



**Department of
Environmental
Conservation**

DEC Updates Including Special Permits and the Revised Federal Worker Protection Standard Rule

February 15, 2016

Special Permits: 6 NYCRR 325.38 Issues

- Key terms include “cannot read English”, “particular restricted use pesticide” and “successfully completed a demonstration-type examination”.
- EPA emphasis on being able to read, understand and follow the pesticide label and its plans to eliminate “product-specific certification” to non-readers.
- 103 federally restricted use pesticides listed on special permits issued to Champlain Valley orchard handlers in 2015.



Options and Alternatives

- Assess the likelihood of uncertified handlers using federal RUPs.
- Reduce the list of federal RUPs on the special permits.
- Provide on-site direct supervision.
- Consider private applicator certification.

Federal Worker Protection Standard

Final rule signed September 2015

Implementation

- **January 2017** all new requirements will be fully enforceable
- **Except-January 2018 for:**
 - New training content requirement
 - Application suspension in Application Exclusion Zone
 - Certain Display Requirements

Revised Final Rule

- Safety Training – annual
- Training Grace Period for Workers - removed
- Recordkeeping for safety training - 2 years
- Expanded content in safety training
- Increased application display information
- Post treated areas with REI >48 hours outdoor, >4 hours greenhouses
- Application Exclusion Zones
- Respirator fit test, medical evaluation, training
- Minimum age for handlers and early-entry workers- 18
- Immediate family definition expanded

Content of Training

Expanded training content

- New worker training has 23 items
 - Currently there are 11 items
- Handler training has 36 items-
 - Currently there are 13 items
- Training on new content
 - Required 2 years from date of final rule **January 2018**

Pesticide Safety Information

- **Current WPS**

Safety poster displayed at central location

Certain safety information specified

- **Revised WPS: 170.311(a)- January 2017**

Safety information displayed at central location and certain decontamination sites (permanent or 11 or more workers)

Additional information required on display- **January 2018**

- Seek medical attention as soon as possible if you believe you have been poisoned, injured or made ill by pesticides
- Name, address & phone of state/tribal pesticide regulatory agency

Pesticide Application and Hazard Information

170.311(b)

- (i) Copy of SDS
- (ii) Name, EPA registration #, and a.i. pesticide product
- (iii) Crop or site treated, & location and description of treated area
- (iv) Date(s), times application started and ended
- (v) Duration of REI

Retained for 2 years

Workers and Handlers must have access to information at all times during work hours

CPA(09/02)



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF SOLID AND HAZARDOUS MATERIALS - BUREAU OF PESTICIDES MANAGEMENT
www.dec.state.ny.us

PESTICIDE APPLICATION RECORD FOR _____

(farm, business name, etc.)

APPLICATOR NAME/CERTIFICATION # _____

IF NOT CERTIFIED - SUPERVISING APPLICATOR NAME/CERTIFICATION# _____

NOTE: LIST ALL RESTRICTED USE PESTICIDES PURCHASED BY PRODUCT NAME AND EPA REGISTRATION NUMBER ON THE BACK OF THIS FORM

Year ____ Date:mm/dd Time	Crop and Target Pest	Area Treated: Location and Description	Active Ingredient and Brand or Product Name	EPA Registration Number	# of Units or Acres Treated	Total Amount of Product Used (indicate unit: oz., lb., pt., qt., gal.,)	Method of Application for example: air blast sprayer	Restricted Entry Interval Duration Expiration (hours) (mm/dd/time)		Wind Speed* and Direction

As of September 2002, this form when properly completed, satisfies the private applicator's pesticide record keeping requirements of the United States Department of Agriculture, the Worker Protection Standard, and New York State. To check that you are using the latest version of this form, contact your regional office of the NY State Department of Environmental Conservation.

* Recommended although not required by state or federal law.



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Key changes to posting requirements

- For **enclosed-space**, post warning signs only when the REI is greater than 4 hours
- For **outdoor production**, post warning signs when the REI is greater than 48 hours
- Post on the border of any **worker housing within 100 feet** of the treated area
- Must post **prior to but no earlier than 24 hours** before application (not a change)
- Signs must be **removed or covered within three days** of the end of the application or REI-unless assuring workers will not enter

Outdoor Production: Revised Protections During Applications - Handlers

New: Handler must immediately suspend application if worker or other person (other than handler) is in Application Exclusion Zone:

170.505(b)

- Handlers must temporarily suspend application if worker or other person is “near” application equipment
- Can continue with application when people move
- **Not limited to boundaries of ag establishment**
- One of the requirements with a delayed compliance date (January 2018) to allow for handlers to be trained on new content

Application Exclusion Zones in Outdoor Production: 170.405(a)(1)

100 foot AEZ

- Applied aurally, by air blast or with a spray quality smaller than medium (volume median diameter < 294 microns)
- Applied as a fumigant, smoke, mist or fog

25 foot AEZ

- Applied other than above & sprayed from a height of >12 inches from planting medium with spray quality of medium or larger

No AEZ

- Applied otherwise

Verification of Training for Workers 170.401(d) and Handlers 170.501(d)

Key changes:

- Employers must keep training records for **2 years**
- **Record must include:**
 - handler/workers printed name and signature
 - date of the training
 - what EPA-approved training materials were used
 - name and qualifications of trainer
 - employer's name
- Must provide a copy of records to inspectors or workers/handlers **upon request**
- Voluntary training verification card system **removed**

