

Committee and Liaison Reports
AAPSE Board of Directors Meeting

September 29, 2010

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2010 AAPSE COMMITTEE REPORTS

Committee: Articles of Incorporation and By-Laws

Report By: Roger Flashinski, Chair, CES WI

Members: Ann Hazelrigg, CES VT
Kay Harris, SLA NC
Dave Scott, SLA PA

Purpose: The committee reads the Articles of Incorporation and By-laws in order to become experts in what they do (and do not) state. Members take note of any item that is unclear, inconsistent or unworkable and, they identify areas where beneficial changes may be warranted.

Activities: In early 2010, the BOD asked this committee to address several areas of concern, including whether correction involved revision of the Articles and/or By-Laws. Issues, options considered, and final recommendations are listed below.

- 1) Date when a non-paying member is removed from the membership rolls
 - a) Situation: The Board is concerned that it may not know which members are in good standing and eligible to vote for the election of national officers. Given that the national meeting is held in conjunction with the national C&T Workshop in August, but the By-Laws allow a June 1st cut-off date by which to pay dues, there is little time to determine who is eligible to vote. Thus, at the 2009 national meeting, the AAPSE Board suggested March 31 as a more appropriate cut-off date. This date would allow more time for the Treasurer to create a list of eligible voters while still providing members with a three-month extension of AAPSE membership after the end of the membership year.
 - b) Current By-Laws Wording
 - i) Article II: Membership, Section 3, Voting
All Full members in good standing shall be entitled to vote in elections and on governance issues, position papers, policy statements, and other issues affecting the Association (1 member, 1 vote).
 - ii) Article VI: Funds of the Association, Section 1, Dues
Dues are payable on a calendar year basis. Members whose dues are not paid for the current calendar year are not in good standing. Members whose dues are not paid by June 1 shall be removed from the rolls by the Secretary after 30 days notice.
 - iii) Article X: Fiscal Year, Section 1, Fiscal Year
The fiscal year of the Association shall begin on the first day of January and end on the last day of December.
 - c) Options
 - i) *No action.* Article II of the By-Laws is clear that "full members in good standing shall be entitled to vote" and Article VI says "Members whose dues are not paid for the current calendar year are not in good standing". Thus, if dues are not paid, they are not in good standing and therefore ineligible to vote. The June 1

date only provides a grace period before removal from the membership rolls but the By-Laws do not provide them the continued privilege of voting during the grace period. To help remedy the problem the Treasurer could send an email reminder earlier in the year (e.g., March 1) to affected members explaining the consequences of not paying their dues.

ii) *Revise By-Laws* to state that voting privileges are allowed to members during the grace period; change grace period from June 1 to March 31 to allow more time for the Treasurer in developing a list of eligible voting members. The caveat here is that if a member pays their dues in April, the Treasurer would need to add the member back onto the rolls and reinstate voting privileges. In other words, changing the grace period to an earlier date may create more work for the Treasurer than it resolves.

iii) *Develop an Interpretive Guidance Document*. Leave the By-Laws unchanged (Option 1) but create a guidance document interpreting the intentions of the By-Laws for future reference.

Committee Recommendation: Option iii

2) Election of Regional Board Representatives

a) Situation: The By-Laws state that regional Board representatives shall be elected by majority vote. However, in elections where no single candidate receives a simple majority (51%), how is the winner to be determined?

b) Current By-Laws Wording

i) Article V: Board of Directors, Section 2, Regional Board Representatives
Regional Board representatives shall be Full members. They shall serve no more than two (2) consecutive two year terms. Elections may be conducted outside of meetings by any manner determined by the regional Board representatives as allowed under Article VII, Section 2. Terms in office will be two calendar years commencing January 1st after their election. The regional Board representatives shall be elected by majority vote of the Full members within their region. The individual receiving the most votes shall serve beginning with their election at the first annual meeting and continuing through the second regional meeting held thereafter. The individual receiving the second most number of votes shall serve beginning with their election at the first annual meeting and continuing through the first regional meeting held thereafter.

c) Option

i) Change By-Laws to state “plurality vote” rather than “majority vote”. Such was done for the election of officers in the 2002 amendments to the By-Laws (Article IV, Section 1). Not changing the election of regional board representatives to a plurality vote was an oversight. In addition, the By-Laws should be changed by deleting the last two sentences of this section. This refers to past history when AAPSE was first established, and no longer is applicable for current or future elections. Regions now elect a new Junior Board Representative every year, and the incumbent Junior Board Representative becomes the Senior Board Representative. Deletion of similar text explaining the start-up election process

for officers occurred in the 2002 amendments so, again, it was an oversight that the regional board representatives wording was not deleted at the same time.

