

Use of Registered Pesticides

OVERVIEW

Applicable colleges, departments, researchers, and volunteers must follow the requirements in this section to comply with state and federal laws regarding the use of registered pesticides. Registered pesticides are defined as pesticides which are registered for use with both the U.S. Environmental Protection Agency (EPA) and the Washington State Department of Agriculture (WSDA), or just registered with the WSDA.

This section provides requirements and procedures regarding:

- Pesticide licenses;
- Chemical safety;
- Worker protection standards; and
- Recordkeeping.

See 45.69.9 for a link to advisory guidelines which supplement this policy.

MASTER GARDNER PROGRAM

Volunteers may not apply anything other than home-and-garden pesticides to WSU property. Coordinators who oversee Master Gardner (MG) gardens on WSU lands work with the local Research and Extension Center directors for access to licensed personnel who apply pesticides on their behalf. NOTE: All posting requirements must be met. Careful scheduling of applications to gardens with public access must be a priority.

Coordinators who oversee MG gardens in city or county parks are highly encouraged to have written agreements with city or county park agencies. If WSU applies pesticides to an MG garden, the agreement should provide that WSU is to maintain the area and that WSU is in control and possession of the demonstration garden for the purpose of such maintenance. The MGs may then be able to apply general use pesticides using non-powered equipment. The agreement should also provide that the city or county agency is responsible for applying pesticides if those pesticides are not general use pesticides or if powered equipment is to be used for the application.

PESTICIDE LICENSE REQUIREMENTS

The University encourages any employee who advises on or works with pesticides to obtain and maintain a pesticide license in order to demonstrate her or his level of professional competency.

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PESTICIDE LICENSE REQUIREMENTS (cont.)

Personnel must obtain valid WSDA pesticide licenses prior to conducting the following types of work in the state of Washington:

- Work activities that fall under the WSDA requirements for a public consultant or public operator (see *WAC 16-228*);
- Application of restricted-use pesticides (RUP);
- Application of use-restricted pesticides (URP); and/or
- Application of general use pesticide products through powered equipment.

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

If personnel are not licensed, a licensed public operator must be within eyeshot and earshot and supervise the application at all times.

The University expects personnel applying pesticides to field plots in other states to obtain all necessary licenses or permits required by such states in advance of the applications.

Applicability

The pesticide licensing requirements apply to those who engage in the work activities listed on 45.69.1 at locations including, but not limited to, all demonstration gardens (e.g., Discovery Gardens), research plots, greenhouses, and general grounds and farm maintenance at any WSU location. Licenses are also required for application of restricted-use pesticides (RUP) or use-restricted pesticides (URP) on cooperator lands. (See 45.65.4 for definition of cooperator lands.)

References

Supervisors and unit heads must verify that appropriate licenses are held by subordinates in their respective areas. WSDA maintains a licensing search website which allows users to verify that a license has been issued to any particular individual or business. To access the WSDA Licensing Search website, go to:

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

Alternatively, supervisors and unit heads may contact the Pesticide Coordinator for assistance.

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Public Operator

Faculty, staff, and students must have public operator licenses with appropriate endorsement categories for the applicable specific work areas in order to:

- Apply restricted-use pesticides (RUP);
- Apply use-restricted pesticides (URP); or
- Apply general use pesticides through powered equipment.

See *RCW 17.21.220* and *WAC 16-228-1545*.

Faculty, staff and students must pass appropriate exams in order to obtain license endorsements.

A public operator license with appropriate endorsements allows the user to work in the following capacities:

- Applicator;
- Supervisor for unlicensed personnel; and
- Public consultant.

Personnel who carry public operator licenses do not need to carry both public operator and public consultant licenses.

A licensed public operator may supervise unlicensed personnel only when he or she is physically present at the work site and in constant eye and ear contact during the application.

NOTE: Research faculty who apply general use pesticides through powered equipment only to their research plots are exempt from the public operator license requirement.

Public Consultant

Faculty, staff, and students who, as WSU representatives, recommend the use of non-home-and-garden pesticides must have public consultant licenses with appropriate endorsement categories for the specific areas in which they work. Faculty, staff and students must pass appropriate exams to obtain license endorsements. See *RCW 17.21.220* and *WAC 16-228-1545*.

NOTE: A 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 an operator license, not a consultant license.

The University advises individuals working with plant growth regulators to obtain license endorsements in either the agricultural weed or the ornamental weed categories.

