

Pesticide Applicator newsletter

July Sept 2006

NEW MEXICO DEPARTMENT OF AGRICULTURE

Volume 3, Issue 3

New Online Applications

If you have been to the Pesticide Management webpage lately, you should have noticed the addition of a link to application forms for applicators and operators which are filled in and submitted directly to us electronically. If you utilize this process (and yes, the option of mailing in a printed copy is still available), you will receive your approval and notice of scores by email as well. We hope this assists with decreasing the overall processing time for licensing by eliminating the snail mail time spent when submitting applications and waiting for approvals and exam scores. Although this should make it quicker, it may not make it easier if you don't follow through on some basic things on your end. This includes:

Making sure you schedule to allow the proper time for you or your technicians to go thru the process. **THIS NEW PROCESS IS STILL NOT INSTANTANEOUS!!!!** Plan accordingly by not waiting until the last minute on a Friday if you need to test the following Monday. You will not receive the approval in time. For operators, do not wait until their temporary has almost run out before having them start the testing process. We are still responsible for reviewing applications and checking the information provided, we do not and will not just rubberstamp things to speed the process up. It would take away from the credibility and professionalism which a license is supposed to represent (for both of us).

Make sure you properly fill out the application form. If information for an existing business or agency doesn't match what we have on file, it may cause a delay while we verify. The electronic forms are designed to not allow any required information to be left blank but it is up to you to make sure it is correct or the person filling it out uses the correct information.

Do not delete the emails with your approval or notice of scores until you have completed the licensing process. You will need to print them and provide a copy at the testing session. In case the copy is lost, you will have the email to allow reprinting without having to contact NMDA.

If an email approval or notice of scores is accidentally deleted or you do not receive it, please call and we can resend it. We are tracking the sending and reading of all emails we send with approvals and notice of scores. Make sure you notify us of any email address changes for yourself as a licensed applicator or for the supervising commercial applicator for technicians. **SEE PAGE 6.** If we do not have a current email on file, this will cause a delay. We will not send approvals or notice of scores to individual technician email addresses, they will be sent to the email on file for the company's supervising commercial applicator. **AGAIN NOT KEEPING EMAIL OR OTHER INFORMATION CURRENT WILL CAUSE A DELAY.**

We appreciate those of you who have already begun utilizing this new system .

(Continued on page 5)

The 24(c) Process

Cary Hamilton, Pesticide/Endangered Species Specialist

Howdy! Well lately it seems that everybody is asking about receiving a 24(c) registration for a pesticide product. Therefore, I felt that some basic understanding of what a 24(c) is and who can use it might help. I think that there has been some miscommunication as to what is required to apply for a 24(c) and exactly what a 24(c) is versus a Section 18 registration. First, I will address the 24(c) issues in this article and follow up with the Section 18 issues in our next newsletter.

So, where does the term 24(c) come from? A 24(c) refers to the section in FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) which states in Section 24. [136v] AUTHORITY OF STATES. part (c) Additional Uses.- (1) states: A State may provide registration for additional uses of federally registered pesticides formulated for distribution and use within that State to meet special local needs in accord with the purposes of this ACT. You can find the additional requirements and restrictions in the Code of Federal Regulations, 40 CFR parts 150 to 189 under Subsection 162.152 State registration authority. A 24(c) can also be referred to as SLN (special local needs) due to the definition used in describing a 24(c). Therefore a 24(c) and SLN are one in the same.

So what does a 24(c) entitle you to do? Under a 24(c), it allows for a new use in regards to the method of application and/or site of application that is not on the product's current label.

For example, if a label states that you can only apply Product X using ground equipment, an application requesting a 24(c) may be submitted to allow the product to be applied by aerial application. Or if the label states that Product X can only be used in Luna County, a 24(c) application may be submitted to also allow use of Product X in Lee County. The 24(c) application will include submitting a new label which would add the specific use requirements that are being requested. Users must follow the 24(c) label as well as other restriction on the full label. If a statement is not on the 24(c) label then it can not be assumed. Unless it is specifically on the approved 24(c) label, the requirements can never be less restrictive than the standard approved label, also called a Section 3 label. For example, if the label states that you can only apply Product X at 3 ounces per acre via drip, and a commodity group wants to make a 24(c) submission to use Product X at 3 ounces per acre via ground equipment, then it cannot be assumed that a boom on a tractor would be considered under the same category as ground equipment as a hand-held sprayer. You need to specifically state that a hand-held sprayer or back-pack sprayer, or tractor boom will be used. Finally, after the 24(c) label has been read and followed, the user must revert back to the Section 3 label (original product label) for the remainder of the application.

(continued on next page)

(continued from previous page)

I have also outlined the steps that need to be followed for the 24(c) application process. For the most part, this is a general outline to use. However, there may be cases that require something to be added or changed. Please call me to provide clarification or answer any questions about what is needed.

