

LEGAL ASPECTS OF PESTICIDE USE IN VIRGINIA

ROBERT CHRISTIAN, PESTICIDE
INVESTIGATOR

THANKS TO TODAY'S SPONSORS, TODAY'S SPEAKERS, AND YOU ALL

January 26, 2017

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VDACS
SCHEDULE OF COMMERCIAL APPLICATOR
RECERTIFICATION TRAINING COURSES
APPROVED FOR RECERTIFICATION IN VIRGINIA

PUBLIC HEALTH PEST CONTROL
8(08)

Course No.	Meeting Location/Contact	Dates
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17-08-028	MID-ATLANTIC / VA MOSQUITO CONTROL ASSN MEETING MARRIOTT @ CITY CENTER / NEWPORT NEWS, VA CONTACT JEFFREY M HOTTENSTEIN(800) 323-5727	JAN 31 2017 FEB 02 2017
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8	(08)	PUBLIC HEALTH PEST CONTROL
10	(10)	DEMONSTRATION & RESEARCH
60	(60)	REGISTERED TECHNICIAN

TIMING IS IMPORTANT

- 2 YEARS
- JUNE 30TH
- AUGUST 29TH, 60 DAYS
- 4 YEARS

YOUR HELP IS NEEDED

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
OFFICE OF PESTICIDE SERVICES

P. O. Box 1163 • Richmond, VA 23218
Phone: (804) 786-3798 • Fax: (804) 786-9149 • www.vdacs.virginia.gov

APPLICATOR CHANGE OF INFORMATION

Applicator Name: _____ Certificate No. _____

Email: _____ Home Telephone #: (_____) _____ - _____
Area Code

NOTICE TO THE APPLICATOR:

Your Virginia Commercial Pesticide Applicator certificate or Registered Technician certificate is issued to YOU by the VDACS' Office of Pesticide Services (OPS), and it is YOUR responsibility to maintain it, regardless of your employer. By notifying OPS you may transfer your certificate from one employer or location to another. The Office of Pesticide Services will contact you by mail one to three times a year (status report, renewal notice, new certificate) to enable you to maintain your certificate. It is important for you to keep us informed of any change in your mailing address.

CHANGE OF STATUS

Please change my certificate from an "Active" status to an "inactive" status. (Home Address Required)

Please change my certificate from an "inactive" status to an "Active" status. (Business Info Required)

CHANGE OF EMPLOYER

Note: The business information below is required if changing employers or adding a second employer. Fees may be applicable in both situations.

ADD SECOND EMPLOYER

Employer/Business Name: _____

VA Pesticide Business License # (if applicable): _____ (if new business, check one of following:

Pesticide Business License (PBL)

Business Telephone #: (_____) _____ - _____

Application and Fee Attached

PBL Application and Fee Submitted

AUTHORIZATION STATEMENT:

I understand that it is my responsibility to maintain my certificate and that I wish for all mailings from the Office of Pesticide Services to be sent to the address below.

CHANGE OF APPLICATOR MAILING ADDRESS:

Prior Mailing: _____ New Mailing: _____

Home Address: In order to keep your files current, the Office of Pesticide Services also keeps a record of your current home address. Please provide the information below if it is not the same as the new mailing address above or check "Same as mailing" if it is the same:

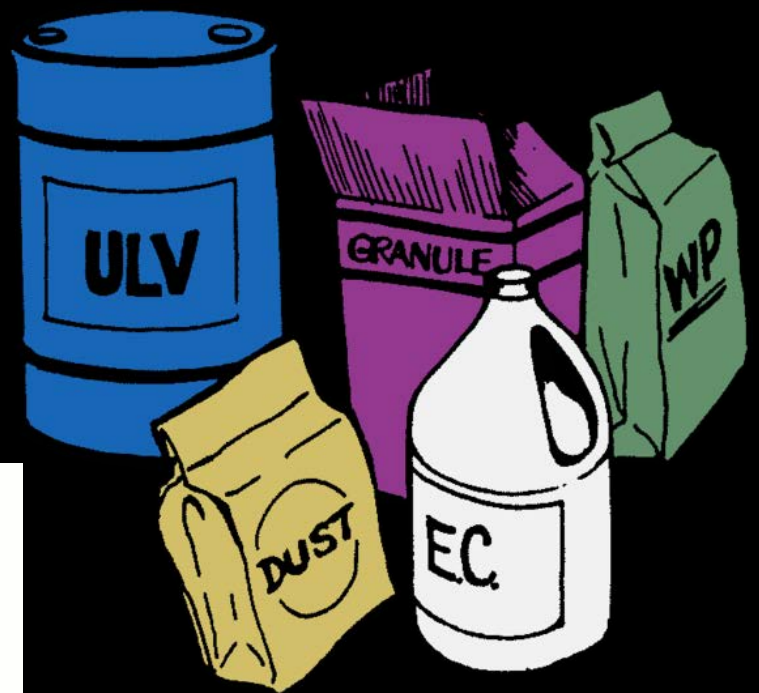
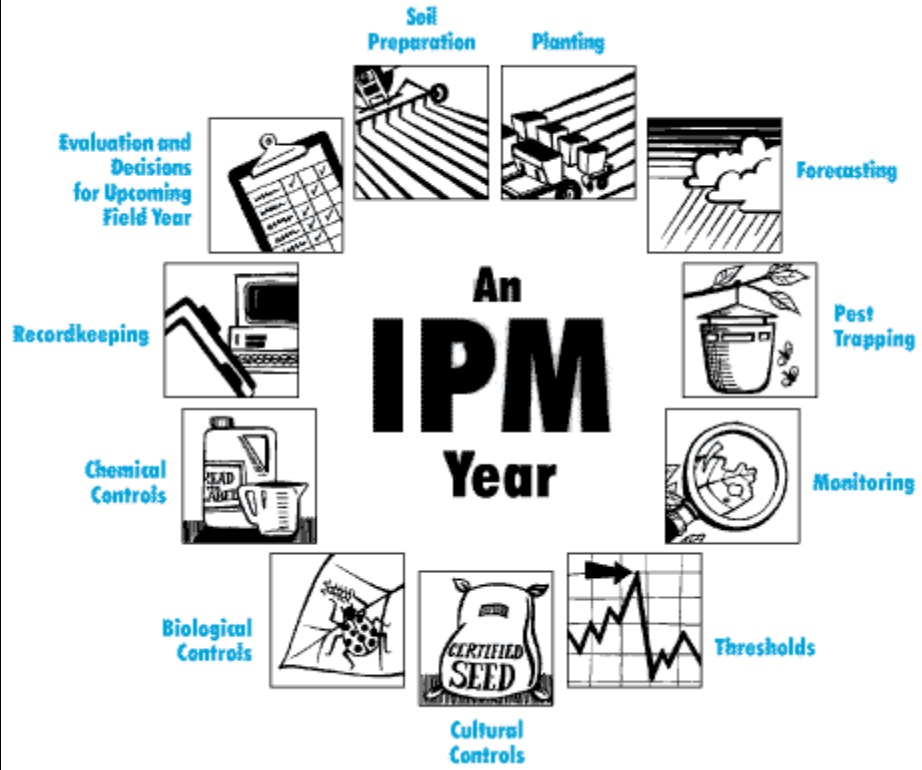
Same as mailing Street/RFD: _____

City, State, Zip: _____

Signature of Applicator (Required): _____ Date: _____

Please mail this form to the address above, or FAX to (804) 786-9149
Questions? Call (804) 786-3798

Rev. 3/16







**SAFETY
DATA
SHEETS**

**Don't
FORGET!**



**Protective
footwear
must be
worn**



REACTION TIME CAN BE IMPORTANT WHEN HANDLING PESTICIDES

- TO HONE OUR REACTION TIME SKILLS (OR JUST TO PLAY ALONG), PLEASE CHOOSE THE APPROPRIATE RESPONSE TO EACH SITUATION PRESENTED IN THE NEXT SEVERAL SLIDES.
- IF THE SITUATION DESCRIBED WARRANTS QUICKLY STOPPING THE PESTICIDE APPLICATION OR PESTICIDE HANDLING ACTIVITY, VOICE OUT “RED LIGHT”. IF THE SITUATION DESCRIBED WARRANTS PROCEEDING ON ONLY IF IT CAN BE DONE WITH EXTREME CAUTION, VOICE OUT “YELLOW LIGHT”. IF THE SITUATION IS ONE WHICH WARRANTS CONTINUING WITH THE PESTICIDE HANDLING ACTIVITY, VOICE OUT “GREEN LIGHT”.