RESEARCH
45.69.4
New 4-12
Washington State
Pest Management Resource Service
253-445-4611

BUSINESS POLICIES AND PROCEDURES MANUAL

Use of Registered Pesticides

CHEMICAL SAFETY

Each unit is responsible for creating and maintaining safe and healthy work environments. The University's Environmental Health and Safety (EH&S) department provides technical assistance to units on a variety of workplace safety topics, including chemical safety.

Cholinesterase Monitoring

Supervisors of pesticide handlers who use toxicity class I or II organophosphate or N-methyl-carbamate pesticides must contact EH&S for assistance in complying with state cholinesterase monitoring requirements. NOTE: Medical monitoring is also referred to in state rules and University policies as medical surveillance.

Further details regarding the state rules are available on the Washington State Department of Labor and Industries (L&I) Cholinesterase Monitoring website at:

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

Related Safety Resources

In addition to applicable sections in the *Safety Policies and Procedures Manual (SPPM)*, EH&S provides advisory fact sheets regarding:

- Restricted entry;
- Hazard communication (see also *SPPM* 5.10 and 4.12);
- Heat-related illness (see also *SPPM* 3.44);
- Respirator fit (see also *SPPM* 3.24), and
- Other related topics.

HTML and PDF versions of the advisory fact sheets are available at the EH&S Factsheets website at:

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

Chemical safety information is also available from the L&I website at:

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

WORKER PROTECTION STANDARDS

The federal government enacted the Worker Protection Standards (WPS) (40 *CFR* 170) to protect workers (faculty, staff, and volunteers) from occupational exposure to agricultural pesticides. Both WSDA and L&I conduct compliance audits for WPS.

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WORKER PROTECTION STANDARDS (cont.)

The key feature of this legislation is that use of any pesticide which carries an "Agricultural Use Requirement" section on the label requires compliance with the WPS. Such labeling is also referred to as WPS labeling. For purposes of the WPS, the University is viewed as an agricultural establishment growing agricultural plants if any unit, college, or farm uses a pesticide product which carries the WPS/Agricultural Use Requirement labeling.

Under WPS, employees are divided into two categories.

- *Pesticide Handlers.* A pesticide handler is defined as anyone who mixes, loads, or applies pesticide, or who cleans and repairs pesticide application equipment.
- *Pesticide Workers.* A pesticide worker is defined as anyone who works in plant production (e.g., watering, irrigating, pruning) in an area where a pesticide application was made **within the last 30 days** using a product containing WPS labeling.

Educational facilities are clearly covered in WPS interpretive guidelines. Although WPS compliance is not required when employees perform landscape maintenance duties, or when researchers use unregistered pesticides (i.e., numbered compounds), supervisors must promote safe work environments in all cases. (NOTE: Other L&I standards cover employees performing landscape maintenance. See WAC 296-62.)

Summary of Worker Protection Requirements

Additional WPS information is available on the WSDA Worker Protection website at:

<http://agr.wa.gov/PestFert/Pesticides/WorkerProtection.aspx>

Protection During Applications

Applicators are prohibited from applying pesticides in ways that 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 few narrow exceptions. There is a no-entry period for workers of four hours after application for all products with WPS labeling; this means **no** early entry, unless the workers are wearing personal protective equipment (PPE). (See 45.69.6.)

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Personal Protective Equipment Units must provide and maintain PPE for handlers and early-entry workers. The PPE must meet label requirements.

NOTE: Employees wearing respirators, including N95s (particulate-filtering facepiece respirators), must comply with the requirements of the University's respiratory protection program (*SPPM* 3.24). The respiratory protection program requirements include medical clearance, fit-testing, and training. Supervisors may contact EH&S to determine if unit employees need to be included in the respiratory protection program.

Notification of Workers Units must notify workers about treated areas in order to avoid inadvertent exposures.

Decontamination Supplies Units must provide access to the following decontamination supplies for personnel who may be exposed to pesticides.

All Employees Units must provide water, soap, and single-use towels in quantities sufficient to meet the needs of all employees. Units must ensure that the quality and temperature of any water available to workers will not cause illness or injury upon contact with skin or eyes or if swallowed. Decontamination supplies must be:

- Located together,
- Reasonably accessible, and
- Not more than one-quarter mile from work location.

Workers Units must provide adequate water for routine washing and emergency eye flushing for all pesticide workers. (See *SPPM* 5.15.)

