

Pesticide News

May 2013



Welcome to the latest edition of the Colorado Department of Agriculture Pesticide newsletter.

In this issue you'll find information about:

- **Soil Fumigation changes**
- **National Pollutant Discharge and Elimination System (NPDES)**
- **Remote Testing sites for Pesticide Applicators**
- **Driftwatch**
- **Rule changes to Pesticide Applicators' Act**
- **Endangered Species Bulletins**
- **Label changes for Rodenticides & Pyrethroid/Pyrethrin/Synergized Pyrethrin**
- **New Pesticides Staff**
- **Pesticide Applicators' Act Sunset Review**

Soil Fumigation

There is a lot going on in the soil fumigation arena, from label changes to changes in the application of soil fumigants and everything in between. The changes have been made due to the Registration Eligibility Decision or RED for soil fumigation. New safety measures will increase protections for agricultural workers and bystanders. These measures will work together to establish a baseline for safe use of the soil fumigants throughout the United States by reducing fumigant exposures and significantly improving safety.

Please remember that Soil Fumigants are Restricted Use Pesticides and therefore applicators must be licensed by the Colorado Department of Agriculture prior to making soil fumigation applications.

To recap Phase 1 events, these changes were effective December 2010.

- Restricted Use Pesticide Classification for Metam Sodium / Potassium and Dazomet (other active ingredients were previously Restricted Use Pesticides)

continued..

Soil Fumigation continued...

- Addition of handlers to the label, new respiratory protection for workers, tarp handling and entry restrictions
- New handler training information
- Good Agricultural Practices
- Application Methods, Application Rate Restrictions
- Fumigation Management Plans (FMPs)

The soil Fumigant active ingredients are:

- Chloropicrin
- Dazomet
- Metam Sodium / metam potassium

- Methyl Bromide
- Soil fumigant products / active ingredients are now Restricted Use Pesticides and are now being sold through pesticide dealers.

Phase 2 label changes that are now on product labels (effective December 1, 2012):

Buffer Zones:

Soil fumigant labels on products now at pesticide dealers require soil fumigant applicators to establish buffer zones around treated fields to reduce the respiratory exposure to bystanders. Distances of the buffer zones are provided in “look up” tables on the product labels. A “Buffer Zone Calculator” is now available in EPA’s Soil Fumigation Tool Box. The Buffer Zone Calculators are specific to the soil fumigant

and is based on the “look up tables” on the product labels. In addition to calculating the proper buffer zone distances, the calculators can also be used to quickly calculate buffer zone reductions through the use of credits and modifications to application parameters.

Access to the EPA Soil Fumigation Buffer Zone Calculators can be found at www.epa.gov/opp00001/reregistration/soil_fumigants/. Look for the calculators in the “New Items in the Toolbox” on the right of the page.

In all cases, the applicator should compare results of the buffer zone calculations with the look up table on the label. If there are any discrepancies, applicators **MUST ALWAYS** follow the label.

Posting Requirements:

In order to be effective the buffer zones are required to be “posted”. Posting the treatment site will inform the public and bystanders of the soil fumigant treatment. Signs are required to be posted at usual points of entry and along likely routes of approach to the buffer zone. The posting sign must include a “do not walk” symbol, the fumigant product name and the contact information for the fumigator (applicator).

Site Specific Fumigation Management Plans (FMPs)

Elements of FMPs

- Certified Applicator Information
- General Site Information
- Application Block location

continued..



Soil Fumigation continued...

- Name, address and Phone number of the land owner
- Map of the application
- General application information
- Tarp plan if tarps are to be used
- Soil conditions
- Buffer zone information
- Emergency Preparedness and Response Measures (if applicable)
- State or Tribal lead agency notification (if required by lead agency)
- Communication Plan between:
- Handler (including licensed applicators) information
- Confirmation of receipt of Fumigant Safe Handling Information
- Air Monitoring Plan
- Description of applicable mandatory Good Agricultural Practices (GAPs)
- Description of hazard communications
- Record any changes to the FMP to an area treated multiple times during the season
- A copy of the FMP must be immediately available for viewing by handler involved in the application, to any lead agency or emergency

response personnel.

- The applicator must ensure that the FMP is at the application block during all handler activities.
- New Requirements for Post- Application Summaries
- Post- Application Summary
- Air monitoring results
- The soil fumigant labels also state that both the soil fumigation applicator and the owner of the soil fumigation application block must keep a signed copy of the Post- Application Summary for at least 2 years from the date of the application.

Please be aware that the FMP is a complex document and many of the above bullets contain additional requirements that must also be included in the FMP.