LET'S GET STARTED

- A LARVICIDE APPLICATION IS OCCURRING IN A LOCALITY WHERE STANDING WATER IS FOUND IN ROADSIDE DITCHES. WINDS ARE LIGHT, TEMPERATURES ARE IN THE 60's, AND SKIES ARE MOSTLY SUNNY. YOU ARE PROPERLY CERTIFIED AND YOU ARE READY TO APPLY A PROPERLY REGISTERED LARVICIDE USING A PROPERLY LABELED BACKPACK SPRAYER.



ARE WE READY TO START?

- PART OF THE PRODUCT LABEL FOR THE LARVICIDE YOU HAVE CHOSEN TO USE IS SHOWN BELOW.

APPLICATION SITES

This product is for the control of immature mosquitoes and midges in areas where they breed and develop. This product may be used in habitats including potable water and irrigation waters, permanent and semi-permanent waters, irrigated croplands and pastures, and waters with outlets to natural water bodies. The following habitats provide examples of where the product can be applied but is not intended to be all inclusive.

Fresh and Brackish Water: Fresh water and salt marshes, ponds, lakes, storm water, drainage systems and retention & detention basins, roadside ditches, grassy swales, flooded fields and pastures, potable water containers,

reservoirs, irrigated croplands, temporary and semi-permanent woodland pools, tidal water, and other areas where water accumulates.

Residential Areas: Ponds, storm water basins, tree holes, rain barrels, landscape and ornamental ponds, tires, storm drains, stationary flower pots, pot holes, gutters, tarps, potable water containers and residential areas where water accumulates and provides ideal breeding habitats for mosquitoes or midges. **Not for Homeowner Use in the States of CA and NY.**

Polluted Waters: Sewage lagoons, percolation ponds, animal waste effluent lagoons, septic ditches, waste treatment facility areas, etc.

Application Rates	Application Rates	
	MOSQUITO HABITAT	MIDGE HABITAT
Fresh and Brackish Water*	0.2 to 1.0 gallons/acre* (2 to 10 liters/hectare)*	0.5 to 1.0 gallons/acre^ (5 to 10 liters/hectare)^
Polluted Waters**	0.35 to 1.0 gallons/acre** (3.5 to 10 liters/hectare)**	0.5 to 1.0 gallons/acre^ (5 to 10 liters/hectare)^

* Use the lower rate (0.2 gallons/acre) when only pupae control is desired and in sites with no emergent vegetation and low organic content.

* Use higher rates when emergent or surface vegetation is present, due to the wicking action of the product. The more vegetation or the drier the vegetation, the higher the required rate.

