

Pesticide Disposal Program and 2017 Grower Issues

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Pesticide Disposal Program (PDP)

Review of 2017



Pesticide Disposal Program (PDP) History

- The PDP program was started in 1994 as a way to help applicators and growers dispose of unusable pesticides in a safe way.
- The PDP program has evolved from a cumbersome program to more of a customer orientated program that is effective and safe.
- Have any of you used the program in the past?



PDP 2017

Spring – May 9 – 11, 2017

- Three collections
- Nampa – 21,712
- Weiser – 8,195
- Lewiston - 935



PDP 2017

Early Fall – September 12-14, 2017

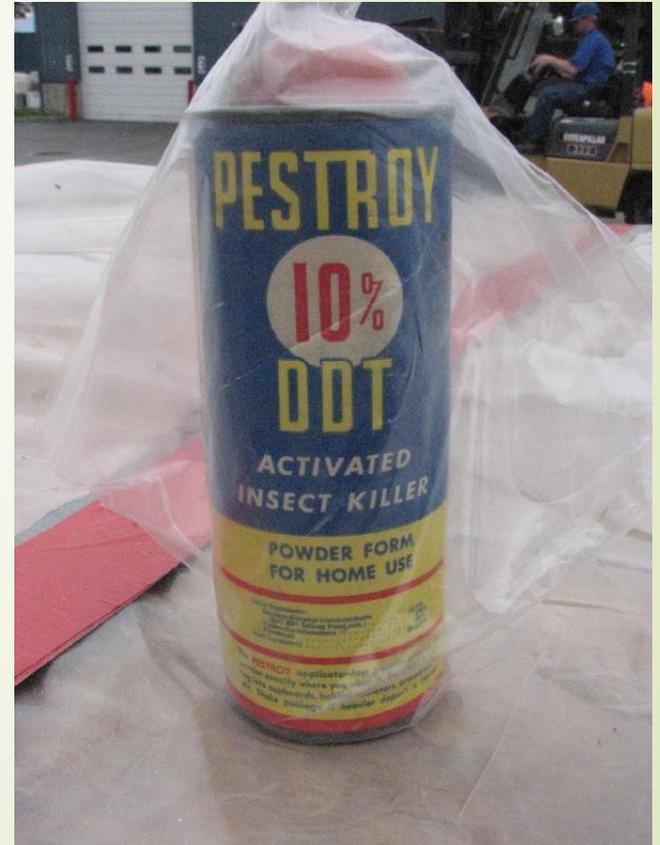
- Three collections
- Idaho Falls – 2,948
- Blackfoot – 19,504
- American Falls – 16,552



PDP 2017

Late Fall - September 26-28, 2017

- Three collections
- Burley – 16,996
- Twin Falls – 18,831
- Nampa – 12,223



PDP 2017

Totals

- Spring – 30,842
- Early fall – 39,004
- Late fall – 48,050
- **Total 2017 – 117,896**
- **Total program – 2,157,846**