Applicators have the flexibility to use EPA's FMP template, prepare their own FMP templates or use other commercially available software with the above-mentioned elements.

For additional FMP information, please see EPA's Soil Fumigant Toolbox at, www.epa.gov/opp00001/reregistration/soil_fumigants/.

Certified Applicator Soil Fumigation Training

Any certified applicator supervising a soil fumigant application must have successfully completed one of the soil fumigant training programs listed on the following EPA website <http://www.epa.gov/fumigantraining> for the active ingredients / product listed above. The training must be completed in the periods listed on the website. The FMP must document the date and location where the soil fumigant training program was completed.

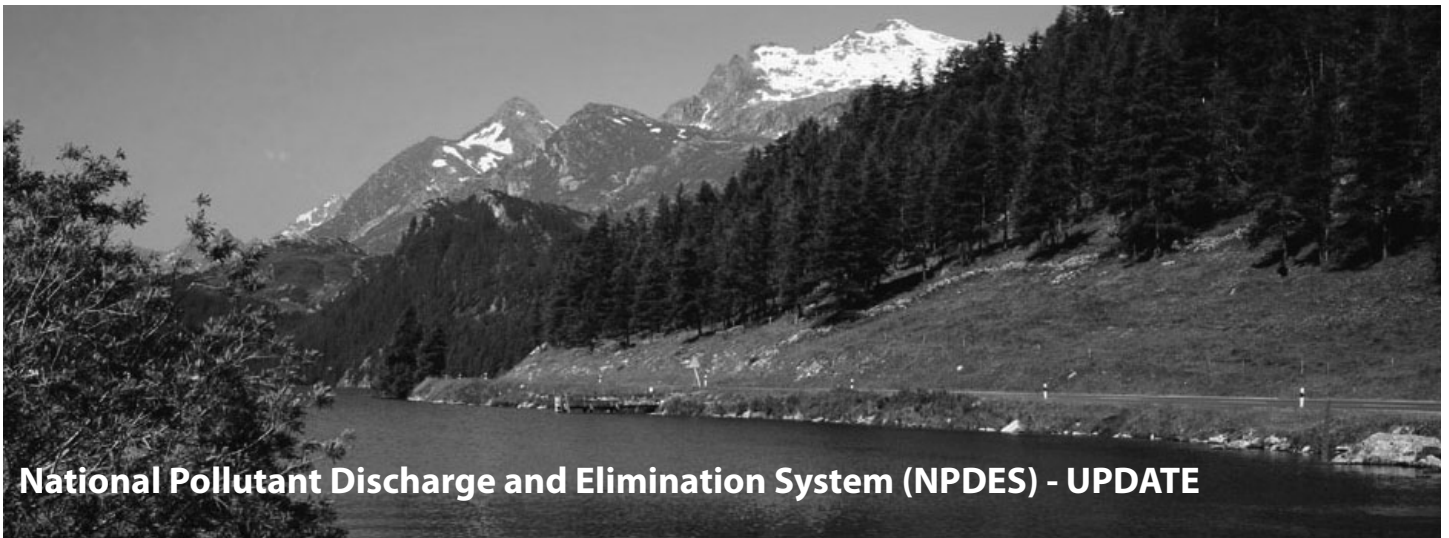
An alternative to taking the manufacturer prepared training listed above; licensed Colorado applicators (Qualified Supervisor / Certified Operator and Private) will soon be able to take the **CDA's Soil Fumigation Challenge Exam**. The CDA expects the Soil Fumigation Challenge Exam to be available in June 2013.

The USEPA requires that the Colorado Soil Fumigation Challenge Exam be a closed book, proctored exam. This means that you will be required to follow current CDA exam requirements (online exam application, online schedule and online payment of \$30.00) in order to take the exams. As usual, you can take the exam at any of the six CDA pesticide applicator testing centers.

As you can see the label directions found on the soil fumigation labels has changed drastically. Failure to follow the label directions or requirements on any pesticide product is a violation of the label and is subject to enforcement action by the Colorado Department of Agriculture.

CDA will continue to keep soil fumigant applicators informed of these changes through press releases, letters and emails. Please contact Steve Blunt at (303) 239-4178 or by email: steve.blunt@state.co.us if you wish to have your name to the mailing list.

You can learn more about the soil fumigation changes by visiting EPA's Soil fumigation Tool Box web site at http://www.epa.gov/opp00001/reregistration/soil_fumigants/.



National Pollutant Discharge and Elimination System (NPDES) - UPDATE

Just in case you are not aware, the Colorado Department of Public Health and Environment (CDPHE) issued a National Pollutant Discharge Elimination System (NPDES) for Colorado on November 1, 2011. The current permit is scheduled to expire December 31, 2013.

