



Upper Arkansas Coop WMA

Gary McElroy

Plant Multiple Inspector

303-548-3025

gary.mcelroy@state.co.us



Laws & Regulations 2018

Colorado Department of Agriculture
305 Interlocken Pkwy.
Broomfield, CO 80021
303.869.9500



ATTENTION!

Make sure you hold on to your CEC forms!!!





Topics

- Certification & Training (C&T)
- Cannabis (Part 17 of the Rules and Regulations pertaining to the Pesticide Applicators' Act - PAA)
- Worker Protection Standard (WPS)
- Routine Office Inspections (ROI) & PAA
 - Including issues found



EPA C&T

40 CFR Part 171

- EPA added additional core requirements
- New license categories
 - Aerial
 - Soil fumigation
 - Non-soil fumigation
 - Predator control
- Private Applicator Testing
 - Moving to a proctored exam
 - Still open book



EPA C&T 40 CFR Part 171

- Minimum age requirements for RUP applications
 - Must be 18 years of age





Cannabis





Criteria for Part 17 of R&R

- Must be registered with the CDA
- All active ingredients are tolerance exempt
- Allows use on intended site of application
- Allows use on crops and/or approved for human consumption
- Active ingredient approved for use on tobacco
- Label must be broad enough to *not exclude use on cannabis*
- CDA has authority to remove any pesticide thought to be harmful



WPS

40 CFR Part 170

- Frequency & content of training
 - Annually
 - Must use EPA approved material
- Respirator Requirements
 - Alignment with the OSHA standards
- Application Exclusion Zone (AEZ)
 - Area around application in which persons are prohibited
 - Must suspend application when persons enter AEZ





WPS

40 CFR Part 170

- Record Retention of 2 years
 - Application records
 - SDS
 - Training records
 - All respirator requirements



Agricultural Worker and Handler Pesticide Safety Training

2015 Worker Protection
Standard



Routine Office Inspection (ROI)



- Commercial Applicators
- Limited Commercial
- Public Applicators



ROI

Issues Found Federal FY 2017

- Supervision: 7
- Technicians: 39
- Records: 87
- Posting: 36
- Disposal: 2
- Storage: 80
- Equipment: 78



What Constitutes a Violation?

- Human endangerment!!!
- Label violations
 - PPE, applying over the labeled rate, applying on unlabeled site/crop/etc.
- Failure to comply
 - Continued non-compliance during follow ups
- Violations are often very complex
 - Can be a case by case basis
- Questions?
 - Call your inspector or the office!



Don't Forget About...!



- **Field inspections!**
 - Be prepared
 - Be compliant



Licensure/Supervision

- Ensure business is licensed
 - \$350/year
- QS/CO must be linked to business





Technician Training

Who needs it...?





Technician Training

- New Hires
 - No experience
 - Experienced
- On going technicians
 - Return hires
- Sales
- Flaggers



Technician Training

Who can provide training?





Technician Training

- Classroom instruction
 - QS
 - CO
 - Experienced technician
 - Supplemental training
 - Books, labels, workshops, etc.
- On the job training
 - QS
 - CO
 - Experienced technician
 - Cannot provide all training



Technician Training

- Training is:
 - Category specific
 - Example: Structural categories requires written examination
 - Experience specific
 - Must be documented
 - RUP applications require on site supervision
- Non-registered limited commercial and non-registered public applicators
 - Still need training under most conditions



Training Requirements for Non-Registered Limited Commercial & Public Applicators

- Limited Commercial
 - Owner or designee must be trained in core pesticide use knowledge for GUP applications
- Public
 - Employees must be trained in core for GUP applications



Endangered Species Protection Bulletin

RESTRICTED USE PESTICIDE DUE TO HAZARD TO NONTARGET ORGANISMS

For retail sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's Certification.



DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. **READ THIS LABEL** and follow all use directions and precautions. Only use for sites, pests, and application methods specified on this label.

IMPORTANT: Do not expose children, pets, or other nontarget animals to rodenticides. To help prevent accidents:

1. Store product not in use in a location out of reach of children and pets.
2. Dispose of product container, unused, spoiled and unconsumed bait as specified on this label.

