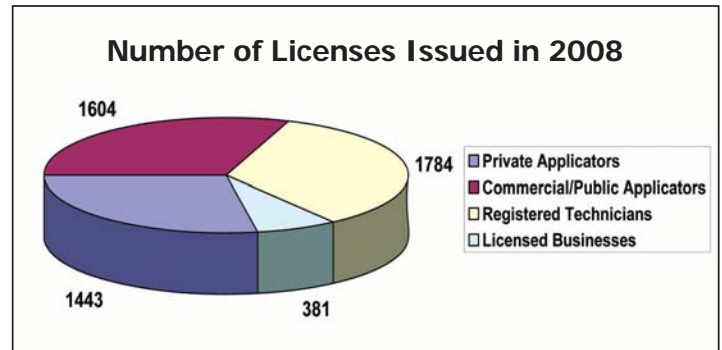
The laboratory analyzes environmental samples for investigations resulting from applications of pesticides and herbicides. The staff also analyzes food products for pesticide residues to ensure that the consumer is not exposed to harmful levels of these toxic materials. During FY 2007, 620 regulatory, environmental, food and service samples were analyzed.

### The Agricultural Health and Safety Program

This program is a collaboration of agricultural and medical professionals involved with health and safety issues in modern agriculture. The underlying purpose of the program is to reduce or eliminate chronic and acute illnesses and injuries associated with agricultural commodities and products. The program's work is carried out in conjunction with the West Virginia Agromedicine Program.

## The Certification and Training Program

This program provides support to public and industry groups and to the West Virginia University Cooperative Extension Service concerning pesticide applicator training and recertification, including evaluation of existing programs and development of new programs where needed. Many applicators and businesses depend on the WVDA as the primary source of assistance concerning required continuing education.



## The Compliance Assistance Program

This program works to help schools and day care centers comply with Integrated Pest Management (IPM) rules. The Division produced and filmed an IPM Compliance Video. Copies were mailed to pest control companies providing service to schools and day cares. A copy was also sent to the University of Florida for posting on the National School IPM website.

The ability of the Compliance Assistance Program to provide free, on-site pre-certification training to employees of such businesses is an extremely valuable service of the WVDA. Regulated businesses recently attending WVDA's training sessions included municipal and county governments, county boards of education and public service districts.

- Reviewed and acknowledged 77 integrated pest management (IPM) plans submitted by day care centers and IPM plans from public and private schools.
- Responded to 118 telephone inquiries regarding IPM in schools and day care centers.
- Mailed out 76 IPM information packets to new day care centers and private schools.
- Made 96 compliance assistance visits to schools, day care centers, and regulated pesticide application businesses.
- Provided initial pesticide applicator certification training sessions in various locations in West Virginia for employees of licensed and regulated pesticide application businesses. In all, 8 sessions were provided for a total of 69 participants.

### ***The Compliance Management/Enforcement Program***

This program assists individuals and businesses in complying with state and federal pesticide laws, and ensures compliance with those laws and regulations through enforcement action when necessary.

- Performed 278 pesticide inspections and collected 247 support samples.
- Conducted 67 enforcement actions (7 civil penalties, 13 warning letters and 19 advisory letters).
- Sent cease and desist letters to three companies for not having a qualified person for the businesses, and two companies for not having a proper business license.

### ***Environmental Programs***

These programs develop and implement activities to prevent, minimize and monitor the effects of pesticides on environmentally sensitive areas and resources, such as groundwater and endangered species.

Staff has also implemented a waste pesticide container collection and disposal programs and cooperates with allied state and federal regulatory agencies in the promotion and operation of environmental programs.

The program collected approximately 5,500 pesticide containers for recycling and three additional collection sites were added to the program in Greenbrier, Kanawha and Lewis counties.

### ***The Pesticide Product Registration***

Staff registers all pesticide products offered for sale or transported through the state. Routine marketplace inspections are conducted by the Enforcement Section to review retail products to ensure registration and labeling is consistent with state and federal regulations. In the past fiscal year, the Division processed more than 10,000 products for registration and use.



### ***The Worker Protection Standard (WPS) Program***

This program works with the West Virginia University-Cooperative Extension Service and EPA Region III to implement the WPS through various outreach efforts.

WVDA has implemented a “Train-the-Trainer” program, and works with all certified WPS trainers in the education of agricultural pesticide workers and handlers.

