COLORADO DEPARTMENT OF AGRICULTURE

LAWS & REGULATIONS

• Rule Changes: CDA has recently completed Pesticide Applicator Act (PAA) rule changes. These changes are simply clarification of existing rules.
• The rule changes will be effective November 30, 2010
• The rule changes are as follows:

LAWS & REGULATIONS

Proposed PAA Rule Changes – these slides show only the changes

Part 1. Definition and Construction of Terms.

[f]"Pasture" means land which is managed primarily for the production of forage for domestic livestock. Pasture typically receives intensive renovation and/or cultural treatments, such as tillage, fertilization, mowing, irrigation and weed control.

LAWS & REGULATIONS

Proposed PAA Rule Changes – these slides show only the changes

Part 5. Technician Training.

Subpart A General

5.2 Scope of part 5.

(c) (1) A person must be trained technician or must be training to be a technician if said person uses, sells, or recommends a restricted use pesticide while under the on site supervision of a qualified supervisor.

(2) A person must be training to be a technician to sell or recommend a restricted use pesticide while under the on site supervision of a qualified supervisor.

(3) A person must be a trained technician to sell or recommend a restricted use pesticide while under the supervision of a qualified supervisor.

LAWS & REGULATIONS

Proposed PAA Rule Changes – these slides show only changes


(f) Forest Pest Control: the application of pesticides in forests, forest nurseries, forest seed producing areas managed for the production of timber and other forest products or maintained as wood vegetation for such indirect benefits as protection of catchment areas or public recreation, including windbreaks and downed timber. For applications in forested areas that are within 10 feet of a residential or commercial structure, an applicator must also hold the ornamental pest control category in accordance with Part 9 of these rules and comply with all of the posting and notification requirements in section 35-10-112, C.R.S., of the Pesticide Applicators’ Act. This additional certification in the ornamental pest control category shall not apply to aerial applications or ground applications made by federal, state, or local governments on property they own.
Part 8. Agricultural Applicators

(g) Rangeland Pest Control: the application of pesticides to rangeland. The application of pesticides to land which is not managed for turf, pasture or forest on which the vegetation is predominantly native plant species or introduced species managed as native species such as grasses, grass-like plants, forbs or shrubs, rangelands include but are not limited to intermixed grasslands, shrublands, grasslands, forests and meadows. For applications performed in rangeland areas that come within fifty (50) feet of a residential or commercial structure, an applicator must also hold the turf pest control category in accordance with Part 9 of these rules and comply with all of the posting and notification requirements in section 35-10-112, C.R.S., of the Pesticide Applicators’ Act. This additional certification in the ornamental pest control category shall not apply to aerial applicators or ground applications made by federal, state, or local governments on property they own.

(i) Industrial and Right-of-Way Weed Control: the application of pesticides to maintain public and private roads, sidewalks, trails, paths, electrical power utility lines, railway rights-of-way, construction and maintenance of parking lots, drilling rigs, substations, open irrigation and drainage structures or similar areas and adjacent land within right of ways associated with such areas for the purpose of establishing or maintaining definable cover or bare ground.

Part 15. Enforcement.

15.04. A QUALIFIED SUPERVISOR, CERTIFIED OPERATOR OR PRIVATE APPLICATOR SHALL NOT USE OR SUPERVISE THE USE OF A RESTRICTED USE PESTICIDE IN ANY CATEGORY OF LICENSURE THE PERSON DOES NOT HOLD.

