

# Connecticut Department of Energy & Environmental Protection

Pesticide Management Program Supervisor Refresher Training January 2023 Agenda

Welcome

Pesticide Management Program Introductions

Exam, Certification, Business Registration Discussion (KATE)

State Certification Plan/FIFRA Revisions (Diane)

Frequent Compliance/Enforcement Issues

Complaints

**Violations** 

Refresher & FIFRA Revisions

- •Abutter Registry/Prenotification
- Posting
- Supervisory Written Instructions
- Record Keeping
- •Sub-contracting/Absentee Supervision
- •RU Purchases
- \*Junior Operator Training Requirements
- Pesticide Storage & Disposal

## Pesticide Program Staff Introductions

- Program Supervisor
  - Diane Jorsey, Supervisor <u>diane.jorsey@ct.gov</u>
    - 860/424-3328
- eLicense, Certification & Enforcement
  - Zach Donais <u>Zachary.Donais@ct.gov</u>
    - 860/424-3326

## Pesticide Program Staff Introductions

- Certification, Business Registrations, Approval of CEU's, eLicense
  - Kate Scimeca <u>kate.Scimeca@.ct.gov</u>
    - 860/424-3764
- Aquatic Permitting/Pesticide Registration/EZFile
  - Ellie Clark Elizabeth.A.Clark@ct.gov or 860/424-3398
  - Aiden Florio Aiden. Florio @ct.gov or 860/424-3267

## Pesticide Program Staff Introductions

- Inspectors
  - Christina Berger <u>Christina.Berger@ct.gov</u>
    - 860/539-3244 or 860/424-3663
  - Wendy Martel Wendy. Martel @ct.gov
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## Exams, Certification And Business Registration Review

#### Exam, Certification, Business Registration

- Exam process/Everblue
- Who Should be Certified
- Renewal Requirements credits, use summaries
- Business registration requirements
- Exemptions

#### Exam process/Everblue

- New certification
  - Elicense.ct.gov
- Add a category
  - License maintenance

#### Exams

- Written exams are now administered online
- Everblue is the vendor contracted to administer the exam
- Information on application/exam process can be found at <a href="https://www.ct.gov/deep/pesticides">www.ct.gov/deep/pesticides</a>
- Applicants need to complete the process (application through exam) within 90 days

#### Who Should be Certified?

- Commercial work (Including applications of 25b Products)
- Restricted use pesticides
- Arboriculture
- Junior Operator vs Supervisor

#### Supervisor Renewal Requirements

- 12 continuing education credits PER CATEGORY
  - Core vs category specific
  - Each credit only used 1x
  - Obtained within 5 year certification period 2/1/xx (year of certification)—1/31/xx (year of expiration)
- Last 5 years of pesticide use summaries (if not already uploaded)

#### Business Registration Requirements

- Soliciting to perform, arranging for contracts, subcontracting
- At least 1 certified supervisor
- Renew annually by August 31st, \$240
- Arborists

#### Fee Exemptions

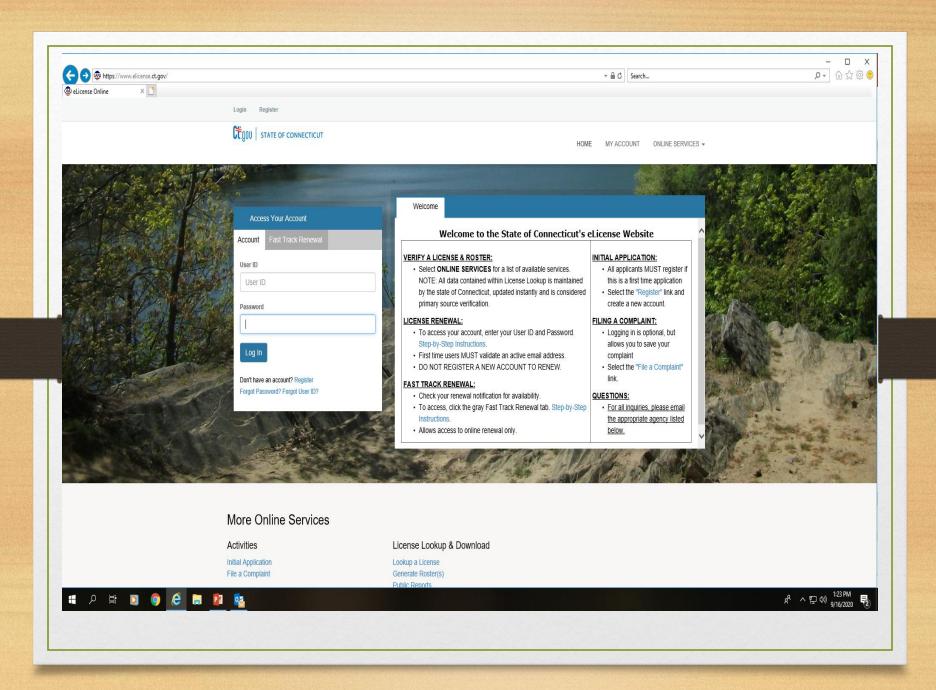
- Business fee exemption
  - Single applicator
  - NO arborist exemption
- Supervisory/operator fee exemption
  - Governmental/municipal employee
  - NO arborist exemption

