

COLORADO DEPARTMENT OF
AGRICULTURE
LAWS & REGULATIONS

LAWS & REGULATIONS

- Today's Topics
 - Proposed Rule Changes
 - Fumigation Management Plans (FMPs)
 - NPDES Update
 - Enforcement
 - Violations
 - Complaints
 - Endangered Species Bulletins Update
 - Technician Training
 - Computer Based Testing (CBT or E-testing)
 - Pesticide Sensitive Registry (updating of online registry)

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 5. Technician Training.
- Subpart A General
- 5.2. Scope of part 5.
 - (c) (1) A person must be a **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 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 changes
- Part 8. Agricultural Applicators.
- (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 come within maintained areas surrounding residential or commercial structures or within fifty (50) 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 applicators or ground applications made by federal, state, or local governments on property they own.

LAWS & REGULATIONS

- Proposed PAA Rule Changes – these slides show only changes
- 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 NATURAL GRASSLANDS, SHRUBLANDS, DESERTS, TUNDRAS, AND MEADOWS. For applications performed in rangeland areas that come within maintained areas surrounding residential or commercial structures or 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.~~

LAWS & REGULATIONS

- Proposed PAA Rule Changes – these slides show only changes
- Part 8. Agricultural Applicators
- (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, railways 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.~~

LAWS & REGULATIONS

- Proposed PAA Rule Changes – these slides show only changes
- Subpart A Ornamental Notification
- 12.06. A commercial, registered limited commercial, or registered public applicator shall take reasonable actions to give notice of the date and approximate time of ~~any~~ EACH AND EVERY turf or ornamental pesticide application, prior to the application, to any person who resides on property which abuts the property to be treated and whose name is on the published registry. ~~NOTIFICATION OF EACH PESTICIDE APPLICATION TO SUCH AN ABUTTING PROPERTY, INCLUDING THE ADDRESS OR LOCATION OF THE PROPERTY TO BE TREATED, MUST BE COMMUNICATED TO THE PESTICIDE SENSITIVE PERSON. An applicator may meet this requirement by making not less than two attempts to notify any owner or tenant who is on the registry. Such attempts shall be made as early as practicable but not later than twenty-four hours before the application.~~

LAWS & REGULATIONS

- Proposed PAA Rule Changes – these slides show only changes
- 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.~~

LAWS & REGULATIONS

- 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)
 - What categories?
 - Category 302 - Outdoor Vertebrate Pest Control
 - Category 303 – Fumigation
 - Category 305 - Stored Commodities Pest Control
 - Private Applicators

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

RULES AND REGULATIONS

- 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

RULES AND REGULATIONS

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

RULES AND REGULATIONS

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

RULES AND REGULATIONS

- 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

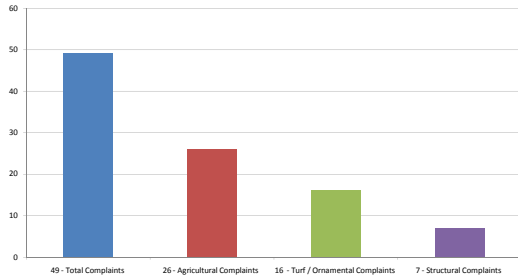
Enforcement

LAWS & REGULATIONS COMPLAINT INVESTIGATIONS

- CDA investigated 49 pesticide application complaints between July 1, 2009 and June 30, 2010

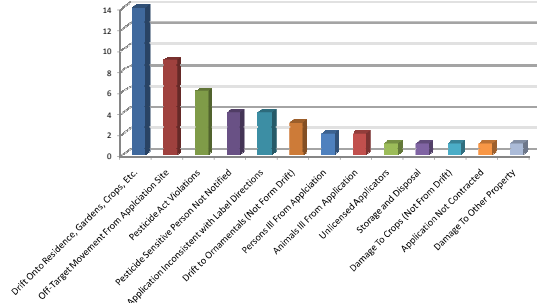
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Pesticide Application Complaints By Applicator Type



