



CTAG

Certification & Training Assessment Group — National Partnerships for Safe & Effective Pesticide Management through Education, Training & Competency Assessment

From: Andrew A. Thostenson [andrew.thostenson@ndsu.edu]
Sent: Monday, June 26, 2006 10:24 AM
To: Fish, Gary--Maine Board of Pesticides Control
Cc: CTAG Board

Subject: Slimming Down the Number of Pesticide Categories Discussion at the Albuquerque, NM CTAG Meeting

We spent about an hour thrashing about on the above topic at CTAG. We came to the following conclusions:

There is a prevailing view, that some states have too many categories. However, those states are looking at consolidation and severely restricting new categories for no other reason than it is becoming too costly and otherwise burdensome to manage. (Based on your previous e-mail, you are in good company.)

CTAG believes that states will naturally move towards consolidation for the above reason. In addition, EPA appreciates this problem, and it is trying to define a standard set of categories as part of the C&T / WPS regulation changes. At the same time, it MAY try to regulate out some uses from the C&T regulations. An example MIGHT be exempting out C&T requirements for anti-microbial products as long as they are being used by appropriate medical professionals.

In the meanwhile, I urge you to consider developing state law, regulation, or policy that can exempt out those uses which you do not deem essential, redundant, or too narrow for you to regulate under your own C&T laws. Listed below is some language some states have used to do this. I know we are going to look at this very hard in ND when we go to our legislature in the spring of 2007.

Finally, there will be a PREP course in September dealing with these issues. My advice is to get a hold of an invitation and try mighty hard to get a slot at this PREP as they will be working through this matter then.

http://www.prep-gov.net/current/06worker_safety.htm

Cheers,

Andrew,
CTAG Chair

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Andrew A. Thostenson

From: Tucker, Margaret (AGR) [MTucker@agr.wa.gov]
Sent: Friday, June 09, 2006 6:30 PM
To: 'Andrew.Thostenson@ndsu.edu'; 'paul.liemandt@state.mn.us'
Subject: Commercial Applicator exemptions

Andrew and Paul,

Good to see you all earlier this week. Thanks for making me part of your meeting. Minus getting stuck in the airport, the trip was very productive and informative.

Below is the wording regarding Washington's Commercial Applicator exemption. Subsection 4 is the one I specifically mentioned. To view the entire Washington Pesticide Application Act, you can go to <http://apps.leg.wa.gov/RCW/default.aspx?cite=17.21>.

Please let me know if you have any questions.

Warm regards,

Margaret Tucker
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RCW 17.21.200

Commercial pesticide applicator license - Exemptions.

The provisions of this chapter relating to commercial pesticide applicator licenses and requirements for their issuance shall not apply to:

- (1) Any forest landowner, or his or her employees, applying pesticides with ground apparatus or manually, on his or her own lands or any lands or rights of way under his or her control; or
- (2) Any farmer owner of ground apparatus applying pesticides for himself or herself or if applied on an occasional basis not amounting to a principal or regular occupation without compensation other than trading of personal services between producers of agricultural commodities on the land of another person; or
- (3) Any grounds maintenance person conducting grounds maintenance on an occasional basis not amounting to a regular occupation; or
- (4) Persons who apply pesticides as an incidental part of their business, such as dog grooming services or such other businesses as shall be identified by the director.

However, persons exempt under this section shall not use restricted use pesticides and shall not advertise or publicly hold themselves out as pesticide applicators.

