

Regulation of pesticides in RI

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FIFRA

- Federal Insecticide, Fungicide, and Rodenticide Act
- Pesticides are substances or mixtures of substances intended for preventing, destroying, repelling, or mitigating pests.
 - Desiccants, plant growth regulators, defoliant, nitrogen stabilizers

Main focus is to ensure that pesticides distributed in the US do not pose an “Unreasonable risk to man or the environment”

Does not eliminate all risks

“any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide...”

STATE AUTHORITY

- Section 23 (a)(1) allows the Administrator (EPA) to enter into cooperative agreements to delegate to any state or Indian tribe the authority to cooperate in the enforcement of FIFRA
- Rhode Island Pest Control Act (RIPCA)

The Rules and Regulations Relating to Pesticides

- The “rules”
- RIPCA (23-25-9) authorizes the Director to adopt regulations for the enforcement of RIPCA

RIPCA and the Rules regulate:

- Labeling
- Distribution and sale (registration)
- Storage
- Transportation
- Use
- Application

Labeling

- Labels of federally registered products are approved by EPA.
- Labeling (websites, pamphlets, etc.) are subject to review by EPA and the States.
- 25(b) product labels are only reviewed by the states but must comply with the CFR

Registration

- All pesticides distributed in Rhode Island must be registered
- Any product bearing an EPA registration number must be federally registered
- All products including 25(b) products must be registered with the state of Rhode Island

Restricted Use

- RUPs have the potential to cause unreasonable adverse effects to the environment and injury to applicators or bystanders without added restrictions
- The restriction can apply to the product or it's use

State Limited Use

- If a product is designated as an RUP, the director may, after a public hearing, determine a product or use to be a “state Limited Use”
- Must be shown to pose an unreasonable risk to man or the environment

Transportation

- Establishes minimum requirements to safely transport Pesticides
- Provides requirements for transporting pesticides in service containers or Application equipment
- Provides requirements for spill mitigation/clean-up

Applicators

- RIPCA recognizes five different types of pesticide applicators:

Private Applicator

Any person who uses or supervises the use of any pesticide for purposes of producing any agricultural commodity on land owned or rented by him or her or his or her employer or (if applied without compensation other than trading of personal services between producers of agricultural commodities) on land of another person

Certified Private Applicator

Any private applicator who is certified under § 23-25-14 as authorized to purchase, acquire, apply, or supervise the application of any pesticide classified for restricted use by EPA or limited use by the director

Commercial applicator

Any person (whether or not that person is a private applicator with respect to some uses), including employees of any federal, state, county or municipal agency, department, office, division, section, bureau, board, or commission, who applies or supervises the application of any pesticide for any purpose or on any property other than as provided by the definition of "private applicator"

Licensed commercial applicator

Any commercial applicator who is licensed under § 23-25-12 as authorized to use or supervise the use of any pesticide not classified for restricted use by EPA or limited use by the director on land not owned or rented by him or her

Certified commercial applicator

Any commercial applicator who is certified under § 23-25-13 as authorized to purchase, acquire, apply, or supervise the application of a pesticide classified for restricted use by EPA or limited use by the director on land not owned or rented by him or her

ROUTINE USE AND RECORDS INSPECTIONS

AUTHORITY

RULE 8 (H) OF THE RULES AND REGULATIONS RELATING TO PESTICIDES (RULES)

“Commercial Applicators shall cooperate with the Department requests to observe spraying operations, to inspect equipment, to inspect pesticide related records, to inspect business premises and to conduct pesticide related sampling”

SCHEULING A USE INSPECTION

- THOSE INSPECTED ARE CHOSEN AT RANDOM
- SELECTED APPLICATORS ARE NOTIFIED VIA MAIL
- UPON RECEIPT THE APPLICATOR CONTACTS THE PESTICIDE SECTION TO ARRANGE AN INSPECTION

SCHEDULING A USE INSPECTION

FAILURE TO RESPOND AND SCHEDULE AN
INSPECTION RESULTS IN LOSS OF
LICENSE/CERTIFICATION

WHY A USE INSPECTION?