#### eLicense

- Enables online fee payments
- Online access to view/update individual certification and business registration records
- Verify pesticide product registration/classification
  - Generate rosters of RU and 25b Pesticides
- Look-up/verify business registrations
- Rosters of licensees
  - Supervisor
  - Operator

#### eLicense

- Credential/license holders will receive renewal notice by email
  - Separate accounts for certification and business registration
- Usernames and passwords to access eLicense account were sent by email
- Credential/license holders will be required to submit their renewal application and fee online
  - Upload annual use summaries
  - Upload re-certification credit certificates
- Business registration changes



Revisions to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) were adopted by EPA in 2017

States required to update certification and training plans to renew federal accreditation

CT certification and training plan received federal approval December 5, 2022

#### Implementation Schedule

- Notifying of revisions at various industry meetings since 2017
- Some changes have already been implemented
  - Revised forms RU Dealer Sales
  - Reformatted Certification Credentials
- Some are in the process of being implemented
  - Outreach
  - Exam updates
  - Training materials

- Some changes need to be adopted through legislation (not later than FFY 2028)
  - Record keeping requirements per 40 CFR 171.201(e) and 171.303(b)(7);
  - Training requirements for operators required under 40 CFR 171.201(d);
  - Prohibit aerial applications of restricted-use pesticide by operators under 171.201(b)(2)
  - Age requirement of 16 years old for non-certified applicators supervised by private applicators under 171.201(b)(2)

- Changes to requirements for RU Dealers
  - Tighten distribution of RU pesticides increases reporting requirements
- Changes pesticide application record keeping requirements
- Training requirements for Operators
- Supervisory Oversight/Written Instructions for Operators

# FIFRA Revisions Changes to Application Record Keeping

- Name/Address of the customer (may differ from treatment address)
- Location of the application (address/place)
- Size of the area treated for all applications
- Site(s) treated (each pesticide used)
- *Time* and date of the application
- Brand or product name of the pesticide(s) applied
- EPA registration number(s), total amount of pesticide applied per location/application (dilute/rate)
- Name(s) and certification number(s)
   of supervisor(s) and operator(s)
   involved in making the application

FIFRA
Revisions
Certified
Supervisor
Responsibility

- Certified Supervisor must ensure that:
  - Operator always has access to the pesticide label(s)
  - Operator uses required PPE
  - Before each day of use –
    equipment can be used without
    risk of reasonably foreseeable
    adverse effects
  - That a means to immediately communicate with the Certified Supervisor is available to each Operator
  - Operators receive annual training

Purchase and Use

Of

Restricted Use Pesticides

## FIFRA Revisions Purchase/Sales of RU Pesticides

- RU pesticide dealers have increased recordkeeping and reporting obligations
  - When RU pesticides are purchased/picked up by commercial supervisor/private applicator
    - Name/address of residence or place of business
    - Certification number, state issuing the certification, expiration date and certification category
    - Product name, EPA registration number
    - The quantity of the pesticide and date sold

## FIFRA Revisions Purchase/Sales of RU Pesticides

- RU pesticides cannot be made available to an uncertified individual (including operators) unless the dealer maintains additional records that are *verified at the time of each transaction* 
  - Name/address of residence or business of the individual to whom the RU pesticide is made available
  - A copy of the certified applicator's certification document
  - A statement signed and dated by the certified applicator authorizing the individual to purchase pesticides on their behalf
  - The driver's license of the person to whom the pesticide is being provided