Andrew A. Thostenson

From: Devaux.Michelle@epamail.epa.gov
Sent: Tuesday, June 13, 2006 11:31 AM
To: Andrew.Thostenson@ndsu.edu; Devaux.Michelle@epamail.epa.gov; BigAIAHM@nycap.rr.com; ariherrett@aol.com; ramsay@wsu.edu; 'Dean Herzfeld'; 'Fitzner, Michael'; 'Gina Davis'; 'Henry Ghiotto'; Neylan.John@epamail.epa.gov; jpeterson@azda.gov; jfults@oda.state.or.us; Gettle.Jeanne@epamail.epa.gov; jparochetti@CSREES.USDA.GOV; kdicator@vdacs.state.va.us; 'Kerry Richards'; Keaney.Kevin@epamail.epa.gov; paul.liemandt@state.mn.us; Pont.Richard@epamail.epa.gov; tdrake@clemson.edu; tim.drake@mindspring.com
Subject: CTAG: Comparison of Categories

Hello CTAG,

See the message below from Carol with follow-up from the meeting.

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----- Forwarded by Michelle Devaux/DC/USEPA/US on 06/13/2006 11:45 AM

"Ramsay, Carol"
<ramsay@wsu.edu>

To
06/13/2006 11:44 AM Michelle Devaux/DC/USEPA/US@EPA
cc

Subject
CTAG post meeting

Michelle please send this to the CTAG group. I am not at the office and do not have access to my CTAG email list..

During the CTAG meeting, I mentioned a spreadsheet we are using in the west to compare our categories. It really only includes those associated with Federal categories, or some major non-epa categories.

We did not catalog all categories, like birds on bridges that really are state specific.

<http://pep.wsu.edu/wrpm/grant/WS%20Fed%20Categories.pdf>

REgards,
Carol

Andrew A. Thostenson

From: Tim Drake [tdrake@CLEMSON.EDU]
Sent: Thursday, June 15, 2006 12:11 PM
To: andrew.thostenson@ndsu.edu; MTucker@agr.wa.gov
Subject: Exclusionary language in the SC Regulations

Andrew and Margaret,

Following is some of the exclusionary language in our *Rules and Regulations for the Enforcement of the SC Pesticide Control Act*. These are all that I could find right off hand. If I run across any more, I'll send them. If you should need any more detail, just let me know.

Regards,
 Tim

Under Section 27-1070 J, Performing Public Health control (commercial):

- 1) "The use of EPA-registered disinfectants for ordinary or disaster-recovery cleaning purposes is not a public health pest control activity regulated by this Section."
- 2) "The installation of animal traps in or around privately-owned structures for the control of vertebrate pests of public health significance (e.g., rats and mice) is not a public health pest control activity regulated by this Section."
- 4) "The installation of ultraviolet flying insect traps, air curtains, screens, and similar devices is not a public health pest control activity regulated by this section unless the devices emit or employ pesticides or public health protection claims are made."

Under Section 27-1070 K, Performing Turf and Ornamental Pest Control (commercial):

- 1) "The application of pesticides to ornamental plants in a greenhouse or nursery is not a turf and ornamental pest control activity regulated by this section."
- 2) "The installation of irrigation systems and similar devices, including chemigation systems, is not a turf and ornamental pest control activity regulated by this Section."
- 3) "The application of Fertilizers not mixed with pesticides or herbicides is not a turf and ornamental pest control activity regulated by this section, nor is the spray or broadcast application of grass seed, mulch, or mixtures not containing materials registered as pesticides or for which pesticidal claims are made."

Under Section 27-1070 L, Performing aquatic Pest Control (commercial):

- 1) "The application of pesticides to ornamental aquatic plants in a greenhouse or nursery is not an aquatic pest control activity regulated under this section."
- 2) "The installation of aeration systems and similar devices or the use of mechanical harvesters to remove vegetation is not an aquatic pest control activity regulated under this section."

- 3) "The application of fertilizers not mixed with pesticides or herbicides is not an aquatic pest control activity regulated under this Section, nor is the use of dyes to suppress the growth of aquatic vegetation."
- 4) "The installation of devices to exclude, prevent, destroy, repel or otherwise mitigate aquatic pest animals is not an aquatic pest control activity regulated under this section."