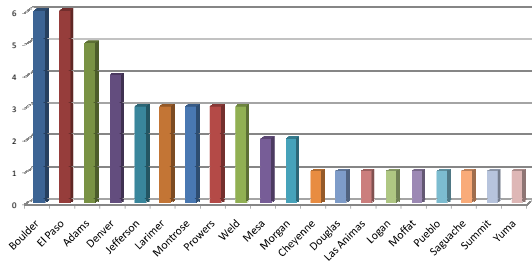
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Pesticide Complaints By Problem



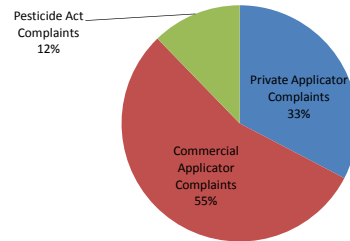
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Pesticide Complaints By County



LAWS & REGULATIONS COMPLAINT INVESTIGATIONS

Pesticide Complaints By Type

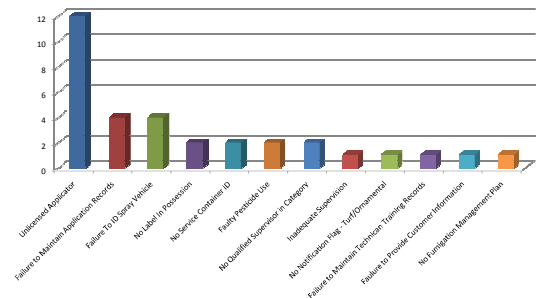


LAWS & REGULATIONS APPLICATOR VIOLATIONS

- 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)

LAWS & REGULATIONS APPLICATOR VIOLATIONS

Applicator Violations



RULES AND REGULATIONS

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

RULES AND REGULATIONS

Technician Training

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

Technician Training

- What is a Certified Operator?
 - An applicator who has taken and passed CDA's examination, 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 – someone 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 out side 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 \$\$ 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)

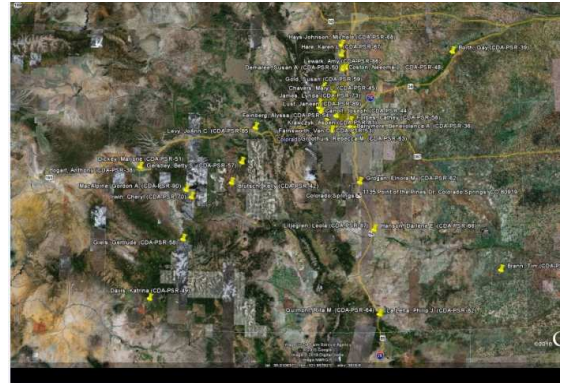
NEW AT CDA

- 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

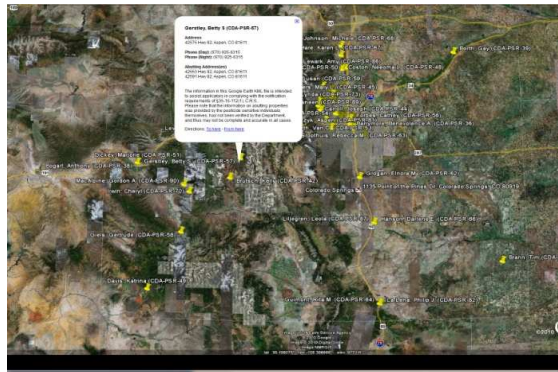
NEW AT CDA

Aurora	
Map/Street Address:	Name:
1543 Grafton St Aurora, CO 80012	Palmer Electronics (303) 771-5200 (Fax) E:PALE@PALM.CO (Web)
Website: http://www.palmer.com	
Additional Info: Click here for more information	
1543 Grafton St Aurora, CO 80012	Name:
12112 Coleridge Ave Aurora, CO 80012	Address: City: State: Zip:
Website: http://www.palmer.com	Phone: Fax: E-mail:
Additional Info: Click here for more information	
1543 Grafton St Aurora, CO 80012	Name:
1543 Grafton St Aurora, CO 80012	Address: City: State: Zip:
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NEW AT CDA



NEW AT CDA



LAWS & REGULATIONS

- Questions?
- THANK YOU !

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