Chapter 16: State Regulations

VT Regulations for the Control of Pesticides

- Administered by the ARM Division of the Vermont Agency of Agriculture.
- Gives the Secretary of Agriculture authority to regulate pesticide use, registration and sales in Vermont.
- Pesticide applicators are responsible for being fully familiar with the regulations.
VT Pesticide Classification

- Class “A”
- Class “B”
- Class “C”
VT Pesticide Classification

- **Class “A” – Restricted Use**
  (and By-Permit Only)

Can be purchased and used only by certified applicators or under direct supervision of a certified applicator

- **Restricted by EPA** - Restricted Use Statement found on label.
- **Restricted by State** – based on toxicology, environmental impacts, potential for misuse, application method, etc.
- **By-Permit Only** – must have a permit from the Secretary of Agriculture or DEC (Aquatic use, bird control, mercury containing products)
VT Pesticide Classification

• Class “B” – Controlled Sale
  • General use products for use outside of the home, with greater than 3% active ingredient.

• Example: 3-Seasons Lawn Fertilizer W/Broadleaf Weed Control

• Please note: must be certified to apply any “weed ‘n’ feed” to other people’s property.
VT Pesticide Classification

- **Class “C” — Homeowner / Specialty**
  - General use products used in and around the home with less than 3% active ingredient.
  - Example: 12 Month Tree & Shrub Protect & Feed RTU Granules
  - Exceptions: antimicrobial products, pool treatments, insect repellents — can have unlimited % active ingredient and still be Class “C”.
Applicator Certification

- Private applicators
- Non-commercial / Government applicators
- Commercial applicators
Applicator Certification

Private Applicator

- Any person who uses, or supervises the use of, a pesticide on land they own or rent for the production of an agricultural commodity.
- Examples: Farmers (dairy, vegetables, berry growers, orchards, grape growers, etc.) greenhouse growers, nursery growers
- Must be certified to use Class A
Applicator Certification

Non-commercial / Government Applicator

- Any person who occasionally uses, or supervises the use of, a pesticide in the course of their employment, on their employer’s property.
- Examples: Golf course superintendants, groundskeepers, extension personnel, county foresters, etc.
- Must be certified to use Class A or B (and to make recommendations of ANY pesticide use)
Commercial Applicator

- Any person who uses or supervises the use of a pesticide on the lands or homes of others for pay or gratis.
- Examples: Landscapers, Arborists, Pest Control Operators, Custom Ag. Applicators, etc.
- Must be certified to use Class A, B, or C.
Commercial, Non-commercial & Government Certification Categories

- 1a — Agriculture — plant
- 1b — Agriculture — animal
- 2 — Forest Pest (invasive terrestrial plants)
- 3a — Ornamental & Shade Tree
- 3b — Turf
- 4 — Seed Treatment
- 5 — Aquatic
- 6 — Right-of-Way
- 7a — Structural & Rodent
- 7b — Mosquito & Biting Fly
- 7c — Food Processing
- 7d — Wood Preservation
- 7e — Cooling Towers & Antimicrobials (mold remediation)
- 8 — Public Health
- 9 — Regulatory
- 10 — Research & Demonstration
- 11 — Aerial
Direct Supervision

- **Regulatory Definition** — on-site supervision of pesticide applications by a certified applicator who is capable of:
  - Pesticide selection
  - Equipment calibration
  - Calculating volumes of pesticides to be applied
  - Dealing with emergencies which might occur
In practical terms

Certified and non-certified applicators must be working closely enough so that they can communicate verbally, or through hand signals, that assistance is needed.
Licenses

- **Company Licenses** — issued to all companies in the business of applying pesticides (Employers of Commercial Applicators)

- **Dealer Licenses** — issued to people who sell pesticides from an outlet in Vermont. Type of license depends on classification of pesticides sold.
Permits