Training Requirements

For

Junior Operators

## FIFRA Revisions Junior Operator Training

- \*\*FIFRA considers CT Operators to be "Non-certified" applicators
  - Before using any RU pesticide
  - Must be conducted annually
  - Records of training Name, Date, Trainer, Title or Description of Training
    - Must be presented in a manner that the trainee can understand
    - Must include specific information (more info to come)
      - PERC Training Videos
    - Trainer must be certified to use RU pesticides or designated as a Trainer by EPA (supervisor/private applicator)
      - Federal Train the Trainer (PERC Website)
    - Trainer must be present for the entire training and must respond to questions

## FIFRA Revisions Junior Operator Training

- Training must include
  - Information that *non-certified (Jr. Operator)* applicators need to protect themselves, other people and the environment before, during and after making a RU pesticide application
  - Equivalent to WPS Agricultural "Handler" training
    - Hazards from toxicity/exposure
    - Routes through which pesticides can enter the body
    - Signs/symptoms of common types of pesticide poisoning

## FIFRA Revisions Junior Operator Training

- Routine and Emergency decontamination procedures including eye flushing techniques must also be instructed to immediately wash or rinse off if pesticides are spilled or sprayed on their body wash/shower w/soap and water, shampoo hair, change into clean clothes ASAP
- Not to take pesticides or pesticide containers used at work to their home
- How to report pesticide use violations to the state
- Format and meaning of information contained on the pesticide label

## FIFRA Revisions Records of Jr. Operator Training

- Commercial applicators (Supervisors) must create or verify the existence of training records and must have access to records documenting that each Operator has the required qualifications
  - Records of training are required to include;
    - The Operator's printed name and signature
    - The Operator certification number and issuing state
    - The expiration date of the Operator certification
    - The date the training requirement was met
    - The name of the person providing the training
    - Title or description of the training provided

#### Junior Operator Training Materials

- PERC Pesticide Educational Resources Collaborative
- https://PesticideResources.org
- Pesticide Safety Training for Noncertified Applicators Using Restricted Use Pesticides at Non-Agricultural Sites
- English and Spanish language videos (33 minutes)
- CT Junior Operator = "Noncertified Applicator"

#### Compliance Refresher

# Most Frequent Complaints

- Chemical trespass/off-target applications/drift
  - Mosquito treatments Mist Blowers/Automated Misting Systems
  - Granular products
  - Treatments made during windy conditions/rain
- Soliciting/Performing work outside of certification category
- Failure to pre-notify
  - Less than 24 hours
  - Failure to provide required information
- Failure to provide information when asked posting

#### Most Frequent Violations

- Failure to pre-notify
  - Missed time-frames
  - Failure to provide required information
- Insufficient Written Instructions
  - Supervisors acting outside of certification category
  - Absentee supervisors
- Operator acting as Supervisor
- Records
   Supervisor working out of category
- Unregistered business
- Subcontracting/Absentee Supervisor
- Faulty/Careless/Negligent Application
- Misuse of Pesticide

#### Pre-Notification

- RCSA Sec. 22a-66a-2(b) Requests for notification of pesticide application to abutting property
- As part of the business records required under section 22a-66g of the general statutes, a pesticide application business shall retain a copy of any request for notification which it receives, and shall forward the original request to the Pesticide Management Division of the Department of (Energy and) Environmental Protection within five calendar days of its receipt
- Business shall commence twenty-four-hour prior notification of pesticide application immediately upon receipt of a request for notification

#### Pre-Notification

- Sec. 22a-66a(a) A pesticide application, business prior to entering into a written or oral agreement to apply a pesticide, shall provide to the person requesting the application and the resident or manager of the property to be treated
  - (1) notification of the (abutter) registry established pursuant to subsection (b) of this section and
  - (2) a copy of that portion of the pesticide label, as defined in section 22a-47, which states the product name and registration number, the manufacturer, the active ingredients, the signal word, an emergency phone number, if listed, and any precautionary statements, including statements on environmental hazards, human and animal hazards, emergency treatment and reentry.