The Colorado Weed Management Association sponsored several NPDES workshops around the state to help applicators understand the permit and associated terms. Hopefully, everyone who applies pesticides to, near or over waters of the state has printed the NPDES permit and is in compliance.

Please be aware that ALL Pesticide General Permit (PGP) holders that are required to submit a CDPHE Compliance Certification must submit their Compliance Certification by July 1, 2013. Please refer to Section 7 of the PGP to determine if you are required to submit a Compliance Certification.

Compliance Certification templates can be found at www.Colorado.gov/CDPHE, click on "Permits", then click on "Water Quality Control Division permits", then click on "Pesticides", then click on "Pesticides Compliance Certification Template"

Other important NPDES information

- October 2012 CDA was able to obtain federal funds and pass them through to CDPHE so that they could fund 1 Full Time Employee to dedicate 70% of their time to working on NPDES issues.
- November 1, 2012 CDPHE sent their "Water Quality Control Division 2012 Request for Information Report Implementation of Pesticide Permitting Requirements" (the report) to the Colorado legislature. The report discusses the following:
 - o Background – the initial law suits against the USEPA Information about CDPHE's current Pesticide General Permit (PGP)
 - o Information about CDPHE's current efforts in administrating the PGP
 - o CDPHE's follow up report with additional information and details by February 1, 2013
 - o Information Needed to Consider Establishment of a Permit Fee
 - Estimate the universe of permittees (i.e., the number of decision makers and applicators) Provide program implementation services, including permitting, outreach and assistance, receiving and responding to complaints and third party lawsuits, conducting inspections, and conducting enforcement as appropriate.
- Identification of an Appropriate Level of Service and FTE estimates
- Permitting – determine which type of permit will be appropriate and appropriate permit length and the possible number of permittees
- Determine the number of CDPHE staff required to implement and administer and effective NPDES Permit program
- Determine the appropriate level of compliance assistance
- Compliance Assurance – measuring compliance / non-compliance of the regulated entities, responding to citizen complaints, conducting inspections, and enforcement of violations of the PGP
 - Data support (computer software and IT support)
- o Fee considerations
 - Are fees necessary?
 - Who pays fees
 - Appropriate mix of fees

NPDES Update continued...

- o On-going coordination with CDA
- o Time – table for implementation of a new NPDES permit

As you can tell NPDES is a very complex and confusing issue. The full legislative report is available for download/review by visiting the CDPHE website: www.colorado.gov/CDPHE, click on "Permits", then click on "Water Quality Control Division permits", then click on "Pesticides", click on "Colorado Pesticide Program Information", and then click on "report".

CDPHE's NPDES Permit contact is John Nieland, you can reach John by calling (303) 692-3553 or by email to john.nieland@state.co.us

Endangered Species Bulletins

CDA would like to take this opportunity to remind pesticide applicators that more and more pesticide labels now include the Endangered Species Bulletin language

A statement such as the following may be found on a pesticide label: **"To determine if your county has an endangered species, consult the website: <http://www.epa.gov/espp>"**

Please be advised of the following points concerning the Endangered Species Bulletin:

- If there is Endangered Species Bulletin language on the label, the applicator is required to visit the ESPP website or call EPA to determine if there are any bulletins for the Colorado counties where the pesticide application will take place.

- Failure to comply with this provision of the label is a violation of the label.
- In the case where there is a county bulletin, the applicator is required to comply with all of the provisions of the bulletin.
- **Proposed new rule Part 6.03(k) requires licensed Commercial, Limited Commercial and Public applicators to maintain a copy of all active Endangered Species Bulletins for the county or counties where they apply pesticides.**
- **Proposed rule change to Part 7.05 states that the Endangered Species Bulletin(s) are not required to be at the application site.**

CDA anticipates that the new Rule changes will be effective July 30, 2013.

Please contact Steve Blunt at (303) 239-4178 or by email at steve.blunt@state.co.us if you have any questions regarding the Endangered Species Bulletin language.



The Preble's meadow jumping mouse

(*Zapus hudsonius preblei*) (Preble's or PMJM) is a small mammal approximately 9-inches in length with large hind feet adapted for jumping, a long bicolor tail (which accounts for 60% of its length), and a distinct dark stripe down the middle of its back, bordered on either side by gray to orange-brown fur. This largely nocturnal mouse lives primarily in heavily vegetated, shrub dominated riparian (streamside) habitats and immediately adjacent upland habitats along the foothills of southeastern Wyoming south to Colorado Springs along the eastern edge of the Front Range of Colorado. The Preble's mouse enters hibernation in September or October and doesn't emerge until May. Its diet changes seasonally and consists of insects, seeds, fungus, fruit and more.