1.) Letter of Transmittal to US EPA.

2.) Fill out EPA 24(c) 8570-25 form.

NMDA fills out part of the application and the Manufacturer fills out the other part.

3.) Three letters of support.

One from the Manufacturer (if the company does not approve of this 24(c) submission then it can cancel the process). A second from the affected commodity group and the third from an expert in the related field, i.e. professor, crop consultant, researcher, etc. Sometimes we may request that you contact more than one professional under certain circumstances.

4.) Supplemental Label.

This comes from the manufacturer. It contains the directions and label information necessary for the requested use.

5.) Master Label.

This comes from the manufacturer.

Any Environmental Assessments (EA), Environmental Impact Statement (EIS) or Bio Assays (BA) would be needed here.

7.) Any other information that will support the need and efficacy to using this product as requested in the 24 (c)

Such as case studies or university field experiments or trials.

8.) Map of location where the treatment will occur.

The better the detail, the better the map. This can be done by the commodity group or manufacturer.

9.) Notification to the commodity group or party needing the 24(c).

NMDA takes care of this as soon as all of the information has been provided and reviewed.



**Remember US EPA does not approve a 24(c), the approval is done by the state, but US EPA has up to 90 days to deny the application. Therefore, New Mexico Department of Agriculture will not issue a 24(c) until the 90 days have expired!*

Status Report on Section 18s and 24Cs

SECTION 18's

CROP	PEST	PESTICIDE PRODUCT	EPA REG #	STATUS	COUNTIES
Bee Hives	Varroa mite	CheckMite +	None	CANCELLED	All NM
Sorghum	Ergot	Tilt	100-617	CANCELLED	UN,HA, QU,CU,RO, CH,ED,LE,DA,LU
Onions	Thrips	Spintor 2SC	62719-294	NOW ALLOWED ON FULL LABEL. NO NEED FOR SECT 18	CU,RO,SI, LU,DA,HI
Chile/Peppers	Powdery mildew	Nova	707-221	SUBMITTED TO EPA	CH,ED,LEA, SO,SI,LU,DA,HI
Alfalfa	Lepidoptera larva	Tracer	62719-267	CANCELLED	QU,DB,CU,RO, CH,LEA,ED
Corn	Mite	Onager Miticide	10163-277	IN PROCESS	

24C'S

CROP	PEST	PESTICIDE PRODUCT	EPA REG #	NM SLN	SUBMITTED	COUNTIES
Pecans	Black & Yellow aphid	Admire 2F (Bayer)	264-758	NM-030001	5/5/2003	All NM
Pecans	Crows and Ravens	DRC-1339 (USDA) RUP	56228-30	NM-030003	10/10/2003	Dona Ana ONLY
Rio Grande	Salt Cedar	Arsenal (BASF)	241-346	NM-02001	9/9/2002	Pecos & Rio Grande
Chile	Nematodes	Telone EC (DOW) RUP	62719-32	NM-980001	2/13/1998	All NM
Chile	Thrips & Flea beetles	Furadan 4F (FMC) RUP	279-2876	NM-980002	4/27/1998	All NM
Cotton	Pink bollworm	Lock-On (DOW) RUP	62719-79	NM-040001	3/24/2004	Luna, Dona Ana, Sierra
Chile	Nematodes	Nemacur 15% Granular	264-726	NM-900001	4/3/2004	All NM

PENDING/UNDER REVIEW

Sorghum	Corn leaf aphid	Furadan LFR (FMC) RUP	279-3310	NM-060002	In Progress	All NM
Chile	Thrips & Flea beetles	Furadan LFR (FMC) RUP	279-3310	NM-060001	In Progress	All NM



Notice the theme of the newsletter? — **Bubbles!** To remind you to wash your hands and body and change your clothing daily **BEFORE** you go home to your family. You do not want to unintentionally expose them (including your pets) to residue on your hands, pants, shirts, and shoes as they rush to hug you after a long work day. You take the time to protect yourself at work with gloves and protective equipment, so also protect those you love at home.

We hope to continue to expand our electronic capabilities to enhance the efficiency of the licensing process. We will begin the necessary regulation changes of removing the 14 day waiting period between reexamination times, since now our system should facilitate being able to receive scores in time to test at the next available Monday session to expand our electronic capabilities to enhance the efficiency of the licensing process. We will begin the necessary regulation changes of removing the 14 day waiting period between reexamination times, since now our system should facilitate being able to receive scores in time to test at the next available Monday session.

Several other regulation changes will be proposed in the near future as well so be looking for those and be part of the process of making our programs and processes work for you while fulfilling our mandate of making sure pesticides are used as well as regulated responsibly.

It Could Happen To YOU!

