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2019 Update Mtg: The Latest in State and Federal Regs

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The Latest in State and Federal Regs

Martha Sylvia
UMass Cranberry Management Update
January 30, 2019
## Restricted Use Pesticides

<table>
<thead>
<tr>
<th>Pesticide</th>
<th>Restrictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actara*</td>
<td>State restricted because of groundwater concerns</td>
</tr>
<tr>
<td>Intrepid</td>
<td>Restricted because of avian and aquatic toxicity concerns</td>
</tr>
<tr>
<td>Bravo*</td>
<td>* = possible or probable carcinogens</td>
</tr>
<tr>
<td>Diazinon</td>
<td>Restricted because of mammalian toxicity “Warning”</td>
</tr>
<tr>
<td>Lorsban</td>
<td>Restricted because of human toxicity concerns “Danger”</td>
</tr>
<tr>
<td>Weedar 64</td>
<td>Restricted because human toxicity concerns “Danger” Irreversible eye damage!</td>
</tr>
</tbody>
</table>

Simazine, Scorpion, and Vapam too
Pesticide certification/license

- **Category 30** - Private Certification, Cranberry
  - Spray your own bog, Spray company property
  - Spray restricted use on your own bog

- **Category 33** - Commercial Custom Agriculture
  - Spray for hire
  - Spray restricted use for hire

- **Category 00** - Commercial Applicator’s License
  - Core Manual Only
  - Work under the direct supervision of licensed applicator
Pesticide certification/license

- **Category 30 - Private Certification, Cranberry**
  - Spray your own bog, Spray company property
  - Spray restricted use on your own bog

- **Category 33 - Commercial Custom Agriculture**
  - Spray for hire
  - Spray restricted use *for hire*

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  - Core Manual Only
  - Work under the direct supervision of licensed applicator
Applying for a Pesticide Exam, Certification/License, and Renewal through the ePLACE Portal

- Exams at Upper Cape Feb. 20 and April 17 or have to go to Randolph
- Core prep courses at the UMass Cranberry Station on Feb. 14/15 or April 9/10
  - Also many dates in Marlborough and Milford
- Core manual (3rd edition, 2012) for pesticide exam is 270 pages long
- Core supplement (2014) 30 pages
- Cranberry manual (1999) 33 pages
- MA Pesticide Regs, MA Pesticide Control Act
MDAR Pesticide Program and Pesticide Exam Study Materials

Dear Pesticide Exam and Licensing Candidate:

The Pesticide Examination and License Information Bulletin is your guide to taking the state pesticide examination for the purpose of obtaining a Massachusetts pesticide applicator license or certification.

The Massachusetts Department of Agricultural Resources, Pesticide Program (Department) is pleased to announce the introduction of "e-Licensing" through the Commonwealth’s ePLACE Portal. All new exam registrations, results, and license applications will use this new online system.

The Massachusetts Department of Agricultural Resources (MDAR) conducts written, closed-book examinations as appropriate performance testing to measure competency for the use and application of pesticides in Massachusetts.

Please take the time needed to read this bulletin and acquaint yourself with the prescribed deadlines and online processes so that you can successfully obtain either a pesticide applicator license or certification in the Commonwealth of Massachusetts.

Please note that all exam registration, scheduling, and payment must now be submitted online via the ePLACE Portal. Please closely review the information contained in the bulletin and visit the EEA ePLACE Portal webpage to start your online application.

2018 Information Bulletin

Page Number

1. At – A - Glance: 2
2. General Information:
   - Determine the pesticide credential (license or certification) needed: 3
   - Order the needed study materials: 3
   - Select the exam date and corresponding location: 3
   - Take the pesticide exam: 4
   - Receive notification of exam results: 5
   - Obtain the license or certification: 5
   - Maintain the license or certification: 5
   - Continue with required pesticide education: 6
   - Submit Proof of Insurance: 6
3. Application Process Register, Schedule and Pay for Exam and License via EEA ePLACE Portal: 7-8

Visit the MDAR Pesticide Program website at: www.mass.gov/pesticide-examination-and-licensing
Have to apply online now!
Do you have your renewed certification?