The PMJM recently documented distribution includes Adams, Arapahoe, Boulder, Denver, Douglas, El Paso, Elbert, Jefferson, Larimer and Weld counties in Colorado; and Albany, Laramie, Platte Goshen, and Converse counties in Wyoming. The Colorado portion of this area had undergone rapid residential, commercial, and industrial designation that has impacted the PMJM habitat.



CDA reached another milestone in 2012, the implementation of the DriftWatch program. DriftWatch is a program that increases communications between pesticide applicators and growers of pesticide sensitive crops.

How does DriftWatch work?

DriftWatch is a voluntary program that is designed as a communication tool to protect sensitive crops. Producers register their crop sensitive locations through CDA and registered applicators will be able to locate registered sites prior to making pesticide applications. DriftWatch uses Google Maps technology for pesticide applicators to locate registered sensitive crops.

Please keep in mind that is a voluntary program for both growers and pesticide applicators to join. The minimum size requirement is 1/2 acre. Producers or growers enroll or register their crops with DriftWatch by providing certain information such as:

- Name
- Address
- Phone number
- Email address
- Sensitive crop location

DriftWatch allows the producer to access Google Maps to locate and outline the sensitive crop area with their computer mouse. CDA's "Data

Steward", a CDA staff person, then reviews the producer and crop information. The data steward ensures that the minimum size and crop qualifications are met. The producer will receive an automated email informing them if their submission has been accepted or not or if additional information is needed. Registered pesticide applicators will also receive an automated email of any "new" locations in their area.

Participation by pesticide applicators is also voluntary. Applicators wishing to participate in DriftWatch are required to provide basic information and are asked to list areas where they may apply pesticides as well. The applicator will be able to visit the website, see the registered sensitive crops. Clicking on a "balloon"

on the Google Map will pop up a description of the sensitive crop and the registered producer's contact information.

CDA has already started educational outreach to applicator and grower groups. CDA has started identifying data layers or sensitive crops. Some of the crops are:

- Alfalfa
- Dry Beans
- Potatoes
- Certified Organic
- Sunflowers
- Sugar beets
- Fruit trees
- Grapes
- Fruit (other)
- Onions
- Vegetables
- Cabbage
- Cantaloupe
- Corn
- Carrots

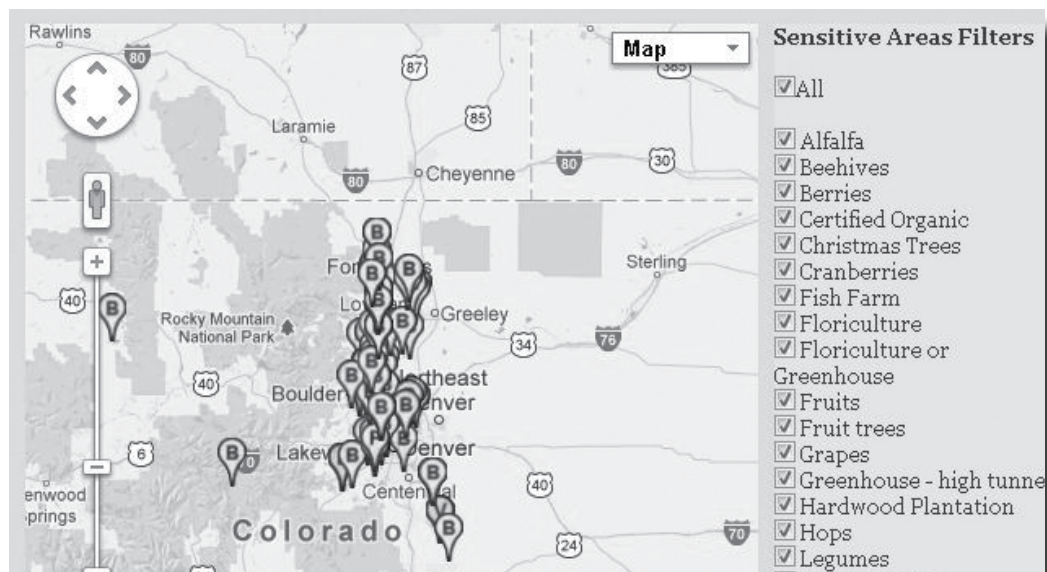
- Lettuce
- Spinach
- Herbs and spices
- Nurseries
- Beehives
- Fish farms

Other data layers are;