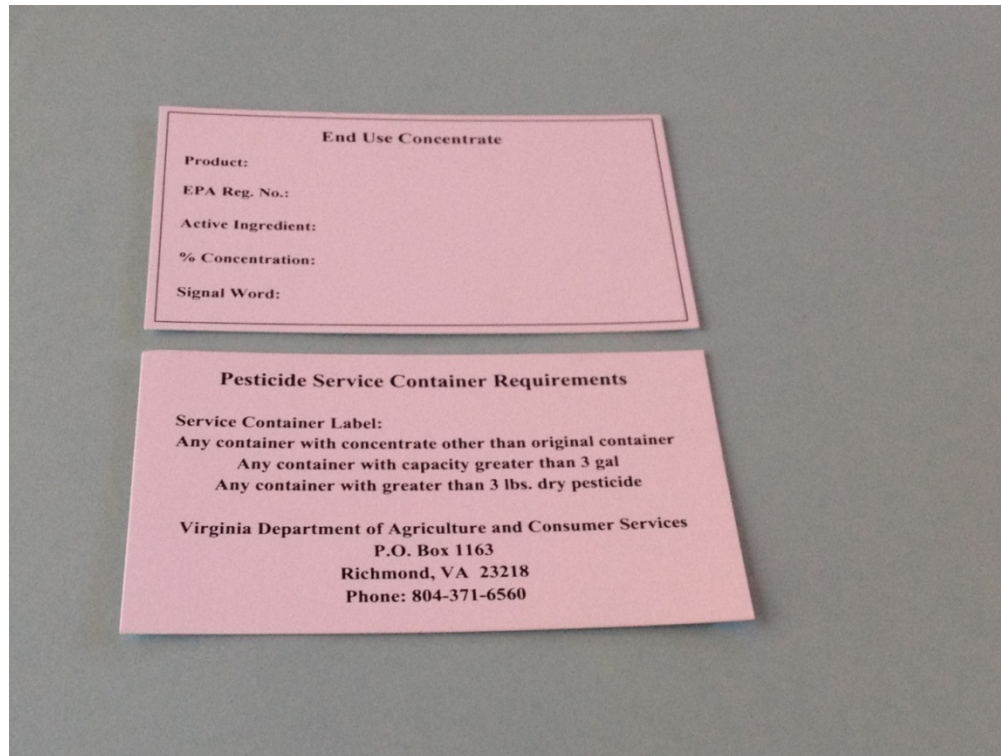
** Use higher rates in polluted water habitats for effective control.

^ Reapply every two weeks during the midge season.



LET'S GET STARTED

- AFTER READING THE PRODUCT LABEL AND LOADING YOUR BACKPACK SPRAYER WITH THE CONCENTRATE, YOU REALIZE THAT THE LABEL ON THE 4-GALLON SPRAYER YOU ARE USING IS NOT THERE.



TIME TO USE AN ADULTICIDE FOR MOSQUITO CONTROL

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Harmful if swallowed. Avoid contact with skin or clothing. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Wear long-sleeved shirt and long pants, socks, shoes and chemical-resistant gloves (such as Barrier Laminate, Nitrile Rubber, Neoprene Rubber or Viton, Selection Category E). Wash hands thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

PERSONAL PROTECTIVE EQUIPMENT (PPE) [Professional]

Some materials that are chemical-resistant to this product are made of barrier laminate, butyl rubber, nitrile rubber or viton, if you want more options, follow the instructions for category F on an EPA chemical resistance category selection chart.

Applicators and other handlers who may be exposed to the dilute and/or concentrate through application or other tasks must wear:

- Long-sleeved shirt
- Long pants
- Chemical-resistant gloves, and
- Shoes plus socks; and
- Protective eyewear.

See engineering controls for additional requirements.

USER SAFETY REQUIREMENTS

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

Discard clothing and other absorbent material that have been drenched or heavily contaminated with the product's concentrate. Do not reuse them.



MORE WORK TO BE DONE

- VIRGINIA IS IN THE PROCESS OF DEVELOPING A POLLINATOR PROTECTION PLAN. THE PRODUCT LABEL FOR THE ADULTICIDE YOU HAVE CHOSEN TO USE IS FEATURED BELOW.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to aquatic organisms, including fish and invertebrates. Run-off from treated areas or deposition of spray droplets into a body of water may be hazardous to fish and aquatic invertebrates.

When applying as a wide-area mosquito adulticide, before making the first application in a season, it is advisable to consult with the state or tribal agency with primary responsibility for pesticide regulation to determine if other regulatory requirements exist.

This product is highly toxic to bees exposed to direct treatment on blooming crops or weeds. Do not apply when bees are visiting the treatment area, except when applications are made to prevent or control a threat to public and/or animal health determined by a state, tribal or local health or vector control agency on the basis of documented evidence of disease-causing agents in vector mosquitoes or the occurrence of mosquito-borne disease in animal or human populations, or if specifically approved by the state or tribe during a natural disaster recovery effort.