- ALLOWS US TO EVALUATE THE EFFECTIVENESS OF OUR TRAINING

DURING THE INSPECTION

WE WILL ENSURE.....

- THE PRODUCT IS LABELED FOR THE PEST AND LOCATION TO WHICH IT IS APPLIED
- THE APPLICATOR IS WEARING THE APPROPRIATE PERSONAL PROTECTIVE EQUIPMENT (PPE) AS PER THE LABEL

DURING THE INSPECTION

WE WILL ENSURE.....

- THE PRODUCT IS BEING APPLIED IN ACCORDANCE WITH THE LABEL

DURING THE INSPECTION

**WE WILL ENSURE THE PRODUCT IS BEING
APPLIED....**

- AT THE PROPER RATE
- WITH THE PROPER EQUIPMENT
- IN ACCORDANCE WITH ANY RESTRICTIONS OR WARNINGS SUCH AS ENVIRONMENTAL, POLLINATORS, RUNOFF, DRIFT, ETC.

DURING THE INSPECTION

WE WILL....

- OBSERVE MIXING AND LOADING OF THE PRODUCT
 - WE MAY COLLECT A SAMPLE OF THE MIXED PRODUCT BEING APPLIED
 - THIS IS DONE TO VERIFY THE PRODUCT IS BEING APPLIED AT THE PROPER RATE

DURING THE INSPECTION

WE WILL.....

- OBSERVE THE APPLICATION
 - THIS WILL ENSURE THE PRODUCT IS BEING APPLIED IN A MANNER CONSISTENT WITH THE LABEL

DURING THE INSPECTION

WE WILL....

- TAKE PHOTOGRAPHS OF
 - THE APPLICATOR
 - THE LABEL(LING)
 - THE EQUIPMENT BEING USED
 - THE APPLICATION SITE
 - “LEAVE BEHIND NOTICE”
 - POSTING SIGNS

TYPES OF COMMERCIAL APPLICATIONS

- THREE TYPES OF COMMERCIAL APPLICATIONS
 - GENERAL PEST, BAITING, ETC.
 - LAWN CARE/TURFCARE
 - TERMITICIDE

TYPES OF COMMERCIAL APPLICATIONS

- EACH HAS DIFFERENT REQUIREMENTS
- EACH APPLICATION REQUIRES RECORD KEEPING IN ACCORDANCE WITH RULE 6 (B) OF THE RULES

RECORDS

- Commercial Applicators – Every commercial applicator is required to keep, for a minimum of two years from the date of application, true and accurate records containing the following information on his or her application of general use, “restricted use”, and “state-limited use” pesticides:

COMMERCIAL APPLICATOR

PESTICIDE USE RECORDS & REPORTING FORM



DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
 DIVISION OF AGRICULTURE & RESOURCE MARKETING
 PESTICIDES UNIT
 235 PROMENADE STREET, ROOM 370
 PROVIDENCE, RI 02908
 401-222-2781

Report each use and application of general use, restricted use, and state limited use pesticides on the form below.

APPLICATOR NAME: _____ CERTIFICATION/LICENSE NUMBER: _____

COMPANY: _____

STREET: _____ CITY: _____ STATE: _____ ZIP: _____

NAME OF PESTICIDE PRODUCT	FORMULATION (INCLUDE FORMULATION AND % ACTIVE INGREDIENT)	AMOUNT OF FORMULATION USED	APPLICATION RATE e.g. 3 LBS/1000 1oz/100 GALS.	TOTAL AMOUNT OF DILUTION OR LBS. USED	EPA REG. NUMBER	TARGET PEST	DATE	CONSIGNEES NAME AND ADDRESS

1 2 3 4 5 6 7 8 9

(2)



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Pesticide Product Name (e.g. Merit, Talstar, roundup, etc.)

Merit[®]

75 WSP

Insecticide

For foliar and systemic insect control in turfgrass, landscape ornamentals, fruit and nut trees, and interior plants.

