

MAINTENANCE GUIDEBOOK IV LANDSCAPE AND GENERAL GROUNDS MAINTENANCE

APPENDIX A - OSHA/EPA GUIDELINES

SECTION A OSHA REGULATIONS

OSHA regulation 29 CFR 1910.1200, B.5.1 covers the exposure of workers to pesticides. For enforcement, OSHA defers to the EPA, which enforces pesticide use laws under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

SECTION B PESTICIDE LAWS—FEDERAL AND STATE

1. CERTIFICATION

a. General

Pest management is complex. Control of pests cannot be attained by simply spraying landscapes, as some assume. Certified applicators not only need to know about all phases of pest control for their own use, but also to pass this practical knowledge on to concerned residents and maintenance staff.

Pesticide applicators need to know more about safety and proper use than ever before, since the number of pesticides has increased, and the effects on wildlife, human health, and the environment are vital considerations. Highly toxic pesticides require special equipment and safety measures.

Certification requirements have been set to help protect the general public, the environment, and those who apply pesticides. Anyone using restricted-use pesticides in any category must be certified or under the direct supervision of someone who is certified. **Direct supervision** means that instructions are given and control is exercised by the certified applicator, who is available if and when needed. All certified applicators must be aware of current requirements.

Restricted-use pesticides are those that could harm the environment, user, or others, even though the pesticide is used as directed. Certification is carried out by the states/tribes (except in Colorado and Nebraska, which have federal programs).

b. Certification Standards

Standards and testing for certification (and recertification) are part of EPA-approved and EPA-evaluated state and tribal plans for regulation of commercial applicators. Recertification intervals vary from state to state. Training has received increased emphasis in recent decades; today training programs have input from university extension services, state regulatory agencies, national and state pest-control associations, pesticide manufacturers, and other pest-control industry representatives.

c. Certification Records

Training seminars and certification programs are evaluated by state regulatory agencies as well as by the EPA. Records verifying attendance and participation in these training programs are important. Subjects covered, time spent in training, location, instructor, and testing results should be noted and signed by the instructor and student. Every pesticide applicator should maintain a personal training record that includes classroom training and testing, on-the-job training, workshops, performance testing, and use observations.

2. CERTIFICATION CLASSIFICATIONS

a. Private

There are two classifications of certified applicators: private and commercial. A private certified applicator uses or supervises the use of restricted-use pesticides to produce agricultural commodities on property owned or rented by him- or herself or the employer.

b. Commercial

A commercial certified applicator uses or supervises the use of any pesticide classified for restricted use for any purpose on any property other than those listed for private applicators.

3. FEDERAL COMMERCIAL CATEGORIES

Federal standards identify specific commercial pest-control categories. State certification standards must meet federal standards, but they can be more stringent to meet the needs of the state.

Commercial applicators in some states may apply for certification in any or all of the categories, but they may practice only in categories for which they are certified. The following are the certification categories:

- Agricultural Pest Control
- Forest Pest Control
- Ornamental and Turf Pest Control
- Commercial Seed Treatment
- Aquatic Pest Control
- Right-of-Way Pest Control
- Public Health Pest Control
- Regulatory Pest Control
- Demonstration and Research Pest Control
- Aerial Pest Control
- Industrial, Institutional, Structural, and Health-Related Pest Control

This category deals with urban pest-management and control, and includes pesticide application in, on, or around food-handling establishments, homes, schools, hospitals, other public institutions, warehouses, grain elevators, other industrial buildings, and areas near these buildings and around stored, processed, or manufactured products.

4. FEDERAL PESTICIDE LAWS

The United States Congress established the Environmental Protection Agency (EPA) in 1970 and required that the agency regulate pesticides. The EPA sets standards for pesticide registration, handling, and use, which are designed to make pesticide use safer for both people and the environment. Some practices which were only suggested for correct use in the past are now required by law. These requirements affect areas such as record-keeping, transportation, storage and disposal procedures, entry intervals, and filling and mixing methods. For many applicators, these practices are already part of a regular routine. For others, some adjustment must be made to meet these requirements.

a. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Through its Office of Pesticide Programs (OPP), EPA uses the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to manage its mandate. FIFRA was enacted in 1947, replacing the Federal Insecticide Act of 1910, and has been amended several times. The most important amendment to FIFRA is called the Federal Environmental Pesticide Control Act (FEPCA) of 1972. This amendment shifted the emphasis from pest-control regulations to the role of protecting the public health and the environment.

FIFRA governs the registration of pesticide products. No pesticide may be marketed in the United States until the EPA reviews an application for registration, approves each use, and assigns a product registration number. Pesticides must demonstrate that their use will not result in unreasonable adverse effect on human health. In other words, FIFRA balances a pesticide's risk with its benefit to society. Risk is defined by EPA as the probability that a pesticide will have an adverse effect.

In summary, FIFRA is the law. It requires that:

- EPA register all pesticides as well as each use of that pesticide, and that it approve the product label;
- Pesticides be categorized either as general-use pesticides or restricted-use pesticides;
- Users of restricted-use pesticides be certified or under the direct supervision of certified applicators.

FIFRA also:

- Establishes tolerances for residues that may remain on raw agricultural products or in processed food;
- Provides penalties for "use inconsistent with the labeling" of a pesticide;
- Makes it illegal to store or dispose of pesticides or containers other than as directed by regulations, and provides penalties for illegal handling of containers;
- Provides civil penalties when the violation of a regulation is unintentional. Fines can be as much as \$5,000 for each offense by commercial applicators;
- Provides criminal penalties when the law is knowingly violated. Commercial applicators may be fined up to \$25,000 or one year in prison, or both;
- Permits states and tribes to establish more stringent standards, but not more permissive standards.

Under FIFRA, the EPA has delegated substantial enforcement powers to the states.

b. State, Tribal, and Local Laws and Regulations

Each state has laws governing pesticide use. The laws are written to comply with federal law and to handle state-specific pesticide-related problems. In some states, laws further restrict the use of certain pesticides. State pesticide laws can be more stringent but cannot relax, overrule, or conflict with federal law. Careful study and a clear understanding of the federal and state pesticide law is necessary to pass certification tests.

Some local jurisdictions also have pesticide laws and regulations. Local statutes may not relax federal or state law. Every pest manager or technician who applies, mixes, or transports pesticides must be familiar with all rules that govern pest-control activities.

6. PROTECTION: THE APPLICATOR'S RESPONSIBILITY

Ultimately, protection of the environment from pesticides will fall to the pest manager. Preserving the biological diversity of our planet by protecting the environment will contribute to the overall quality of life. Each plant or animal is part of a complex food chain; breaking one of the links can adversely affect others. One disappearing plant can take with it up to thirty other species that depend upon it, including insects, higher animals, and even other plants. Urban pest-management technicians will see their normal work as unlikely to affect the environment, but spills and leaks during mixing, loading, and transporting, and incorrect disposal, may easily wind up in ground or surface water, or in the habitat of nontarget organisms, a stream, a marsh, or an estuary. National Parks and other sensitive areas are often serviced by commercial pest-management technicians, and while the majority of urban-pesticide application is indoors and minimized, some chemicals are applied outside. Spills and accidents can occur in any situation.

The pesticide label is the law. The key parts of the pesticide label are the **signal word** (which signifies the risks), **precautionary statements** (how to protect yourself, others, and the environment), **development and pest information** (what pest it can be used for and where it can be used), and **directions for use** (how to use it). Always read and follow label directions.

END OF APPENDIX A