Under Section 27-1080, Exemptions from the Requirement of a License and of Certification:

- A. "Doctors of veterinary medicine applying pesticides to animals during the normal course of their practice are exempt from the requirements of certification and licensing provided that they are not regularly engaged in the business of applying pesticides for hire as their principal or regular occupation."
- B. "Medical personnel (both private and government) applying pesticides to man during the normal course of medical practice are exempt from the requirements of certification and licensing."

Andrew A. Thostenson

From: Kathleen Dictor [Kathleen.Dictor@vdacs.virginia.gov]
Sent: Monday, June 19, 2006 3:10 PM
To: athosten@ndsuxt.nodak.edu
Subject: Opt-out regulatory language

Andrew,

I'm still catching up with my notes from the meeting. Here are sections of the VA Pesticide Control Act that remove certain worker groups from needing to be certified:

§ 3.1-249.53. Agencies or persons exempt or partially exempt....

C. The provisions of this article, except those contained in subsection A of § 3.1-249.56, shall not apply to (i) persons conducting laboratory research involving restricted use pesticides; (ii) doctors of medicine or doctors of veterinary medicine applying pesticides as drugs or medication, or to control pests in corpses during the normal course of their practice; (iii) providers of janitorial, cleaning, or sanitizing services if the providers use no pesticides other than nonrestricted use sanitizers, disinfectants, and germicides; (iv) persons who apply paints containing pesticides, provided that the pesticides in the paints are not restricted use pesticides; (v) classes of persons, specified by regulations of the Board, who, by virtue of their experience and knowledge regarding the safe use of pesticides, can use or supervise the use of pesticides with minimal risk to the public health and safety; and (vi) classes of persons, specified by regulations of the Board, whose use or supervision of the use of pesticides, by virtue of the nature of the pesticides used or method of application of the pesticides, can be accomplished with minimal risk to the public health and safety.

D. A painter who applies restricted-use marine antifoulent paint only under the direct, on-site supervision of a commercial applicator, is not required to be a commercial applicator or a registered technician. For the purposes of this subsection, one commercial applicator shall provide on-site supervision for no more than eight paint applicators.

E. Neither the provisions of subsection A of § 3.1-249.52 nor regulations adopted pursuant to this chapter shall require the certification of any person as a commercial applicator who, as part of his job duties only on property owned or leased by his employer, uses or supervises the use of any pesticide that is not a restricted use pesticide. However, this exemption does not apply to (i) any person who uses or supervises the use of any pesticide on any area open to the general public at the following establishments: educational institutions, health care facilities, day-care facilities, and convalescent facilities; (ii) any person who uses or supervises the use of any pesticide within any area where open food is stored, processed or sold at any establishment; (iii) any person who uses or supervises the use of any pesticide on any recreational land over five acres in size; and (iv) any person otherwise specifically required by this article to be certified as a commercial applicator.

The following is the simpler language included in our certification regulations (pursuant to the above sections):

2VAC20-51-60. Persons exempt from certification.

The following persons are exempt from certification:

1. Persons conducting laboratory research involving restricted use pesticides;
2. Doctors of medicine or doctors of veterinary medicine applying pesticides as drugs or medication during the course of their practice, or to control pests in corpses;

3. Persons who use or supervise the use of nonrestricted use pesticides as part of their duties only on properties owned or leased by their employers, except those persons identified in 2VAC20-51-20 B;
4. Persons who provide janitorial or cleaning services using nonrestricted use sanitizers, disinfectants, and germicides;
5. Painters who apply restricted use marine antifoulant paint under the direct supervision of a commercial applicator. One commercial applicator shall be present for every eight painters;
6. Forestry applicators standing on the ground who apply general use herbicides for forest vegetation control and tree thinning under the direct on-site supervision of a commercial applicator. One commercial applicator shall be present for every eight forestry applicators and be within voice contact of and no more than 200 feet from such applicators; and
7. Individuals engaged in the training required for certification while under the direct on-site supervision of a certified applicator.

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