FUMIGATION MANAGEMENT PLANS

Reminder That The Use Of Fumigants Requires The User, Including Private Applicators (Farmers & Ranchers) To Have A Fumigation Management Plan In Place Prior To The Application
RULES AND REGULATIONS

• FUMIGATION MANAGEMENT PLANS (FMP)
  — Soil fumigation - what categories?
    • Category 101 – Agricultural Insect Control
    • Category 102 – Agricultural Plant Disease Control
    • Category 103 – Agricultural Weed Control
    • Private Applicators

• Fumigation Pesticide Examples: (This List Is Not All Inclusive)
  — Aluminum Phosphide
  — Methyl Bromide
  — Vapam
  — Metam Sodium (When Used As A Soil Fumigant)
  — Others

RULES AND REGULATIONS

• FUMIGATION MANAGEMENT PLANS:
  — Are Required By The Label And Are Required To Be Written And Kept With The Pesticide Application Record
  — Customers must be provided a copy of each FMP
  — Is A Plan And Is Required To Be Made PRIOR To The Application Being Performed
  — Is Intended To Be Flexible, A Burrowing Rodent FMP Does Not Require The Detail That A Grain Bin FMP Or Soil Application FMP Will Require

• FUMIGATION MANAGEMENT PLANS:
  — Now available on CDA’s website
    www.colorado.gov/ag/dpi
  — Fumigation Management Plan Frequently Asked Questions (FAQ’s)
  — FMP Templates

• If You Need Assistance Developing A FMP Contact The Manufacturer – They Are The Experts.

• Fumigants – Aluminum Phosphide - Burrowing Rodents – New Labels?
• Proposed label changes:
  Applicators Manual:
  “THE USE OF THIS PRODUCT IS STRICTLY PROHIBITED ON SINGLE AND MULTI-FAMILY RESIDENTIAL PROPERTIES AND NURSING HOMES, SCHOOLS (EXCEPT ATHLETIC FIELDS), DAYCARE FACILITIES AND HOSPITALS”
RULES AND REGULATIONS

- Fumigants – Aluminum Phosphide - Burrowing Rodents – New Labels?
  - Proposed label changes:
    Applicators Manual:
    - Section 26:
      “The use of this product is strictly prohibited on single and multi-family residential properties and nursing homes, schools (except athletic fields), daycare facilities and hospitals”

RULES AND REGULATIONS

- Fumigants – Burrowing Rodents – new labels?
  - Proposed label changes:
    Applicators Manual:
    - Section 26.1 Use Restrictions
      “THIS PRODUCT MUST NOT BE APPLIED INTO A BURROW SYSTEM THAT IS WITHIN 100 FEET OF A BUILDING THAT IS, OR MAY BE OCCUPIED BY HUMANS AND/OR DOMESTIC ANIMALS”

RULES AND REGULATIONS

- Fumigants – Aluminum Phosphide - Burrowing Rodents – New Labels?
  - CDA’s interpretation
    CDA interprets these statements to prohibit the use of this product to control burrowing rodents to ANY single and multi-family residential property, nursing home property, school property (except athletic fields), daycare facility property and hospital property regardless if the application is made more than 100 feet from the structure.

RULES AND REGULATIONS

- National Pollutant Discharge Elimination System (NPDES) Update:
  - Proposed General Permits for Discharges for the Application of Pesticides in Colorado

RULES AND REGULATIONS

Enforcement

LAWS & REGULATIONS COMPLAINT INVESTIGATIONS

- CDA investigated 49 pesticide application complaints between July 1, 2009 and June 30, 2010
LAWS & REGULATIONS COMPLAINT INVESTIGATIONS

Pesticide Application Complaints By Applicator Type

Private Applicator Complaints 33%
Commercial Applicator Complaints 55%
Pesticide Act Complaints 12%

LAWS & REGULATIONS APPLICATOR VIOLATIONS

- CDA Issued 33 Violations to 27 Companies
- One Company Received 5 Violations
- The Most Common Violation issued:
  - Unlicensed Applicator
    - 7 – Ornamental Applicators
    - 1 – Structural Applicators
    - 3 – Public Applicator (Industrial & Right of Way)
    - 1 – Limited Commercial Applicator (Industrial & Right of Way)
RULES AND REGULATIONS

Endangered Species Bulletins Update
  – An Increase In The Number Of Pesticide Products
  have Endangered Species Bulletin language has been seen