Marjorie Lewis, Enforcement Specialist

This is a true story that happened in New Mexico. The names have been changed to protect the innocent (and the guilty too!).

NMDA Director Dr. I. Miley Gonzales received an email from a citizen complaining that he'd been exposed when a commercial applicator was spraying a house across the street. Dr. Gonzales forwarded the message to Bonnie, who sent it immediately to the inspector in the area. When the inspector met with the complainant, it became evident that there was more than just a possible pesticide use violation involved. In the course of the investigation the complainant told us, among other things, that the applicator had taken out a "contract" and that there was a "\$10,000 price" on his head; that "hundreds" of people were made ill by the application; that children were projectile vomiting in the street; that the applicator makes misapplication a regular event and applies pesticides while intoxicated; etc.

The inspector, required to conduct an impartial investigation on any complaint NMDA receives, collected residue samples from the complainant's house, and the active ingredient in the pesticide used was found on the front porch, confirming that the application had drifted. Although applied to a home across the street and adjacent to the complainant's home, a combination of nozzle pressure, wind, and perhaps carelessness on the applicator's part resulted in the pesticide going where it was not supposed to. NMDA took appropriate enforcement action against the applicator, but we (and also US EPA) continue to hear from the complainant regularly, requesting clean-up and referring to all the "other people" who were made ill (none of whom ever contacted us). I suspect the company involved is still dealing with the complainant too.

The moral of the story is, the person you're dealing with may have escaped from the "bughouse" (pun intended), but that doesn't mean the allegations are without merit. We may think it's too far to drift, there's no way the application caused this damage, this guy's lying; but sometimes we're proven wrong and our preconceived notions of what's possible have to be revised. The longer we live, the more we learn!

Licensing

Patty Rios, Licensing Specialist

As we are nearing the completion of several months of resuming testing since May, you may have seen the results and experienced the benefits of the progress our bureau has made to automate some of the testing processes. This includes emailing approvals and notice of scores. As of August 15th you can also submit your licensing application online.

The e-mail addresses which are being utilized were taken off of the forms which were mailed out to commercial applicators with renewal forms the last 2 renewal periods. We began the email notifications using this information for those who tested in the months of June and July. However, some addresses are invalid or have expired. Applicants whose scores have been returned undeliverable have been mailed a hard copy for now to ensure results are received.

The benefit of not testing during the month of May was that notice of scores will be sent via e-mail for all test sessions from here on out. However, in order for our department to provide this option, we are requesting commercial applicators to refer to the e-mail sent on June 12, 2006 with a subject line of NM DEPT OF AG EMAIL VERIFICATION. If you received this message, please respond to it to verify that your address is correct. If your email has changed, send a response providing your current e-mail address. In addition, at each testing session we are requesting all applicants testing to write their current business or agency e-mail address on their approval notice or notice of scores so we can cross-reference our records and ensure we have a current e-mail address on file. Technicians/Operators should be prepared to provide the email of their supervising commercial applicator - not their personal email.

One of the main problems we have encountered with e-mail addresses is legibility. Please PRINT legibly. If your email has mixed case, please write it legibly so we can identify what letters should be capitalized. For example, PestApplicator.USA@Applicator.net If this address should be pestapplicator.usa@applicator.net please be sure to make that clear.

Some addresses have been kicked back for this specific reason only and this has consumed a lot of time which in turn has added to the turn around time in processing notice of scores.

This process is working, but as with all new processes the initial stages of getting it off the ground is time consuming so other areas have suffered a little. We have appreciated your support and patience. It is important to keep in mind that we are steadily making progress. Without your continued support and patience in this time of change, this process would not be as far along as it is now.

For all Applicator license holders (NOT OPERATORS), who have not previously received an email or other form requesting this information or if you have recently had a change in your business/agency email address: **Please call to verify your businesses/agencies email address or FAX the current information to (505) 646-5977.**

Important Dates



September 21, 2006 Renewal forms for Commercial Applicators and Operators were recently mailed out so you should have or shortly be receiving your form(s).

- Please read your form. It will tell you how to complete your renewal. It is best to take care of your renewal as soon as possible.
- The earlier it is submitted, the quicker it will be processed. If you wait until the end you may be delayed by everyone else who waited until the last minute.
- If you have not met the CEU recertification requirement, visit our website for a listing of upcoming approved CEU workshops. Make sure you send in the attendance forms with your renewal form and fees.
- IF YOU HAVE ANY QUESTIONS OR A PROBLEM WITH COMPLETING THE RENEWAL PROCESS, CALL NOW. DO NOT WAIT UNTIL THE EXPIRATION DATE IS NEAR AS THIS WILL DELAY OR EVEN PREVENT YOUR 2007 LICENSE FROM BEING ISSUED.

October 31, 2006 - All Commercial Applicator and Operator 2006 Licenses expire. You must have a 2007 license to continue making pesticide applications after this date.