Respirator Requirements in Revised Rule: 170.507(b)(10)

When a respirator is required by the labeling, handler employer must provide handlers with the following before the handler performs any activity requiring the respirator:

- Medical evaluation
- Fit test
- Respirator training

Handler employer must maintain records for 2 years documenting completion of requirements

Decontamination Supplies

Current WPS

Employers must provide “sufficient amount of water so that the workers/handlers may wash thoroughly”

Revised WPS: 170.411, 170.509, 170.605(h)

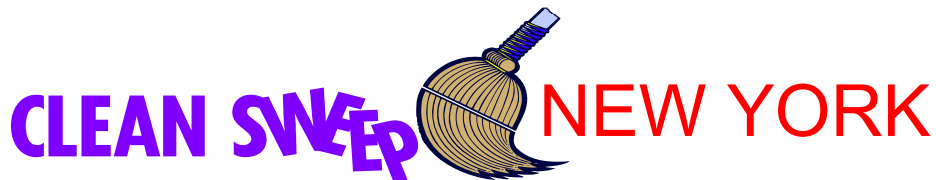
Provide 1 gallon of water for each worker and 3 gallons for each handler and each early entry workers measured at the beginning of the work period

Attempting to Remove a Historic Pesticide Disposal Backlog

Plattsburgh DOT Facility- May 4, 2016

Hudson Falls DOT Facility- May 5, 2016

Must register at www.cleansweepny.org
or call 1-877-793-3769



Pesticide Disposal- www.cleansweepny.org

Free for Ag and Non Ag Pesticides

Small charge for agencies

No enforcement potential

1.4 Million lbs. of chemical waste
collected so far.



■ Weighing Pesticides on Scale



NEW YORK



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PROTECTION OF POLLINATORS



APPLICATION RESTRICTIONS EXIST FOR THIS PRODUCT BECAUSE OF RISK TO BEES AND OTHER INSECT POLLINATORS. FOLLOW APPLICATION RESTRICTIONS FOUND IN THE DIRECTIONS FOR USE TO PROTECT POLLINATORS.



Look for the bee hazard icon in the Directions for Use for each application site for specific use restrictions and instructions to protect bees and other insect pollinators.

This product can kill bees and other insect pollinators.

Bees and other insect pollinators will forage on plants when they flower, shed pollen, or produce nectar.

Bees and other insect pollinators can be exposed to this pesticide from:

- o Direct contact during foliar applications, or contact with residues on plant surfaces after foliar applications
- o Ingestion of residues in nectar and pollen when the pesticide is applied as a seed treatment, soil, tree injection, as well as foliar applications.

When Using This Product Take Steps To:

- o Minimize exposure of this product to bees and other insect pollinators when they are foraging on pollinator attractive plants around the application site.
- o Minimize drift of this product on to beehives or to off-site pollinator attractive habitat. Drift of this product onto beehives or off-site to pollinator attractive habitat can result in bee kills.

Information on protecting bees and other insect pollinators may be found at the Pesticide Environmental Stewardship website at:
<http://pesticidestewardship.org/PollinatorProtection/Pages/default.aspx>.

Pesticide incidents (for example, bee kills) should immediately be reported to the state/tribal lead agency. For contact information for your state, go to: www.aapco.org/officials.html. Pesticide incidents should also be reported to the National Pesticide Information Center at: www.npic.orst.edu or directly to EPA at: beekill@epa.gov



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New Label Statements

“Do not apply this product while bees are foraging. Do not apply this product until flowering is complete and all petals have fallen”

5 exceptions.

Neonicotinoid insecticides like Admire, Actara, Assail, Avicta, Calypso, Concur, Cruiser, Endigo, Equity, Gaucho, Justice, Malice, Tristar and Voliam.



The Basics

- Private applicators must be certified in order to purchase or possess a restricted use pesticide (RUP).
- Agri-Business must have a commercial permit and employ a certified applicator in order to sell RUPs. They must ensure they only sell RUPs to certified applicators.

The Basics (cont.)

- Pesticide products sold and used in New York must be currently registered, properly labeled and applied according to label directions.
- Agri-Business must employ certified applicators and be registered as a pesticide business in order to spray their customer's fields.



Private Applicators

- Certification is not required to apply general use pesticides.
- Can't treat another farmer's fields for hire without commercial 1A certification and business registration.
- On site direct supervision is required when uncertified handlers apply federally restricted use pesticides.
- On site= physically present and within voice contact.



Private Applicator's ID Card

- Renewal/Recertification occurs every five years (\$25 fee for five years)
- Must recertify (CCH or exam) within 90 days
- More than 90 days, but less than 2 yrs:
Must have required credits or complete recertification exam,
AND obtain 6 extra credits
- New card starts from the old expiration date
- Card expired more than 2 yrs.:
Retake core & category
- You cannot apply restricted pesticides with an expired card



Private Applicator's ID Card (cont.)

- Credits must be obtained over more than one year (5 yr= 10 credits)
- 25 % (2.5 of 10) must be category specific
- www.dec.ny.gov/nyspad/?0
- DEC tracks credits for courses taken after 9/8/14



You must have your ID card and pesticide labels available while spraying

During pesticide use, the certified applicator, technician or apprentice must have copy of the pesticide label in his/her custody





Prevent Drift:

- Choose best formulation
- Apply in best weather
- Choose appropriate application techniques





Drift and machinery



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Thank You

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