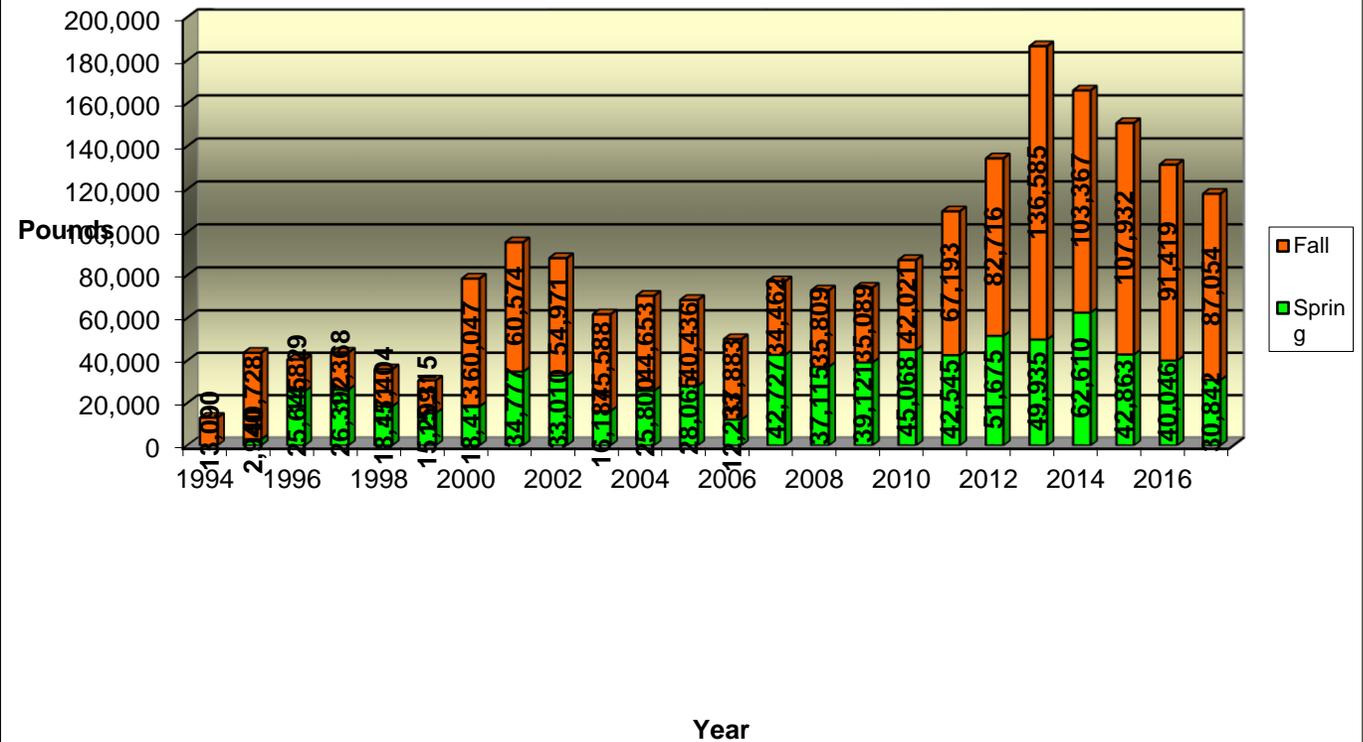


PDP

From 1994 – 2017
totals



Total pounds of unusable pesticides collected



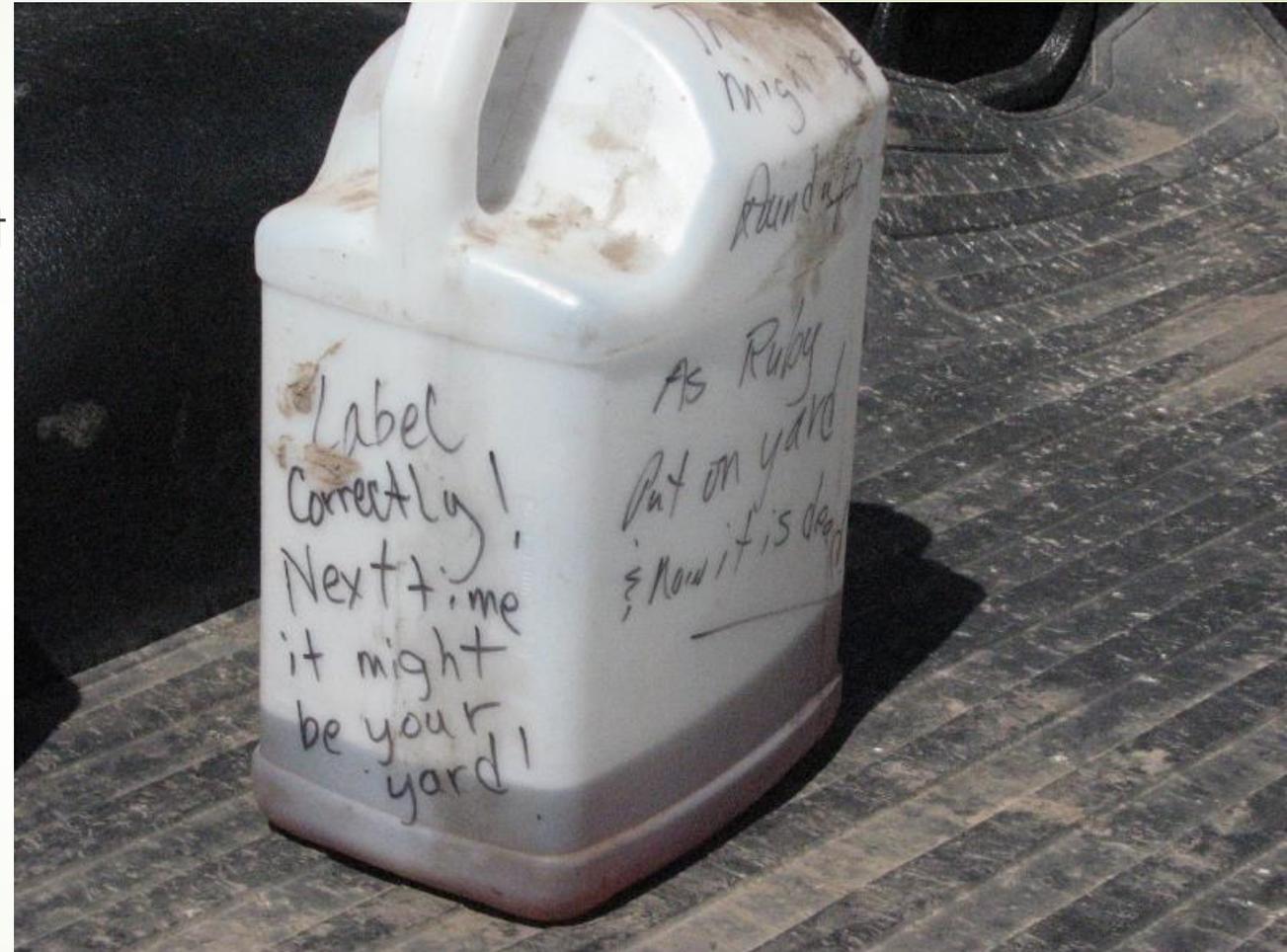
2017 Grower Issues

- Communication between applicator and grower and proper packaging
- Certification and training changes



Proper labeling

The husband got this at a garage sale and thought it was 2,4-D. Turned out it was something else. The comments say it all.



Why you Store Pesticides in their Original Containers – A true case history

An owner of a dairy had a grower plant his corn for him

Counter CR Lock'n Load (RUP) was applied at time of the planting



Why you Store Pesticides in their Original Container – A true case history

Some product was leftover and was not applied to the crop as required by the label

The owner of the dairy opened the lock and load and took the leftover product and put it into a corn seed sack

- Approximately 10 lbs. recovered

He then went to the hospital for an extended period of time because of other medical issues

Why you Store Pesticides in their Original Containers – A true case history

A third party took care of his dairy in his absence

This person cleaned up a shed, found what he thought was a mineral salt and fed it to the owner's springer heifer dairy stock

- Fortunately they were non-milking stock

Why you Store Pesticides in their Original Containers – A true case history

As a result of this 43 animals died from eating 4-5# Counter

19 of those dead animals were taken to rendering plant

- These animals were then commingled with others



Why you Store Pesticides in their Original Containers – A true case history

ISDA & FDA put a HOLD ORDER on:

- 3 railcars and 1 truck load of tallow (500,000 lbs)
- Approximately 480,000 lbs. of meat and bone meal



Why you Store Pesticides in their Original Containers – A true case history

- An action limit of 0.025 ppm terbufos was set by FDA
- 3 railcars of tallow and 2 truck loads of meat and bone meal had to be destroyed



Why you Store Pesticides in their Original Containers – A true case history

How much did the dairy farmer truly save?

