

# The Pesticide Applicator Report



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## State Regulations Update

We are expecting several major changes within the year to both the *Worker Protection Standard* and *Certification & Training Rule* (see more about these inside). We will delay our proposed state regulations until after both rules are finalized by the federal government--as they will likely require a change in our regulations.

## Pollinator Protection Update

The EPA has released a draft rule to require pesticide label changes for products that contain active ingredients that are classified as *acutely toxic to bees*. The label changes are aimed at protecting managed pollinators and would apply to:

- Liquid or dust formulations
- Foliar use directions for crops that utilize m pollination
- & that have acute contact toxicity  $LD_{50} < 11$  micrograms per bee

The public comment period for this was extended, so no final rule has been released yet. The draft rule, supporting documents, and comments received are available at: <http://www.regulations.gov> -- search for Docket 2014-0818

The proposed list contains 76 active ingredients, mostly insecticides. Additionally the EPA is working with States and Tribes to develop State Managed Pollinator Protection Plans (MP3s) which will further mitigate risk to pollinators in the state. Vermont is gathering a list of stakeholders to participate in this process.

If you would like to be notified of the Vermont MP3, please email Jenn Lavalley: [Jenn.LaValley@vermont.gov](mailto:Jenn.LaValley@vermont.gov)

Questions or comments regarding this newsletter?

Please contact **Linda Boccuzzo** at the Agency of Agriculture at 802-828-6417 or email [linda.boccuzzo@vermont.gov](mailto:linda.boccuzzo@vermont.gov)

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## Worker Protection Standard—A

review & expected changes ...*Doug Johnstone & Anne MacMillan*

**REI, PPE, WPS, VAAFM, EPA.** Acronyms can be very confusing and even frustrating, especially when we forget what they mean.

These acronyms all relate to the Worker Protection Standard (**WPS**), a regulation that was issued by the United States Environmental Protection Agency (**EPA**) in 1992. It has been amended a few times since then, and was just finalized on September 28<sup>th</sup> 2015. However, the concepts of the WPS remain the same. It is a regulation that pertains specifically to the use of pesticides in the production of **agricultural plants on farms, forests, nurseries and in greenhouses**. These pesticides are referred to as **agricultural pesticides** when they are applied to agricultural plants. These are plants (or any part) grown or maintained for commercial or research purposes and include plants for food, feed, fiber, trees, sod, flowers, shrubs, ornamentals and seedlings. While there are exemptions, it is important to understand that if someone is using pesticides on agricultural plants the WPS will need to be followed and only properly labeled, WPS-compliant pesticides may be used. That is, any pesticide used on these agricultural plants must have the *Agricultural Use* section on the label.

### *Example Agricultural Use Requirement section*

<p style="text-align: center;"><b>AGRICULTURAL USE REQUIREMENTS</b></p> <p>Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted entry intervals. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard. Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 12 hours.</p> <p>PPE that is required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated such as plants, soil or water, is coveralls over long-sleeved shirt and long pants, socks and shoes and chemical-resistant gloves made of any waterproof material such as polyethylene or polyvinyl chloride and protective eyewear.</p>
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The WPS starts at an **agricultural establishment** or place where an **employer** grows or maintains agricultural plants using agricultural pesticides. Currently there are four major requirements of the employer, and they are (1) Information exchange (hazard communication); (2) Worker and/or handler training; (3) Decontamination, and (4) Notification. These are generally described below.

First, any time a pesticide is used at the

establishment information about that application, including treated area location; product name; EPA registration number; active ingredients; date and time of application and the Restricted Entry Interval, or **REI**, must be recorded at the information center. This information must remain up for thirty (30) days after the expiration of the REI, although it may remain longer.

Second, all persons involved with the application, including mixing and loading; application; disposal or any activity that occurs within the treated area must be trained as a **WPS handler**. Vermont certification as a private, commercial or non-commercial pesticide applicator is exempt from this WPS training requirement. Currently anyone entering the treated area to perform worker tasks within thirty (30) days after the expiration of the REI must be trained as a **WPS worker**, and this must occur within five (5) days of working within a treated area. Also, handlers and workers must receive training every five (5) years, and handler training can only be administered by certified applicators or certified trainers, while worker training can be administered by handlers. *Annual training requirements are a part of the new rule.*

Third, decontamination supplies, or soap; adequate water; disposable towels and a change of clothes must be provided and available to handlers during the application, (not within the treated area unless in a completely enclosed area). Decontamination supplies or soap, adequate water and disposable towels must be provided to workers for 30 days after the REI when working in a treated area.

