

## **Pesticide Policy Overview**

### **POLICY**

The WSU Pesticide Policy governs pesticide handling, use, advice, consultation, instruction, and experimentation at or for Washington State University. The policy and accompanying procedures are designed to provide information to ensure that individuals and departments are in compliance with state and federal laws.

The entire WSU Pesticide Policy is divided into four *Business Policies and Procedures Manual (BPPM)* sections covering:

- Policy overview (see this section, 45.65);
- Pesticide recommendation procedures (see 45.67);
- Registered pesticide use procedures (see 45.69); and
- Experimental use of pesticides procedures (see 45.70).

### **Implementation**

The Office of the Vice President for Research and Dean of the Graduate School is primarily responsible for University compliance with state and federal experimental pesticide restrictions and requirements.

The Washington State Pest Management Resource Service (WSPRS) is responsible for operational oversight and assistance to departments regarding compliance with state and federal pesticide restrictions and requirements. The University's Pesticide Coordinator, who is the Director of the WSPRS, also serves as the designated authority for review and approval of pesticide recommendations.

The Department of Environmental Health and Safety (EH&S) is responsible for overseeing activities related to structural and public health pest control at WSU. Specific details are located in *Safety Policies and Procedures Manual (SPPM)* 6.30.

### **Applicability**

The WSU Pesticide Policy applies to all colleges, departments, personnel, and contractors who:

- Use, handle, and apply pesticides,
- Advise anyone on pesticide use and handling, and/or
- Perform research on experimental pesticides or experimental use of registered pesticides.

### **Personnel**

For purposes of this policy, the term "personnel" is defined as all administrators, faculty members, students, researchers, support personnel, volunteers, and any other persons working for WSU, with or without compensation.

### **Compliance Required**

All WSU colleges, departments, and personnel must comply with federal and state law governing pesticides and the WSU Pesticide Policy published in 45.65, 45.67, 45.69, 45.70. NOTE: Nothing in these *BPPM* sections is to be construed as being less restrictive than federal or state law.

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**Compliance Required (cont.)** All WSU colleges, departments, and personnel must also comply with federal and state law governing the recycling, disposal, and storage of pesticide wastes. See *Safety Policies and Procedures Manual (SPPM)* sections 5.66 and 5.68.

**Scope** Pesticide is broadly defined. Whether a substance is a pesticide is based on the use rather than the chemical or physical components of the substance. Under Washington law (*RCW 15.58.030*):

"Pesticide" means, but is not limited to:

"(a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, snail, slug, fungus, weed, and any other form of plant or animal life or virus, except virus on or in a living person or other animal which is normally considered to be a pest or which the director may declare to be a pest;

"(b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; and

"(c) Any spray adjuvant."

Pesticides include the following:

Bioengineered and  
Transgenic Plants

Plants that are bioengineered and/or genetically-modified (transgenic) to contain a plant-incorporated protectant (PIP). A PIP is a pesticidal substance intended to be produced or used in a living plant or in the produce of a living plant. A PIP includes the genetic material necessary to produce the pesticidal substance and any inert ingredients in the plant or its product.

Personnel must handle plants that include a PIP in the same manner as any other pesticide, even if the plants are not yet registered as a pesticide with the U.S. Environmental Protection Agency (EPA).

Prior to initiating research with any bioengineered or transgenic plants, personnel must register the research for review and approval with the Institutional BioSafety Committee (IBC). For further information, see the IBC website at:

<http://www.bio-safety.wsu.edu/>

Organic Pest Controls

Organic pesticides include bacteria, viruses, and fungi that are classified as pesticides based on use, not origin. Pesticides approved for organic gardening or farming are regulated in the same manner as conventional pesticides. All sections of this policy and the related state and federal law apply to "organic" or "natural" pesticides. The requirements for licensing, pesticide recommendations, use, storage, and disposal are applicable to "organic" pesticides.

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**Organic Pest Controls (cont.)** Personnel testing organic materials for pest control/management purposes should first determine whether the materials fall within the legal definition of a pesticide. (See 45.65.2.) If yes, personnel must follow the same procedures and experimental use pesticide (EUP) requirements described on 45.65.5 and in 45.70.

Personnel have a responsibility to ensure that pesticide use and recommendations on certified organic lands are in accordance with all regulations that govern pesticides, as well as those that govern organic certification. See the U.S. Department of Agriculture (USDA) National Organic Program regulations (7 *CFR* 205).

**Animals** Pesticides include substances used to control certain animals that are classified as pests and to control pests that affect animals. WSU personnel who are involved in pesticide use, consultation, education, or research may find it necessary to work with animals. Prior to initiating research with animals, personnel must seek approval from the Institutional Animal Care and Use Committee (IACUC). For further information, see the IACUC website at:

<http://www.iacuc.wsu.edu/>

**Out of State Use** WSU personnel are required to comply with the law in any state where they perform activities with pesticides. For a brief overview of requirements in Idaho and Oregon, see the advisory guidelines available from the WSU Employee Resources section of the Washington State Pest Management Resource website at:

<http://extension.wsu.edu/wsprs/Pages/Employees.aspx>

Personnel applying pesticides to field plots in other states are expected to obtain all necessary licenses or permits required by those state prior to the applications.

**Licensing Requirements** An individual must obtain a valid Washington State Department of Agriculture (WSDA) license and any necessary endorsements before performing any activity at WSU or on behalf of WSU which requires a license.

Applicable licenses are described below and on 45.65.4. An individual should check with the WSU Pesticide Coordinator to determine whether the activity he or she performs or wishes to perform requires a license.