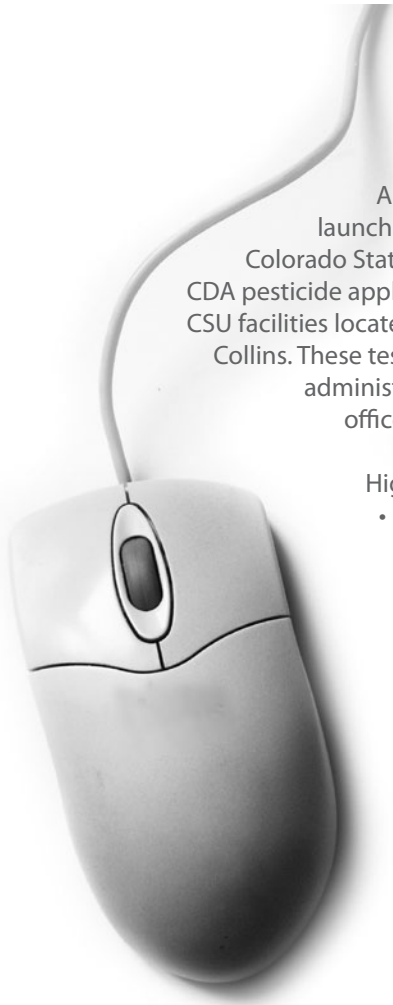
- County lines
- Section lines
- Public lands (with / without access)
- Endangered Species habitat

The success of DriftWatch depends on the commitment and involvement of a wide variety of individuals and organizations.

Please contact John Scott at (303) 239-4179 or by email at johnw.scott@state.co.us if you have any questions regarding DriftWatch.



Remote testing sites for qualified supervisors and certified operators



August 2012 was a memorable month for the Colorado Department of Agriculture Pesticide Applicator Program and pesticide applicators. Finally, after many months CDA successfully launched several remote computer based pesticide applicator testing sites throughout Colorado. The Colorado State University Tri-River Extension office in Grand Junction was the first remote location to provide CDA pesticide applicator testing for qualified supervisors and certified operators. Other remote testing sites are CSU facilities located in: Sterling, Lamar, Center (San Luis Valley), Cortez and now on the CSU Campus in Fort Collins. These testing centers have been chosen because these facilities have CSU staff that are able to proctor or administer the tests. In addition, CDA continues to provide pesticide applicator testing at our Lakewood office.

Highlights of the new testing system are:

- Online exam application (you must have a valid e-mail account to start the process)
- Online scheduling (you choose the location / date / time)
- Online payment (\$30.00 / test)
- Instant test results (pass or fail with the score percentage)
- Analysis of the test results by subject topic upon completion of the exam

To start the process please visit the CDA website at www.colorado.gov/ag. It is very important that you start at the CDA website. Please read and follow the steps listed on the CDA website, failure to follow these steps will result in delays in scheduling your exams.

Please contact Steve Blunt (CDA Pesticide Applicator Program Coordinator at (303) 239-4178 or by e-mail: steve.blunt@state.co.us if you have any questions regarding pesticide applicator testing.

Rodenticide Label Changes

There have been many confusing label changes to rodenticide labels over the past couple of years. Many structural applicators can remember when there were no label restrictions regarding how far the rodenticide bait could be placed from a building.

Not too long ago rodenticide labels restricted the placement of rodenticide baits to within 50 feet of a building, this is no longer the case.

As a result of a collaborative effort between the Association of Structural Pest Control Regulatory Officials (ASPCRO) and the National Pest Management Association (NPMA), the USEPA made important label changes that give structural applicators more flexibility to control rodents. These important label changes are:

- Extends the distance that rodenticides can be placed from a "building" from 50 feet to 100 feet
- Replaces the word "building" with "man-made structure". The term "man-made structure" is broadly defined,

however, the labels expressly excludes "fences and perimeter baiting" beyond 100 feet from a "structure".

- First generation and non-anticoagulant professional bait labels now in the marketplace permit the use of the products to treat burrows further than 100 feet from a structure.

Please be aware that the "new" rodenticide labels specifically state that the products are to be used to control ONLY Norway rats, roof rats and house mice, or commensal rodents. Experienced structural applicators know that other rodent species, such as wood rats (pack rats, *Neotoma* spp) and deer mice (*Peromyscus* spp.) in and around man-made structures.

In order to assist structural applicators, CDA has issued Colorado Special Local Need (SLN) for the distribution and use only within the state of Colorado for "Contra[®] All-Weather Blox" for use to control wood rats (pack rats, *Neotoma* spp) and deer mice (*Peromyscus* spp.) in and around man-made structures. Please be aware that the SLN labeling and the EPA-registered label must be in the possession of the user

Label changes continued...

at the time of the pesticide application. All label directions, restrictions and precautions on the EPA registered label must be followed.