Use restrictions: This product may only be used as follows:

1. **Sites/Pests:** Black-Tailed Prairie Dogs (*Cynomys ludovicianus*) on rangeland and adjacent noncrop areas.
2. **States:** Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas and Wyoming. **Do not apply this product within the exterior boundaries of the Crow Reservation or the Blackfeet Reservation in Montana.**
3. **Application Method:** Apply bait by hand scoop or a mechanical bait application machine that is designed, constructed and operated in a manner that ensures that bait is properly placed at least 6 inches down the prairie dog burrows. This product may only be used in underground applications. Do not apply bait on or above ground level. Treat only active burrows.
4. **Treatment Period:** Apply between October 1 and March 15 of the following year, when animals will most readily take the grain bait.
5. **Non-Applicators:** Do not allow children, pets, domestic animals or persons not involved in the application to be in the area where the product is being applied.
6. **Grazing Restriction:** Do not allow livestock to graze in treated areas for 14 days after treatment and when no bait is found above ground.
7. Do not use any other rodenticides containing anticoagulants (diphacinone) in prairie dog towns during the treatment period allowed on this label.

Endangered Species: It is a Federal offense to use any pesticide in a manner that results in the death of an endangered species. Use of this product may pose a hazard to endangered or threatened species. When using this product, you must follow the measures contained in the Endangered Species Protection Bulletin for the county in which you are applying the product. To obtain Bulletins, no more than six months before using this product, consult <http://www.epa.gov/espp/> or call 1-800-447-3813. You must use the Bulletin valid for the month in which you will apply the product.

Site Assessment: Before applying this product, identify active prairie dog burrows by visual observation. The openings of active burrows will generally be free of leaves, seeds, other debris or spider webs, and will show freshly turned earth, and have prairie dog feces nearby.

Application: Apply 1/4 cup (53 grams or nearly 2 ounces) of bait at least 6 inches down active prairie



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...a.gov/endangered-species/bulletin: 🔍 🔒 ↻ Bulletin Live! Two -- View t... x

Bulletins Live! Two, [view the tutorial](#). Also see [background](#), [notes](#) and a [quick start guide](#) for BLT.

Current View: **November 2018**

Basemaps

Find address or place 🔍

0% **Opacity** 100%

Map Layers

- Pesticide Use Limitation Area (PULA)

Explanation

- Effective

Map Scale: 1:36978595 Lat: 00.0000, Lng: 00.0000

INSTRUCTIONS	RESULTS			
ROZOL PRAIRIE DOG BAIT [7173-286]	Black-tailed Prairie Dog	Bait (loose)	Bait	R3
Kaput-D Prairie Dog Bait [72500-22]	Black-tailed Prairie Dog	Bait (loose)	Bait	K3
Diphacinone	Black-tailed Prairie Dog	Bait (loose)	Bait	K3
Imidacloprid	Black-tailed Prairie Dog	Bait (loose)	Bait	K3
KAPUT COMBO PRAIRIE DOG BAIT [72500-27]	Black-tailed Prairie Dog	Bait (loose)	Bait	K3

Codes and Limitations Table

Code	Limitation
R3	Rozol Prairie Dog Bait use is limited to the period November 1 through March 15.
K3	Kaput-D Prairie Dog Bait and Kaput COMBO Prairie Dog Bait use is limited to the period November 1 through March 15.

Printable Bulletin



Dilution Rate vs. Application Rate

- Amount of product or AI/unit of volume of carrier
 - 1 lb. of AI/10 gallons
- Total gallons or pounds of the final tank mix applied over a given area
 - 10 gallons/acre



Dilution Rate

- Labeled rate:
 - 7 oz./acre
- Calibrated at:
 - 20 gallons/acre
- Size of tank
 - 100 gallons
- How much goes into your tank?
 - 35 oz./100 gallons
- What's your dilution rate?
 - 35 oz./100 gallons
 - 0.35 oz./gallon



Application Rate

- Labeled rate:
 - 7 oz./acre
- Calibrated at:
 - 20 gallons/acre
- Size of tank
 - 100 gallons
- Amount applied
 - 100 gallons of diluted pesticides
- Application rate?
 - 100 gallons/5 acres
- Think calibration!
 - 20 gallons/acre



Audience Participation

What kind of posting requirements do you have?





