

South Dakota Department of Agriculture Pesticide Applicator Newsletter

Winter 2003/2004 Issue 29



2004 Commercial Applicator Recertification Training

Commercial applicators should receive a certification and licensing packet from the Department of Agriculture in mid-December. Included is a listing of individual certification categories and the expiration date for those categories. This information will help you decide whether or not you need to attend a recertification session and which location to attend. Instructions for the pre-registration system are also included in the packet and on p.2 of this newsletter.

The certification and licensing packet contains a program listing the categories presented at each location. Check your certification needs and be sure to attend the appropriate location. Some of the training locations will have limited categories. Each applicator must insure that they have a valid license, with the proper category certifications to apply pesticides.

Notices were mailed to the most recent address we have on record. If you have a change of address, contact the department with those changes.

Please check the expiration date on your license. If it expires on February 28, 2004, you must submit your renewal by March 1, 2004 to avoid late fees.

It is important that applicators check in at the beginning of the recertification training. By checking in, applicators are automatically added to the list of attendees. Applicators who don't check in will not receive credit for attending. Verification of attendance for the entire session will be done with sign out sheets throughout the day.

Following are the dates and locations of the commercial sessions:

Ground Applicator Recertification

Aberdeen	Wednesday, January 21, 2004	Ramkota Inn
Watertown	Thursday, January 22, 2004	Ramkota Inn
Brookings	Friday, January 23, 2004	Brookings Inn
Mitchell	Tuesday, January 27, 2004	Davison Co. Ext. Center
Rapid City	Wednesday, January 28, 2004	Ramkota Inn
Pierre	Thursday, January 29, 2004	Ramkota Inn
Yankton	Friday, January 30, 2004	Kelly Inn
Sioux Falls	Monday, February 2, 2004	The Oaks Inn

Aerial Applicator Convention and Recertification

Sioux Falls Tuesday - Thursday, February 24-26, 2004 Sheraton Inn

Categories G, 1A, 1B, 1C and 7 presented at the aerial applicator recertification are specifically targeted to aerial applicators.

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ENFORCEMENT UPDATES

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Phone 605/773-4432
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From The Department...

Private Applicator Recertification Training

Private pesticide applicators should contact their local county extension educator for information on private applicator recertification training dates and locations. Training dates and locations can also be accessed on the web at http://plantsci.sdstate.edu/PAT/patdates/pest_list.cfm.

Those private applicators with access to the internet can become certified or renew their certification by taking the private applicator exam online. The exam is available through the Department of Agriculture's web site. The internet address to access the private applicator site is www.state.sd.us/doa/das/pwt.

Recordkeeping Requirements

Private pesticide applicators applying restricted-use pesticides are required by USDA to keep records of their pesticide applications. Private applicators are required to keep the following information:

- Brand or product name of RUP
- EPA registration number of RUP
- Total amount applied
- Size of the area treated
- Crop, commodity, product or site treated
- Location of the application
- Month, day and year of application
- Applicator's name and certification number

Federal law states that private applicators must complete their records no later than 14 days following the pesticide application and must be maintained for 2 years following the application.

Internet Pre-Registration System for Commercial Applicators



Internet pre-registration for commercial applicator meetings and for payment of training and licensing will again be used this year.

The system allows individuals or companies to sign up for classes in one or more locations. A company can pre-register for training and pay for licensing for all of the individuals under their employment. The user can then print a receipt that shows the dates and locations they registered to attend class. Users will need to use a MasterCard or Visa credit card for payment.

Users can use either the individual or company options available. The individual option asks for the applicator's ID number, which is the barcode number on their license. The system then shows which categories they need to recertify in and which locations offer those categories. Next, they will need to select a location and the classes they plan to attend and finally pay for their classes and licensing with one payment.

The company option is similar to the individual option, but the company can enter its name and see all the employees associated with it. The company

will then be able to select which individuals will attend class, where they will attend and pay for the classes along with the licensing for all employees.

In both cases, after payment is approved online, the user will be automatically directed to a receipt page that will detail their billing and the user will be able to print out a receipt for their records.

The two main advantages to this system are that at the end of the process, each applicator or company will pay only once for both the training fee and license fee and it provides the applicators with a better, more convenient service. Detailed instructions will be included in the pre-registration packet that was sent out in mid-December.

