



NEW MEXICO DEPARTMENT OF AGRICULTURE

Pesticide Applicator Newsletter

January 2005

Volume 2, Issue 1

Bureau Activities for 2005 Legislature **Bonnie Rabe, Bureau Chief**

NMDA will again be pursuing legislation authorizing an increase in the fee caps set in the New Mexico Pesticide Control Act (NMPCA) for licensing, registration and testing. The bill will be the same as was introduced in the 2004 legislative session. The limited time of the 30 day session last year was the reason the bill died, as it was not able to be voted on in the full House of Representatives. It passed all committees and the full Senate. This year's 60 day session will hopefully allow for successful passage.

Currently, fees established in the NMPCA and regulations have not been raised since 1985. The caps established in the NMPCA for a majority of the established fees were reached at that time as well. Increased costs in administering and processing exams, issuing licenses and reviewing submitted pesticide registrations, as well as overall program costs, have occurred in the last eighteen years while the fees have remained unchanged. Federal funding from an EPA cooperative pesticide program grant supports two thirds of the bureau's personnel costs. The majority of fee income supports activities and services provided to producers, regulated industry and the general public in carrying out duties authorized under the NMPCA. This includes responding and investigating pesticide misuse complaints statewide, routine inspections of pesticide applications by licensed applicators to ensure compliance, inspection of marketplace establishments which manufacture, distribute and/or sell pesticides, providing training programs to growers, applicators and the general public on the importance of pesticide safety and proper use. Costs of these services include mileage and travel expenses; laboratory analysis of pesticide products, dilutions, and residues; printing and postage costs of educational manuals, licenses, and outreach materials; and maintenance of bureau databases and computer support.

An increase will allow program expansion in terms of efficiency, use of new technology, and outreach available to productively and adequately continue to serve licensees as well as the citizens of New Mexico. We would like to pursue development of a computer based testing system to allow immediate results to applicators as well as information on test questions missed. The system would allow tests to be constantly updated to address current pesticide product availability and use as well as any regulatory issues. Processing time for licensing would be greatly reduced. Web access for obtaining current licensing and pesticide registration information available to the industry and general public would also be pursued. This eventually would allow online renewal of licenses and registrations. NMDA would also like to develop and support a statewide pesticide disposal program.

The major fee cap increase proposed is for product registration, paid by pesticide manufacturers to register their products for sale and use in New Mexico. Although all fee caps will be increased, commercial applicator and operator license fees will not be immediately increased. Testing and product registration fee increases will be proposed initially. If an increase in the fee caps is passed during legislature, the specific fee increases will be submitted to the Regents of New Mexico State University, who review and approve all regulation changes to the NMPCA.

We will also be watching all of the introduced bills for any legislation proposed which may effect our agency or licensees in any areas of the industry. If you are interested in the legislative session you can view the New Mexico Legislature website at: <http://legis.state.nm.us/lcs/default.asp>. The site allows you to look up and track bills, see committee agendas, the schedule of events, as well as contact your area representatives.

If you have any questions, comments, or concerns about the proposed legislation, please let me know by calling, writing, or email.

Pesticide Applicator Testing Schedule

You must call and schedule an appointment to be allowed to test.

Albuquerque: 1st and 3rd Monday of each month; 9:00 am and 1:30 pm
(505-841-9425)

Las Cruces: 2nd and 4th Monday of each month; 9:00 am (505-646-2133
or in-state 1-800-432-5310)

Farmington: 2nd Monday of each month ; 9:00 am ; (505-841-9425)

Roswell: 1st Monday of each month call 505-646-2133 or in-state

Clovis: 2nd Monday of each month 1-800-432-5310

Hobbs: 3rd Monday of each month

If you fail to get your renewal forms, or have questions about your license renewal, please call NMDA at (505) 646-2133.

Licensing Information

Please remember, the new testing process becomes effective January 01, 2005. All applications must first be approved prior to being allowed to test. If you have questions about this new testing process please go to our website at www.nmda.nmsu.edu for more information or call (505) 646-2133.