Finally, employers must notify all employees, either orally or using posted signs, about pesticide applications made to treated areas and inform employees not to enter until the expiration of the REI.

WPS includes other requirements, such as information exchange between commercial applicators and employers about treated areas; protection of crop advisors; emergency assistance by an employer if a worker or handler becomes injured as a result of pesticide exposure and providing and maintaining all Personal Protective Equipment (**PPE**) that is required by the pesticide label. There are special application restrictions

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when applying pesticides in nurseries or greenhouses and there are early-entry restrictions as well. All of these regulations are designed to reduce the risk of pesticide exposures and protect handlers and workers from pesticide-related injury.

To recap, if you are an employer at an agricultural establishment you will need to comply with the WPS if agricultural pesticides are applied to agricultural plants. Make sure anyone involved with the application process is a trained handler, if not already a certified applicator. Train all workers that may perform worker tasks within treated areas. Provide decontamination supplies to handlers and workers as required. Maintain an information center

that informs employees about applications and notify your employees either orally or by posting about treated areas and REI's. As a certified commercial applicator applying for hire you need to train and protect your handlers, as well as provide certain information to the establishment owner so that they can protect their employees.

Staff from the Ag Resource Management Division of Vermont Agency of Agriculture, Food and Markets (VAAFMM) can assist the employer or commercial applicator to figure out how to comply with the WPS. See contact information on page 8.

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**Changes to the WPS**—The Final Rule for Agricultural Worker Protection Standard was released *just (I mean within hours)* of this newsletter going to print. The pre-publication version of the Rule can be found on the EPA's website and will be posted to Federal Register within a few weeks. There will be an implementation time frame of about 14 months for most changes to the Rule. More information will follow in the coming year, so that Vermont growers can continue to be in compliance and continue to protect their agricultural workers.

Major changes to the Agricultural WPS regulation:
• Annual mandatory training to inform farmworkers on the required protections. This increases the likelihood that protections will be followed. Currently, training is only once every 5 years.
• Expanded training includes instructions to reduce take-home exposure from pesticides on work clothing and other safety topics.
• First-time ever minimum age requirement: Children under 18 are prohibited from handling pesticides.
• Expanded mandatory posting of no-entry signs for the most hazardous pesticides. The signs prohibit entry into pesticide-treated fields until residues decline to a safe level.
• New no-entry application-exclusion zones up to 100 feet surrounding pesticide application equipment will protect workers and others from exposure to pesticide overspray.
• Requirement to provide more than one way for farmworkers and their representatives to gain access to pesticide application information and safety data sheets – centrally-posted, or by requesting records.
• Mandatory record-keeping to improve states' ability to follow up on pesticide violations and enforce compliance. Records of application-specific pesticide information, as well as farmworker training, must be kept for two years.
• Anti-retaliation provisions are comparable to Department of Labor's (DOL's).
• Changes in personal protective equipment will be consistent with the DOL's Occupational Safety & Health Administration standards for ensuring respirators are effective, including fit test, medical evaluation and training.
• Specific amounts of water to be used for routine washing, emergency eye flushing and other decontamination, including eye wash systems for handlers at pesticide mixing/loading sites.
• Continue the exemption for farm owners and their immediate family with an expanded definition of immediate family.



(taken from EPA Fact sheet, posted 9/28/2015)