- Permits issued by VAAFM
  - Rights-of-Way Clearing and Maintenance
  - Aerial Applications
  - Experimental Use
  - Bird or Animal Control
  - Golf Course
All pesticides must be applied consistent with their labeling:

“The label is the LAW”

May apply at a rate or frequency LESS than that specified on label.
Standards of Operation

• Applicators must:
  • avoid the drift of pesticides off-target
  • use methods and materials which ensure safe & efficient pesticide application
  • apply pesticides only when climatic, pest and other conditions are proper for pest control
  • when drawing or pumping water, use anti-siphoning devices or methods to prevent backflow of pesticide into water sources.
Standards of Operation Cont’d

- **Applicators must**:
  - Make no false or fraudulent claims on applications, records, statements, reports, etc.
  - Conform to the regulations and permits
  - Cooperate with Agency conducted inspections
  - Obtain a Water Quality Permit from DEC prior to using pesticides in waters of the state.
Applicators must:

- Maintain a 50-foot buffer around private wells when applying pesticides which provide control within the soil profile (unless written permission allowing a lesser distance has been granted by the well owner).
• Commercial applicators must supply their customers with a written bill / invoice which contains:
  • Product name
  • Product EPA registration number
  • Amount of product used
  • Pests treated for
  • Name & signature of applicator
Standards of Operation Cont’d

• If applying pesticides to turfgrass or landscape plants, you must also inform your customer of:
  • The pesticide application rate used
  • The availability of the product label and material data safety sheet (MSDS)
  • Points of access to treated areas must be posted with appropriate signs...
Vermont’s Own Lawn Care Sign

CAUTION
PESTICIDE APPLICATION
KEEP OFF UNTIL DRY

CUSTOMER: PLEASE REMOVE AFTER 24 HOURS.
GEMPLER’S, INC. 1-800-382-6473 REORDER# VT-4X5
Vermont’s Own Lawn Care Sign

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PESTICIDE APPLICATION
KEEP OFF UNTIL DRY

CUSTOMER: PLEASE REMOVE AFTER 24 HOURS.

@EMPLER'S, INC. 1-800-382-6473 REORDER# VT-4x5
Record Keeping Requirements for Certified Private Applicators

• For all Restricted Use Pesticides, Private Applicators shall record at the time of application:
  • 1. Product Name
  • 2. EPA Registration Number
  • 3. Amount Used
  • 4. Date of Application
  • 5. Location of Application (farm, field, greenhouse)
  • 6. Pests treated for

This information is to be held for TWO (2) YEARS and shall be given to the Agency upon request.
Routine Operational Records — Must be maintained for all pesticides used; information must be recorded at time of application and held for a period of 2 years

1. Product Name
2. EPA Registration Number
3. Amount Used
4. Date of Application
5. Location of Application
6. Pests treated for
Record Keeping Requirements for Certified Commercial, Non-Commercial, Government Applicators

- **Annual Use Reports** = summary of routine operational records — submitted at end of year with certification renewals:
  1. Product Name
  2. EPA Registration Number
  3. Amount Used
  4. General Purpose for Use
  5. County in which it was used

- Annual Usage report must be submitted even if no pesticides were applied.
Benefits of Record Keeping

- Compliance with regulations
- Document your legal use of pesticides.
- Provide necessary information in a medical emergency.
- Evaluate the effectiveness of your controls and resolve pesticide failures.
- Buy the right amount of pesticide.
- Improve crop rotation decisions.
Community Right-To-Know Act

- Inform communities about hazardous chemicals located in their vicinity.

- Addresses the need for a community emergency response plan in the event of an accident
Community Right-To-Know Act

- All certified commercial/non-commercial applicators, licensed companies, certified private applicators with more than 10 employees, and Class A Dealers shall:
  - 1. Submit a **Material Safety Data Sheet** (MSDS) to the local Fire Department for each RUP stored or used at their facility.
  - 2. Submit a **Tier Two Inventory Report** to the Agency of Agriculture for each RUP stored or used at their facility that exceeds the **reporting threshold**.