Recommendation: Option I (Note: if this issue ends up to be the only recommended change to the By-Laws, this issue could be included in an interpretive guidance document until such time that more significant changes to the By-Laws are deemed necessary.)

3) Filling vacancy of President-Elect

a) Situation: The Board is concerned that the By-Laws are unclear as to whether the appointee to a vacant President-Elect position can then become President without a plurality vote. In a situation where both the President and President-Elect positions are vacant, does the Board appoint a Full member to fill the vacant President's office or the vacant President-Elect's office?

b) Current By-Laws Wording

i) Article IV: Officers, Section 1, Officers.

The President-Elect, Secretary, and Treasurer shall be elected by plurality vote by those eligible for Full membership as described in Article II of these By-Laws.

ii) Article IV: Officers, Section 4, Vacancies.

If the office of the President shall become vacant, the President-Elect shall thereupon become President of the Association for the unexpired term. If the office of President-Elect is vacant at such time as the office of the President becomes vacant, the Board shall appoint a Full member to fill that office for the remainder of the term. In the event that either of the offices of Secretary or Treasurer shall become vacant, the Board shall appoint a Full member to fill the vacancy for the unexpired term.

iii) Article IV: Officers, Section 6, President-Elect

In the absence of the President or in the event of inability or refusal to act, the President-Elect, upon the recommendation of the Board, shall perform the duties of the President, and when so acting, shall have all the powers and be subject to all the restrictions upon the President. The President-Elect shall perform such other duties as from time to time may be assigned to him/her by the President or the Board.

iv) Article V: Board of Directors, Section 8, Vacancies

Any vacancy occurring on the Board may be filled by the Board. A Director appointed to fill a vacancy shall serve the unexpired term of his/her predecessor. Vacancies among the regional Board representatives shall be filled with another representative from that region.

c) Options

i) *No action.* Article V is clear that any vacancy on the Board may be filled (appointed) by the Board for the remaining unexpired term. When the term of the appointee has expired, the position is up for election by plurality vote (Article IV, Sec 1). In the recent case of the President-Elect vacancy, the Board took the correct steps in filling the position by appointment. And when the term of the appointed President-Elect expired, it and the President's position were correctly

filled by plurality vote. If the President and President-Elect positions were simultaneously vacant, the Board again appoints the President-Elect for the remainder of the unexpired term who then performs the duties of the President and, when so acting, shall have all the powers and be subject to all the restrictions upon the President per Article IV, Sec 6. In other words, the Board is allowed to appoint a President-Elect who then acts as a President when both the President and President-Elect positions are vacant, but only through the remainder of the unexpired term.

ii) *Revise By-Laws* by naming the position the Board is allowed to appoint (e.g. the President- Elect position), and stating that the person appointed to the President-Elect position will not automatically become President at the end of the unexpired term without a plurality vote of eligible Full members.

iii) *Develop an Interpretive Guidance Document*. Leave the By-Laws unchanged (Option #1) but create a guidance document interpreting the intentions of the By-Laws for future reference.

Recommendation: Option iii

Status of Proposed Amendments

2006 Proposed Amendments: term change for President – no Board action taken.

2010 Proposed Amendments: change the membership renewal deadline – no Board action taken.

Election of Regional Board Representatives – no Board action taken.

Filling vacancy of President-Elect – no Board action taken.

ISSUES FOR CONSIDERATION: Other than the pending changes, this committee is neither aware of any issues for consideration nor does it suggest any recommendations that would require a change in either the Articles of Incorporation or the By-laws.