Handlers Units must provide adequate water for all pesticide handlers to enable:

- Routine washing,
- Emergency eye flushing, and
- Washing the entire body in case of an emergency.

Units must provide at least ten gallons of water for one employee and twenty gallons of water for two or more employees at mixing and loading sites that do not have running water. (See also *SPPM* 5.15.)

Emergency Assistance Units must make transportation to a medical care facility available to any worker or handler who may have been poisoned or injured.

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Emergency Assistance (cont.) Units must provide information to the employee and the medical attendant regarding the pesticide to which the employee may have been exposed.

Pesticide Safety Posters Units with personnel who use or may be exposed to pesticides are required to display a pesticide safety poster. Pesticide safety posters are available for purchase from the website of the EPA Pesticide Programs' official vendor, Gempler's, at:

<http://www.gemplers.com>

Pesticide Safety Training Units must ensure that all pesticide workers and handlers complete pesticide safety training. Supervisors are responsible for providing and documenting the training. (See below and 45.69.7.)

Training for Workers Pesticide safety training for workers must include, at a minimum, the following information:

- Where and in what form pesticides may be encountered during work activities;
- Hazards of pesticides resulting from toxicity and exposure, including acute and chronic effects, delayed effects, and sensitization (MSDSs must be provided; see *SPPM* 5.10);
- Routes through which pesticides can enter the body;
- Signs and symptoms of common types of pesticide poisoning;
- Emergency first aid for pesticide injuries or poisonings;
- How to obtain emergency medical care;
- Routine and emergency decontamination procedures, including emergency eye flushing techniques;
- Hazards from chemigation (i.e., application of pesticides through irrigation) and drift;
- Hazards from pesticide residues on clothing; and
- Warnings about taking pesticides or pesticide containers home.

(WAC 296-307-12040)

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Training for Handlers

Pesticide safety training for handlers must include, at a minimum, the following information:

- Format and meaning of information contained on pesticide labels and in labeling, including safety information such as precautionary statements about human health hazards;
- Hazards of pesticides resulting from toxicity and exposure, including acute and chronic effects, delayed effects, and sensitization;
- Routes through which pesticides can enter the body;
- Signs and symptoms of common types of pesticide poisoning;
- Emergency first aid for pesticide injuries or poisonings;
- How to obtain emergency medical care;
- Routine and emergency decontamination procedures, including emergency eye flushing techniques;
- Need for and appropriate use of personal protective equipment;
- Prevention, recognition, and first aid treatment of heat-related illness;
- Safety requirements for handling, transporting, storing, and disposing of pesticides, including general procedures for spill cleanup;
- Environmental concerns such as drift, runoff, and wildlife hazards;
- Warnings about taking pesticides or pesticide containers home.

(WAC 296-307-13025)

Access to Labeling and Site Specific Information

Units must inform handlers and workers of pesticide label requirements. Units must post information regarding recent pesticide applications (within the last 30 days) in central locations.

RECORDKEEPING REQUIREMENTS

This section (45.69) gives instructions for recordkeeping following application of registered pesticides for registered uses. A following section, 45.70, describes recordkeeping requirements following application of unregistered pesticides or registered pesticides used in an experimental manner.

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RECORDKEEPING REQUIREMENTS (cont.)

All licensed applicators who apply pesticides at any location, and all persons applying pesticides to more than one acre of agricultural land in a calendar year, must keep records of such applications.

Registered pesticide application records must be:

- Completed on the same day that the pesticide is applied;
- Submitted to the WSDA when requested;
- Retained for seven years from the application date (see 90.01);
- Maintained in individual unit or local land use committee files; and
- Provided for inspection upon request.

See 90.01 for further information regarding University records retention requirements.

Recordkeeping Forms

Personnel may either use appropriate WSDA recordkeeping forms or may design a custom form using the required elements and submit it to WSDA for advance approval. The unit or committee retains the WSDA's approval letter with the application records. WSDA recordkeeping forms are available from the WSDA Compliance Activities website at:

<http://agr.wa.gov/pestfert/Pesticides/ComplianceActivities.aspx#ApplicRecForms>

Refer to *RCW 17.21.100* for a list of the required report elements.

The advantage of designing a form is that it allows the researchers to customize the form to fit with existing experimental design records or clientele reporting requirements.

ADVISORY GUIDELINES

Several advisory guidelines supplement the policy information. The advisory guidelines are available on the WSU Employee Resources section of the Washington State Pest Management Resources 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
- Frequently Asked Questions (FAQs) about Pesticide Uses