Applicators can also pay for classes via mail, but it costs \$30, rather than the \$20 fee if paid by internet.

The internet address to access the pre-registration is located on the Department of Agriculture's website at www.state.sd.us/doa/das/ecat/index.htm. If applicators do not have internet access, the local extension office or library may be able to provide internet access. Please contact the Department of Agriculture with any questions at 605/773-4432.

Hazardous Materials Transportation Requirements

Persons, including farmers, who ship or transport hazardous materials in amounts that require the shipment to be placarded should have developed and implemented security plans by September 25, 2003. Examples of materials to which the security plan requirement applies include explosives such as dynamite or detonators, pesticides, fertilizers such as anhydrous ammonia or ammonium nitrate, and fuels such as gasoline, diesel, and propane.



If you ship or transport fertilizers, pesticides, gasoline, diesel fuel, or propane in packages or containers that are larger than 119 gallons or the total quantity you ship or transport at any one time is more than 1,000 pounds, then you must have a security plan.

If you *do not* ship or transport hazardous materials in amounts that require placarding, then you ***do not*** need to have a security plan. For example: If your supplier delivers the pesticides, fertilizers, and fuels you use to your farm, then you do not need to have a security plan. If you pick up fertilizers, pesticides, or fuel from your supplier in packages or containers that are smaller than 119 gallons and the total quantity you transport to your farm at any one time is less than 1,000 pounds, then you do not need to have a security plan. If you only transport fertilizers, pesticides, and fuels between fields of your farm, then you do not need to have a security plan.

If the security plan requirement applies to your operations, the plan must include measures to address personnel security, unauthorized access, and *en route* transportation issues as applicable. For example:

Personnel Security: If you use employees to pick up placarded hazardous materials from your supplier and transport them to your farm, your security plan must include measures to confirm information provided by the employee on his job application or resume.

Unauthorized Access: If you do not transport the

All Food/Feed Facilities Must Register

The FDA has issued its interim final rule on the Bioterrorism Act. This Act requires that all facilities that produce food for human and animal consumption be registered with the FDA by December 12, 2003. There are also some exceptions to this rule, including but not limited to farms, restaurants, retail food establishments as well as those facilities located in a place of residence. The rule also requires that FDA be provided advance notice of shipments of human and animal food being imported or offered for import into the U.S.

There is no fee for the registration however you may be subject to civil action if you fail to register. The FDA recommends that facilities register online.

If you have any questions about registration or if you have not yet registered you can visit the FDA's web site at www.cfsan.fda.gov and click on the New Rules to Protect Food Supply – Food Facility Registration and Prior Notice link under Recent News.

materials directly from your supplier to your farm, your security plan must include measures to protect against unauthorized access by such means as locks or physical observation of the vehicle. For example, if you stop on the way back to your farm for a snack or a meal, you should keep your vehicle in sight or secure the material.

En route Security: Your security plan must include measures to enhance the security of the materials between the time you pick them up and the time you arrive at your farm. In this case, the most effective security measure would be to minimize the time that the shipment is in transit by going directly from your supplier to your farm.

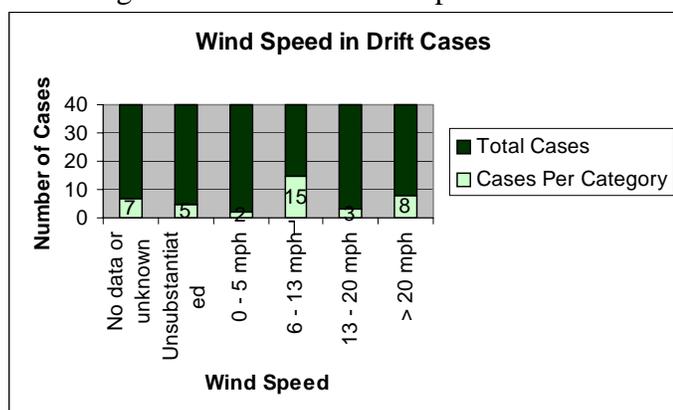
For Further Information, Contact The Hazardous Materials Information Center at 1 (800) HMR-4922 or visit their website at <http://hazmat.dot.gov/>

A Look Inside Drift Cases

This is the second in a series of newsletter articles about spraying conditions in South Dakota.