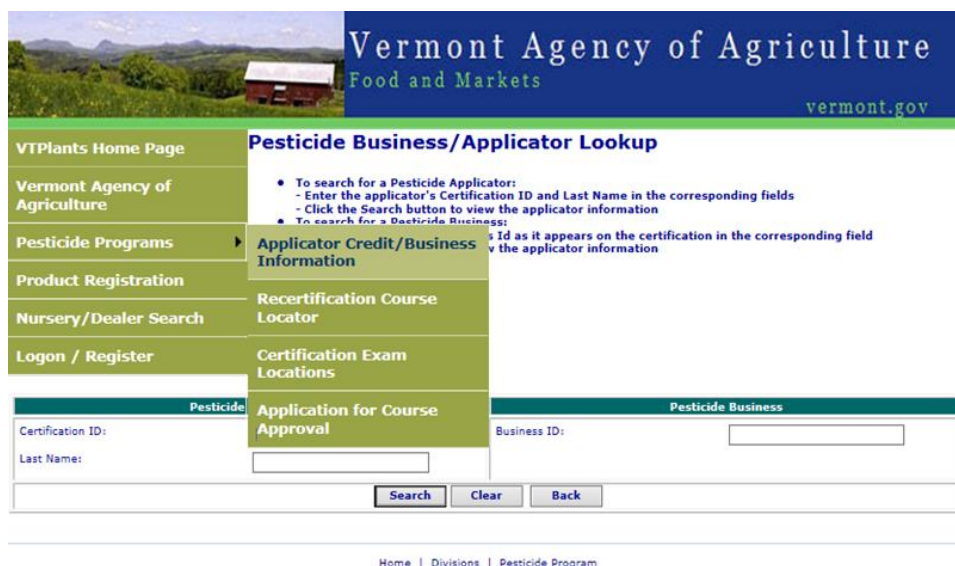
## Agency Updates

*Email changes:* State e-mail addresses are changing. As of late August 2015, the domain name for all Agency of Agriculture staff changed. The first part of all of our addresses will remain the same, but now end with @vermont.gov For a limited time, emails will still go to @state.vt.us, but update your address books soon.

*Where do you stand?* Ever want to check and see if your certificate is up-to-date? How many credits you need? Now you can---a new module allows you to do just that. All you need is the *last four digits* of your certificate number and your last name and head to <https://usaplants.vermont.gov/USAPlants/Index.aspx>

Click on **Pesticide Programs** & then **Applicator Credit/Business Information**. Enter the information requested and click Submit. There's no need to register. Credits are entered & updated in the system monthly.

### USAPlantsPage:



Vermont Agency of Agriculture  
Food and Markets  
vermont.gov

VTPlants Home Page  
Vermont Agency of Agriculture  
Pesticide Programs  
Product Registration  
Nursery/Dealer Search  
Logon / Register

**Pesticide Business/Applicator Lookup**

- To search for a Pesticide Applicator:
  - Enter the applicator's Certification ID and Last Name in the corresponding fields
  - Click the Search button to view the applicator information
- To search for a Pesticide Business:
  - Enter the Business ID as it appears on the certification in the corresponding field
  - Click the Search button to view the applicator information

Application for Course Approval

Recertification Course Locator

Certification Exam Locations

Pesticide Business

Certification ID:  
Last Name:

Business ID:

Search Clear Back

Home | Divisions | Pesticide Program



### **Increased Security Measures at 116 State St.**

As some of you have found out the hard way... the doors at the Agency of Agriculture building in Montpelier are now locked. If you plan to visit, please call or email us ahead of time. When you arrive, press the buzzer by the front door and let them know who you are and who you are planning to meet-we will have added your to the entry list.

As a result of this--all test takers at the Montpelier site *must* be registered by the Friday before the exam.

### **Did you know?**



Archived and on-line editions of the Pesticide Applicator Reports are available on the Agency web page under the Pesticide Regulation section on the Training & Recertification page.

<http://agriculture.vermont.gov/>



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# Vermont Pesticide Classes-Applicator Matrix

The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) classifies pesticide products as either restricted use or general use. Restricted use pesticides can only be bought and used by certified applicators, or by persons working under *direct supervision* of a certified applicator. States can restrict additional pesticides- and Vermont does.

Below is a review of Vermont classification of pesticides and applicator types.



## ***What classes of pesticides are there in Vermont?***

In Vermont pesticides may be classified as A, B, or C.

### ▪ ***Class A pesticides (Restricted Use)***

Class A pesticides are also called restricted-use pesticides (RUPs). Certified applicators can only purchase these products from Class A pesticide dealers. Both the EPA and Vermont can classify a pesticide as an RUP. If the EPA classifies a product as an RUP, then the state must too. All EPA-restricted pesticides have “Restricted Use Pesticide” at the top of the label.

Pesticide products that are restricted by the state do NOT have this on the label and products have to be checked using the Appendix A2 or online product databases (see links a bit further down).