Commercial Applicators and Operator/ Servicemen


Commercial applicators who did not renew for the 2005 license year were notified in writing and will be required to retake all certification exams **and** pay a double license renewal fee. As a reminder, the new testing process is in effect as of January 01, 2005. To avoid delays in scheduling testing, your **original, completed and signed application** should first be mailed to the main office in Las Cruces for review and approval. That address is:

New Mexico Department of Agriculture
Bureau of Pesticide Management
Box 30005, MSC-3AQ
Las Cruces, NM 88003

Non-Commercial Applicators

Non-commercial applicator renewal forms for the 2006 license year will be mailed out on **March 15, 2005**. If you have not received a renewal form by **April 01, 2005** call the main office in Las Cruces at (505) 646-2133 to request another form. If you have attended approved CEU workshops and have CEU certificates, **DO NOT** hold onto them. Mail the **original, signed** CEU certificate to NMDA and remember to make a copy for your files. Only approved CEU workshops attended between May 01, 2004 and April 30, 2005 will count toward recertification.

Commercial Applicators:
Please remember to keep your insurance up-to-date and on file in our office.



Inspector's Thoughts

NMDA Bureau of Pesticide Management Inspectors

Drift Prevention for Gas and Oil Site Weed Control

Tommy Steven, Pesticide Inspector, Roswell

The southeastern corner of New Mexico is privileged to have the oil and gas industry. This industry requires hundreds of pumping and transfer stations. These areas require weed control for security, fire hazard and workers safety reasons. The many companies involved put these areas out to bid to commercial applicators licensed in Category 6B: Right-of-Way Pest Control. Many companies participate in the bidding process and making the necessary herbicide applications.

Herbicide applications made to these sites are generally a combination of soil sterilants and an herbicide to kill weeds that are already growing. The herbicides that have been utilized are Roundup, Gramoxone, and 2,4-D. All of the herbicides do a good job when mixed correctly and used according to the label.

This past year, the New Mexico Department of Agriculture received several drift complaints associated with these industrial sites. The mixture that was utilized in all cases was 2,4-D in combination with the soil sterilant. 2,4-D type herbicides do drift and caution should be taken, or in some cases, the herbicide not even used.

A good application consists of several key elements. The site should be inspected by the applicator not only for its location, but also for the purpose of identifying susceptible crops or other plants that might be in the area of the site to be sprayed. The weeds that are to be controlled should be identified so that the correct herbicide can be chosen. Once the correct herbicide has been chosen, the label should be read and followed. Only when these key elements have been followed, can a safe application be made.

Curry and Roosevelt County 2,4-D Update

Cecilia Owen, Pesticide Inspector, Clovis

Hello from the eastside! I thought I would take a moment to introduce myself to those who haven't met me yet. My name is Cecilia Own and I am the inspector for the northeastern portion of New Mexico and the Panhandle of Texas. I took over the position from Greg Ferguson and have been with NMDA for two years. I believe I have met most, if not all, of the commercial applicators and dealers, however, there are many private applicators with whom I have not met. If anyone has any questions or concerns, please feel free to contact me via the Las Cruces office at (505) 646-2133.

Speaking of private applicators, 2,4-D is a topic that affects many of you. NMDA is in the process of re-evaluating the current laws regarding the use and permit system of 2,4-D. We are interested in hearing from both private and commercial applicators as to your likes and dislikes of the current system. Some of the issues that are being reevaluated are: 1) extending the length of the permit from 7 days to 14 days or even 30 days; 2) changing the current boundary lines and dates of application to reflect current farming practices, and one of the most important changes being considered is 3) not making land owners obtain a private applicator license to call in a permit. This change would allow either the commercial applicator to call in, or the landowner to call in but not be required to have a license. This is because many private applicators only obtain a license to call in the permit, but do not handle the 2,4-D or other restricted-use pesticides. Furthermore, we do not receive many calls regarding susceptible crops, but any drift complaint will be continued to be investigated. Please let us know your concerns by calling (505) 646-2133 or out-or-state (800) 432-



Making Temporary Permits Work For You

Tiffany Aragon, Pesticide Inspector, Albuquerque District Office

Temporary permits are allowed by the Rules Promulgated Under the New Mexico Pesticide Control Act. Temporary permits were instituted to allow Commercial Application to get new employees actual use experience. However, they were never intended to serve as the only preparation and training for testing and licensing.