ACTIVE INGREDIENT:

Imidacloprid, 1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine

OTHER INGREDIENTS

Keep water soluble packets in this container at cool dry place but not below freezing (32°F).

Do Not Remove Packets From Container Except For Immediate Use.

EPA Reg. No. 3125-439

Four 1.6-oz Packets Per Carton, Four Cartons Per Case
Or Eighty-eight 1.6-oz Packets Per Mini-drum

**STOP - Read the label before use.
Keep out of reach of children.**

CAUTION

PRECAUCION AL USUARIO: Si usted no puede leer o entender inglés, no use este producto hasta que la etiqueta le haya sido explicada ampliamente.

(TO THE USER: If you cannot read or understand English, do not use this product until the label has been fully explained to you.)

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS**

ENVIRONMENTAL HAZARDS

This product is highly toxic to aquatic invertebrates. Do not apply to water, or to areas where surface water is likely to flow to intertidal areas below the mean high water line. Do not contaminate water when disposing of containers and washwaters.

This product is highly toxic to bees exposed to direct contact with residues on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds when bees are visiting the treatment area. This chemical demonstrates the properties and characteristics associated with chemicals detected in groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

IMPORTANT: Read these entire DIRECTIONS FOR USE, GENERAL INFORMATION, AND CONDITIONS OF SALE before using MERIT 75 WSP Insecticide.

CONDITIONS OF SALE: THE DIRECTIONS ON THIS LABEL WERE DETERMINED THROUGH RESEARCH TO BE APPROPRIATE FOR THE CORRECT USE OF THIS PRODUCT. THIS PRODUCT HAS BEEN TESTED UNDER DIFFERENT ENVIRONMENTAL CONDITIONS BOTH INDOORS AND OUTDOORS UNDER CONDITIONS SIMILAR TO THOSE THAT ARE ORDINARY AND CUSTOMARY WHERE THE PRODUCT IS TO BE USED. INSUFFICIENT CONTROL OF PESTS OR PLANT INJURY MAY RESULT FROM THE OCCURRENCE OF EXTRAORDINARY OR UNUSUAL CONDITIONS, OR FROM FAILURE TO FOLLOW LABEL DIRECTIONS. IN ADDITION, FAILURE TO FOLLOW LABEL DIRECTIONS MAY CAUSE INJURY TO ANIMALS, MAN, AND DAMAGE TO THE ENVIRONMENT. BAYER OFFERS, AND THE USER ACCEPTS AND USES THE PRODUCT SUBJECT

NAME OF
PESTICIDE
PRODUCT



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COMPANY: _____

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**FORMULATION
(E.G., EC, GR, WSP,
ETC.)**

**% ACTIVE
INGREDIENT
(LOCATED ON LABEL)**

Merit[®] 75 WSP

Insecticide

For foliar and systemic insect control in turfgrass, landscape ornamentals, fruit and nut trees, and interior plantscapes.

ACTIVE INGREDIENT:

Imidacloprid, 1-[(6-Chloro-3-pyridinyl)methyl]- -N-nitro-2-imidazolidinimine	75%
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OTHER INGREDIENTS	25%
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100%

Keep water soluble packets in this container and store in a cool dry place but not below freezing (32° F).

Do Not Remove Packets From Container Except For Immediate Use.

EPA Reg. No. 3125-439

Four 1.6-oz Packets Per Carton, Four Cartons Per Case
Or Eighty-eight 1.6-oz Packets Per Mini-drum

STOP - Read the label before use.
Keep out of reach of children.

CAUTION

PRECAUCION AL USUARIO: Si usted no puede leer o entender inglés, no use este producto hasta que la etiqueta le haya sido explicada ampliamente.

(TO THE USER: If you cannot read or understand English, do not use this product until the label has been fully explained to you.)

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS

ENVIRONMENTAL HAZARDS

This product is highly toxic. Do not apply directly to water, or to areas present or to intertidal areas marked. Do not contaminate equipment washwaters.