Notification & Posting Signs (Yellow Flags)

- Commercial applicator business, registered limited commercial & registered public applicator
 - Turf (206), ornamental (207), aquatic (108)
- Post at each conspicuous point of entry
- Post before application begins

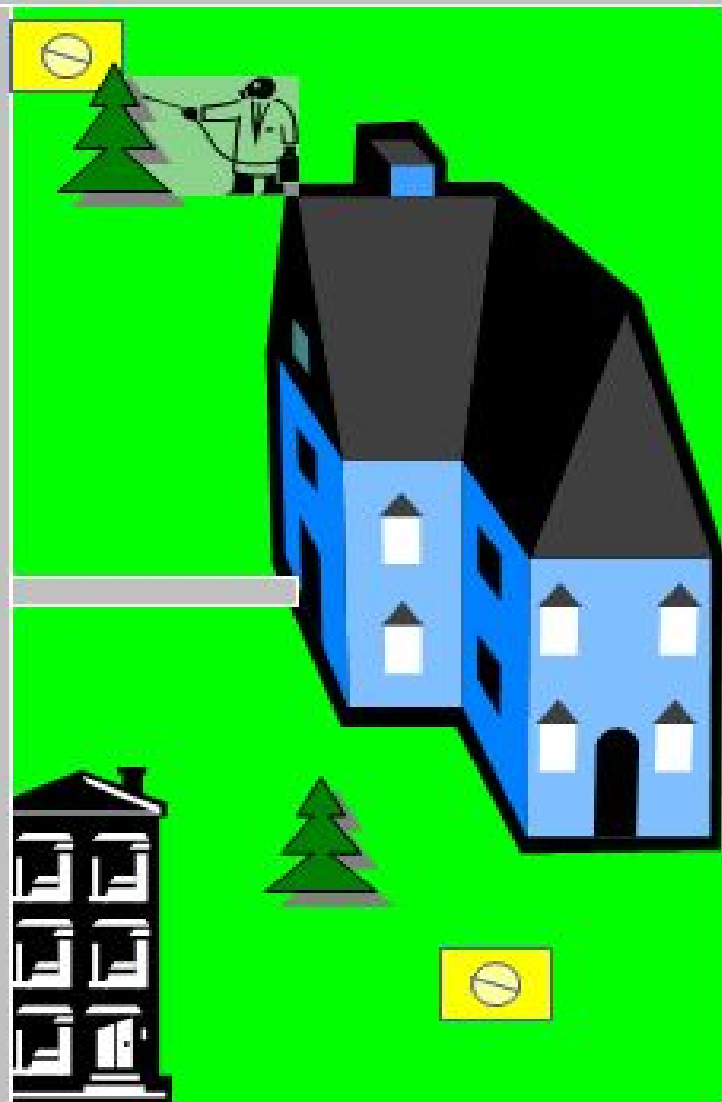
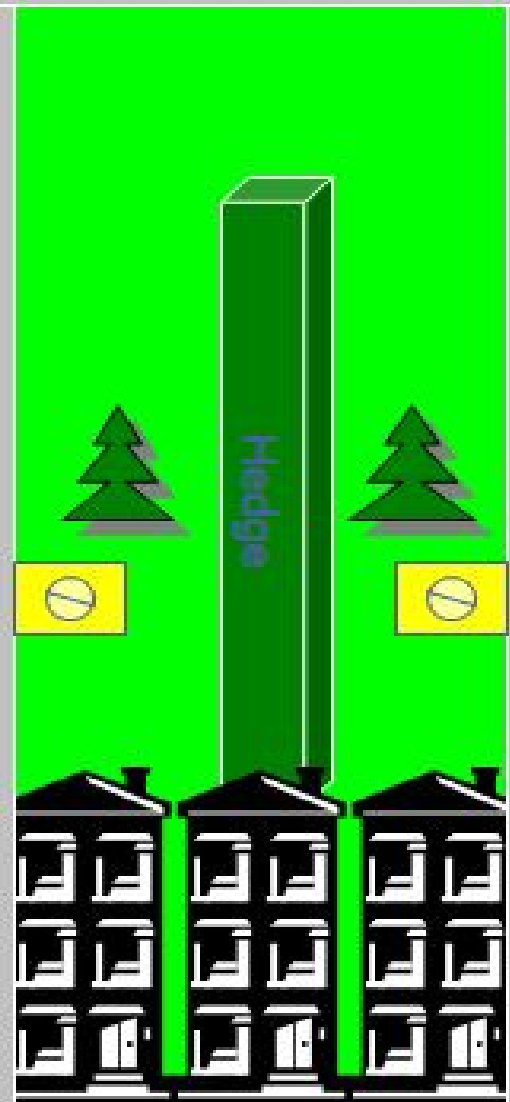
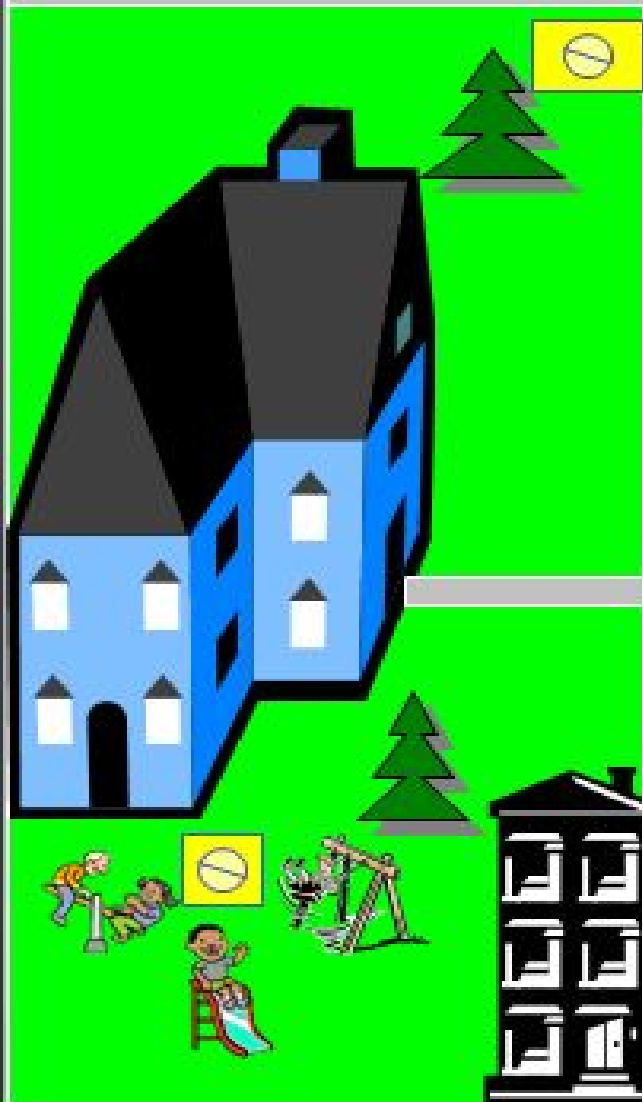