There seems to be a misconception about the timing for a temporary permit. Many places of business believe they need to get temporary permits for all new employees upon hiring. This is not necessary. Employees can be hired and trained in-house before they need a temporary permit. Temporary permits are for employees who are already trained and are ready to apply pesticides.

To best utilize the system, wait until after the new employees have learned the study material and are familiar with recordkeeping. Once they are prepared to apply pesticides, request a temporary permit for the new employee. At this time, the employee should also be prepared to begin testing for an operator license. This allows for 2 separate testing dates within the 30 day time frame of the temporary permit. Coinciding the 30 day permit time frame with the testing process reduces the possibility of having unlicensed operators working in the field.

Temporary permits are available only one time, per employee, per employer. An operator applying pesticides without either a current temporary permit or an issued license is a violation of the New Mexico Pesticide Control Act. If there is a time lapse between the expiration date of the temporary permit and the issuance of an operator license, the employee **cannot** apply pesticides. Effectively utilizing the temporary permit system is a simple matter of time management by the supervising commercial applicator.

Keeping Better Application Records

William Long, Pesticide Inspector, Las Cruces Office

Why keep good application records? Are they worth the time to maintain them? The answer is yes. The pesticide industry is changing and keeping better application records are part of the change. The general public is becoming more aware of pesticide, but they are only aware that they are dangerous and potentially could be used for a terrorist act. The public sees a pest control truck, a crop duster, or a tractor with a spray rig, they become concerned about pesticide exposure and call NMDA to investigate.

In the event of a complaint, your application records tell NMDA everything including the date and time of the application. This allows us to “see” an application without being present. Following are some ways to ensure a good application record:

- ◆ Update your EPA Reg. No., check your sites and target pests. Make sure the chemical being used is labeled for that site and pest.
- ◆ Make sure your records are completely filled out either by the operator or the applicator. Make sure that all required information is being included.
- ◆ Although it is not required for structural applications outdoors, keep the wind speed, wind direction, and temperature especially when power spraying.
- ◆ Records must be kept for two years and be made available to NMDA within 24 hours.
- ◆ Brand name and chemical concentrations are required so make sure you are within labeled rates.
- ◆ Lastly, if required, keep the total volume of the pesticide used for certain category applications.

If there is a complaint against your company, your records may be useful. Keeping good records can save your time and money.

Water and Pesticides

Stephen D. Baca, Pesticide Inspector, Albuquerque District Office

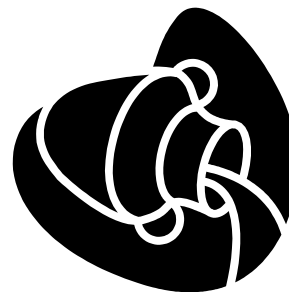
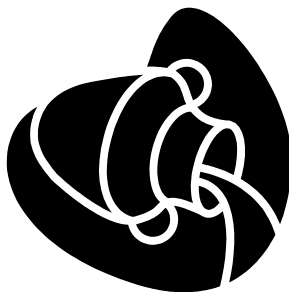
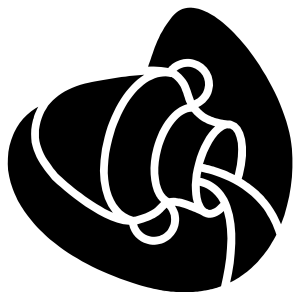
There have been many restoration projects in the past year or two along the Rio Grande involving the control of Salt Cedar. There one such project currently underway, and another slated to start soon. Pesticide applicators working on these projects have a very important responsibility concerning their proximity to water in their use of pesticides. Applicators must obey and observe the buffer distances noted on the products labels which we in turn enforce during inspections. This is an obvious example of pesticide use in conjunction with a water source.