Committee: Committee on Committees

Report by: Catherine Daniels, Chair, CES WA

Members: Wayne Buhler, CES NC

Purpose: Liaison between the AAPSE President and AAPSE committee chairs and liaisons to relay requests for annual reports and other business.

Activities:

The only activity since August 2009 has been compiling, editing, and emailing annual reports from committee chairs and liaisons to AAPSE Executive Board members before (this) the 2010 Board of Director's meeting.

ISSUES FOR CONSIDERATION: The number of reports submitted before the annual meeting deadline has decreased over the last few years. Overall, in 2010 the ratio of reporting and non-reporting groups now equals 50:50. Should the Board consider measures to increase reporting rates in the next year, the committee would be pleased to receive suggestions on how it might assist.

Committee: Non-English Language Materials for Pesticide Safety Education (NELM)

Report by: Jennifer Weber, Chair, SLA AZ

Members: Becky Maguire, CES WA
Gerald Kinro, Kapukahi Kreations HI
Sabina Swift, SLA HI

Purpose: The AAPSE Committee on Non-English Language Materials for Pesticide Safety Education (NELMPSE) works on a variety of projects, resources, and studies designed to assess and meet the linguistic needs of people who handle pesticides or work in areas where pesticides have been applied.

Activities: This committee has not held a conference call or conducted a group project since the previous report. Future directions are undecided.

ISSUES FOR CONSIDERATION: Jennifer Weber would like to step down as Committee Chair, but still serve as a committee member. She requests the Board invite other AAPSE members to lead and join this committee.

Committee: Professional Development

Report By: Michael Helms, Chair, CES NY

Members: Fred Whitford, CES IL
Bob Wolf, CES KS
Ples Spradley, CES AR
Becky Maguire, CES WA
Andrew Thostenson, CES ND

Purpose: The AAPSE Professional Development Committee exists to provide AAPSE members with useful tools and resources to enhance their professional career. The committee works closely with the Board of Directors to identify needs and focus resources to serve AAPSE members.

Activities: The committee is currently working on the following items.

1. Hosting a “train-the-trainer” webinar in late fall 2010 on how to effectively use the spray tables Bob Wolf developed. Preliminary work has been done in order to see if this is technologically possible, or practical to attempt.
2. Posting the new PowerPoint presentation “What is AAPSE?” on the AAPSE website. This presentation provides an overview of AAPSE’s purpose and should serve as a useful reference for newer members. The presentation was developed a while ago, but was not posted to the AAPSE website. At present it’s unclear whether the presentation has been reviewed by the membership committee and/or the AAPSE board. Once this final review has been accomplished, the presentation will be posted.
3. Gathering more recent information on AAPSE members professional development needs. A member “needs” survey was conducted in 2008. The committee feels there may be enough changes to warrant collecting more recent data and is in the process of developing a new survey instrument.
4. Developing in-person professional development opportunities. Using the results of the 2008 membership needs survey, the committee discussed holding an in-person, hands-on professional development program tagged on to a regional meeting, possibly as early as next year. The committee is in the process of drafting a proposal to the AAPSE board outlining two possible workshops. The first centers on the use of new-age training methods and materials such as webinars, web teaching/learning technologies, online training, and similar technology. The second option is a detailed, hands-on sprayer calibration workshop similar to one which Bob Wolf will be conducting for the University of Arizona. Both of these topics were ranked high on the list of needs by the membership.
5. The committee is considering holding somewhat regular AAPSE update webcasts for the membership. In view of the recent webcasts done by Andrew Thostenson, these updates could be used as a way to update AAPSE members on current pesticide education issues or other relevant topics. The committee will be exploring this concept further.

ISSUES FOR CONSIDERATION: There are no burning issues or concerns from the committee at this time. The biggest issue is getting professional development opportunities and resources together for the membership.

Committee: Recognitions and Resolutions

Report By: Sandra K. McDonald, CO

Members: Dean Herzfeld, CES MN
Paul Baker, CES AZ
Larry Towle, SLA DE
Richard Pont, US EPA
Don Renchie, CES TX
Tom Delaney, Professional Lawn Care Assoc. of America

Purpose: To recommend parameters to the Board on awards to be given by AAPSE, and to both determine a process by which both nominations/applications for awards will take place and criteria for award decisions made by the Committee.