Electronic system thru ePLACE portal

No hard copy reminders sent out!

Grace period again this year until June!

CCCGA or UMass Cranberry Station if you need help

Email from EIPAS is how you get your certification (not mail)
Private Certification
Cranberries Category 30

- Do you have your renewed certification?
- Electronic system thru ePLACE portal
- No hard copy reminders sent out!
- Grace period again this year until June!
- CCCGA or UMass Cranberry Station if you need help
- Email from EIPAS is how you get your certification (not mail)
Private Certification
Cranberries Audits
Category 30

- Sent out in April
- Return by August
- Over 1000 audits of 9000 certifications
- Only 30 in cranberry
- 3 year cycle
  - 7/1/2018 - 7/01/2021
  - 7/1/2017 - 7/01/2020
- Need 12 credits in 3 yrs
- Must produce original documents

Date or your cycle end is on your certification paperwork
Got Audited? Need more Credits?

- MDAR Pesticide Applicator Continuing Education (PACE) Website

- MDAR List of on-line credit courses
  - Can now get ½ of your credits on-line
  - but $$, testing, none on cranberry

- UMass/Amherst Pesticide Program sends out Feb and March dates

- UMass Cranberry Pesticide Safety (4 credits)
  - Thursday April 25th, Rosebrook $50 8-12

- CCCGA (4 credits)
  - February 19th, Plymouth $45/$65
WPS New Rules

- EPA Changes!?  
- WPS New Rules
  - WPS requirements
    - Annual training
    - Sign posting
    - New poster with SDS’s
    - Supply water for eye toxicity
    - AEZ zone
    - Respirator rules
EPA - Environmental Protection Agency

- Andrew Wheeler - acting administrator,
  - Nominated to head EPA, Jan 9
  - Senate votes in Feb
  - EPA Administrator
  - Former coal lobbyist
- Henry Darwin - second in command
  - Chief of operations
- Scott Pruitt - resigned July 2018
  - EPA Deputy Administrator

- Sonny Perdue - USDA Secretary of Agriculture
  - Signs the marketing order, volume regulation
EPA has revised certification standards for pesticide applicators

- **Restricted use compounds**
  - Federally restricted
    - Diazinon and Lorsban (and Vapam)
  - **State restricted**
    - Bravo, Actara, Intrepid, and Weedar 64
    - Simazine and Scorpion
    - Soon to be Kerb

- Age limit 18 years

- **MA requirements already cover you!**
EPA – Environmental Protection Agency
Revisions: EPA Certification of Pesticide Applicator Rule

Direct Supervision of Licensed Applicators
- Provide copy of all RUP labeling
- Provide specific instructions
- Provide means for immediate communication between certified applicator and licensed applicator

Commercial Applicator Record Keeping
- Size of Area treated
- Time and date of application

All state regulatory agencies (MDAR) submit plans to EPA by March 2020
EPA – Environmental Protection Agency
Revisions: EPA Certification of Pesticide Applicator Rule

- Massachusetts already has higher standards compared to other states but some changes may happen
- **New competency standards** for private applicators
  - MDAR review state exams
  - Revised pesticide exam manuals
- **New Categories**: Soil fumigation and predator control
- **Recertification**: photo ID needed for all trainings
  - MDAR has implemented this requirement
- Noncertified Applicators Using RUPs
  - = MA Licensed applicators under Direct Supervision of Certified Applicators
- Annual training (your pesticide recertification credits)
The New WPS Requirements (EPA Worker Protection Standard) For Agricultural Operations Revised in 1992 Revised in 2015 In Place in 2017
WPS Changes - Now in place!!

- **Annual training** of workers and handlers
Who does WPS apply to?

- Any one you hire who steps on bog once a pesticide application has been applied and for 30 days after REI is up.
- Do not need training if you have a pesticide license!

