Oh-ch-ch-ch-ch-changes!

Updated Vermont Rule for Control of Pesticides
How Will This Affect You

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VT Agency of Agriculture – Plant Health & Agricultural Resource Management (PHARM)
Find the updated rule at:


Email me for the link at
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3.05: General Requirements for Applicator Certification

A candidate for certification shall:
(a) be at least 18 years of age;
5.02 : Standards of Operations

(j): provide the following information on a bill, invoice, or other written or electronic documentation to all customers or persons for which pesticide applications are exchanged for remuneration, at the time of application, unless otherwise specified in Section 6:

1) the common or trade name for each pesticide applied;
2) the EPA registration number for each pesticide applied;
3) the address and sites treated as indicated on the label;
4) the date and time of application
5) the amount of each pesticide applied;
6) the amount of total dilution used, if applicable;
7) the pest treated for;
8) the name of the applicator; (note: signature is removed!)
9) the certified applicator certificate number;
10) the name, address, and telephone number of the applicator or company providing service;
11) all information as required by the Worker Protection Standard; and
12) post-application label safety precautions, if specified.
5.02 : Standards of Operations

(m): maintain a **minimum** 50-foot buffer when applying a pesticide to soil or vegetation around **any** potable water source unless:

1. the label prescribes a greater buffer; or
2. a greater buffer is required for the specific application (such as application on agricultural cropland, or herbicide and pesticide application on utility rights-of-way) pursuant to the distances established in Table 11-1 of the Wastewater and Potable Water Supply Rules; and

(n): (2) **200-foot buffer** for all public community drinking water sources and intakes, and surface water public non-community drinking water intakes.
5.03: General Requirements for Applicators, Licensed Companies, and Dealers

(a) A **federally restricted** use pesticide shall **only** be used by a **certified applicator**.

Please note, a use (section 1.71) includes:

- pre-application activities involving mixing and loading a pesticide
- transporting or storing a pesticide container that has been opened
- cleaning equipment, disposing of any excess pesticide, spray mix, equipment wash water, a pesticide container, and other pesticide-containing material;
- recommending the use of a pesticide.
5.03: General Requirements for Applicators, Licensed Companies, and Dealers

(b) Applicators, licensed companies, and dealers shall maintain a legible manufacturer label on pesticide containers at all times.
5.04 : Protection of Bees

(a) No person shall apply a pesticide to a flowering crop, including alfalfa, apple, blueberry, clover, pumpkin, raspberry, squash, or trefoil without prior notification of at least 48 hours to an apiculturist who has an established apiary on the premises.

(b) A person hiring a commercial applicator for an application under Section 5.04(a) shall notify, or cause to be notified, the apiculturist at least 48 hours prior to the application.
5.04 : Protection of Bees cont’d

(c) A person applying a pesticide that is highly toxic to bees shall:

(1) apply the pesticide during periods and conditions of least exposure, such as early morning or late evening; and when winds are less than nine mph;

(2) include a 50-foot buffer from pollinator foraging sites, such as natural and semi-natural areas or intentional pollinator plantings or a 20-foot-wide non-pollinator-attractive vegetative barrier higher than the spray release height with an established 60% plant density.
8.01: Requirements for Certified Private Applicators

Routine operational records shall be maintained on a daily basis and shall contain:

(1) The pest treated for
(2) The location of the pesticide application.
(3) The size of the area treated.
(4) The crop, commodity, stored product, or site to which the pesticide was applied.
(5) The time and date of the pesticide application.
(6) The brand or product name of the pesticide applied
(7) The EPA registration number of the pesticide applied.
(8) The total amount of the pesticide applied per location per application.
(9) The name and certification number of the certified applicator that made or supervised the application, and, if applicable, the name of any noncertified applicator(s) that made the application under the direct supervision of the certified applicator.
(10) Restricted Entry Interval (REI)
(11) Active ingredient(s) of pesticide(s) applied
8.02 : Requirements for Certified Commercial and Non-commercial applicators

- (b) Routine operational records shall be maintained on a daily basis and shall contain:
  - (1) The name and address of the person for whom the pesticide was applied.
  - (2) Pest treated for.
  - (3) The location of the pesticide application.
  - (4) The size of the area treated.
  - (5) The crop, commodity, stored product, or site to which the pesticide was applied.
  - (6) The time and date of the pesticide application.
  - (7) The brand or product name of the pesticide applied.
  - (8) The EPA registration number of the pesticide applied.
  - (9) The total amount of the pesticide applied per location per application.
  - (10) The name and certification number of the certified applicator that made or supervised the application, and, if applicable, the name of any noncertified applicator(s) that made the application under the direct supervision of the certified applicator.

- (c): records must be maintained for a period of three years (was two)
11.02 : Pesticide and Container Storage by Applicators and Class A and B Dealers

Key points – the pesticide storage area shall:

• Have a smooth floor surface
• Be identified by legible signage clearly indicating that a pesticide is in storage
• Be adequately vented to the outdoors prior to entry
• Maintain sufficient lighting
• Not have floor drains unless it is used in conjunction with a catch basin
• Have any discharge cleaned up within 60 minutes

Also:

• Cabinets, lockers, bins used for pesticide storage are exempt from certain subsections, i.e. venting

• Ambulance and fire department phone numbers or the 911 number shall be displayed at a central location
13.03: Disposal of Empty Containers

All containers made of materials other than paper shall be triple-rinsed and punctured prior to disposal.
8.05 : Requirements for Class A Dealers

A record (keep for 3 years) of each Class A pesticide transaction shall include the following information:

1) The name and address of the residence or principal place of business of the certified applicator to whom the Class A pesticide was distributed or sold, or if applicable, the name and address of the residence or principal place of business of each noncertified applicator to whom the Class A pesticide was distributed or sold for application by a certified applicator.

2) The certification number presented to the dealer evidencing the valid certification of the certified applicator authorized to purchase the Class A pesticide.

3) The expiration date of the certified applicator’s certification.

4) The category or categories in which the applicator is certified relevant to the pesticide sold.

5) The product name and EPA registration number of the Class A pesticide distributed or sold in the transaction including any applicable emergency exemption or State special local need registration number.

6) The quantity of the Class A pesticide distributed or sold in the transaction.

7) The date of the transaction.
Some things have not changed:

**Always**

**Read & Follow the Label**

If the label requires a respirator, most will require fit testing and training annually!
12: Bulk Pesticide storage

- routinely inspect and maintain storage facilities, bulk storage containers, and appurtenances

- prepare and maintain the following records: record of all discharges, weekly record of liquid pesticide levels in each storage container, monthly records that show the amount of liquid bulk pesticide lost or unaccounted for, and records of the inspection and maintenance.

- Have a written discharge response plan and employees trained in discharge response procedures
VT’s Plant Health & Agricultural Resource Management Division – New Director, Steve Dwinell!
Don’t rely on this presentation to comply with the rule – read the rule.

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