- Counter is approximately \$2.62/lb
- 10# x \$2.62 = \$26.20

Estimated loss

- \$50,000 livestock
- \$100,000 in rendering product

2017 Grower Issues

- Communication between the applicator and the grower and proper packaging
- Certification and training changes





New Certification and Training Rules



Revisions to EPA's Certification of Pesticide Applicators Rule

- ▶ On December 12, 2016 EPA finalized stronger standards for people who apply restricted use pesticides. These revisions to the Certification of Pesticide Applicators rule and supporting materials are available on www.regulations.gov, under docket ID # EPA-HQ-OPP-2011-0183.
- ▶ Stronger standards for those applying restricted use pesticides will reduce risks to the individuals applying these pesticides in their daily jobs and help protect our families, communities, and environment from pesticide exposure.



▶ **EPA's revised rule:**

- ▶ Enhances applicator competency standards to ensure that restricted use pesticides are used safely.
- ▶ Establishes a first time-ever nation-wide minimum age of 18 for certified applicators and persons working under their direct supervision, with a limited exception.
- ▶ Requires all applicators to renew certifications at least every 5 years.
- ▶ Requires specialized certifications for people using certain application methods (fumigation and aerial).
- ▶ Requires first time annual safety training and increased oversight for persons working under the direct supervision of a certified applicator. Training includes reducing take-home pesticide exposure to protect families.
- ▶ Includes options for establishing certification programs in Indian Country that acknowledge tribal sovereignty.
- ▶ Clarifies and streamlines requirements for states, tribes, and federal agencies to administer their own certification programs.
- ▶ Provides flexibility for states in multiple ways, including allowing states to outline their own recertification programs for EPA's approval, versus EPA establishing one national recertification program.



EPA published the final Certification & Training (C&T) rule amending 40 CFR part 171. The rule will raise the Federal standards for applicator competency, including testing, certification and continuing education, in an effort to provide assurances that certified applicators and noncertified applicators under their direct supervision are competent to use pesticides in a manner that will not cause unreasonable adverse effects. **The rule is proposed to go into effect around May 23, 2018**, but there will be a lengthy implementation period for states to comply. The final rule is 409 pages long.

Certification and Training Changes for Idaho

- ▶ **Continuing Education Units; Renewal Period and Amounts per Category:** The final rule has extended the maximum certification period from three years (proposed rule) to five years (final rule). Additionally, EPA has eliminated the proposed six continuing education units (CEUs) requirement per category to maintain certification. Rather, the final rule establishes a framework for certifying authorities (state regulators) to develop a recertification program within their jurisdiction, which has been in place since EPA initially delegated this authority to States under FIFRA in the 1970s. The state certification program must ensure that applicators maintain a level of competency.

This doesn't affect Idaho since we are more stringent with our two year recertification period.

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- **Definition of “use”:** The final rule states:
 - *Use as in “to use a pesticide”* means “any of the following:
 - Pre-application activities involving mixing and loading the pesticide.
 - Applying the pesticide, including, but not limited to, supervising the use of a pesticide by a noncertified applicator.
 - Other pesticide-related activities, including, but not limited to, transporting or storing pesticide containers that have been opened, cleaning equipment, and disposing of excess pesticides, spray mix, equipment wash waters, pesticide containers, and other pesticide-containing materials.”
 - The final definition limits the pre-application activities to mixing and loading the pesticide.

In Idaho, we will need to use this definition now. This has minimal effect for Idaho.

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- **Site-Specific Instructions:** In the final rule EPA clarifies “use-specific instructions” as the information and requirements specific to a particular pesticide product or work site that an applicator needs to use a Restricted Use Product (RUP) in accordance with applicable requirements without causing unreasonable adverse effects. EPA’s intention is that the certified applicator makes the noncertified applicator aware of labeling requirements and site-specific conditions that are critical for safe use or that may not be obvious and/or could be problematic. The final rule does not require the supervising certified applicator to be physically present but does place a burden to ensure the safe use. Therefore, it is up to the supervising certified applicator to familiarize him or herself with the application site (first-hand or through reliance on others) and provide the noncertified applicator the particular use and site-specific information necessary to prevent unreasonable adverse effects.
 - This is a more specific added requirement for the supervising certified applicator but overall it should have minimal effect in Idaho.