- **WORKER**
  - Pulling Weeds
  - Scouting
  - Planting
  - Harvesting

- **HANDLER**
  - Applying Pesticide
  - Handling Chemigation Heads
  - Cleaning or Repairing Spray Equipment
  - Mix Load or Transfer Pesticide
  - Handle Pesticide Containers
WPS Handler Trainings 2019

- At the UMass Cranberry Station Library
- Last Wednesday of spring months 2-4 PM
  - March 27
  - April 24
  - May 29
- Send any workers, weeders, scouts, and mechanics
- Training only good for 1 year
- $10 cost
WPS Training Materials

Under the newly-revised Worker Protection Standard (WPS), training materials must be EPA-approved when officially training workers, handlers, and trainers. Look for an EPA approval number that looks like this: "Approval # EPA WPS TTT W/H 00026".

Note:
- Training must be delivered in a manner that can be understood, in a location relatively free from distractions.
- When training workers or handlers, the trainer must remain present at all times to be available to answer questions, even when showing a video.
- Trainers must be qualified, most often by holding a pesticide applicator’s license or by completing an EPA-approved Train-the-Trainer course.

New! PERC Training Videos for Workers and Handlers

Training Materials:
- For Workers
- For Handlers
- For Trainers of Workers
- For Trainers of Handlers
- For Agricultural Employers
WPS Changes - Now in place!!

- PERC WEBSITE
  - Pesticide educational resources collaborative
- How to Comply Manual
- Training videos for workers or handlers YouTube or Vimeo Video in English or Spanish now available
  - Worker 20 minutes
  - Handler 40 minutes
- Annual training of workers and handlers
- Recording keeping for training
- Training provided by certified applicator
- Or by EPA approved Trainer
- UMass Extension workshops
  - Train the trainer
You Can Do It!!

- Private Certification License
- Use existing training materials
- Keep a record of the training:
  - Individual name & signature
  - Trainer name & qualification
  - Date of training
  - Employer Name
  - How training was given

YOU can play the Vimeo Video or youtube Video for workers!!

How to Comply With the 2015 Revised Worker Protection Standard For Agricultural Pesticides

What Owners and Employers Need To Know
WPS Changes - Posting

- In the past, very few of our compounds required any posting!

NOW

- Expanded Sign posting
- Posting required outdoors if REI > 48 hours or more
- Posting required in greenhouses if REI > 4 hours or more
WPS Changes

- Expanded Sign posting
- Posting required outdoors if REI > 48 hours or more
- Sign prohibits entry until residues decline

Diazinon, all

Badge, Champ, Kocide Nu-Cop (most coppers)

Ridomil, Ultra Flourish
Metastar - mefonoxams

Weedar 64, 2-4 D
POSTING -- CENTRAL DISPLAY LOCATION

- Application information at central location
- Poster
- Heat Stress
- Pesticide Application
- NOW must include an SDS (MSDS) with it!
Updated Poster

Pesticide Safety Information Poster

I GOT EM!!

http://www.pesticideresources.org
PERC WEBSITE
Updated Poster

Pesticide Safety Information Poster

I GOT EM!!

http://www.pesticideresources.org
PERC WEBSITE
• Updated Poster
• Pesticide Safety Information Poster
• I GOT EM!!
• And I GOT little ones for decontamination sites that have stickem on back so you could stickem in pumphouses?

http://www.pesticideresources.org
PERC WEBSITE
EYEWEAR

- If protective eyewear is required by the labeling, the employer must provide water for emergency eye flushing for handlers at pesticide mixing/loading sites.
  - 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.

- Provide water for decontamination
  - Required water available
    - 1 gallon per worker, 3 gallons per handler

- Eyewash water available for handlers
  - 6 gallons of water available at mix/load sites
  - if product requires eye protection
Labels requiring protective eyewear...