Each season, the department receives many complaint calls alleging drift onto non-target areas. Drift complaints can occur from ag applications or lawn care applications. Drift can occur on neighboring fields, neighboring lawns, shelterbelts, or any other non-target areas. We reviewed all the drift cases reported to the department in 2002 and the following table shows the relationship between wind speed and reported drift violations.

Following are the results of our report:



In 2002, there were 40 cases involving drift. Of those 40 cases, 7 of them had no weather data available or the drift was from an unknown source. In several of these cases, the applicator couldn't recall what time he had sprayed, so it was impossible to collect weather data for that application.

Five of the 40 drift cases were unsubstantiated, which means that no chemical residue was found in samples taken from the alleged drift area. Damage to this area was probably caused by other means such as disease or insect damage or other environmental conditions.

Two cases in which drift occurred had wind speeds between 0 – 5 mph. While it initially seems that drift couldn't occur when wind speeds are so low, drift could have been caused by inversion conditions, the applicator spraying too close to non-target areas, or other management decisions.

In 15 cases, drift occurred when wind speeds were 6 – 13 mph. Drift during these wind speeds can likely be attributed to wind, to other management decisions or a combination of both.

In 3 cases, drift occurred when wind speeds were 13 – 20 mph. Drift in these conditions is likely attributed to wind speeds.

In 8 cases, drift occurred when wind speeds were over 20 mph. In these high wind conditions, there is not much the applicator can do to control drift. It should be noted that about half of these eight cases were lawn care applications. Even though one might think houses and trees in towns will block the wind so applications can be safely made, this is not usually the case.

Our data show that in over 1/3 of the cases in which wind speed was documented, wind conditions were above 13 mph. Whether the applications were made to lawns within city limits or fields outside of town, the potential for drift increases with increasing wind speeds.

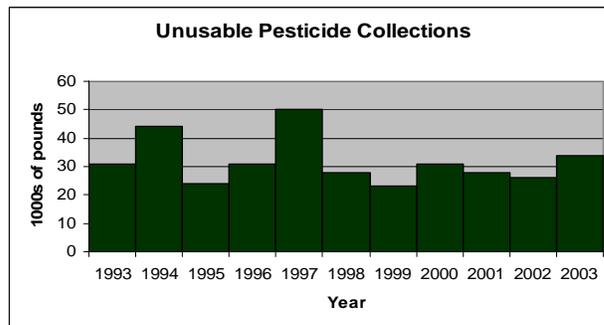
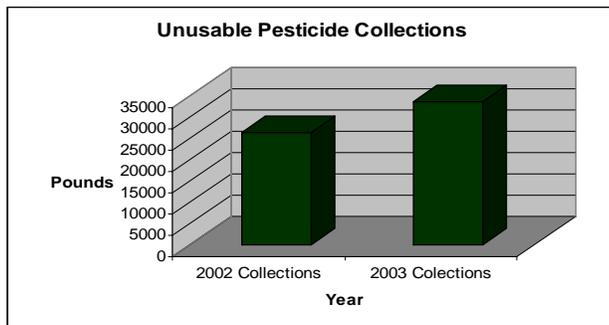
Applicators must also evaluate equipment factors such as droplet size; other weather factors such as temperature and inversion conditions; and factors such as distance to susceptible crops or non-target sites before deciding if conditions at the site of application are acceptable for spraying. Applicators should also read and follow all label directions. Ultimately, the applicator is responsible for any drift that occurs from his applications.

Rights of Way Spraying

When it comes to spraying rights of way, it may be easier and cheaper to use Grazon P & D, which is a mix of 2,4-D and picloram (the active ingredient in Tordon) instead of mixing 2,4-D and Tordon together; but Grazon is NOT labeled for rights of way. Grazon is only labeled for CRP, pastures and rangeland. Spraying Grazon on rights of way is an off-label use of the pesticide and may be subject to enforcement action.