This product should not be used to direct spray for weeds. Do not use on growing crops or ornamentals. This chemical has characteristics associated with the use of this chemical, particularly where it is present in groundwater.

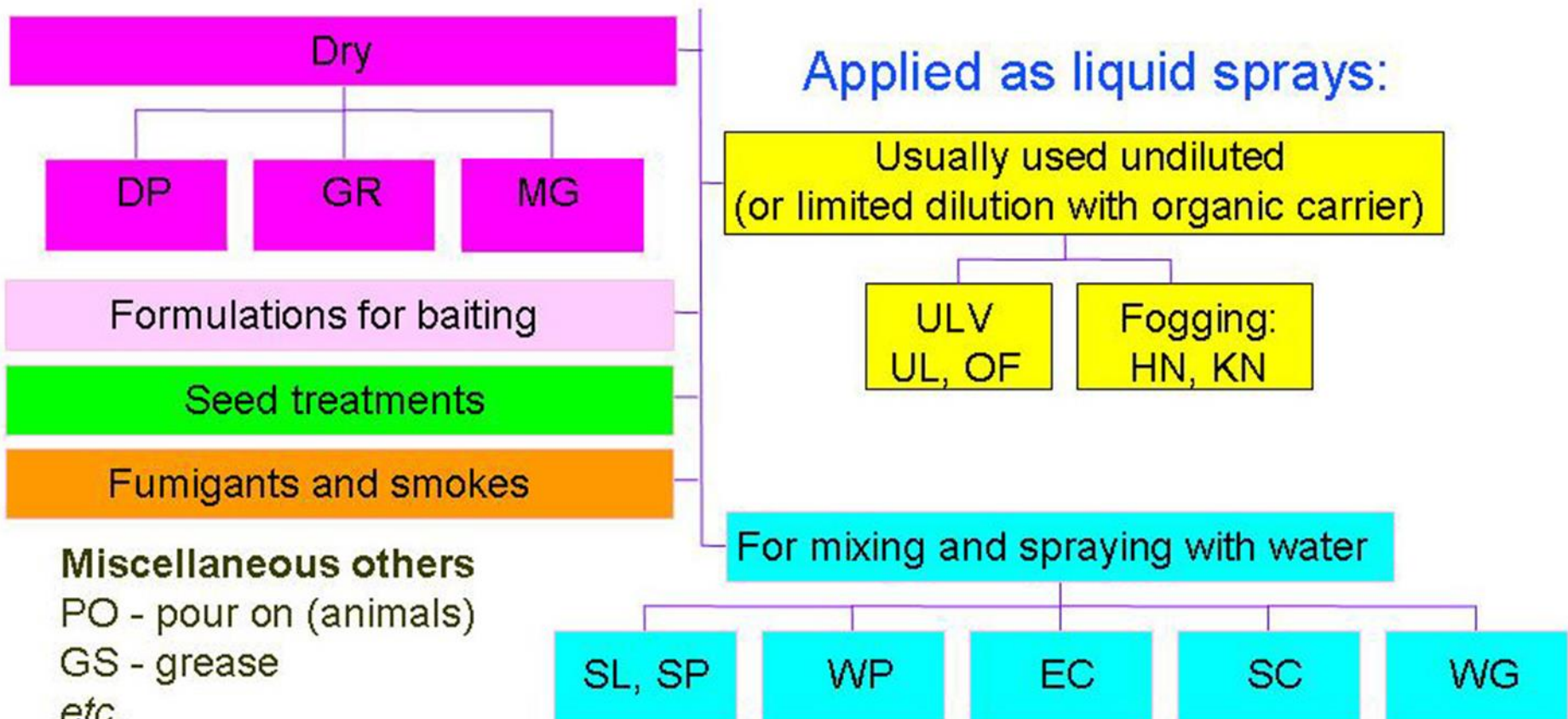
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FORMULATION
WSP
(WATER SOLUBLE
PACKET)

% ACTIVE
INGREDIENT
= 75%

Formulation types by use



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COMPANY: _____

STREET: _____ CITY: _____ STATE: _____ ZIP: _____

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INDICATE QUANTITY OF PRODUCT USED