When applying as a wide area mosquito adulticide, do not apply over bodies of water (lakes, rivers, permanent streams, natural ponds, commercial fish ponds, swamps, marshes or estuaries), except when necessary to target areas where adult mosquitoes are present, and weather conditions will facilitate movement of applied material away from the water in order to minimize incidental deposition into the water body.



ARE YOU READY TO ADULTICIDE?



Ground-Based Equipment: Spray equipment must be adjusted so that the volume median diameter (VMD) is 5 to 30 microns ($5 \mu\text{m} \leq D_v 0.5 \leq 30 \mu\text{m}$) and that 90% of the spray is contained in droplets smaller than 40 microns ($D_v 0.9 \leq 40 \mu\text{m}$). Directions from the equipment manufacturer or vendor, pesticide registrant or a test facility using a laser-based measurement instrument must be used to adjust equipment to produce acceptable droplet size spectra.

Application equipment must be tested annually to confirm that pressure at the nozzle and nozzle flow rate(s) are properly calibrated.

IN 2017, PLEASE ENGAGE IN SELF-ENFORCEMENT WHEN IT COMES TO DECIDING WHETHER TO PROCEED OR NOT WITH A PESTICIDE APPLICATION



THIS IS THE 21ST CENTURY

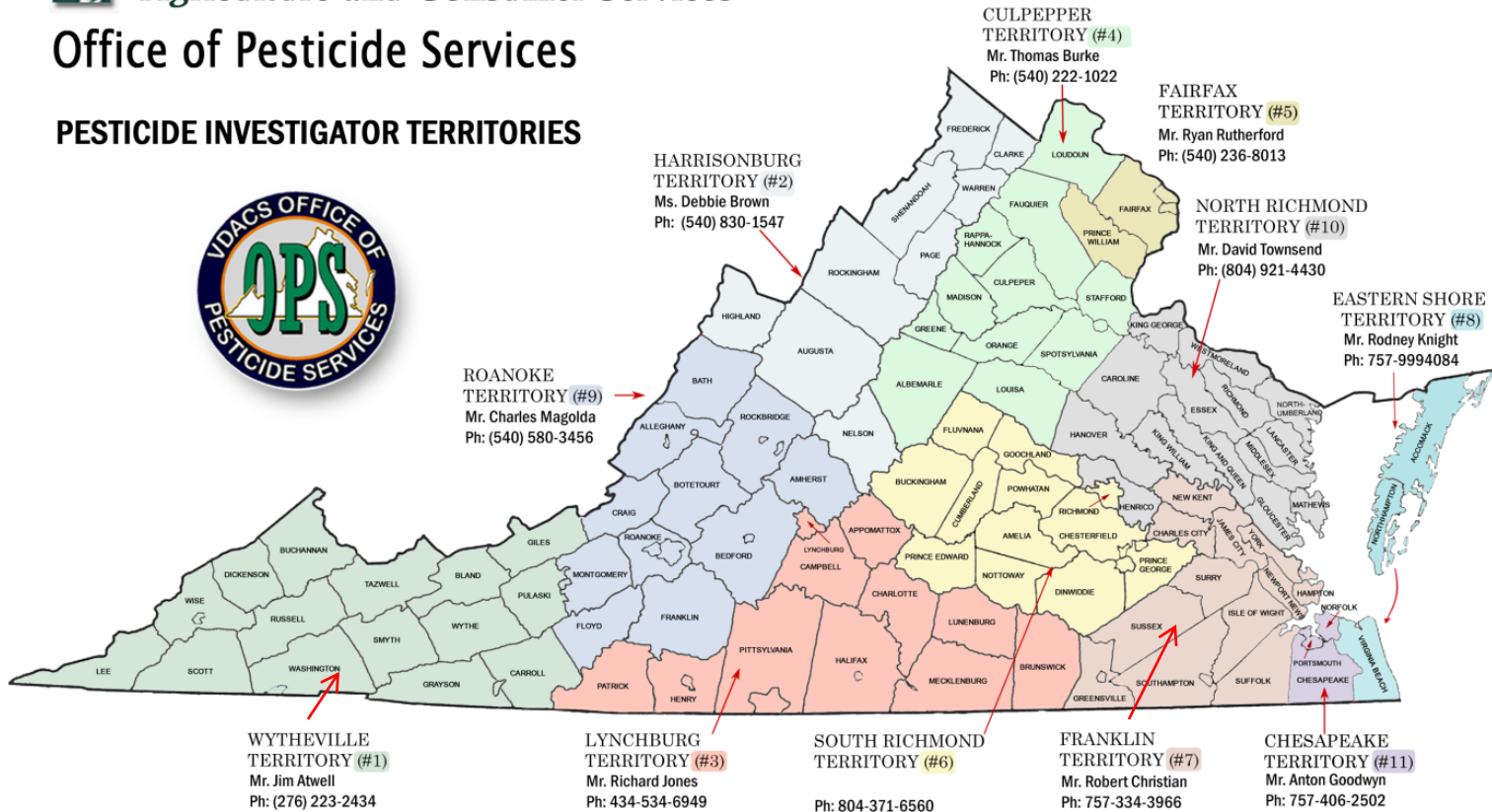




Virginia Department of
Agriculture and Consumer Services

Office of Pesticide Services