Technician Training

What is a Qualified Supervisor?
  – An Applicator who has pesticide spray experience
    in the category in which they are spraying
    AND
  – Taken and passed CDA’s examinations
    AND
  – Paid license fees

What is a Certified Operator?
  – An applicator who has taken and passed CDA’s examina-
    tion, no experience required
    AND
  – Paid license fees

Verifiable Technician Training

Who is a technician?
  Anyone who is supervised by a Qualified Supervisor
  Including:
  1. Certified Operator
  2. An applicator who is not CDA licensed (verifiably
     trained applicator technician)

Verifiable Technician Training

Verifiable Technician Training Is Required By
The Colorado Pesticide Act And The
Associated Rules And Regulations
Verifiable Technician Training

• Why do spray technicians need to be trained?
  1. To ensure that the spray technician has the knowledge and can identify the host, pest and knows the appropriate application methods and techniques to control the pest
  2. Trained spray technicians can apply pesticides “under the supervision” of a Qualified Supervisor

Verifiable technician training

• Trained technicians can apply General Use Pesticides under the supervision of a QS and without the QS being at the spray site.
• Trained technicians can only apply Restricted Use Pesticides under the “On Site Supervision” of the QS.

Verifiable Technician Training

• Who is must provide the verifiable technician training?
  • The company

Verifiable Technician Training

Who can perform the technician training?
  1. Qualified Supervisor
  2. Certified Operator – limited hours
  3. Experienced Trained Technician – limited hours

Verifiable Technician Training

• What training topics must be covered?
  ➢ Applicable state, federal, and local laws and regulations;
  ➢ Pesticides and their families;
  ➢ Applicator safety;
  ➢ Public safety;
  ➢ Environmental protection;
  ➢ Use of pesticides;

Verifiable Technician Training

• Training topics continued:
  ➢ Pest Management
  ➢ Equipment and Calibration
  ➢ Host and Pest identification
  ➢ Pesticide label and labeling
Verifiable Technician Training

• Are there different types of spray technicians?
  – Yes there are:
    1. Applicator technician – new hire, no prior pesticide application experience
    2. Sales technician – some one who only sells pesticide applications
    3. New Hire Experienced Technician - someone who has previous experience from a different company
    4. On-going Technician – someone who has received verifiable technician training and has been with the same company more than one year or season.

Verifiable Technician Training

• Verifiable technician training must be recorded on CDA’s form
• The Verifiable Technician Training form must be kept by the company / entity and be made available to CDA upon request

NEW AT CDA

• Computer Based Testing (CBT)
  – CDA is currently providing Computer Based Testing (CBT) for Qualified Supervisors and Certified Operators
  – CDA still providing paper testing
  – CDA will migrate to all CBT in the near future (possibly as early as October 2010)
  – CDA will continue providing remote testing outside of Denver Metro (may be paper or CBT)

NEW AT CDA

• Computer Based Testing (CBT)
  – Remote CBT possible around January 2011
  – Possible implementation or pilot project - January 2011
  – Locations to be determined
  – Possible changes in testing fees
    – Currently $100 / testing day – time limits # of tests that can be taken in 1 day
    – Change to $5 per test (the actual fee is to be determined)

NEW AT CDA

• Computer Based Testing (CBT)
  Why use CBT?
  – Reduces paper use / filing
  – Reduces time for CDA staff
  – Easier to create new tests
  – Easier to take the exams? (Depends on how you look at it)

NEW AT CDA

• Changes to the online Pesticide Sensitive Registry look up for applicators.
  – New / Modern Data Base
  – Google maps / earth map locator
  – Continue to use Adobe Acrobat address search using US Postal Service standard abbreviations to locate abutting properties
NEW AT CDA

Website: www.colorado.gov/ag/dpi

Questions?

THANK YOU!

COLORADO DEPARTMENT OF AGRICULTURE

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