November 15, 2006 - Renewal forms for Pest Management Consultants, Pesticide Dealers, and Private Applicators will be mailed. Make yourself a reminder to be sure to call if you have not received yours within a week or so of this date.

November 23-24, 2006 - All NMDA offices will be closed for the Thanksgiving Break.

December 22, 2006 thru January 1, 2007 - All NMDA offices will be closed during the NMSU winter break. Voicemail will be checked on a regular basis during this time.

December 31, 2006 - All Pest Management Consultant, Pesticide Dealer and Private Applicator 2006 licenses expire.

Alcohol Consumption May Affect Absorption of Chemicals

A recent publication in the *Journal of Toxicology and Environmental Health* describes the authors' study of how chronic alcohol consumption affects the absorption of pesticides through the skin. Rats were fed a diet with alcohol content comparable to a level in humans of about 2 average drinks per day. Diffusion studies measured penetration through the rats' skin of paraquat, atrazine, 2,4-D, and trifluralin, diluted to concentrations commonly used. The absorption of paraquat, atrazine and 2,4-D was increased dramatically, and the absorption of trifluralin was decreased. The authors found that the rats' skin was able to partially recover after a week of not consuming alcohol, which they say demonstrates that the damage is not permanent.

What does this mean to pesticide applicators? Obviously, what happens with rats does not automatically transfer to what may happen with human beings. However, the implications are intriguing. The data in this study demonstrate that chronic alcohol consumption can increase absorption of environmental chemicals through the skin. This could mean that these chemicals are more harmful to workers who are alcoholics. An alcoholic's liver may also be less effective at removing environmental toxins, including pesticides, from his/her body.

Results of a study the authors are now conducting to try to determine the effect of a single drinking episode (a "binge") will be interesting. Meanwhile, those of us who consume alcohol might want to be extra careful to use all the appropriate PPE and take precautions to avoid exposure to pesticides.

Reference: Effects of Chronic Alcohol Consumption on Dermal Penetration of Pesticides in Rats. R.M Brand, A.R. Charron, L. Dutton, T.L. Gavlic, C. Mueller, F.G. Hamel, D. Chakkalakal, T.M. Donohue, Jr. *Journal of Toxicology and Environmental Health, Part A*, 67:153-161, 2004.

New Manuals and Pesticide Applicator Exams



Katrina Beverage, Certification and Training Specialist

GENERAL CORE MANUAL

National Association of State Departments of Agriculture (NASDA) in cooperation with the US EPA's Office of Pesticide Programs, has released a new study manual entitled the *National Pesticide Applicator Certification Core Manual*. NMDA will be replacing the currently recommended Applying Pesticides Correctly (APC) manual with this new manual as a study guide for the general examination taken by all applicators and operators. It covers the concepts and principles necessary for properly handling, mixing and applying pesticides including personal and environmental protection. The information is the same as the current APC manual, just presented in a better way including updated information and study and review questions available for each chapter. [NMDA will be revising and updating the general core exam to incorporate information from the new manual, as well as make the general exam in different versions based on the three broad areas of structural, ornamental and turf, and general core (this will be for agriculture and those in minor categories).] The new manual may be found on the NASDA website at: <http://www2.nasda.org/NR/exeres/E7D03323-984C-4971-95B8-9DEA471D1B89.htm>

NMDA will have printed copies available for purchase when EPA supplies a printable electronic copy to each state in the coming months.

ORNAMENTAL AND TURF CATEGORY MANUAL

In 2007, NMDA will also begin utilizing new study guides and develop exams for the Ornamental and Turf certification categories. NMSU Cooperative Extension Specialists are developing new supplemental guides for New Mexico Ornamental and Turf Insects and Weeds. These guides will be utilized with a new manual entitled *Ornamental and Turfgrass Pest Management: A Pesticide Applicator Certification Manual for the Carolinas and Georgia*. Although written for those Southern states, this manual provides a good basis of information important to ornamental and turf applicators. The guides will tailor the specific pest information to New Mexico.

The new O&T study guide should be available late fall of 2006 and will be included with the new manual. The new Ornamental and Turf exams are expected to be ready in January 2007.

NMDA will be providing fall and winter workshops and utilizing the website to update applicators on the new information.

New Mexico Department of Agriculture
Bureau of Pesticide Management
PO BOX 30005-MSC 3AQ
Las Cruces NM 88003-8005

103163

Phone: 505-646-2133

Fax: 505-646-5977

Website:

www.nmda.nmsu.edu/divisions/aes/pest.html

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

Remember to check our website for approved CEU workshop opportunities. Listings including location and contact information can be found on the CEU Workshop Webpage:
<http://www.nmda.nmsu.edu/divisions/aes/pest/workshop.txt>