EYE WARNING

- **Diazinon**
  - *post* resp-23c *eye*
  - *(restricted use)*

- **Bravo - Chlorothalonils**
  - Bravo Ultrex *respirator 21c* *eye*
  - *(restricted use)*
  - Bravo Weatherstik *eye for workers*
  - Chloronil 720, Initiate 720 *eye for workers*

- **Champ, Badge** - *coppers* *post eye*

- **Pyramite/Nexter - Pyridaben** *respirator-21c* *eye*

- **2,4-D granular, weedar 64** *post eye*
  - *(restricted)*

- **Rimon - Novaluron** *eye*
Applicator Exclusion Zone (AEZ)

- No one in area when applying pesticide or the application should stop!
- 25 feet from equipment absolutely
- Entire chemigation line!!
- To protect workers and others from exposure to pesticide overspray
- MOVING ZONE (if mist blower)
- Extends beyond the boundaries of the farm and beyond farm employees
- If applicator sees someone within the AEZ, applicator must SUSPEND application.
AEZs in Outdoor Areas

Applied:
- Medium or larger droplet size
- >12” off ground

Applied as a:
- Fumigant
- Smoke
- Mist
- Fog

Entire chemigation line

Diagram:
- 25’ radius
- 100’ radius
- Aerially
- Air blast
- Fine or smaller droplet size
Application Exclusion Zone

If applicator sees someone within the AEZ, applicator must SUSPEND application.
NEW WPS PPE focus is on **RESPIRATORS**

If the label of the pesticide being used requires a respirator...

- Medical Evaluation
- Fit Testing
  - Fit Test Record
- Respirator Training

**OSHA BASED MEDICAL QUESTIONNAIRE**

*Once done, good til health changes!*

*Annually!*
Look at what compounds you will be using to decide what kind of respirator to use.

- Bravo Ultrex
- Ferbam
- Sevin XLR Plus
- Sevin 4F
- Carbaryl 4L
- Lorsban, all formulations
- Manzate Flowable
- Nexter
- Oil based formulations

NIOSH-approved particulate respirator with a dust-mist filter with MSHA/NIOSH approval number prefix TC-21C or any N, R, P or HE filter when applying with airblast equipment.

NIOSH approved particulate respirator with any N, R, or P filter (NIOSH approval number prefix TC-84A); or a NIOSH approved powered air purifying respirator with an HE filter (NIOSH approval number prefix TC-21C).
Look at what compounds you will be using to decide what kind of respirator to use

- Diazinon AG500
- Diazinon AG600
- Diazinon 50W
- Echo 720
- Echo ZN
- Echo 90DF
- Imidan 70W

A respirator with an organic-vapor removing cartridge with a prefilter approved for pesticides (MSHA/NIOSH approval number prefix TC-23C), or a canister approved for pesticides (MSHA/NIOSH approval number prefix TC-14G), or a NIOSH-approved respirator with an organic vapor (OV) cartridge or canister with any R, or P, or HE prefilter.
Diazinon AG500

Engineering controls??
- We have none in cranberry

A respirator with an organic-vapor removing cartridge with a pre-filter approved for pesticides
Respirator - How to Comply

- RESPIRATOR Medical Evaluation Questionnaire
  - Employer must obtain written rec regarding employee’s ability to use respirator
  - From physician or other licensed health care professional (PLHCP)

- Any limitations related to medical condition
- Employee gets a copy of the medical eval

How to Comply With the 2015 Revised Worker Protection Standard For Agricultural Pesticides
What Owners and Employers Need To Know
Medical Evaluation

- 8 pages long (or 6, or 4)

½ face respirator
- Employee complete 3 pages

Full face or self contained
- Employee complete 4 pages

- 2 pages for health care professional to review as necessary

- Employer has to complete last 3 pages
  - Type of respirator
  - How often used
  - PPE
  - What pesticides expected to use
Medical Evaluation

- Reviewed and signed by “Health care professional”
- Can be sent in and reviewed!!
- Occupational Health
  - Physician, at annual check up
  - Walk in clinics
  - Minute clinic at N. Carver nurse practitioner, Physical = $89
  - Resident Nurse Practitioner?

