

Use of Registered Pesticides

OVERVIEW

Applicable colleges, departments, researchers, students, 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
- Recordkeeping

See [Advisory Guidelines](#) for a link to advisory guidelines which supplement this policy.

MASTER GARDENER PROGRAM

Volunteers may not apply anything other than home-and-garden pesticides to WSU property. Coordinators who oversee Master Gardener (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 their level of professional competency.

Use of Registered Pesticides

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* 16-228-1545);
- Application of restricted-use pesticides (RUP);
- Application of state 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 or exempted, a licensed public operator must be within eyeshot and earshot and supervise the application at all times. Therefore, a person driving a tractor (enclosed or not) is required to be licensed since a supervising applicator cannot be within eyeshot and earshot at all times.

NOTE: See the subsection "Government Research Personnel" in *BPPM* 45.65 for information on exemptions.

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 above 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 state use-restricted pesticides (URP) on cooperator lands. (See the subsection Applications Requiring a License in *BPPM* 45.65 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.

Use of Registered Pesticides

References (cont.)

To access the WSDA Licensing Search website, go to:

agr.wa.gov/services/licenses-permits-and-certificates/pesticide-license-and-recertification/pesticide-and-spi-licensing/license-search

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

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 state 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
- 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 they are physically present at the work site and in constant eye and ear contact during the application.

NOTE: Research faculty with at least 50 percent FTE research appointments and who only apply general use pesticides through powered equipment 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

Use of Registered Pesticides

Public Consultant (cont.)

endorsements. See *WAC* 16-228-1545 and the WSDA Pesticide/Pest Inspector Licensing Fact Sheet at:

cms.agr.wa.gov/WSDAKentico/Documents/Pubs/4375-LicensingFactSheet.pdf

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.

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 (Danger Poison; Danger; Warning) 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:

lni.wa.gov/safety-health/safety-topics/industry/cholinesterase

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* 2.62)
- Other related topics

Use of Registered Pesticides

Related Safety Resources (cont.)

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

ehs.wsu.edu/ehs-training/factsheets/

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

ini.wa.gov/safety-health/

WORKER PROTECTION STANDARD

The federal government enacted (1992) and updated (2015) the Worker Protection Standard (WPS) (40 *CFR* 170) to protect employees (faculty, staff, students, and volunteers) from occupational exposure to agricultural pesticides. Both WSDA and L&I conduct WPS-compliance audits.

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 that 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 pesticides, or who cleans and repairs pesticide application equipment.
- **Agricultural Workers.** An agricultural worker is defined as anyone who works in plant production (e.g., watering, irrigating, and 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. See *WAC* 296-307. (NOTE: Other L&I standards cover employees performing landscape maintenance.)

Use of Registered Pesticides

Summary of Worker Protection Requirements

A summary of WPS requirements are available from the Pesticide Educational Resources Collaborative (PERC) website at:

pesticideresources.org/index.html

NOTE: Washington state law is more restrictive in some cases, such as decontamination supplies.

Key References

Key references from the summary website include:

- Checklist for WSU supervisors of handlers and workers:
pesticideresources.org/wps/hosted/wps-ag-employer-checklists.pdf
- WPS Compliance Assistance Library:
pesticideresources.org/wps/index.html

Protection During Applications

Applicators are prohibited from applying pesticides in ways that expose workers or other persons. Workers and others must be excluded from areas while pesticides are being applied.

Restricted-Entry Intervals

Restricted-entry intervals (REIs) are 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).

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* 2.62). 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.

Units must post signs at treatment areas if the REI is longer than 24 hours or if the areas are enclosed.

Use of Registered Pesticides

Decontamination Supplies

Units must provide access to the following decontamination supplies for workers and handlers who may be exposed to pesticides. See *WAC* 296-307-10930 and *WAC* 296-307-11225.

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 water and supplies must be:

- Located together;
- Reasonably accessible;
- Not more than one-quarter mile from work location, or the nearest location with vehicular access outside the treated area; and
- Located outside the treated area (for workers or handlers) or protected from pesticide contamination in closed containers (for handlers only).

Workers

Units must provide one gallon of water for each worker for routine washing.

When workers engage in early entry activities at sites without running water, units must provide:

- Ten gallons of decontamination water for one employee, or
- Twenty gallons of decontamination water for two or more employees.

See *SPPM* 5.15.

Handlers

Units must provide at least one pint of decontamination water in portable containers when handlers apply pesticides with labels requiring eye protection.

Use of Registered Pesticides

Handlers (cont.)

When handlers remove PPE or mix and load pesticides at sites without running water, units must provide:

- Ten gallons of decontamination water for one employee, or
- Twenty gallons of decontamination water for two or more employees.

See *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. See *WAC* 296-307-10825(6).

Units must provide the following information to the employee and the medical attendant regarding the pesticide to which the employee may have been exposed:

- Safety Data Sheet (SDS) (see *SPPM* 5.10)
- Product information:
 - Name
 - EPA registration number
 - Active ingredient
 - Antidote, first aid, and other medical information from the product labeling.
- How the pesticide was being applied or used, and
- The circumstances that could have resulted in exposure to the pesticide.

Pesticide Safety, Application, and Hazard Information

Units with personnel who use or may be exposed to pesticides are required to maintain a central posting area with information for workers and handlers. (*WAC* 296-307-10830) The following information must be posted:

- Safety posters,
- Information about recent applications, and
- SDS for each WPS-labeled pesticide applied.

Use of Registered Pesticides

Pesticide Safety Posters Pesticide safety posters are available for download or purchase from Pesticide Educational Resources Collaborative (PERC) at:

pesticideresources.org/wps/cp.html

Training of Workers and Handlers Annual training of workers and handlers is required. EPA-approved training materials must be used. Only certified applicators or individuals who have completed an EPA-approved WPS Train-the-Trainer program may conduct the training.

WSU supervisors must maintain training records for each employee for two years after training. A copy must be available to the employee.

Training Content Resources For training content resources, see Additional Worker Employer Requirements and Additional Handler Employer Requirements in the PERC How to Comply manual at:

pesticideresources.org/wps/htc/index.html

PESTICIDE APPLICATION RECORDKEEPING REQUIREMENTS

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

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 *BPPM* 90.01 – Safety Records Retention table);
- Maintained in individual unit or local land use committee files; and
- Provided for inspection upon request.

See *BPPM* 90.01 for further information regarding University records retention requirements.

Use of Registered Pesticides

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:

agr.wa.gov/departments/pesticides-and-fertilizers/pesticides/recordkeeping

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:

extension.wsu.edu/wsprs/employees/

The advisory guidelines include, but are not limited to:

- Contacts (for questions and assistance)
- New Hire Checklist
- Pesticide Policy Training Modules