#### Pre-Notification

- List of abutters sent to registered businesses by email only
- Notification of Registered abutters The Commercial Application Business
  - Must make at least two attempts 24 hours (or more) prior
  - Maintain record of attempts including the date, name of person notified, method of notification
  - Notice must include -
    - common name of pesticide likely to be applied
    - the location (Place/Address) of the pesticide application
    - date/approximate time (3 to 4-hour window) of application
    - name, address & telephone number of business making the application

### \*\*NEW\*\* Notification – Aquatic Applications

- Public Act No. 22-83 AN ACT CONCERNING NOTIFICATION OF PESTICIDE APPLICATIONS NEAR LAKES AND PONDS —effective 10/1/2022
- Materials describing the new requirements were distributed by email

#### CGS Sec. 22a-66a(1)(h)

- prior to making a pesticide application in any lake or pond with any public access owned by the state or municipality publish notice of the application in a newspaper of general circulation in each municipality in which the lake or pond is located and shall post a sign notifying the public of the application at each place of public access.
- Any pesticide application business prior to making a pesticide application on any private lake or pond with more than one owner of shoreline property shall publish notice of such application in a newspaper of general circulation in each municipality in which the lake or pond is located.
- In determining whether a property abuts a lake or pond, any setback shall not be considered, provided the owner of such setback shall additionally be provided with any such notice.
- A pesticide application business shall make not less than two attempts to notify any such owner or tenant, provided the second such attempt shall occur twenty-four hours or more after the first attempt. Such attempts shall be made as early as practicable but not less than twenty-four hours before the application. Notice shall be made by telephone, mail, personal notification or by leaving a conspicuous notice on an entry door of the home located on such abutting property. If attempts at notification by the applicator fail, an emergency application is necessary or best management practices of integrated pest management, as defined in section 22-11a, recommend an immediate pesticide application to reduce the amount of pesticides that would otherwise be necessary, the applicator shall attempt to notify each such owner or tenant in person immediately prior to the application.

# Posting Refresher Commercial Applicators

- Outdoor applications within 100 yards of a property line
- Posted at conspicuous locations no farther apart than every 150' of road frontage
  - At the time of the pesticide application
  - Facing road frontage
  - Facing in direction of persons entering property
  - Include date, name/telephone number of the business must be easy to read
  - Size 4 x 5 inches, yellow with black lettering/symbol
  - Professionally printed Cannot include other posting or advertisement

Posting
Refresher
Public
Information

- If a commercial applicator is contacted by any person who obtains such contact information from a posted sign, the commercial applicator must provide that person with
  - The name(s) of the pesticide(s)
  - EPA registration number(s)
  - Re-entry restrictions
  - Date of application

- RCSA Sec. 22a-66-5. Certification of applicators. (f) A supervisory certificate shall be required for a commercial applicator who is responsible for deciding whether or not pesticides are to be employed, how they are to be employed, what pesticides are to be used, the dosages and timing involved in such pesticide use and the methods of application and precautions to be taken in the use of such pesticides. This includes, but is not limited to, any person who, upon inspection of stored products, crops, plants, bodies of water, or a building or other structure for pest damage, recommends or suggests treatment to control or alleviate pest damage.
- (g) An operator's certificate shall be required for a commercial applicator who actively uses pesticides in other than a supervisory capacity including but not limited to:
- (1) a person who applies, mixes or handles pesticides in other than completely closed containers;
- (2) a person who comes in contact with pesticides through drift for more than brief periods; or
- (3) a person who assists with the application of pesticides under the supervision of a holder of a supervisory certificate.

- RCSA Sec. 22a-66-5. Certification of applicators. (1) No commercial application of pesticides shall be made unless a person holding a valid supervisory certificate:
- (A) is present at the time of application where such presence is required by the labeling; or
- (B) where labeling does not require the presence of a certified supervisory applicator at the site of application, the certified supervisory applicator shall either be present at the time of application or provide written instruction to the certified operator. The written instructions may be delivered to the certified operator in electronic form. If the instructions are delivered in electronic form, they shall be made available in printed form or electronically transmitted to the commissioner or the commissioner's representative at the time of an inspection of the operator or the operator's business. The written instructions shall be in the possession of the certified operator at the time of application.

- RCSA Sec. 22a-66-5. Certification of applicators. (2) (A) Written directions for use of a pesticide provided to a junior operator shall include
- the certified supervisor's name and certification number,
- the certified operator's name and certification number,
- the pest(s) to be controlled,
- the pesticide(s) to be used,
- directions for use of the pesticide, including but not limited to, the dilution rate of the pesticide to be used if other than a ready-to-use product and
- method of application,
- the place (address) to be treated and the site or sites at the place that is to be treated. Site shall be specifically designated so it is clear which of the instructions on the pesticide label are to be followed.
- The written instructions may require further directions depending on the product label precautions and site-specific treatment limitations. (II) A junior operator may choose not to apply a pesticide if there are no pests present or if conditions present a potential increased risk of harm if pesticides are used.