Perhaps less obvious, but just as important, is that the labels on the pesticides that are used on a daily basis have language discussing water protection in one way or another. The language may be in regard to the site, use and/or disposal of these pesticides, but the language will be there. The Clean Water Act and FIFRA are both under the guidance and authority of EPA and a connections exists between these two laws with regard to water contamination.

It can be said with confidence that every applicator using pesticides today will have to take into consideration water in the use and handling of a pesticide. Label language is usually right to the point with regard to water. We see very direct language and terminology such as do not, you must, etc. on the pesticide product labels. A label may direct the user to locate water pipes or a well for a house, or bodies of water on a property, or drains. As noted above, a buffer zone to water sites and/or sources may be in order. The use of a pesticide may be restricted during precipitation, or during freezing conditions (see the water relation in that one?). How about the very clear language on some labels directing the use of a backflow prevention device, and no this is not hanging the hose in tank so as not to contact the liquid lever, but use of an actual DEVICE. An of course we have the always present do knot's in regard to disposal and possible runoff to city drains.

The individual applicator is responsible for following the label in all of these examples. Keep in mind requirements relating to the protection of water may not be just in directions for use. Be sure to check all areas of the label including the environmental hazards and storage and disposal sections. Does everyone in your business or agency who applies pesticides know about these label requirements for water protection as well? Now is the time to make sure.

There are many different product labels with different uses and further possibilities concerning water and pesticides. Look at the labels on the products you use, find the issues with water covered by each label, practice safe use keeping in mind these issues and always keep a label on hand to have as a reference. We will enforce the label language and inspect to see that ALL label guidelines were followed each and every time. Our water is a precious resource and contamination of it could be detrimental in a number of ways. It is up to the users of pesticides to do their part in not contaminating water with these products.






Termiticide Label Reminders

Marty Fowler, Pesticide Inspector, Albuquerque District Office

Following the label is what we parrot to all applicators. A label in general has certain elements in it that must be followed. For example:

- ⇒ **First Aid** (how and what to do) - It's a good idea to read this section in case it recommends that you have special training (i.e., CPR) or supplies on hand such as activated charcoal or eye wash.
- ⇒ **User Safety Recommendations** (how to protect yourself while using the product) - Always check that you have all of the necessary protective equipment before you are on site and ready to begin an application. You may not routinely use a respirator, but you never know if an unexpected confined area of the crawlspace needs to be treated. Did you know almost all termiticide labels require eye protection (and this does not mean sunglasses) be worn at all times while injecting a termiticide.
- ⇒ **Application Volumes** (allowable concentrates) - The concentrations are mandatory percentages that an applicator must follow. Some labels have different concentrations for different pests such as termites vs. carpenter ants. For termites, it may allow three different concentrations and carpenter ants only one. Be sure that you are using the correct concentration for the correct pest.
- ⇒ **Post Construction** (general information, foundations) - This has general information about treatment after the final grade is installed. How to do the application and some "HAVE TO DO" statements that must be followed. This section has guidelines and requirements for different foundations, basement and crawlspace construction, sub-slab injection, well information (how close, what to look for, etc.), foam applications, etc.
- ⇒ **Pre-Construction** (general information, foundations) - This section gives you information about everything that is required before or during construction of a structure including what concentration must be applied, who must notify the general contractor, or similar party, and not letting anybody on the applied area until it is dry. It also gives information on how to treat different foundations with horizontal and vertical areas, and crawlspaces.
- ⇒ **Mixing Directions** - Remember when mixing that you must have the proper personal protective equipment on which may be different that what is required for application. Termiticide labels also call for a backflow device or backflow prevention methods to be used when filling the hose.
- ⇒ **Storage & Disposal** (how and where) - All chemicals must be locked up in storage with proper signage. Disposal can vary for different chemicals, so be sure to follow the label directions.
- ⇒ **Different Foundations** (monolithic, floating, supported concrete slabs, hollow block) - This is referenced in the Pre- and Post Construction sections of the label, and remember that if you don't know what kind of foundation you have that you can't make the correct application.
- ⇒ If you are required to notify somebody that an application is being made, then make sure you notify the correct person(s) (i.e., the general contractor, the construction workers, etc.).