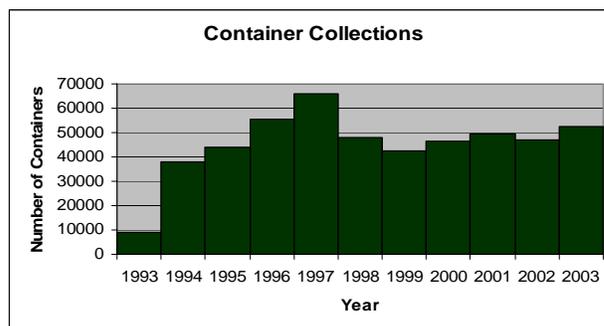
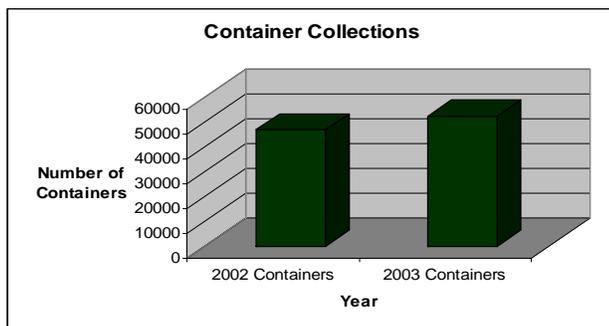
2003 Unusable Pesticide Collections

The Unusable Pesticide collections were held in the month of October at 6 sites across the state. 33,676 pounds of pesticide products were collected. 120 registrants attended the collections or arranged to have their pesticides picked up by the Department. Last year, 142 registrants disposed of 26,312 pounds of unusable pesticides. Since 1992, over 352,000 lbs. of unusable pesticides in South Dakota have been properly disposed of through this program.



2003 Pesticide Container Collections

The Pesticide Container collections were held in July and August at 31 sites across the state. 52,486 containers were collected at the 31 sites. All containers were taken to two permanent collection sites in Pierre or Vermillion to be granulated for recycling. Last year 46,972 containers were collected at 31 sites. Since the program began in 1992, about 500,000 containers have been collected and recycled.



Useful Websites

- www.state.sd.us/doa/das - SD Department of Agriculture, Division of Agricultural Services
- http://plantsci.sdstate.edu/PAT/patdates/pest_list.cfm - Private Applicator Training Dates and Locations
- www.state.sd.us/doa/das/pwt - Private Applicator Internet Certification
- www.state.sd.us/doa/das/ecat/index.htm - Commercial Applicator Training Pre-registration
- <http://hazmat.dot.gov/> - Hazardous Materials Transportation Requirements
- www.cfsan.fda.gov - Registration of Feed Facilities
- www.siouxvalley.org/childrens/services/poisoncontrolcenter/ - Poison Control Center
- www.state.sd.us/doa/das/comp/index.htm - Compliance Assistance Page
- www.epa.gov/pesticides/health/worker.htm - Worker Protection Standard

Pesticide Exposure Cases for SD

Sioux Valley Poison Control Center receives calls each year on human pesticide exposures. Only exposures and deaths reported through the poison control center are tracked. Data have been released for exposures and deaths for the first three quarters in 2003 (January – September).

The poison control center can aid people in treatment of pesticide exposures; they can also provide educational information about how to avoid exposures.

Following is a report on the number of pesticide exposures and deaths due to pesticide exposures reported to the poison control center.

Jan - Sep 2003	Potential Exposures	Deaths
Fungicides	2	0
Fumigants	1	0
Herbicides	32	0
Insecticides	110	0
Repellants	50	0
Rodenticides	35	0
Totals	230	0

This information will soon be available on our website at www.state.sd.us/doa/das and will be updated every quarter.

For more information about the poison control center, you may wish to visit <http://www.siouxvalley.org/Childrens/Services/PoisonControlCenter/>



Operational Areas for Seed Treatment

As companies are starting to handle more and more bulk seed, they are also starting to make more seed treatment applications. It is important to remember that many of these seed treatment applications need to be done on an operational area containment.

An operational area containment is any area where pesticides are transferred, loaded, unloaded, mixed, repackaged, or refilled.

If you meet any one of the following criteria, you need to conduct your pesticide handling activities, including seed treatments, over an operational area containment (OAC):

- Operational area is within 150 ft of a lake, stream, streambed or wetland
- Operational area is within 150 ft of a well
- Operational area is within 200 ft of a populated building †
- Operational area is within 500 ft of a well used as a public water supply †
- Operational area is the applicator's principal operational area AND more than 1500 lbs of active ingredient are transferred, loaded, unloaded, mixed, repackaged, or refilled during a calendar year or either concentrate OR diluted pesticides are cleaned, washed or rinsed from containers or from application, handling, storage, or transportation equipment for over 30 days accumulated during a calendar year.*

† Does not apply to mixing and loading operations conducted by applicators using containers and equipment with holding capacities of 10 gallons or less or 50 pounds dry weight or less.