- Failure to include required information in supervisory written instructions results in operator acting as a supervisor under CGS Sec. 22a-61(d) and (e)
- RCSA Sec. 22a-66-5(5) Supervisory
  Written Instructions must be
  maintained as part of the permanent
  record

#### Records

- Sec. 22a-58. Records to be kept by distributors and applicators. (d) Commercial applicators shall maintain records with respect to their use of and supervision of the use of pesticides. Such records shall be maintained for not less than five years after the date of application and shall include, but not be limited to... A summary of the items maintained under subdivisions (1) and (2) shall be submitted to the commissioner on or before January thirty-first for the preceding calendar year in which the application was made on such form as the commissioner may prescribe.
- Sec. 22a-66g. Records. Availability. (a) A <u>pesticide application business</u> shall maintain records for not less than five years from the date such record is made or amended, whichever is later. The record shall indicate:

#### Records

- Records shall indicate: (includes FIFRA Revisions)
- (1) the name and address for whom the pesticide was applied (ie; billing name/address) (2) name and certification number of the commercial supervisor and the commercial operator, (3) brand or product name and EPA registration number, if applicable, of the pesticide applied and amount of pesticide used per location per application (example: street address and apartment), (4) the size of the area treated (5) time and date of the pesticide application, (6) pest treated for, and (7) crop or site treated. A summary of the items maintained under subdivisions (2) and (3) shall be submitted to the commissioner on or before January thirty-first for the preceding calendar year in which the application was made on such form as the commissioner may prescribe.

#### Records – Cont'd

- (2) A list of the names and corresponding Environmental Protection Agency registration numbers of any pesticide applied by the business; and
- (3) The name and applicator certification number of each certified commercial pesticide applicator, operator or supervisory, who is an employee or agent of the business, and a list of the types of applications which each is performing.
- (b) Information required under subdivision (2) of subsection (a) of this section may be kept separately from the records required by subdivision (1) of said subsection or may be integrated with such records by including on the record of each pesticide application the full name and Environmental Protection Agency registration number of the pesticide used.

### Records - Cont'd

- (c) All records and information required to be kept pursuant to this section shall be kept at the registrant's place of business and may be inspected by the commissioner pursuant to section 22a-59. If the registrant's place of business is outside of the state, the records and information shall be made available to the commissioner at a location in the state not more than ten days after receipt of a request for inspection from the commissioner.
- (d) A pesticide application business shall, upon written request, provide a customer with a copy of the record which is required to be kept pursuant to this section and which pertains to a pesticide application performed for that customer.

#### Pesticide Storage and Disposal

• This presentation includes subject matter pertinent to legal and best management practices for pesticide storage and disposal for Connecticut commercial pesticide applicators and pesticide application businesses. It is not intended to be all inclusive of requirements for pesticide storage and disposal. Individuals with questions regarding requirements for pesticide storage or disposal are advised to contact the appropriate state agency/department for more information.

#### Evaluate Storage Sites/Facilities

- Does your storage affect sensitive areas?
- Protected from extreme temperatures?
- Locked and secure?
- No floor drains/drainage to sensitive areas?
- Maintain container and label on product
- What about Service containers?\*
- Consider secondary containment for stored pesticides
- Manage pesticide storage on service vehicles too

#### \*Service and Secondary Containers

- The name, address and telephone number of the applicator/pest control firm [if applicable].
- Product name.
- EPA registration number.
- Name and percentage of active ingredient.
- If the product in the container is diluted, it should be followed by the phrase:
  - "The product in this container is diluted as directed on the pesticide product label."

#### \*Service and Secondary Containers

- Signal word and precautionary statements (including First Aid statements) from the registered label unless the registrant has acute toxicity data supporting lesser precautionary statements for the diluted product and alternate directions for the diluted product are indicated on the product label; and
- The statement: "Follow the directions for use on the pesticide label when applying this product."