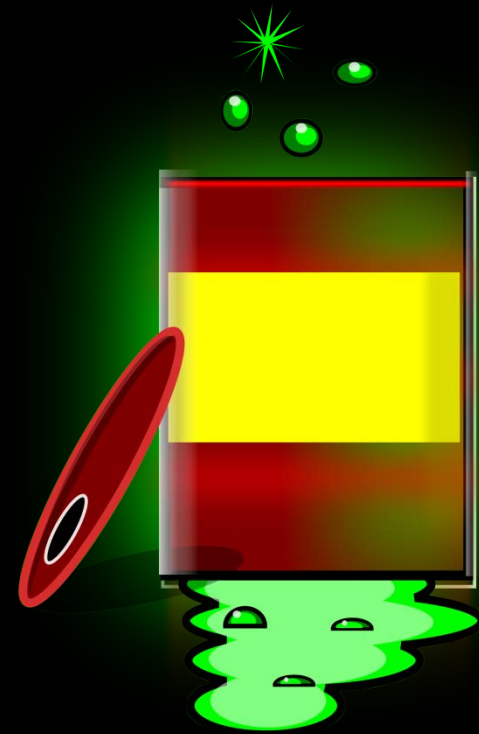
PESTICIDE INVESTIGATOR TERRITORIES



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Richard.Jones@vdacs.virginia.gov
Rodrickus.Knight@vdacs.virginia.gov





I commend you all on your past efforts to use pesticides properly. Should a pesticide spill or other incident possibly threatening human health or the environment happen, what are your responsibilities as a certified pesticide applicator?

PLEASE BE SURE TO REPORT BY PHONE TO THE VA OFFICE OF PESTICIDE SERVICES ANY PESTICIDE SPILL OR INCIDENT THAT COULD THREATEN HUMAN HEALTH OR SAFETY OR THE ENVIRONMENT NO LATER THAN 48 HOURS FROM THE TIME THE INCIDENT OCCURS. DURING NORMAL BUSINESS HOURS, CALL 804-371-6560. AT ALL OTHER TIMES, CALL 911 OR YOUR LOCAL EMERGENCY RESPONSE OFFICIALS.



ARE WE STILL AWAKE?

- HOW MANY TIMES SHOULD EMPTY PLASTIC PESTICIDE CONTAINERS BE TRIPLE RINSED?
- HOW SHOULD THE RINSE WATER OR OTHER DILUENT (RINSATE) GENERATED FROM TRIPLE RINSING ACTIVITIES BE HANDLED?
- YOUR APPLICATOR'S CERTIFICATE IS FOR _____ USE ONLY.

MOSQUITO CONTROL

8 *Public Health Pest Control*: for use of pesticides to manage or control pests of medical significance that pose a risk to public health. Federal, state and local employees involved in public health pest control are included in this category.

AUDIENCE PARTICIPATION TIME: WHAT IS THIS?