Please contact Steve Blunt at (303) 239-4178 or by email: steve.blunt@state.co.us if you have any questions regarding rodenticide label changes or the Contrac® All-Weather Blox SLN registration.

Pyrethroid / Pyrethrin / Synergized Pyrethrin Label Changes

In 2009 the USEPA started an environmental review of pyrethroid / synergized pyrethrin and pyrethrin products labeled for non-agricultural use on impervious structural outdoor surfaces such as sidewalks, driveways and patios and the outsides of structures, potential pest entries of "occasional invaders" of buildings. Examples of "occasional invader" / aggregating pests are the Brown Marmorated Stink Bug, the Kudzu Bug, and Box Elder Bugs. The purpose of this environmental review was to reduce the amount of pyrethroids and pyrethrins that enter or runoff into storm drains, drainage ditches, gutters or surface waters.

As of March 1, 2013 the following label language will be found on of pyrethroid / synergized pyrethrin and pyrethrin labels:

- "Do not apply directly to impervious horizontal surfaces such as sidewalks, driveways, and patios except as a spot or crack and crevice treatment. During application, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters."

- "All outdoor applications, if permitted elsewhere on this label, must be limited to spot or crack-and-crevice treatments only, except for the following permitted uses, if allowed elsewhere on this label:
 - o Applications to soil or vegetation, as listed on this label, around structures;
 - o Applications to lawns, turf, and other vegetation, as listed on this label;
 - o Applications to the side of a building, up to a maximum height of 3 feet abovegrade;
 - o Applications to underside of eaves, soffits, doors, or windows permanently protected from rainfall by a covering, overhang, awning, or other structure;
 - o Applications around potential pest entry points into buildings, when limited to a surface band not to exceed one inch in width;
 - o Applications made through the use of a coarse, low pressure spray to only those portions of surfaces that are directly above bare soil, lawn, turf, mulch or other vegetation, as listed on this label, and not over an impervious surface, drainage or other condition that could result in runoff into storm drains, drainage ditches, gutters, or surface waters, in order to control occasional invaders or aggregating pests."

The USEPA and the CDA will allow the sale and use of pyrethroid / synergized pyrethrin and pyrethrin products that have the "old label language" until supplies have been depleted.

Changes to the Colorado Pesticide Applicators' Act - Rules and Regulations

In case you are not aware, the Rules and Regulations of the Colorado Pesticide Applicators' Act (PAA) occasionally need clarification and new Rules in order to address changes that occur on both a state and national level.

CDA and the Pesticide Advisory Committee are proposing changes to some existing Rules and the adoption of some additional new Rules.

Amendments to these rules are proposed for adoption by the Commissioner of the Colorado Department of Agriculture ("CDA") pursuant to his authority under the Pesticide Applicators' Act (the "Act"), §§ 35-10-118(2)(a) & (b), and (9.5) C.R.S.

Some Examples of the Proposed Rule Changes

CDA has been advising applicators about the need to look for "Endangered Species Bulletin" language on the pesticide labels they use for the past several years.

In October 2012, USEPA announced that "Endangered Species Bulletin" language is now on the labels of two rodenticides for the control of Black Tailed Prairie Dogs.

Rule changes continued...

One new Rule requires applicators maintain a record of any active "Endangered Species Bulletin" and a corresponding change to Part 7.05 to clarify what pesticide labeling must be in the applicators' possession at the application site and that the "Endangered Species Bulletin" is exempt from this requirement.

We have listed just a couple of examples of the changes to the Rules. A summary of the Rules changes is listed below.

The public has the opportunity to provide comments regarding the proposed Pesticide Applicators' Act Rules Changes by attending or submitting written comments to the "Pesticide Applicators' Act Notice of Hearing" which is scheduled for May 30, 2013.

To obtain information regarding the Pesticide Applicators' Act Notice of Hearing, please visit our website at www.colorado.gov/ag. Click on the "Plants" tab at the top of the page then click on "Pesticide Applicators' Act Notice of Hearing". At this site, you can choose to view the Rulemaking Hearing Agenda or you can choose to view the "official" Rules changes by clicking on "8CCR1203-2. Parts 2. 6. 7. 8. 9. 10. 15 and 16".