Additionally, some Class A products additionally require a permit (*i.e.*, those required in statute, mercury-containing compounds, aquatic pesticides)

### ▪ ***Class B pesticides (Controlled Sale)***

Class B pesticides may be bought and used by anyone- however there are increased restrictions on who may sell them. Class B products are generally pesticide products for use outside of the home and contain more than 3% total active ingredient, or turf care products. Only licensed Class A and B dealers may sell Class B products. Some exceptions to this include *Bt* products and swimming pool chemicals. People that sell Class A or B pesticides at retail

locations must pass a pesticide dealer license exam.

### ▪ ***Class C pesticides (Homeowner)***

Class C products may be bought and used by anyone. They may be sold at any location that has a Class C/Retail license with the Agency. Class A and B dealers may also sell Class C products.

## ***What’s a Minimum Risk Pesticide?***

Minimum Risk pesticides are commonly called 25b products. They are pesticide products that are exempt from federal pesticide registration. They are called minimum risk products because they contain only active and inert ingredients from EPA specified lists. Although exempt from federal registration, products that make pesticide claims are *required* to be registered in Vermont. These products do not bear an EPA registration number. These products may be classified as “A”, “B” or “C”. For more information on minimum risk product definitions and requirements:

<http://www2.epa.gov/minimum-risk-pesticides/minimum-risk-pesticide-definition-and-product-confirmation>

## ***How to find what classification and registration status of a product I am using in Vermont?***

There are a few ways. You can use the Appendix A2 to determine if a pesticide is restricted use (class A & if it needs a permit). If it is not listed in the Appendix A2, it may still be Class B pesticide, so remember to check that definition!

Copies of the Appendix A2 can be downloaded from our web site on the Dealer & Applicator Resources page.

There are also two searchable databases you can also check. USAPlants database: Tells you the Vermont registration status and Vermont classification (A, B or C).

<https://usaplants.vermont.gov/USAPlants/ProductRegFSA/BrandSearch.aspx>

Kelly Registration Systems tells you registration status, formulation type and links to EPA information. It will also indicate if a general or

restricted use product (Caution—it does NOT tell you if it's a Class B product!)  
<http://www.kellysolutions.com/VT/pesticideindex.htm>

***What does the State look at before classifying a pesticide as an RUP?***

Although the EPA may not have classified a product as Class A, a state may. Vermont, as do most other states, review state-specific factors before restricting a pesticide that the EPA has not:

- *toxicological profile*-acute, sub chronic and chronic effects,
- *environmental profile*-aquatic and wildlife effects,
- *physical hazards*-potential for fire, explosion and reactivity,
- *potential for ground & surface water contamination*,
- *potential for misuse*,
- container construction and size, and
- *products that require special training*-i.e., fumigants

***What type of certificate do I need for using pesticides?***

Persons applying **Class A** (restricted use) pesticides

*Most frequent category types in Vermont:*

Vermont category	Approximate number of applicators with that certification <sup>a</sup>
<b>Private applicators</b>	<b>600</b>
3B - Turf Pest Control	300
7A - General (Structural) Pest Control	250
3A - Ornamental and Shade Tree Pest Control	200
7C - Food Processing Pest Control	200
10 - Research, Demonstration & Sales	150
1A - Agricultural Plant	150
6 - Right of Way Vegetation Management	130
2 - Forest Pest Control	125
5 - Aquatic Pest Control	75
7B - Mosquito and Biting Fly	50
7E - Cooling Tower/Antimicrobial	35
7D - Wood Preservation	20
11 - Aerial	15
<sup>a</sup> Category specific applicators include commercial, non-commercial and government applicators. Private applicators do not have categories.	

on property owned by them or on land rented by them for the production of agricultural commodities need to be certified as a *Private Applicator*.

Persons using **Class A and/or B**, in the course of their employment on their employer's property (i.e. golf courses, or on-site pest control) need to be certified as a *Non-commercial applicators* (or Government, if your employer is a municipality, federal or state entity).

Persons using **any** class of pesticides (A, B, and/or C) on the lands or homes of another, whether for money or for free, as part of their business must be certified as a *Commercial Applicator*.

***Does a homeowner have to follow the label?***

Yes! All applicators, even homeowners, are responsible for compliance with the pesticide label. We do investigate complaints about homeowner misuse, and may increase the classification of a product if it appears to be problematic.