Notification & Posting Signs





Parking Lot





Notification & Posting Signs

- What if commercial customer is not present at the time of the application?
 - Additional info must be on flag:
 - Phone number
 - Pesticide name
 - Date of application



Notification & Posting Customer Notification

Who needs to provide notification to customers?





Notification & Posting Customer Notification

- All commercial applicators
 - All categories
 - Category specific
- Oral, written or electronic – depending on category





Notification & Posting Ag Categories

- Pre notification
 - Pesticide applied
 - Site
 - REIs
 - Grazing intervals
 - Pre-harvest intervals
 - Precautionary statements
- Post notification
 - Pre notification +
 - Amount applied
 - Date of application
 - Crop rotation intervals





Notification & Posting Turf & Ornamental

- Required at time of application
- If owner/agent/customer is not present
 - Give notification promptly after
- Notification must include
 - That an application occurred
 - Name of pesticide applied
 - Date of application
 - Precautionary statements on label



Office Records

- Name & address of person contracting application
- Location of application
- Target pest
- Site, crop or commodity treated
- Pesticide brand name
- EPA Registration #
- Dilution rate
- Application rate
- Carrier
- Name of applicator
- Date/time
- ESPB
- FMP



Notification & Posting Structural

- Required at time of application
- If customer is not the occupant
 - Leave notification with occupant
 - Notification must include:
 - That an application occurred
 - Name of pesticide applied
 - Date of application
 - Precautionary statements on label
- Customer must still receive information about application



Notification & Posting Structural

- Multi-unit dwelling when no owner/agent present
 - Must post written notice at primary entrances to interior common areas
- *Cannot electronically notify*