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INDICATE THE AMOUNT OF FORMULATION ADDED TO A SPECIFIC QUANTITY OF WATER OR QUANTITY OF SOLID APPLIED TO AN AREA (GRANUALS)

**e.g. MIXED 1 OZ/100 GALLONS
OR
APPLIED 1 LB PER 1,000 FT²**



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INDICATE THE AMOUNT OF DILUTED MATERIAL APPLIED
 e.g. IF 1/2 OF A 100 GALLON TANK IS APPLIED TO A SITE,
 INDICATE 50 GALS.



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INDICATE THE EPA REGISTRATION NUMBER FOR THE PRODUCT

Merit[®] 75 WSP

Insecticide

For foliar and systemic insect control in turfgrass, landscape ornamentals, fruit and nut trees, and interior plantscapes.

ACTIVE INGREDIENT:

Imidacloprid, 1-[(6-Chloro-3-pyridinyl)methyl]-
-N-nitro-2-imidazolidinimine 75%

OTHER INGREDIENTS

Keep water soluble packets in cool dry place but not below freezing.

Do Not Remove Packets From Carton Except For Immediate Use.

EPA Reg. No. 3125-439

Four 1.6-oz Packets Per Carton, Four Cartons Per Case
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ENVIRONMENTAL HAZARDS

This product is highly toxic to aquatic invertebrates. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters.

This product is highly toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds if bees are visiting the treatment area. This chemical demonstrates the properties and characteristics associated with chemicals detected in groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

IMPORTANT: Read these entire DIRECTIONS FOR USE, GENERAL INFORMATION, AND CONDITIONS OF SALE before using MERIT 75 WSP Insecticide.

CONDITIONS OF SALE: THE DIRECTIONS ON THIS LABEL WERE DETERMINED THROUGH RESEARCH TO BE APPROPRIATE FOR THE CORRECT USE OF THIS PRODUCT. THIS PRODUCT HAS BEEN TESTED UNDER DIFFERENT ENVIRONMENTAL CONDITIONS BOTH INDOORS AND OUTDOORS UNDER CONDITIONS SIMILAR TO THOSE THAT ARE ORDINARY AND CUSTOMARY WHERE THE PRODUCT IS TO BE USED. INSUFFICIENT CONTROL OF PESTS OR PLANT INJURY MAY RESULT FROM THE OCCURRENCE OF EXTRAORDINARY OR UNUSUAL CONDITIONS, OR FROM FAILURE TO FOLLOW LABEL DIRECTIONS. IN

REGISTRATION
NUMBER



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CERTIFICATION/LICENSE NUMBER: _____

COMPANY: _____

STREET: _____

CITY: _____ STATE: _____ ZIP: _____

INDICATE THE PEST WHICH IS TO BE CONTROLLED AND THE LOCATION OF THE PESTS

E.G., GRUBS/LAWN, MICE/ATTIC, ETC.

IF A SPOT TREATMENT, INDICATE "SPOT"

NAME OF PESTICIDE PRODUCT	FORMULATION (INCLUDE FORMULATION AND % ACTIVE INGREDIENT)	EPA REG. NUMBER	TARGET PEST	DATE	CONSIGNEES NAME AND ADDRESS

COMMERCIAL APPLICATOR

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INDICATE THE DATE OF THE APPLICATION



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INDICATE THE NAME AND ADDRESS OF THE CUSTOMER

THIS MUST BE THE LOCATION OF THE APPLICATION

TERMITICIDE

TERMITICIDE APPLICATION RECORDS REQUIRE
ALL OF THE INFORMATION AS PER RULE 6 (B)
PLUS SOME ADDITIONAL INFORMATION

TERMITICIDE APPLICATION RECORDS SHALL ALSO INCLUDE :

A diagram of the structure depicting the lower level treated and exterior treatments;

The location of the active termite Infestation(s) or evidence of an untreated termite infestation, except when applying as a pretreatment application; and