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## *EPA's Certification & Training Rule Update comment period open!*

The last major change to the federal C&T rule was in 1974. Since then many states have changed their own rule. In an effort to strengthen the federal rule and create uniformity among the states, the EPA has just proposed a new C&T rule (in a short 280 page document!). If the rule is accepted as proposed, key changes in Vermont would be:

- 3-year recertification cycle (with fewer credits per category required than the current 5-year cycle).
- Maintaining credits in CORE category for all applicators.
- Minimum age requirement of 18 for all applicators.
- Required categories for both private & commercial applicators who treat in soil and non-soil fumigation.

For more information and how to comment:

<http://www.regulations.gov> and search for docket 2011-0183. The initial comment period closes November 23, 2015

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## Common problems seen in the Plant Diagnostic Clinic in the 2015 growing season



### *Ann Hazelrigg-UVM Plant Diagnostic Clinic*

One of the first problems noted in the spring was the amount of winter damage seen on various hardwood and evergreen trees and shrubs. A lot of evergreens showed browning from winter desiccation damage around the state. When the ground is frozen, these plants still lose moisture from their foliage so the needles turn brown. I also saw a surprising amount of damage in apple trees, which are typically hardy to low temperatures. The damage did not necessarily kill the trees but there were lots of canker diseases (*Nectria* and *Botryosphaeria*) that had moved in on the winter-damaged tissue. We also saw a lack of fruit in some plantings of grapes and blueberries due to late frosts during bloom. June was extremely wet and I

thought diseases would just explode, but it really was not the case. We saw the normal leaf spot diseases on tomato (*Alternaria* and *Septoria*) and late blight showed up in a potato field in Hinesburg in early July. This disease does not overwinter in Vermont but blows in on storm fronts or can show up on potatoes that were infected last year and then used as seed. I suspect that may have been the case in the July diagnosis since there was not a lot of incidence of the disease until about a month later in both tomato and potato. This is an aggressive disease that can rapidly wipe out crops if the weather is rainy or there is high humidity and no fungicides are used.

We also found downy mildew on basil near the end of July. This disease also blows in or can be on seeds. This is a fairly new pathogen for our area but since it showed up in 2008, we have seen it every summer. Once your basil is infected, there is not much to do, so we recommend making all your pesto early in the summer before the infection shows up! There are high populations of spotted wing drosophila (SWD), another relatively new insect pest, showing up now in late summer raspberries and blueberries. Although not typically a problem in strawberries, (since the populations do not typically build up that early in the season), we did see it in day neutral strawberries that are produced later in the season. This small fruit fly lays eggs in ripening fruit and turns it into mush very quickly. You can use a salt test to see if your fruit is infested:

[http://entomology.osu.edu/welty/pdf/ProtocolSWD\\_larvae24April.pdf](http://entomology.osu.edu/welty/pdf/ProtocolSWD_larvae24April.pdf).

Commercial growers may need to apply insecticides to avoid this pest, but for home gardeners with small plantings, using a small mesh netting with no gaps before ripening may be the best way to keep berries clean. The hot dry weather in August and September seemed to slow down a lot of disease and pest problems, but be sure to watch for ticks in October as you are cleaning up your fields and gardens!

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## Contacts

Field Staff		Phone number	Email address
Bethany Creaser	Field Agent NE	802-793-1628	Bethany.Creaser@vermont.gov
Dominique Golliot	Field Agent SW	802-793-2167	Dominique.Golliot@vermont.gov
Doug Johnstone	Field Agent SE	802-793-2547	Doug.Johnstone@vermont.gov
David Tremblay	Field Agent NW	802-793-2517	David.Tremblay@vermont.gov

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Montpelier Staff			
Linda Boccuzzo	Certification & Training	802-828-6417	Linda.Boccuzzo@vermont.gov
Jeff Comstock	Soil Scientist	802-828-3473	Jeff.Comstock@vermont.gov
Cary Giguere	Program Manager	802-828-6531	Cary.Giguere@vermont.gov
Anne Macmillan	Toxicologist, WPS	802-828-3479	Anne.Macmillan@vermont.gov
Wendy Houston-Anderson	Enforcement Coordinator	802-828-3475	Wendy.Houston-Anderson@vermont.gov
Matt Wood	Field Supervisor	802-828-3482	Matthew.Wood@vermont.gov

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Plant Diagnostic Clinic-UVM			
Ann Hazelrigg	UVM Extension	802-656-0493	Ann.Hazelrigg@uvm.edu

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***Congratulations to Ann Hazelrigg for getting her PhD in Plant & Soil Sciences this Spring!***



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## ***Home Study Quiz 1 – Worker Protection Standard, Current & Proposed***

The following questions refer to the article on pages 2-3. Fill out the information on the back of this completed quiz and mail it to the Vermont Agency of Agriculture to receive (1) one pesticide recertification credit.