(Termiticide Label Requirements—continued)

- ⇒ There is a new supplemental label for Termidor. It does not have to be attached to the container, but the applicator must have a copy of it with them on site. All commercial applicators should make sure that all personnel utilizing this label have read and completely understand the label as you are ultimately responsible for them. This label was made to be less invasive to the environment and structures. It calls specifically for a backflow device while mixing. The allowable concentrates must be followed according to the job at hand (i.e., .06%, .09%, and .125%). Personal protective equipment is specific as to who needs what equipment and at what time. As far as following conventional structural or the exterior perimeter/localized internal structural treatment directions is concerned, you must include on your record which treatment you are doing. If inspected this will allow the inspector to verify which treatment was performed. If the specific type of treatment is not indicated, it could be cause for a violation. Please indicate the treatment being made so that there is no misunderstanding. New Mexico Regulations require you to record which treatment you are doing in relation to the label. If you have any questions or concerns about the label, please call your area inspector.
- ⇒ Full termite applications: be sure to read the label. If there is different information on utilizing this product on foundations and additions, read all the different section for that foundation or addition. If there are things in the way that might prohibit making a complete applications (i.e., cabinets, wood pile, etc.), please move them. Do not go around them. The directions are fairly easy to follow is you have been out there working and understand about buildings. Employee training is also a big help both to your company and to us. Correct training of an employee would make a world of difference in problems down the road.
- ⇒ Homeowner concerns about termiticide applications: Addressing homeowner concerns is an important part of our job. If we receive a phone call from a homeowner concerning an application that has been done or is being done, we will conduct an inspection which can include observations, sampling, pictures, etc. Sometimes questions come up during a job that we might be able to help answer which may prevent problems later if a complaint occurs, or may prevent the complaint all together. Please feel free to ask. Also, make sure that if you indicated an area to be treated on your graph that you don't forget to do it and include all crawlspaces, pillars, penetrations, etc. Sometimes hidden pipes or unusual construction does not allow for areas to be treated as planned. Clearly indicate any changes to a proposed treatment. The more that homeowner understands about a job, the more secure they feel about you doing the job.
- ⇒ Cold weather reminder: We realize the weather is cold, the roads are icy, and people may not be very cautious drivers, but it is a violation to carry you B&G's or any other application equipment or pesticides in your vehicle with you while you are traveling. Please be safe and remember this is your bread and butter so take care of yourselves for the future.

**New Mexico Department of
Agriculture**

01-3-46809

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Website: www.nmda.nmsu.edu



Please forward to others that might be interested in this information. Thank you.

New Mexico CEU Workshops for January 2005 through March 2005

Katrina Beverage, Certification and Training Specialist

NMDA's CEU website is updated approximately every 2 weeks. Please check there for workshops for out-of-state workshops or those that might not be listed here.

If you would like to receive credit for a workshop that you would like to attend, you may individually apply for CEU credits. The CEU Approval Application can be found on NMDA's website. Please fill it out **completely**, include an agenda, if available, and either mail or fax to NMDA.

January

NMPMA –Operator/7D Requirements	Albuquerque 01/14/05 (05-32)
Pest Control Workshop/Study Session	Roswell 01/24-25/05 (05-12)
NM Crop Production Association	Ruidoso 01/24-25/05 (05-47)
Termite/General Pest Control Workshop	El Paso 01/26/05 (05-24)
Think Trees New Mexico	Albuquerque 01/27-28/05 (05-41)
NPMA 6th Annual Conference	Albuquerque 01/31/05 (05-28)

February

March

PLEASE DON'T FORGET TO MAIL IN YOUR **ORIGINAL** CEU CERTIFICATES TO NMDA **WITHIN 10 DAYS** OF THE END OF THE WORKSHOP TO RECEIVE CREDIT!!

CEU Workshop Website:

www.nmda.nmsu.edu/DIVISIONS/AES/PEST/workshop.txt