Notification & Posting PSR Registrant

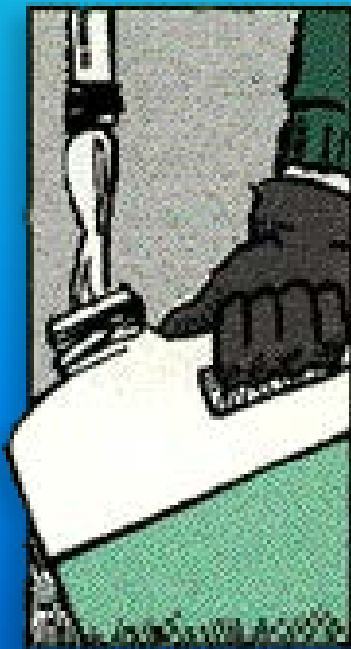
- Applicable categories
 - Turf (206), ornamental (207), structural (301, 304, 307)
- Any abutting property (includes multi-unit dwellings)
- At least 2 attempts to notify
 - 24 hours or more prior to
 - Unsuccessful?
 - One last attempt immediately before
 - Place notice on door





Disposal

- According to label directions
- Apply on labeled site or properly dispose as hazardous waste





Storage

- Locked/secured
- Spill clean procedure?
- Posted in accordance with rule update
- Follow any specific label directions

Storage Instructions

1. Store WEEVIL-CIDE[®] Tablets in a dry, well ventilated area away from heat, under lock and key. Post as a pesticide storage area.
2. Do not store in buildings where humans or domestic animals reside. Keep out of reach of children.
3. WEEVIL-CIDE[®] Tablets are supplied in gas-tight, resealable aluminum flasks. Do not expose the product to atmospheric moisture any longer than is necessary and seal tightly before returning flasks to storage.

professionals. At a minimum, the storage must be marked with the following signs and should be locked:

1. Danger, Poison (with skull and cross bones)
2. Authorized Personnel Only
3. Pesticide Storage NFPA Hazard Identification Symbols