1. The overall goal of the WPS is to \_\_\_\_\_ the risk of \_\_\_\_\_ and protect \_\_\_\_\_ from \_\_\_\_\_.

2. What differentiates a WPS worker from a WPS handler?

3. What four (4) industries/sites does the WPS apply to?

4. List the four (4) major components of the WPS regulation and provide an example of each.

5. If you are treating a site that must comply with the WPS, what additional heading (section) ***MUST*** be on the pesticide label that you are using?

6. An organic farm that only uses VT Class B or C products does not need to comply with the WPS.

True or False?

7. What does each acronym stand for? And what does it mean?

**REI:** R \_\_\_\_\_ E \_\_\_\_\_ I \_\_\_\_\_

*Means:*

**PPE:** P \_\_\_\_\_ P \_\_\_\_\_ E \_\_\_\_\_

*Means:*

**WPS:** W \_\_\_\_\_ P \_\_\_\_\_ S \_\_\_\_\_

*Means:*

8. Under current WPS rules, how often must workers and handlers be trained?

9. Under the new WPS rules, how often must workers and handlers be trained?

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The following information is required. Mail the completed quiz to the Vermont Agency of Agriculture to receive one (1) pesticide recertification credit.

Name:		
Certificate #:		Please check: <input type="checkbox"/> Commercial <input type="checkbox"/> Non-Commercial <input type="checkbox"/> Government <input type="checkbox"/> Private
Street Address:		
City/State/Zip		
Company/Farm:		
Signature:	Date:	
Email address (optional):		

Mail to:

Vermont Agency of Agriculture, Food & Markets  
**Attn: Linda Boccuzzo**  
116 State Street  
Montpelier, VT 05620-2901

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## ***Home Study Quiz 2 – Pesticide Classification/Applicator types***

The following questions refer to the article on pages 5-6. Fill out the information on the back of this completed quiz and mail it to the Vermont Agency of Agriculture to receive (1) one pesticide recertification credit.

1. A product has an EPA registration number, but does not have “Restricted Use Pesticide” on the front of the label. Can you tell if it is a restricted use pesticide in Vermont? Why or why not?
  
2. A pesticide product is labeled as a “Restricted Use Pesticide”. In Vermont, what class of pesticide is this?
  - a. Class A
  - b. Class B
  - c. Class C
  - d. 25b
  
3. In Vermont, who can sell
  - a. Class A pesticides? \_\_\_\_\_
  - b. Class B pesticides? \_\_\_\_\_
  - c. Class C pesticides? \_\_\_\_\_
  
4. In Vermont someone growing an agricultural commodity on their own land is using only Class B and C pesticides, do they need to be a certified applicator?
  
5. Do they need to follow the WPS statement on the label?
  
6. An employee of a store is tasked with weed control around the store parking lot. What class of pesticide must the employee be using if they do not want to become a certified applicator?
  - a. Class A
  - b. Class B
  - c. Class C
  - d. 25b
  
7. If the employee ends up using a product that does require them to be certified, what type certification would the employee need to become?
  
8. An applicator is certified in category 3B turf, and wants to treat some ornamental trees on a customer’s property. What type of applicator must the applicator be to do this?
  - a. Non-commercial
  - b. Commercial
  - c. Private
  - d. Government
  
9. What category would the applicator need to add to their certificate?

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# Pesticide Applicator Report

Vermont Agency of Agriculture, Food & Markets  
Agriculture Resource Management Division  
116 State Street  
Montpelier, VT 05620-2901

«Name»  
«Address1»  
«Address2»  
«City», «StateCode» «ZipCode»

Name:		
Certificate #:		Please check: <input type="checkbox"/> Commercial <input type="checkbox"/> Non-Commercial <input type="checkbox"/> Government <input type="checkbox"/> Private
Street Address:		
City/State/Zip		
Company/Farm:		
Signature:		Date:
Email address (optional):		