

Excerpt from minutes of April 28, 2000 Meeting

that was requested at the planning session and Batteese responded that the staff would be compiling it as soon as a reply was received from Commissioner Spear.

3. Development of Policy for Citizen Requests that Staff Inspect Applicator Records

The staff frequently receives requests from a public water utility or an abutting landowner asking what pesticides are being applied to a site and whether the chemicals might harm their children or livestock or contaminate their fish pond, bee hives or ground water, etc. Usually, a call to the applicator is sufficient to get the names of the pesticides to be applied and the staff is then able to offer labels, MSDS or other information to help allay the person's concerns. On a couple of recent occasions, the staff has encountered reluctance on the part of the applicator to share the desired information. The question then becomes should the staff routinely use its authority to inspect applicator records to answer what seem to be valid concerns but which do not represent a direct need for staff operations. This issue was discussed at the March 3rd planning session where there was consensus it should be placed on the agenda for an upcoming Board meeting.

Presentation By: Henry S. Jennings
Chief of Compliance

Action Needed: Formation of a policy for the staff to follow upon receipt of such requests.

- Jennings explained that staff clearly had authority to inspect application records of commercial applicators and commercial agricultural producers. He noted, however, he was seeking Board guidance for doing so when a third party requested information not needed by the staff. He pointed out that the staff was currently involved in a request to check the records of an applicator raising vegetables near a mobile home park served by a private well. The grower has refused to provide information to the park owner, the staff or the Attorney General.

A lengthy discussion ensued with Saffair indicating she could not think of any reason the information should be denied, and Lewis pointing out that additional costs of unnecessary testing would be passed on to residents or rate payers. Dann asked why the information couldn't be requested under Chapter 28 and Jennings explained that the fields were often more than 500 feet away from the sensitive area. Holyoke and Crane agreed information should be provided to public water suppliers but wanted to be sure others did not make frivolous requests. Consensus was reached that the staff should seek the information when public water supplies request it. All other parties should be advised to first make a direct request for information to the applicator. If refused, the party would then ask the staff to make the request. If the staff was also unsuccessful, it would place the request on the agenda for the next board meeting.