Common Violations*

01 July 2015 - 30 June 2016

#1: Sale of Unregistered Products

#2: No Certification

#3: Misuse

#4: No Business License

#5: Recordkeeping



Virginia Department of Agriculture and Consumer Services

Regulatory Services Pesticides

Pesticide Civil Penalty Search

This link will take you to the [Civil Penalty Searchable Database](#) where you may obtain information about Civil Penalty actions taken by the Office of Pesticide Services (OPS) for violations of the [Virginia Pesticide Control Act](#) and Regulations pursuant to that act.

These penalties may be assessed under the authority of [§3.1-249.70](#) of the Virginia Pesticide Control Act. Civil Penalties are determined in accordance with the [Guidelines for Enforcement of the Virginia Pesticide Control Act – Civil Penalty Assessment Decision Matrix \(PDF\)](#).

Only those actions resulting from violations **that have occurred in the last three years** which have completed the administrative appeal process are reflected in these data. As a result you may not see recent cases which have not yet received full due process. Violations which did not result in a civil penalty assessment are not included.

Search Options :

- [Option 1](#): Search by Business Name or 'Trading As' Name
- [Option 2](#): Search by Region (City or County and State)
- [Option 3](#): Search by multiple fields including:

Business Name/Trading as Name
Applicator's Last Name (The individual applying the pesticide, if applicable)
City (The headquarters city of the Business)
State (The headquarters state of the Business)
Type of Violation ([See list of Violation Types](#))
Violation Date (MM/DD/YYYY)
Penalty Amount (Amount of the final penalty)
Penalty Payment Status (Paid or Unpaid)

- [Option 4](#): List All Records

[Civil Penalty Searchable Database](#)

Additional Information:

[Virginia Pesticide Control Act and Regulations Pursuant to the Virginia Pesticide Control Act](#)

[Office of Pesticide Services](#)

Pesticide Certification Regulation Changes in Virginia

- Added “commercial” to definitions of “Under the direct supervision” and “Under the direct on-site supervision” to clarify non-certified individuals and registered technicians must be supervised by certified commercial applicators.

Pesticide Certification Regulation Changes in Virginia

- Removed the 10 day waiting period after the first attempt and 30 day waiting period for second or subsequent attempts when examinations are not passed.

Pesticide Certification Regulation Changes in Virginia

- Individuals who fail to take and pass the registered technician exam within 90 days of the initial examination, cannot apply pesticides commercially, even under direct on-site supervision, until they pass the examination.
- Individuals who have previously submitted a registered technician application form and did not take or pass the examination within 90 days after being hired or transferred into the position, cannot apply pesticides commercially even under the direct on-site supervision until they reapply and pass the examination.

Pesticide Certification Regulation Changes in Virginia

- Applicants who do not complete the certification process within two years of the date of passing the examination must be reexamined.
- Read all about it. Registered technicians now officially have their own numbered category (#60).

Pesticide Certification Regulation Changes in Virginia

- The regulations now include the recertification course requirements for certified commercial applicators and registered technicians.

Office of Pesticide Services' Policy Change

- By law, a new certification application and fee must be submitted each time an applicant wishes to take any applicator certification exam(s).
- As a result, the practice of providing a second testing opportunity without a fee has ended (free retake on examinations failed or not taken). Yes, governmental employees are still exempt from the certification fees.

Office of Pesticide Services' Procedural Change

The office will in
September 2017 start
sending out training
status reports for only
those applicators with
certificates expiring the
next year. To check your
training status at any
time, visit our website.

GOVERNMENT APPLICATOR CERTIFICATION(RETRAINING) STATUS REPORT

Printed below is the current record of the pesticide applicator categories in which you are certified. An asterisk at the end of any line indicates that your certification (retraining) for this category will expire June 30, 2017, unless you attend a Virginia-approved recertification course for your category, or choose to be reexamined. If you need to attend a training class, you may check our list of approved training courses at www.vdacs.virginia.gov/pesticides/categories.shtml or call our office at (804)786-3798 for course information.