TERMITICIDE APPLICATION RECORDS SHALL ALSO INCLUDE:

- Location of known wells, drainage systems, and any water bodies such as streams and ponds located within 100 feet from the treated structure

LEAVE BEHIND NOTICES

- A “LEAVE BEHIND NOTICE” IS REQUIRED TO BE LEFT AT THE SITE WHERE PESTICIDES HAVE BEEN APPLIED.
- IT IS LEFT WITH THE EITHER THE CUSTOMER OR INDIVIDUAL IN CHARGE OF THE APPLICATION SITE, SUCH AS A BUILDING MANAGER OF AN APARTMENT COMPLEX

LEAVE BEHIND NOTICES

RULE 6 (B) (7)

- The product name and EPA Registration Number of the Pesticide(s) and the amount applied;
- The name of the persons certified or licensed by the Department as well as person(s) applying the pesticide under the direct supervision of a certified or licensed commercial applicator who participated in the planning and execution of the application;

LEAVE BEHIND NOTICES

- The applicators certification and/or license number;
- Any post-application, safety, environment or health instructions specified on the label for the end use product. **This information may also be provided to the customer prior to the application;** and

LEAVE BEHIND NOTICES

In the case of pesticide applications made to rights-of-way owned by a Public Agency and/or Utility Companies, this notification shall be made by the applicator(s) to the Utility Company or Public Agency. When requested by adjacent or abutting property owners whose lands abuts the right-of-ways, it will be the responsibility of the Public Agency or Utility Company to provide the information stated in Section 8 (a) through (d) of Rule 6

LEAVE BEHIND NOTICES

RULE 23. TURF MANAGEMENT AND LAWN CARE

LEAVE BEHIND NOTICES

- THE LEAVE BEHIND NOTICE FOR LAWN CARE APPLICATIONS DIFFERS FROM OTHER PESTICIDE APPLICATIONS
- SIGNS ARE ALSO REQUIRED TO BE POSTED SUBSEQUENT TO THE APPLICATION

LEAVE BEHIND NOTICES

- RULE 23 (D)
- The product name of the pesticide(s) that were applied to the property and EPA registration Number
- A telephone number of the applicator or applicators company

LEAVE BEHIND NOTICES

- The telephone number of the Department of Environmental Management.
- The name of the person(s) certified or licensed by the Department as well as person(s) applying the pesticide if under the direct supervision of a certified or licensed commercial applicator who participated in the planning and execution of the application
- The applicators certification and/or license number

SIGNS

- RULE 23 (E)
- At the time of each application, the applicator shall post signs, as prescribed in (F) below, in conspicuous points of access to the property and shall instruct the customer as to their appropriate removal. Conspicuous points of access shall include but not be limited to, unobstructed abutting yard, walkways, paths, etc.

SIGNS

- RULE 23 (G)
- Signs posted by Commercial Companies shall be no less than 20 square inches (4" X 5") and shall be printed with the following information on waterproof stock in dark letters on a white field:

WHAT MUST BE WRITTEN ON THE SIGN

- Lawn Chemicals Applied (in letters at least $\frac{1}{2}$ " high)
- Applicator or Company Name
- Phone Number of Applicator or Company
- Date of Chemical Application
- Keep Posted for 48 Hours, or as specified by the label, if more than 48 hours
- (no smaller than $\frac{1}{4}$ " letters)

SIGNS

- **NO LESS THAN 20 SQUARE INCHES 4" x 5"**
 - NOT A BUSINESS CARD
- **WATERPROOF**
 - AS IN ABLE TO GET WET AND REMAIN IN TACT
 - NOT PAPER
 - NOT A NAPKIN OUT OF YOUR TRUCK
- **DARK LETTERS ON A WHITE FIELD**
 - THESE SIGNS MUST BE LEGIBLE

STORAGE

- IMPROPER STORAGE IS ANOTHER COMMONLY ENCOUNTERED VIOLATION
- NOT ALWAYS A PART OF USE INSPECTION
- STORAGE IS REVIEWED WHEN THE USE INSPECTION OCCURS AT A FIXED FACILITY SUCH AS A GOLF COURSE, MUNICIPAL BUILDING, ETC.

