Message

From: Scott - CDA, John [johnw.scott@state.co.us]
Sent: 3/26/2019 1:45:46 PM
To: Perreault, Peg [Perreault.Peg@epa.gov]
Subject: Re: CDA -EPA FY18 EOY Report for your review

Are you in the office today? I'll give you a call.

John W. Scott
Pesticides Program Manager, Section Chief

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On Mon, Mar 25, 2019 at 4:03 PM Perreault, Peg <Perreault.Peg@epa.gov> wrote:

> Thanks! We'll make those changes. Let me know if you have any comments on the template report.
>
> Hope things are better.
>
> -Peg
>
> **From:** Scott - CDA, John <johnw.scott@state.co.us>
> **Sent:** Monday, March 25, 2019 3:14 PM
> **To:** Perreault, Peg <Perreault.Peg@epa.gov>
> **Subject:** Re: CDA -EPA FY18 EOY Report for your review
>
> Hi Peg,

My comments to David's EOY are below. Let me know if you have any questions. I'll try and give you a call later in the week to catch up and give you an update on where we're at.

Colorado Department of Agriculture Enforcement File Review for FY 2018.

The Colorado Department of Agriculture (CDA) conducted 2118 inspections in FY 2018. EPA reviewed 15 inspection files ranging from 2014 to 2018. These cases were all closed out in FY 2018. Types of inspections reviewed include agriculture use and non-agriculture use. The Colorado Pesticide Applicators' Act does not permit CDA inspectors to obtain federal credentials. EPA wants each state to have at least one federally credentialed inspector but CDA is prevented by law from having one.

Of the 15 cases reviewed, nine were dismissed enforcement cases, two resulted in issuance of a Cease and Desist Order, and four resulted in issuance of a penalty. There were two bee cases from previous years, both of which were dismissed. CDA's enforcement response policy was followed in determining and assessing violations, and in assessing correct penalties.

Issues from the previous year include 140 backlogged cases. Contributing factors to the backlog of cases include fewer employees and the fact that cannabis cases take priority over the backlog. Of the more than 500 WPS inspections in FY 2018, approximately 90% of them were of the cannabis industry. CDA still met its PPG work plan inspection obligations with conventional inspections and investigations.

The CDA lab is scheduled to open in April 2019. CDA made changes to its pesticide law last year. Storage sign requirements were updated, and Cannabis growers ~~applicators~~ can now use unregistered pesticides for R&D that the CDA has not determined are allowed for use on Cannabis in accordance with their Rule criteria. ~~have not been approved by CDA~~. Inspectors continue to attend refresher training by attending PREP, PIRT, and other trainings. CDA has SOPs and a QAPP. CDA does not have any federally credentialed inspectors and does not plan on changing that.

In conclusion, CDA continues to run an outstanding pesticide program. The inspection files reviewed by EPA were all well documented and easy to follow.

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On Mon, Mar 25, 2019 at 2:48 PM Perreault, Peg <Perreault.Peg@epa.gov> wrote:

Hi John –

Attached is the CDA-EPA FY18 EOY Report for your review before we send it to HQ. Please take a look and let me know if you see anything that should be changed. David's enforcement narrative review is attached a s separate document, I'm working on attaching it in the narrative tab in the template. If you could get back to me by Thurs. 3/28, I'd appreciate it. We want to send the final to HQ on Fri. 3/29.

Note that I did make some significant comments & recommendations on CDA's C&T program, please let me know if these are OK with you, I was thinking you could let you new Commissioner read the EOY and these comments might help with your situation.

Thanks, Peg

Peg Perreault

Pesticide Team

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