- St Luke’s New Bedford
- BID Plymouth
- Cape and Islands Occupational Medicine
- Tobey
- Rosebrook
Medical Evaluation

Occupational Health: BID-Plymouth Occupational Health (Beth Israel Deaconess)
45 Resnik Road, Suite 201
Plymouth
Phone number: 508-732-0401

Ted Harrington quoted me for $35
Drop off, mail in, review

http://www.bidplymouth.org
http://www.bidplymouth.org/occupational-health-cilnic
Medical Evaluation

- Reviewed and signed by “Health care professional”
- Can be sent in and reviewed!!
- St Luke’s Hospital Occupational Health Clinic
- 101 Page St. New Bedford
- 508-973-5469

Natalie at new accounts quoted me for $25
Drop off, mail in, review

https://www.southcoast.org
Search for occupational health
Medical Evaluation

- Occupational Health
- St Luke’s Hospital Occupational Health Clinic
- 101 Page St.
- New Bedford

<table>
<thead>
<tr>
<th>Employment Services</th>
<th>Specialty Physicals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Post-offer Physical Exam (Basic)</td>
<td>DOT Medical Certification Exam $110.00</td>
</tr>
<tr>
<td>Urine Drug Screen</td>
<td>Respirator Clearance Exam $115.00</td>
</tr>
<tr>
<td>Quick Test Drug Screen</td>
<td>Return-to-Work Exam - Basic $100.00</td>
</tr>
<tr>
<td></td>
<td>Return-to-work Exam - Complex $150.00</td>
</tr>
<tr>
<td>Industrial Hearing screen</td>
<td></td>
</tr>
<tr>
<td>$50.00</td>
<td></td>
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<tr>
<td>Audiometric Screen</td>
<td></td>
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<tr>
<td>$50.00</td>
<td></td>
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<tr>
<td>Audiometric Screen w/Analysis</td>
<td></td>
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<tr>
<td>$60.00</td>
<td></td>
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<tr>
<td>Post-offer Functional Abilities Testing (PST)</td>
<td></td>
</tr>
<tr>
<td>$80.00</td>
<td></td>
</tr>
<tr>
<td>Respiratory Fit Testing (per mask)(Qual.)</td>
<td>Ergonomic Consulting / hr $100.00</td>
</tr>
<tr>
<td>$50.00</td>
<td>Computer Workstation Assessment/15min $25.00</td>
</tr>
<tr>
<td>Fit Test Portaccount (Quantitative)</td>
<td>POS/ Physical Demand Level development/ hr $100.00</td>
</tr>
<tr>
<td>$75.00</td>
<td></td>
</tr>
<tr>
<td>Pulmonary Function Test</td>
<td></td>
</tr>
<tr>
<td>$40.00</td>
<td></td>
</tr>
</tbody>
</table>

Promoting Safety with Occupational Health
Respirator Fit Test

- **Annual**
- **Qualitative Fit Test**
  - Detect a smell
  - Isoamyl acetate (banana oil)
  - Relies on response from wearer of respirator
- **Quantitative Fit Test**
  - Special equipment samples ambient atmosphere inside the respirator facepiece
  - Relies on chemical measure

- **Recordkeeping**
Respirator Training

Annual

Points needed to cover and review

- Why a respirator is necessary and how improper fit, usage, or maintenance can compromise the protective effect of the respirator.
- The capabilities and limitations of the respirator(s).
- How to select cartridges and canisters and know the schedule for changing.
- How to use the respirator(s) in emergencies and how to respond if a respirator malfunctions.
- How to properly put on, take off, and check the seals of tight-fitting facepieces.
- Seal check procedures
  - Positive and negative pressure check.
- How to inspect, maintain, and store respirator(s).
- How to recognize medical symptoms, such as dizziness or shortness of breath, that may indicate a problem and may limit or prevent effective use of a respirator.