Storage



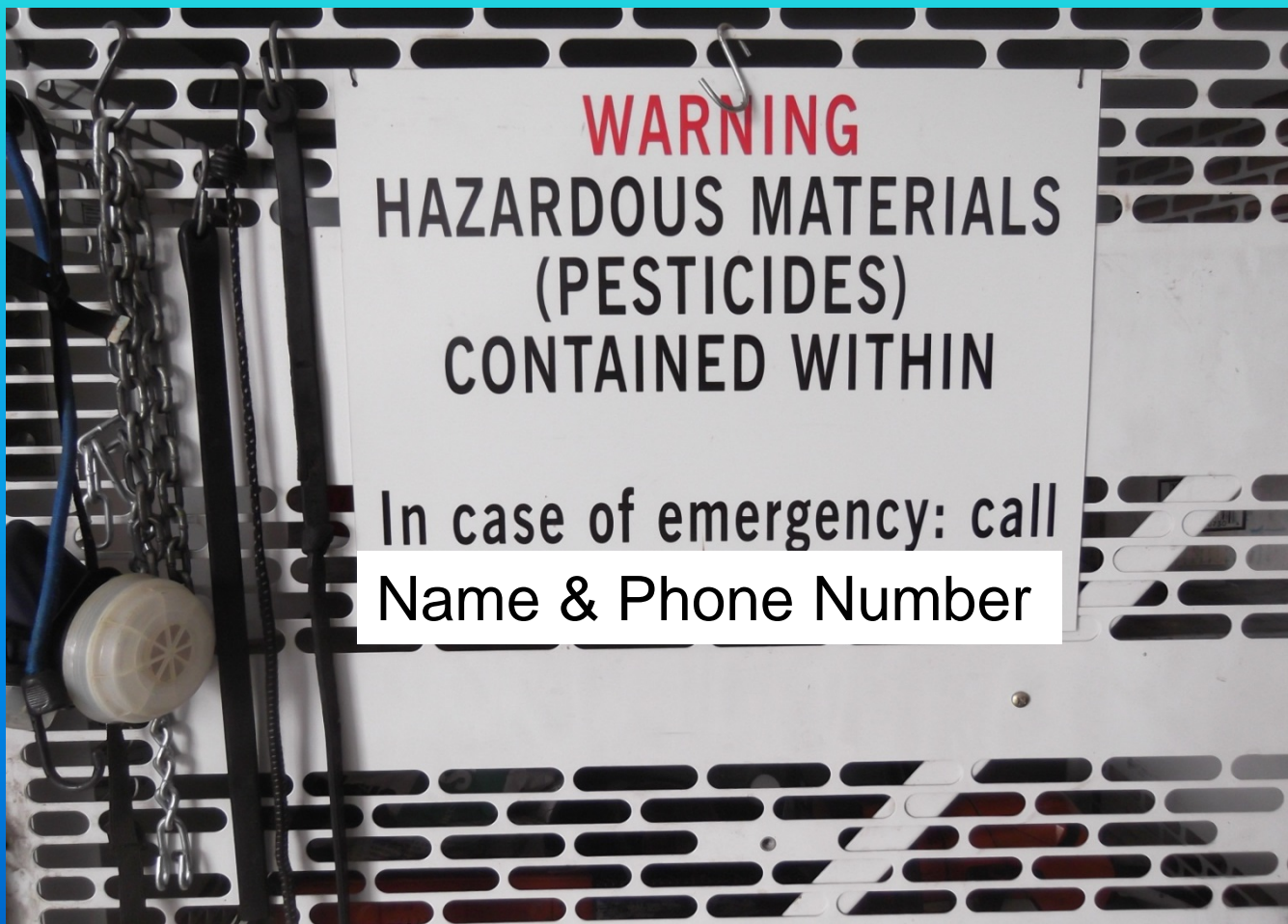


Pesticide Applicators' Act Rules and Regs Part 11.05

- Signage regarding pesticide storage areas
 - Signal word must reflect highest toxicity category on site
 - If complying with local fire department signage
 - Must obtain and maintain record of compliance with local fire department
 - Remember that some labels will require additional posting



Signage Regarding Pesticide Storage





Equipment Vehicles

- Commercial
 - Company name 2”

AND

 - City & state 1”
- Public
 - City or state 2”

OR

 - Logo of public entity





Equipment ATV & Mobile Vehicle



- > 10 gallons
- Company name
 - 1" high
 - One side of vehicle



Equipment Service Container

- Any container holding pesticide < 10 gallons
 - Concentrated or diluted
 - Other than original container
- Must contain
 - Active ingredient or common name
 - EPA Registration #
 - Company name
 - Signal word



Equipment Service Containers



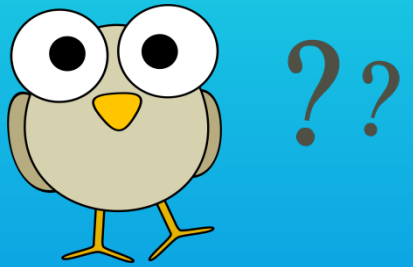
Company Name
Glyphosate
EPA Reg #34704-890
Caution

 **RedMax[®]**
BM46I

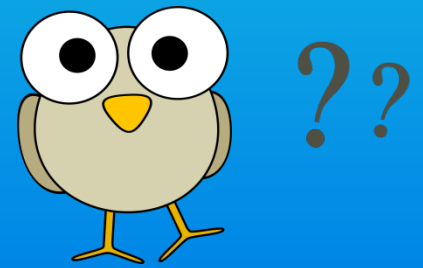


Who Are You?

Business?



Employee?



Subcontractor?



Who Are You?

- Business
 - Need business license
 - Need QS in applicable categories
 - Liability insurance
- Employee
 - Receives W2 for labor
- Subcontractor (you **ARE** a business)
 - Need business license
 - Need QS in applicable categories
 - Liability insurance



??



Reciprocal Licensure

- Licensed applicator in state other than Colorado
- Certified operator license can be issued for similar categories
 - Individual state basis
- License must be linked to Colorado licensed business
 - Individual is paid as an employee





What is a Pesticide Label?

- Always use the label found on pesticide container!
 - Legal binding document
 - Labels change!
 - Keep the label that came with the pesticide that is currently in use
- Specimen labels often excludes pertinent information
 - As do informational hand outs
 - May or may not state “specimen label”



Resources

- Training module (unregistered public & LC)
 - <http://cepep.agsci.colostate.edu/1-licensing/non-registered-applicator-training-modules/>
- Approved list of pesticides for cannabis
 - <https://www.colorado.gov/pacific/agplants/pesticide-use-cannabis-production-information>
- Endangered species bulletin
 - <http://www.epa.gov/espp/>
- CEC Workshops
 - <https://www.colorado.gov/pacific/agplants/cec-workshops-qualified-supervisors-and-certified-operators>



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Questions?

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