### ***Environmental Programs Section***

This section, located at the Moorefield Regional Agricultural Complex, participates in joint projects with other state agencies, national programs and producer associations to stay at the forefront of agricultural conservation. It is responsible for monitoring surface water from streams on the WV Department of Environmental Protection’s (WVDEP) impaired streams list, as well as testing nutrients in animal manures and compost.

Other monitoring efforts include working with the WVDEP and the United States Geological Survey (USGS) to collect samples for West Virginia’s portion of the Chesapeake Bay Non-Tidal Water Quality Monitoring Network, and cooperation with the Ohio River Valley Water Sanitation Commission (ORSANCO), which was formed to address a zone of hypoxia in the Gulf of Mexico. A total of 2,957 water quality samples were collected and analyzed this year.

### ***Chesapeake Bay Program***

Staff has been involved in the West Virginia Tributary Strategy Implementation Committee, which began its work in April 2003. This group is charged with implementing a tributary strategy to reduce nutrients and sediments to levels set forth by the Chesapeake Bay Program.

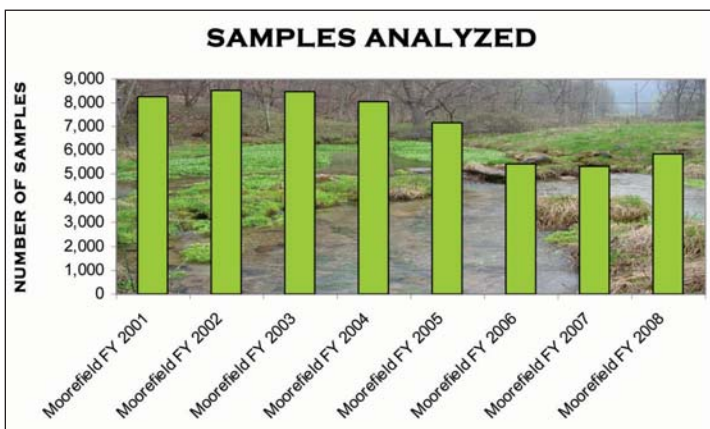
The West Virginia Tributary Strategy includes a list of various Best Management Practices (BMPs) that, once in place, will meet the capacity load allocations for the state. The proposed cost for the implementation of these efforts is approximately \$900 million in West Virginia.

Stakeholders are now involved in aggressive implementation to meet the goals set forth in the document. Part of this effort includes an educational campaign to encourage participation in cost-share programs and BMP implementation projects. Part of this outreach included the second annual South Branch Watershed Awareness Day, a canoe trip that highlighted water

resources and illustrated existing BMPs. A portion of the funds from WVDA's 2008 Chesapeake Bay Grant will go toward cost-sharing for installation of BMP projects.

### **Water Quality Analysis**

The Environmental Programs Section monitors seven streams in the Eastern Panhandle for a variety of nutrients, pollutants and turbidity. Stream discharge is calculated monthly or is accessed via the USGS website from real time gauges.



This data is used to project stream discharges during sample collections. During the past fiscal year, there were 2,957 water samples collected and analyzed, which yielded 36,457 determinations.

The section continues its work in developing bacterial source tracking that can identify the animal source of fecal bacteria.

### **Nutrient Management Laboratory**

The nutrient management laboratory is designed to produce complete analysis on litter, manure and compost samples as a free service to the farmers and poultry producers of West Virginia to help them comply with environmental regulations for the land application of nutrients.

Analysis of 145 samples was completed in FY 2008. Analyses included 2,781 determinations for aluminum, iron, potassium,

### **Weather Station Installation**



In April, 2008, the Environmental Programs Section installed a weather station at the Moorefield Field Office. Data collected by this instrument will serve the public by providing accurate local weather as well as providing critical data for several Environmental Programs Section projects. The current weather data is available at (<http://v4.wqdata.com>.)

TKN, ammonium, phosphorus, magnesium, calcium, copper, pH, and sulfate.

### **Poultry and Environmental Specialist Program**

In April 2007, a case of Low Pathogenic Avian Influenza (LPAI) was discovered in Pendleton County through routine disease surveillance that is performed before any commercial poultry flock is moved to slaughter. The incident came on the heels of an AI tabletop exercise held in March, 2007. The Poultry and Environmental Specialist served on the committee which planned and conducted the exercise.

The Poultry and Environmental Specialist had actively been working on AI preparedness before the incident, and much of the time during and after the event has been spent on revising the West Virginia AI Protocol and biosecurity programs for the WVDA.