Recordkeeping of your training

- Name and signature
- Date
- Trainers name and topics
Exirel - new insecticide label

- Cyantraniliprole
- Altacor is chlorantraniliprole
- Formulation SE
  - Suspo-emulsion

May help with weevil, spag and bhf

More expensive than Altacor

Not allowed during bloom
Exirel
new insecticide label

- cyantraniliprole

---

The unique cross-spectrum of Exirel® for the management of highly prolific and difficult to control pests

Exirel® has an effect on multiple life stages and reduces pest population growth for more effective control

<table>
<thead>
<tr>
<th>Insect Pest Group</th>
<th>Eggs (ovicide or ovilarvicide)</th>
<th>Immature (larvae, nymphs)</th>
<th>Adult</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caterpillars, Moths</td>
<td>+++</td>
<td>+++</td>
<td>+</td>
</tr>
<tr>
<td>Leaf miners</td>
<td>Not tested</td>
<td>+++</td>
<td>+++</td>
</tr>
<tr>
<td>Aphids</td>
<td>+</td>
<td>++</td>
<td>++</td>
</tr>
</tbody>
</table>

Direct mortality or protection from plant feeding and disease transmission

+++ = High
++ = Medium
+ = Low

Early Life Stages:
- Egg (Ovicidal)
- Hatching Egg (Ovilarvicidal)
- Larvae (Larvicidal)
GLOVES

Chemically Resistant

• Wash the gloves on your hands
• Wash your hands
• If you plan to use again - wash in bucket of heavy-duty detergent solution right away
GLOVES

Chemically Resistant
• Wash the gloves on your hands
• Wash your hands
• If you plan to use again - wash in bucket of heavy-duty detergent solution right away
• Exirel calls for 14 mil gloves!!

4 mil – very thin Disposable Nitrile gloves
17 mil – thicker
Thickest Nitrile 47 mil
GLOVES

Chemically Resistant

- Wash the gloves on your hands
- Wash your hands
- If you plan to use again - wash in bucket of heavy-duty detergent solution right away
- Exirel calls for 14 mil gloves!!

4 mil - very thin

Disposable Nitrile gloves

0.10 cents $1.00 each

17 mil - thicker

Thickest Nitrile 47 mil

$9-10.00 each
Glyphosate = found in Roundup, Touchdown, Rodeo, and others

► One of the most widely used agricultural pesticides in the United States!
► The most widely used herbicide in the US!
  ► Marketed by Monsanto since the 1970’s
  ► Patent ran out in 2000

► March 2015 IARC decision
  ► “probably carcinogenic to humans”

► In 2013, EPA raised the permitted tolerance levels of Cancer Assessment for Glyphosate
  ► from 20 parts per million (ppm), to 40 ppm in oilseed and soybean
  ► from 0.2 ppm to 3 ppm for sweet potatoes and 5 ppm for carrots,
  ► No evidence of carcinogenicity in humans
Dec 2016 EPA Scientific Advisory Panel reviewing the status of glyphosate:

- More data is needed
- The scientific advisory panel was divided:

  non-Hodgkins Lymphoma in humans, rodent carcinogen, “not likely to be carcinogenic to humans” or “suggestive evidence of carcinogenic potential”
Glyphosate

- EPA Releases Draft Risk Assessments for Glyphosate
- December 18, 2017
  - Not likely to be carcinogenic to humans
  - In fact...
The draft human health risk assessment concludes that glyphosate is not likely to be carcinogenic to humans. The Agency’s assessment found no other meaningful risks to human health when the product is used according to the pesticide label. The Agency’s scientific findings are consistent with the conclusions of science reviews by a number of other countries as well as the 2017 National Institute of Health Agricultural Health Survey.

EPA’s human health review evaluated dietary, residential/non-occupational, aggregate, and occupational exposures. Additionally, the Agency performed an in-depth review of the glyphosate cancer database, including data from epidemiological, animal carcinogenicity, and genotoxicity studies.
California - Glyphosate

- Sept 2015 California EPA
  - “Notice of Intent” to list glyphosate as a carcinogen under state clean water act
- Jan 2016 Monsanto sues California EPA
- Jan 2017 CA judge blocks Monsanto’s lawsuit.
- July 2017 CA lists glyphosate
- California may require Roundup label (other products too!) to be modified to include cancer warning. As well as foods containing glyphosate.
- Monsanto is challenging the decision.
- Training: Yearly
- EYE TOX: Water
- Respirator: Fit test, Dr.
- Posting: 48 hour REI’s, New Poster
- AEZ: On the property