A summary of the rule changes is listed below:

1. Parts 2.15 and 2.16 are being amended to clarify when solicitations to subcontract incidental pesticide applications can be made by a business that is not acting as and is not licensed as a commercial applicator
2. Part 2.60 creates a new Rule defining the Private Applicator category and license purpose. The Rule change adds a numerical classification (Category 401) to the Private Applicator category and to be consistent with corresponding changes to Parts 8, 9 and 10.
3. Part 6.03(k) creates a new Rule to require applicators to maintain a record of any active Endangered Species Bulletin.
4. Part 7.05 has been amended to clarify what labeling must be in the applicator's possession when performing pesticide applications and exempt Endangered Species bulletins from this requirement.
5. Parts 8, 9 and 10 are amended to add numeric category reference to each pesticide licensure category. For example: Category 101 – Agricultural Insect Pest Control, Category 102 – Agricultural Plant Disease Control, etc.
6. Parts 8.01(f)(g) and (h) and Part 10.0(b) are amend to clarify which pests may be treated under these categories.
 - Rule 8.01(f) **Forest Pest Control** category description to be amended to allow the application of pesticide to control pests "except vertebrate" as similarly stated in Public Health Pest Control Category
 - Rule 8.01(g) **Rangeland Pest Control** category description to be amended to allow the application of pesticide to control pests "except vertebrate" as similarly stated in Public Health Pest Control Category
 - Rule 8.01(g) **Aquatic Pest Control** to be amended include the application of pesticides to control amphipians when in aquatic environments and to include the use of pesticides to control fish pests. .
 - Rule 10.01(b) **Outdoor Vertebrate Pest Control** to be amended to allow the application of pesticide to control pests "except amphibians and fish" as similarly stated in Public Health Pest Control Category
7. Part 10.02 is amended to state the correct licensure category. The current Rule that outlines the experience requirements for structural pest control incorrectly references the Residential / Commercial Pest Control found in rule 10.01(d) as "household pest control". The amended rule would remove "household pest control" and correctly reference "Residential / Commercial Pest Control" as referenced in rule 10.01(d), Residential / Commercial Pest Control.
8. CDA is proposing the creation of a new Rule 15.05 that requires licensure for the use of any device that generates / produces a pesticide as defined in the Pesticide Applicators' Act to help ensure public safety by requiring applicators have the proper training and licensing to use any device for hire that produces a pesticide and also requires the applicator to use the device in accordance with the manufacturer's directions.

You may contact John Scott, CDA Pesticide Program Manager, at (303) 239-4179 if you have questions regarding the Rules changes.

Once adopted, CDA will send copies of the Rules changes to all licensed Commercial, Limited Commercial, Public and Private Applicators.

If the proposed Rules changes are adopted the new Rules will become effective July 30, 2013.

New and Nearly New DPI Staff

CDA and the Pesticide Applicator Program have welcomed several new staff members since the last pesticide newsletter. We would like to take this time to introduce our new employees to you.

- Pam King was previously with the Conservation Services Division before coming to the Plant Industry Division. Pam's duties as a multiple inspector include the inspection of pesticide applicators, pesticide dealers and conducts pesticide applicator complaint investigations. Pam also conducts nursery dealers, seed dealers, phytosanitary inspections and organic inspections. Pam's territory is Northwest Denver Metro, including Golden, Arvada, Boulder and parts of Westminster.

- Dan Goldhamer has a varied work background that includes being a research assistant at the Colorado State University Research Farm (ARDAC) in Fort Collins. Like Pam King, Dan is also a multiple inspector who is responsible for conducting various inspections. Dan's territory includes western portions of the Denver Metro area all the way to Glenwood Springs along the I-70 corridor (mainly Grand, Summit, Eagle counties).

- Rob Donald came to work for the Department in 2012 as well. Rob worked in the greenhouse and nursery industries in Colorado and on the east coast prior to coming to work for the Department. Rob is also a multiple inspector who is responsible for conducting various inspections for the Division. Rob's territory includes parts of central and northeast Denver Metro area.

- Gary McElroy is also a multiple inspector; however, Gary started his career with the Department as a private applicator inspector. As a private applicator inspector, Gary conducted Worker Protection Standard, pesticide use and Restricted Use Recordkeeping inspections at farms and

greenhouses. Now as a multiple inspector, Gary conducts pesticide applicator, pesticide dealers, nursery, seed, phytosanitary and organic inspections. Over the years, Gary has worked in the nursery, greenhouse industries and worked for a commercial pesticide applicator. Gary's territory includes the southwest Metro area, parts of Centennial, Aurora, Parker, Castle Rock and parts of Colorado Springs.