CATEGORY	CATEGORY TITLE	RECERTIFY BEFORE
1-A	AGRI PLANT PEST CONTROL	30-JUN-2020
1-B	AGRI ANIMAL PEST CONTROL	30-JUN-2018
1-C	FUMIGATION-SOIL/AG PRODUCTS	30-JUN-2020
2	FOREST PEST CONTROL	30-JUN-2020
3-A	ORNAMENTAL CONTROL	30-JUN-2020
3-B	TURF PEST CONTROL	30-JUN-2020
4	SEED TREATMENT	30-JUN-2018
5-A	AQUATIC PEST CONTROL-GENERAL	30-JUN-2020
5-B	MARINE ANTIFOULANT PAINT	30-JUN-2018
6	RIGHT-OF-WAY PEST CONTROL	30-JUN-2020
7-A	GENERAL PEST CONTROL	30-JUN-2022
7-B	WOOD DESTROYING PEST CONTROL	30-JUN-2022
7-C	FUMIGATION (NON-AGRICULTURAL)	30-JUN-2018
7-D	VERTEBRATE PEST CONTROL	30-JUN-2018
7-E	SEWER ROOT PEST CONTROL	30-JUN-2020
8	PUBLIC HEALTH PEST CONTROL	30-JUN-2022
9	REGULATORY PEST CONTROL	30-JUN-2018
10	DEMONSTRATION & RESEARCH	30-JUN-2020
12	WOOD PRESERVATION & TREATMENT	30-JUN-2018

VDACS WEBSITE - PESTICIDES

The screenshot shows a Windows Internet Explorer browser window displaying the VDACS website. The address bar shows the URL <http://www.vdacs.virginia.gov/pesticides>. The page features a navigation menu on the left, a main content area with a 'PESTICIDES' section, and a large background image of a tractor in a field. The 'PESTICIDES' section includes a description of the Office of Pesticide Services and three sub-sections: 'Information for Pesticide Applicators', 'Information for Pesticide Businesses', and 'Information for Pesticide Product Registrants'. The background image shows a tractor in a field, with a person in a blue protective suit visible in the distance.

Pesticides - Windows Internet Explorer provided by VA IT Infrastructure Partnership

http://www.vdacs.virginia.gov/pesticides

File Edit View Favorites Tools Help

VDOL Intranet InSite - VDACS Agency Int... Web Slice Gallery

OFFICE OF AGRICULTURE AND CONSUMER SERVICES

ABOUT VDACS JOBS SERVICES/FORMS MEDIA EMPLOYEE CONTACT SEARCH

Home / Pesticides

Facebook Twitter YouTube

MENU

- ABOUT VDACS
- ANIMALS
- CONSERVATION & ENVIRONMENTAL
- EDUCATION
- FOOD, FOOD SAFETY & CONSUMER PROTECTION
- INSPECTION & GRADING SERVICES
- LOCALITIES
- MARKETING & ECONOMIC DEVELOPMENT
- MARKETS & FINANCE
- MEDIA
- PESTICIDES**
- Bed Bug Outreach & Education
- Pesticide Applicator Certification
- Pesticide Applicator Training
- Pesticide Business License
- Pesticide Civil Penalty Search

PESTICIDES

The Office of Pesticide Services certifies applicators, registers pesticide products and licenses pesticide businesses. These activities provide for the safe and effective control of pests that attack our crops, structures and health.

Information for Pesticide Applicators

- Pesticide Applicator Certification
- Pesticide Applicator Training
- Pesticide Applicator Responsibilities (pdf)
- Certification Regulation Changes (pdf)

Information for Pesticide Businesses

- Pesticide Business License
- Certification Regulation Changes (pdf)

Information for Pesticide Product Registrants

50%

THANKS!!!



VIRGINIA DEPARTMENT
OF AGRICULTURE AND
CONSUMER SERVICES

ROBERT D. CHRISTIAN
PESTICIDE INVESTIGATOR
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DIVISION OF CONSUMER PROTECTION

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OFFICE OF PESTICIDE SERVICES
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ENFORCEMENT & FIELD OPERATIONS - 804.371.6560
CERTIFICATION, LICENSING, REGISTRATION & TRAINING - 804.786.3798

READ THE LABEL!