* When calculating to determine if the 1500 pound or 30 day threshold has been exceeded, operational areas under common ownership and control within one-half mile of each other are calculated collectively.

For liquid pesticides, the operational area containment must be large enough to contain discharges from the largest container, transferred or rinsed, but at least 250 gallons in size.

Basic Principles of the Worker

Protection Standard

The federal Worker Protection Standard (WPS)



protects over three and a half million employees on farms, forests, nurseries, and greenhouses from exposure to pesticides. The WPS is designed to make working conditions safer by lowering the risk of pesticide poisonings among agricultural workers and pesticide handlers.

The WPS was revised in 1992. The revised WPS requires that agricultural workers be given training in basic pesticide safety.

The WPS applies to two types of employees – pesticide handlers and agricultural workers.

Pesticide handlers are those who mix, load, or apply agricultural pesticides; clean or repair pesticide application equipment; or assist with the application of pesticides in any way.

Agricultural workers are those who perform tasks related to the cultivation and harvesting of plants on farms or in greenhouses, nurseries, or forests. Ag workers include anyone employed for any type of compensation (including self-employed) doing tasks, such as carrying nursery stock, repotting plants, or watering, related to the production of agricultural plants on an agricultural establishment.

Summary of WPS Requirements

Protection during applications

Applicators are prohibited from applying a pesticide in a way that will expose workers or other persons. Workers must be excluded from areas while pesticides are being applied.

Restricted-entry intervals

Restricted-entry intervals must be specified on all agricultural plant pesticide product labels. Workers are excluded from entering a pesticide treated area during the restricted entry interval, with only narrow exceptions.

Personal protective equipment

Personal protective equipment must be provided and maintained for handlers and early-entry workers.

Notification of workers

Workers must be notified about treated areas so they may avoid inadvertent exposures.

Decontamination supplies

Handlers and workers must have an ample supply of water, soap, and towels for routine washing and emergency decontamination.

Emergency assistance

Transportation must be made available to a medical care facility if a worker or handler may have been poisoned or injured. Information must be provided about the pesticide to which the person may have been exposed.

Pesticide safety training and safety posters

Training is required for all workers and handlers, and a pesticide safety poster must be displayed.

Access to labeling and site specific information

Handlers and workers must be informed of pesticide label requirements. Central posting of recent pesticide applications is required.

For more information on the Worker Protection Standard, visit the department's compliance assistance website at www.state.sd.us/doa/das/comp/index.htm or visit EPA's website at

<http://www.epa.gov/pesticides/health/worker.htm>.



DEPARTMENT OF AGRICULTURE
Division of Agricultural Services
Office of Agronomy Services
523 East Capitol – Foss Building
Pierre, South Dakota 57501-3188

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ENFORCEMENT CASE UPDATE

NORTHEAST – The department found that two separate commercial applicators had caused drift damage to a potato field after making applications of Grazon, 2,4-D, and Dicamba. Both applicators settled with the department by payment of \$440 each.

SOUTHEAST – In a drift complaint the department found that damage to trees and grass had occurred from two commercial applications of Clarity. Both commercial applicators settled with the department by payment of \$440 each, one commercial applicator was also issued a warning for incomplete application records.

SOUTHEAST – In a Non-Performance complaint of an indoor insecticide, the commercial applicator was found to have violated the product label. The applicator settled with the department by payment of \$1238.

EAST – The department conducted an investigation into a complaint involving sales of defective seed. During the investigation it was found that the seed salesman did not have a permit to sell seed at the time of the seed sale. The department issued a warning for the violation.

EAST – A commercial applicator violated product labeling and settled with the department by payment of \$495.

CENTRAL –An aerial applicator, after experiencing engine problems, discharged a tank mix of Parathion 8 EC. The department initiated an investigation and subsequently found that the applicator was in violation of the label requirements for Parathion applications. The commercial applicator settled with the department by payment of \$2000 for a violation of the product label.

WEST – The department conducted an investigation into a possible dumping of pesticides on private property. A private applicator was issued a warning for a violation of pesticide handling.