- Brad Spelts has the distinction of being the last inspector hired by the Division. Brad is the newest private applicator inspector. Brad is responsible for conducting Worker Protection Standard, pesticide use and Restricted Use Pesticide recordkeeping inspections with farmers, ranchers, greenhouses and nurseries. Prior to coming to the Division, Brad operated a commercial applicator company in the Grand Junction area. Brad is based in Greeley and his territory is northeast Colorado.

- Elizabeth Hebbert is the nearly new pesticide applicator administrative assistant. Elizabeth joined the Division in October 2012, replacing Mary Jo Dennis who moved to another position in the pesticide section. Elizabeth is responsible for qualified supervisor and certified operator applicator licensing. Elizabeth is also the person who proctors the qualified supervisor / certified operator exams. Elizabeth was previously employed in the entertainment event staging industry prior to coming to CDA.

- Kati Weathers is the newest person in the pesticide Section. Kati is a Pesticide Investigation Specialist in the Pesticide Enforcement Section. Prior to coming to work for CDA, Kati worked for an environmental consulting company assisting various federal land management agencies. Once Kati's training is complete she will act as the lead investigator concerning pesticide complaints. Kati will also be compiling / reviewing pesticide complaint cases whenever she is not out investigating.

PAA Sunset on the Horizon!

Coming up in November 2013 the Department of Regulatory Affairs (DORA) will begin the "Sunset" review of the Pesticide Applicators' Act (PAA). What is Sunset you may ask? Well, first you must know what DORA does.

DORA is the agency that examines and determines if there is a need to regulate an occupation or profession. They prepare "Sunrise" reviews, which is when they determine whether or not there is a need to regulate a previously unregulated occupation or profession; they conduct regulatory reform reviews to evaluate any proposed rule to determine if a cost-benefit analysis should be performed by the agency and they analyze and evaluate the impacts of proposed rules and regulations on small businesses, job creation and economic competitiveness; they conduct "Sunset" reviews to determine whether the agency under review should be continued without changes, continued with changes or terminated; and they conduct reviews of advisory committees to determine whether the committee has fulfilled its statutory mandate(s) and whether there is a need for its continued existence

In November 2013 DORA will begin discussions with the Department, the regulated industry and the general public to begin gathering information for their review of the PAA. As DORA performs their review they are looking at the following criteria:

- (i) *Whether regulation by the agency is necessary to protect the public health, safety and welfare; whether the conditions which led to the initial regulation have changed; and whether other conditions have arisen which would warrant more, less or the same degree of regulation;*

Sunset review continued...

- (II) *If regulation is necessary, whether the existing statutes and regulations establish the least restrictive form of regulation consistent with the public interest, considering other available regulatory mechanisms and whether agency rules enhance the public interest and are within the scope of legislative intent;*
- (III) *Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures and practices and any other circumstances, including budgetary, resource and personnel matters;*
- (IV) *Whether an analysis of agency operations indicates that the agency performs its statutory duties efficiently and effectively;*
- (V) *Whether the composition of the agency's board or commission adequately represents the public interest and whether the agency encourages public participation in its decisions rather than participation only by the people it regulates;*
- (VI) *The economic impact of regulation and, if national economic information is not available, whether the agency stimulates or restricts competition;*
- (VII) *Whether complaint, investigation and disciplinary procedures adequately protect the public and whether final dispositions of complaints are in the public interest or self-serving to the profession;*
- (VIII) *Whether the scope of practice of the regulated occupation contributes to the optimum utilization of personnel and whether entry requirements encourage affirmative action;*
- (IX) *Whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest.*

As DORA begins their review they will participate in the Pesticide Advisory Committee meetings to listen to industry concerns and issues, as well as to obtain industry specific contacts from your industry representatives to gather more information. DORA generally is talking with industry and the general public to gather information for their review from January – June.

Throughout the review the Department will also meet with industry upon request and relay information during CEC workshops on the Sunset process to keep the industry apprised of the status of the review and discuss any issues that come up which may affect the industry.

After this period DORA will begin drafting their report of its findings and recommendations. This process usually begins in July and by October the Department receives a draft of all findings and recommendations. Shortly after that the report becomes final and will be made available to the public.

New Statutory language will be drafted based on DORA's recommendations and then introduced in the next legislative session, which will be in 2015. On July 1, 2015, the Pesticide Applicators' Act will Sunset and any changes made to the PAA during the 2015 legislative session usually go into effect on that same date.

The Department highly encourages the industry to stay abreast of the PAA Sunset and any proposed changes that may affect your industry. Please stay in contact with your industry representative on the Pesticide Advisory Committee and if you have further questions on the Sunset process contact John Scott, Pesticides Program Manager, at 303-239-4179.



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