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- ▶ **Non-Certified Applicator Training:** The final rule maintains annual safe handling requirement for non-certified applicators and provides options to complete 1.) WPS annual handler training 2.) A similar training with details outlined in the rule 3.) Complete training approved by the certifying authority or 4.) Hold a certification in another category.
 - ▶ In Idaho we will need to certify the training being used if it's not the already approved WPS annual training. I think, similar to our mixer-loader requirements, we will need to require this annual training be documented and provided to us on request.
 - ▶ This will not be a big change for us.

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- ▶ ***New Applicator Certification Categories:** In the final rule, EPA has added categories for both private and commercial applicators covering aerial application, soil fumigation, and non-soil fumigation. Aerial application, soil fumigation, and non-soil fumigation are now stand-alone certification categories and do not necessarily require concurrent certification in another existing category.

This will affect Idaho most since we would need to add the aerial application category and have exams for both our Private and Professional applicator licenses. We would also need to add a non-soil fumigation category or modify our Commodity Pest (CP) category to meet this requirement. This category would also need to be an option on the Private Applicator license. These new requirements will definitely add 6-8 rule language modifications or additions. The changes would also mean computer programming upgrades would be needed in applicator licensing.

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- ▶ **Testing; Government ID Requirement, “Closed Book”, online tests:** The final rule requires certifying authorities to verify the identity of persons seeking certification or recertifying by checking government-issued photo identification or by using another comparably reliable proof of identity approved by the certifying authority.

Idaho does this already.

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- ▶ **Applicator 18 Year Age Requirement:** The final rule establishes a minimum age of 18 for private and commercial applicators. The final rule also establishes a minimum age of 18 for noncertified applicators working under the supervision of private and commercial applicators with a limited exception; the final rule establishes a minimum age of 16 for a noncertified applicator using agricultural RUPs under the supervision of a private applicator who is a member of the noncertified applicator's immediate family.
 - ▶ This would have minimal effect in Idaho. Idaho does not have this in rule for 16 year old family member. Since it's a federal requirement, we would most likely change our form and just refer to the new federal standard. Idaho already requires 18 years of age for licensed applicators so that's not an issue.



➤ **Dealer RUP requirements for Record Keeping: RUP dealer recordkeeping must include:**

- Name and address of each person to whom the RUP was distributed or sold.
- The applicator's certification number, issuing authority, certification expiration date, and categories of certification.
- The product name and EPA registration number of the RUP(s) distributed or sold in the transaction, and the State special local need registration number on the label of the RUP if applicable.
- The quantity of the pesticide(s) distributed or sold in the transaction.
- The date of the transaction

This would have an effect in Idaho. Idaho would need to add the category of certification record keeping requirement, and the Special Local Need label citation requirement to our rule for dealer recordkeeping on RUPs. This would require two new minor additions to rule.



- ▶ ***Eliminate Non-Reader Certification for Private Applicators:**

- ▶ No “non-reader” option will now be available for persons who cannot read to obtain certification to use RUPs. The existing rules allow states can offer an alternative, product specific certification process for persons who cannot read.