STORAGE

- RULE 24
- REVIEW THIS RULE ON YOUR OWN, AS T IS QUITE LENGTHY

COMMON STORAGE PROBLEMS

LACK OF PROPER SIGNAGE

- SIGN MUST BE ON THE OUTSIDE OF THE STORAGE BUILDING
- ITS PURPOSE IS TO ALLOW FIRST RESPONDERS TO BE AWARE PESTICIDES ARE STORED WITHIN THE BUILDING

**WARNING
PESTICIDES**



**FIRE WILL CAUSE
TOXIC FUMES**

COMMON STORAGE PROBLEMS

SECONDARY CONTAINMENT

- Pesticide storage areas....shall have no bottom drains or openings, be impervious to seepage or leakage.... And be capable of containing a pesticide spill 100% of the largest liquid pesticide container volume.

JP-28716



JP-28719

COMMON STORAGE PROBLEMS

- STORING INSECTICIDES, FUNGICIDES, HERBICIDES, ETC. TOGETHER
- THEY MUST BE **SEPERATED** ACCORDING TO CHEMICAL TYPE

COMMON STORAGE PROBLEMS

- Pesticides when stored must be separated by type insecticide, herbicide, fungicide, etc., and in such a manner, which prevents cross contamination. It is prohibited to offer for sale or distribution pesticide packages and containers that are torn, punctured, rusted or leaking

COMMON STORAGE PROBLEMS

STORING COMBUSTIBLE MATERIALS WITH PESTICIDES

- THIS INCLUDES BUT IS NOT LIMITED TO:
GASOLINE, KEROSENE, PETROLEUM PRODUCTS,
SOLVENTS OR OTHER FUELS OR EQUIPMENT
CONTAINING FUEL

COMMON STORAGE PROBLEMS

STORING RUP AND GUP TOGETHER

“Restricted Use” pesticides must be stored separately from other general use pesticides or fertilizers to prevent distribution to a non-certified applicator”

COMMON STORAGE PROBLEMS

LACK OF SPILL KIT

- Spill containment and clean-up materials shall be furnished at all pesticide storage areas

- IF THE INSPECTION IS FULLY COMPLIANT THE APPLICATOR WILL RECEIVE TWO CREDITS TORWARD NEXT RENEWAL

Market Place Inspections

- Conduct 45 marketplace inspections per year
- Ensure all products being sold are registered
- Ensure all products are safely displayed

What we know about pesticide use

- Certified private applicators report RUP use
- Dealers submit RUP sales
- Approximately 9,000 registered pesticide products
- Few reported drift complaints
- Few reported bee kills

What we don't know

- How much GUP is used by farmers
 - Many farmers are not certified
- Whether or not homeowners follow labels
- Whether or not homeowners over-apply
- How many unlicensed applications are made
 - We have a very limited enforcement presence

About us

- 4 staff members:
- Supervisor
- C&T Person/Marketplace inspection
- Inspector (use inspection, enforcement, PEIs)
- Clerical

What we do

- Register and collect fees for approximately 9,000 pesticide products
- Train and provide testing/recertification for:
 - 1,000 licensed applicators
 - 800 certified applicators
 - 160 certified private applicators
 - 50 RUP dealers

What we do

- Collect approximately \$1.5 million in registration fees
- Collect approximately \$71,000 in licensing/certification fees
- All money collected goes into the general fund
---- Our budget is approximately \$550,000

What we don't do

- Conduct routine enforcement inspections to identify unlicensed applicators
- Reach out to non-certified private applicators to provide WPS training
- Conduct water quality monitoring
- Conduct outreach
- Provide pesticide collection

What we need

- 2 additional staff:
- Enforcement inspector
- WPS outreach

What we need

- Average salary in the pesticide program (including all benefits and fringe) is approximately \$102,000
- Added to our current budget would total \$752,000
- Would result in a net “profit” of \$819,000