Activities: No committee activity has taken place since the presentation of Awards at the National Meeting in 2009. A call for nominations will be issued prior to the PACT 2011 meeting in Portland. The nominations will be reviewed and will be forwarded to the Executive Committee. It is important to remember that the selections will be kept secret if the person is going to attend the PACT Workshop; if the person is not attending they will be notified of their selection for an award.

ISSUES FOR CONSIDERATION: The committee suggests finalizing media awards criteria or dropping the awards.

AAPSE LIAISON REPORTS

Association of American Pesticide Control Officials (AAPCO)

AAPSE Liaison: Ed Crow, SLA MD

I appreciate the opportunity to serve AAPSE as the liaison to the Association of American Pesticide Control Officials (AAPCO). One issue that AAPCO feels will have a significant impact on the pesticide regulation process, as well as educational programs, is the recent signing of an internal EPA document, "Principals for Enhanced Collaboration between the Office of Chemical Safety and Pollution Prevention and the Office of Enforcement and Compliance Assurance." This document was signed by the Assistant Administrator's for the Office of Chemical Safety and Pollution Prevention (OCSPP) and the Office of Enforcement and Compliance Assurance (OECA) and establishes an internal framework for cooperation and coordination between the two Offices with respect to pesticide programs and enforcement within the Agency. More importantly from AAPCO's perspective, the document now acknowledges that the State regulatory programs are "essential program partners" who "should be involved in the development of program priorities." For the first time, these two offices have formally recognized that their priorities do in fact impact the states, and that the states should be considered in their planning processes. This further substantiates the fact that States as co-regulators and full partners must be brought to the planning table at the earliest possible opportunity in the EPA priority setting process. This new collaborative effort will provide AAPCO the opportunity to work in conjunction with AAPSE in stressing to EPA the importance and need for educational and outreach programs to the regulated community, as well as for the states and universities themselves, when considering new priorities and developing long term strategic plans. AAPCO will be continuing their dialog with EPA on this issue as part of the Full SFIREG meeting being held in December.

Additional issues that AAPCO has been involved with, or is closely watching, include:

1. The proposed pesticide label revisions regarding the language on spray drift.
2. The implementation of the National Pollution Discharge Elimination System (NPDES) permits and lack of a finalized national permit that takes effect April, 2011 as per the Federal 6th Circuit Court of Appeals decision.
3. The Federal funding issue continues to be of concern to AAPCO for both the STAG funding to the Lead Agencies along with the PSEP funding for Extension.
4. The soil fumigant issue and the extensive label revisions that were mandated by the Reregistration Eligibility Decision. AAPCO is concerned because these revisions have required many states to expend enormous resources preparing for these revisions. The expenditure of resources for the revisions provides a negligible amount of time for

conducting educational and outreach programs for both staff and applicators from the time the revised labels appear in the market place and the revisions become effective in December.

5. The Endangered Species Act and the impacts current, and pending, lawsuits could have on pesticide programs.

Finally, the clarity and consistency of EPA approved pesticide labels has been a long standing issue with AAPCO. There are now a number of quality assurance measures in place in each of EPA's registration divisions. This includes:

- The implementation of label audit programs,
- Quality Assurance programs and checklists,
- Updating of the Label Review Manual, and,
- Providing training for label review staff.

AAPCO feels that it is important that the two associations continue to work collaboratively on these, and future issues, in an effort to maintain a viable Certification and Training program. If you have any additional questions or if I can be of further assistance please feel free to contact me at (410)841-5710 or crowea@mda.state.md.us.

APPENDIX

Non-reporting Committees

Auditing
Issues and Evaluations
Membership and Public Relations
Nominations and Elections

Non-reporting Liaisons

Certification and Training Group (CTAG)
International Harmonization
The Pesticide Stewardship Alliance
Pesticides and National Strategies for Health Care Providers
States FIFRA Issues Research and Evaluation Group (SFIREG)
SFIREG Working Committee on Water Quality and Pesticide Disposal