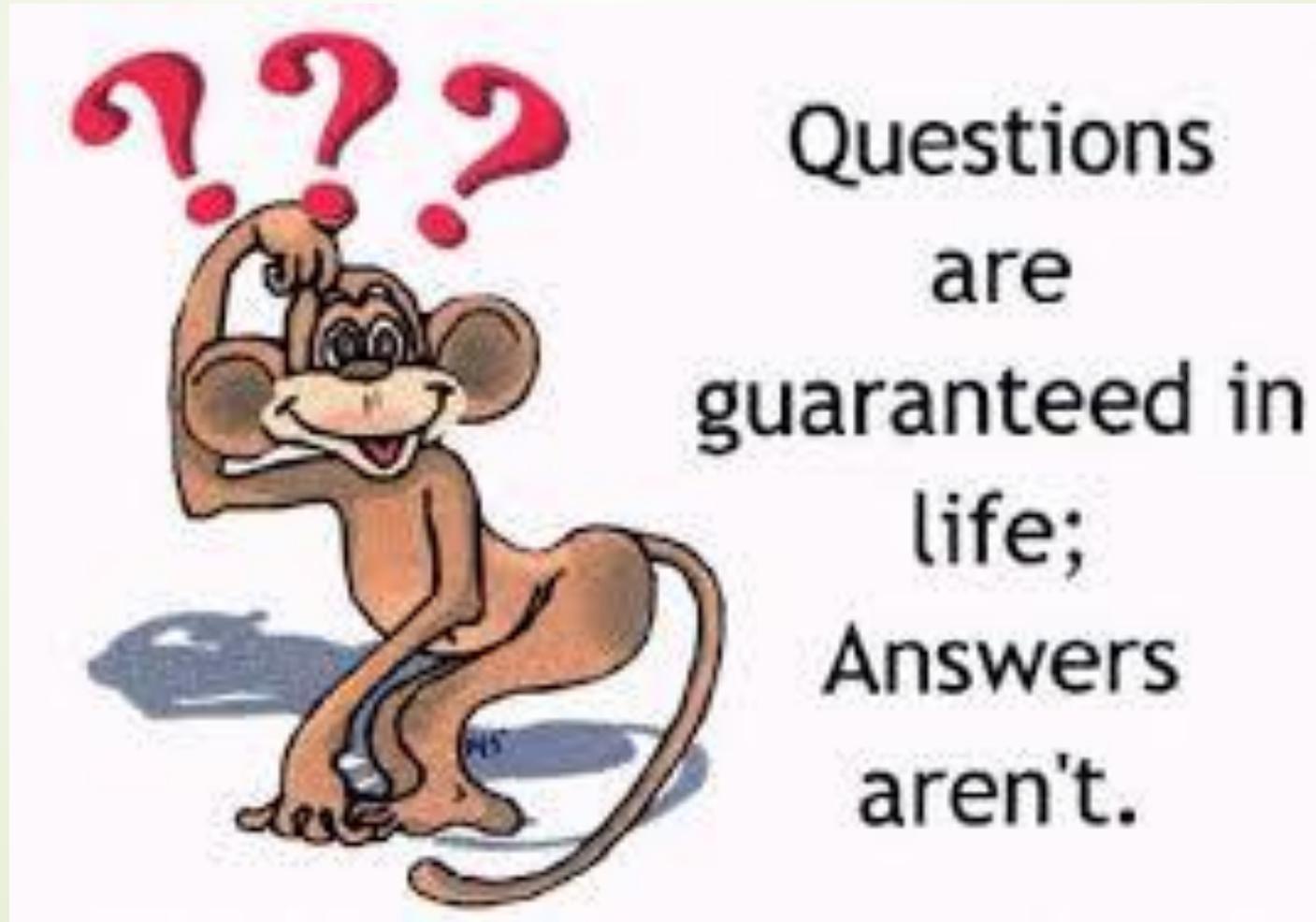
- ▶ This will have minimal effect in Idaho on procedures since we have only had two non-reader certifications allowed in the past ten years. That said, we will need a rule change to eliminate this section from our rules.

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- **Implementation Date:** The final rule adjusts the proposed implementation timeframe to provide additional flexibility. In the final rule EPA has extended the time period to submit new certification plans to three years from implementation period. EPA will then have up to two years to approve the certification plan and during this time period the existing certification plan will remain in effect. Certifying authorities will have the ability to request additional time based on specific circumstances.

Looking ahead, it may make the best sense for Idaho to use the three year implementation period to receive EPA approval on our new, updated plan. After EPA approves the plan, rulemaking procedures could begin to satisfy the federal requirements. EPA stated this is appropriate and would be allowed with state's implementation of the plan timelines.

*rule changes needed

Questions?



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Merry Christmas and Happy New Year