Source: <a href="https://www.epa.gov/pesticide-labels/secondary-containers-and-service-containers-pesticides">https://www.epa.gov/pesticide-labels/secondary-containers-and-service-containers-pesticides</a>

#### Pesticides in Storage

- Maintain original label on container
- Recommend to copy the container label and maintain the copy for reference /junior operators/customers
- Specimen / Web labels/Revised labels might not be the same
- Make a plan for unused pesticide products
- Make a plan for unused excess pesticide mixtures
- EPA approved labels have the force of law

#### Label Statements

- Storage mandates/advisory statements
  - Example- "Store in cool, dry area" Example- "Keep out of reach..."
- Disposal mandates/advisory statements
  - Triple Rinse
  - Use or proper disposal of rinsate/excess pesticides
  - "Contact your State Pesticide or Environmental Control Agency for guidance"

Storage and Disposal

Do not contaminate water, food, or feed by storage or disposal. Pesticide Storage: Store above 10°F or warm and agitate before use to ensure any crystallization that may have occurred redissolves.

Pesticide Disposal: Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

Container Handling: Nonrefillable container. Do not reuse or refill this container.

Triple rinse or pressure rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Pressure rinse as follows: Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 psi for at least 30 seconds. Drain for 10 seconds after the flow begins to drip. Then offer for recycling if available, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

Disposal statement; from EPA Approved label for Vista XRT Herbicide, EPA Reg No 62719-586, collected April 22, 2022. For illustrative purpose only, always follow the label on the actual product container of the pesticide you are using.

#### Pesticide Disposal

- Read and Follow the label on the pesticide product container
- Look for storage/disposal sections on pesticide labels
- Properly rinse pesticide container for disposal or recycling dependent on label
- If possible, apply rinse water according to label directions
- Pesticide wastes are regulated/hazardous depending on composition of the waste generated
- Must be disposed of properly according to federal and state laws and regulations

#### Regulated vs Hazardous Waste

- Determine the unwanted pesticide is to be disposed of
- Determine status of the pesticide waste
- Is it simply regulated waste or is it hazardous waste

#### **DEEP Contacts**

- Contact DEEP COMPASS-Hazardous Waste Compliance Assistance Program (DEEP Hazardous Waste Program)
- Compliance assistance line (888-424-4193)
- DEEP SolidWaste: <u>DEEP.SolidWaste@ct.gov</u>
- DEEP HazWaste: <u>DEEP.RCRAHelp@ct.gov</u>
- Compliance assistance information
- Consultative services
- <a href="https://portal.ct.gov/DEEP/Waste-Management-and-Disposal/Hazardous-Waste/COMPASS">https://portal.ct.gov/DEEP/Waste-Management-and-Disposal/Hazardous-Waste/COMPASS</a>

#### Options for Pesticide Disposal

- 1. Household Hazardous Waste collection in local towns/cities for small pesticide application businesses
- Small Business Waste (ct.gov)
- Currently no "Clean Sweep" disposal plan for CT
- 2. Contact a chemical waste hauler company directly
- Transporters (ct.gov)
- 3. Contact NEDT (Sutton, MA) for disposal-calculate fee on website and you transport pesticides in your vehicle to Sutton, MA-Regional collection facility
- Hazardous Waste Services & Disposal for New England NEDT, Inc. (nedtinc.com)

#### Pesticide Environmental Stewardship

- Reference guide to pesticide disposal/storage and other pesticide information
- https://pesticidestewardship.org/
- Storage checklist/assessment/quiz

#### Reference Materials

- DEEP COMPASS information (phone number, emails, website)
- https://portal.ct.gov/DEEP/Waste-Management-and-Disposal/Hazardous-Waste/COMPASS
- Pesticide Environmental Stewardship (storage checklist, assessment/quiz)
- https://pesticidestewardship.org/storage/
- https://pesticidestewardship.org/disposal/
- Pesticide disposal
- Small Business Waste Small Business Waste (ct.gov)
- NEDT Hazardous Waste Services & Disposal for New England NEDT, Inc. (nedtinc.com)
- EPA Requirements for Pesticide Disposal | US EPA
- Hazardous Waste Collection companies Transporters (ct.gov)
- EPA container/containment Containers, Containment, Storage and Disposal of Pesticides | US EPA

#### DEEP Website

- Portal.CT.gov/deep-pmp
  - Guidance on eLicense protocols for all credentials
  - Links to How To videos
- Exam Study Materials
- Pertinent Statutes & Regulations
- Statute Clarification written instructions & records

# Department of Energy & Environmental Protection Bureau of Materials Management & Compliance Assurance

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