**Pest Control Consultant License (RCW 15.58.220)** A public employee who recommends the use of non-home and garden pesticides must obtain a public pest control consultant license prior to providing such services. The consultant may be required to obtain additional WSDA endorsements, depending on the categories or areas for which he or she provides recommendations.

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Pest Control Consultant  
License (*RCW 15.58.220*)  
(cont.)

A public consultant license does not allow the individual to apply pesticides or supervise the use of pesticides by another person. A researcher who gives use instructions to a licensed technician must have a public operator license, not a public consultant license. (See below.)

Individuals working with plant growth regulators should obtain license endorsements in either the agricultural weed or ornamental weed categories.

Public Operator License  
(*RCW 17.21.220*)

A WSU employee must obtain a public operator license to use or to supervise the use of any restricted use pesticide by any means or any general use pesticide applied by powered equipment on public or private property.

Government Research  
Personnel (*RCW 17.21.203*)

A faculty member with at least a 50 percent research appointment who only applies general use pesticides through powered equipment to her or his research plots is exempt from the public operator license requirement. NOTE: A researcher giving use instructions to a licensed technician must have a public operator license.

Applications Requiring a  
License

Personnel must obtain valid licenses before any application of any:

- Restricted use pesticides,
- Use restricted pesticides, or
- General use pesticides applied with powered equipment.

See *RCW 17.21.020* and *WAC 16.228.1010* for definitions.

If personnel are not licensed, a licensed public operator must remain within eyeshot and earshot of anyone applying the pesticide types listed above and must supervise the application at all times. This requirement applies to applications in locations including, but not limited to, the Discovery Gardens, research plots, greenhouses, and general grounds, and to farm maintenance at any WSU location and on cooperator lands. (Cooperator lands are defined as lands owned by private or non-WSU public entities which are provided for University research use.)

Verifying Licenses

Supervisors and unit heads must verify that appropriate licenses are held by subordinates in their respective areas. A searchable list of licensed individuals is available from the WSDA website at:

<http://agr.wa.gov/pestfert/licensing/search/default.aspx>

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### **Recommendation Standards**

Recommendations in Publications

To ensure compliance with legal requirements, authors must obtain the applicable approvals for all publications (including webpages, social media, and blogs). See 45.67 regarding required approval procedures.

Recommendations for "Off-Label" Use

It is a violation of law for WSU personnel to give any advice or recommendations inconsistent with the current label on a pesticide product. (*RCW 15.58.150*)

However, federal and state laws do allow specified label deviations (also referred to as "allowable off-label use"). See *7 USC 136(ee)*, *WAC 16-228-1225*, and *BPPM 45.67* for details regarding such exceptions.

Recommendations for Home Remedies

"Home remedies" and the like are not labeled as pesticides. However, University personnel may not recommend home remedies unless the personnel have adequate scientific data to support the home remedies and approval from the Pesticide Coordinator. See 45.67.

### **Application Records**

All licensed applicators who apply pesticides, and all persons who apply pesticides to more than one acre of agricultural land in a calendar year, must keep records of those applications. Applicators must complete application records on the same day that the pesticide is applied.

Application records must be retained for seven years from the date applied. (See *RCW 17.21.100* and *BPPM 90.01*.) The records should be housed in individual unit or local land use committee files and be available for inspection if requested.

Forms

WSDA application record forms are available from the Recordkeeping section of the WSDA Compliance Activities website at:

<http://agr.wa.gov/PestFert/Pesticides/ComplianceActivities.aspx#Recordkeeping>

Departments must submit customized forms to the WSDA for approval prior to use. The WSDA's approval letter must be kept with the application records.

### **Experimental Use of Pesticides**

Experimental use of pesticides requires a permit and use of protocols to prevent plants and foods on which the pesticide was used from entering the stream of commerce. See 45.70 and *WAC 16-228-1460*.

See 45.70 for the definition of an experimental-use pesticide (EUP).

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### **Safety**

Each unit must create and maintain a safe and healthy work environment.

### Technical Assistance

Technical assistance is available from EH&S on a variety of topics. Personnel may download PDF versions of fact sheets for restricted entry, hazard communication, heat-related illness, respirator fit, and other related topics from the EH&S Factsheets website at:

<http://ehs.wsu.edu/training/EHS-Factsheets.html>

Additionally, information is available from the Washington State Department of Labor and Industries (L&I) website at:

<http://www.lni.wa.gov/Safety/default.asp>

### Worker Protection Standards (WPS)

Any pesticide used that carries an "Agricultural Use Requirement" section on the label requires compliance with the Worker Protection Standards (WPS) law. (See *WAC 16-233* and *40 CFR 170*.)

The University is viewed as an agricultural establishment growing agricultural plants if the pesticide product in use carries the WPS/Agricultural Use Requirement labeling.

## **SUPPLEMENTARY GUIDELINES**

Several advisory guidelines supplement the policy information. The advisory guidelines are available from the WSU Employee Resources section of the Washington State Pest Management Resource website at:

<http://extension.wsu.edu/wsprs/Pages/Employees.aspx>

The advisory guidelines include, but are not limited to:

- Contacts (for questions and assistance)
- Information for WSU Employees Working in Oregon and Idaho Test Plots
- Case Study: Off-Label Recommendations
- Frequently Asked Questions (FAQs) about Pesticide Recommendations
- Frequently Asked Questions (FAQs) about Pesticide Uses

## **QUESTIONS**

Individuals are to direct questions to their supervisors or to personnel listed as advisory contacts.