



**GILA RIVER INDIAN COMMUNITY**  
**Department of Environmental Quality - Pesticide Control Office**  
PO BOX 2139 • SACATON, AZ 85147 • OFFICE (520) 562-2234 • FAX (520) 562-3198  
Email: GRIC.Pesticide.Office@GRIC.nsn.us  
Web: www.gricdeq.org



# Community Applicator Certification Training



Photo credit: Dr. Russel Benford, GRIC DEQ

## Workbook

GILA RIVER INDIAN COMMUNITY  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

PESTICIDE  
CONTROL OFFICE

Community  
Applicator  
Certification  
Training



Image Credit: GRC PCO

Module 1:  
Pest Management  
and the  
IPM Philosophy

Pest Management & the IPM Philosophy

This Module Will Help You:

- Understand the historical perspective of pest management
- Know the main groups of pests
- Learn about resources to identify specific pests and damage symptoms
- Understand Integrated Pest Management (IPM)
- Explain the significance of preventive measures
- Interpret pest population levels and environmental influences
- Perceive pesticide resistance and what causes pesticides to fail

History of Pesticides

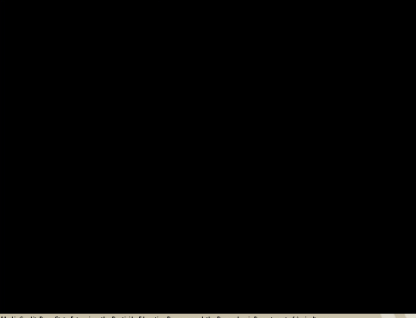


Image Credit: Pesticide Education, the Pesticide Education Program, and the Pesticide Education Department of Agriculture  
http://www.pesticideeducation.org/PEP/PEP\_01\_01

What is a Pest?

Any organism that is detrimental to humans

- Destroys crops & structures
- Poses threats to human health and livestock
- Reduces aesthetic and recreational value




Image Credit: SA Association of Environmental and Engineering Geologists




Image Credit: Jay McCricker, Ohio Department of Natural Resources




Image Credit: Sherry Traylor, South Carolina Biological Center

Four Major Pest Categories

- **Weeds:** Undesirable plants
- **Invertebrates**
  - Insects
  - Spiders and mites
  - Sowbugs, pillbugs
  - Snails, slugs, and mussels
- **Vertebrates**
  - Birds
  - Snakes
  - Fish
  - Rodents and other mammals
- **Plant diseases**
  - Pathogens: Living Agents
    - Fungi
    - Bacteri
    - Viruses
    - Nematodes
    - Phytoplasmas
  - Non-living Agents
    - Temperature extremes
    - Air pollution
    - Lack of or excess nutrients

Pest Management

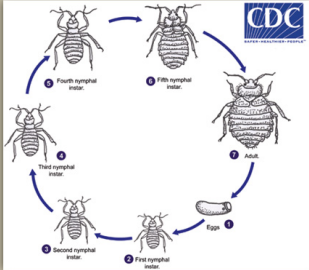
- Is the pest really causing the problem?
- 1st Step: Always identify the pest before taking action!
- Become familiar with its life cycle and habits
- Design a pest management plan
- Misidentification = ineffective control



Image Credit: David F. Hunt, GRC PCO



## Pest Identification is Critical




**CDC**  
Centers for Disease Control and Prevention

- Understand that all stages of a pest do not look the same
- Know the host of the pest
- Use books, extension bulletins, field guides, Web, etc.
- Have pests examined by specialists

Red Bug Web site  
Image Credit: Centers for Disease Control

## Characteristic Signs of Pests



**Mouse rubbing**


- **Birds and Rodents:** Unique nests
- **Insects:** Feeding damage
- **Fecal Material:** Frass or guano
- **Weeds:** Flowers, seeds, or unusual growth habits
- **Pathogens:** Patterns or growths on plant tissue

Flowers rubbing on entrance to opening in wall  
Image Credit: David H. Rea, GPC BDC

## Control Methods

- **Natural Controls:**
  - Wind
  - Temperature
  - Humidity, rain
  - Rivers, lakes, mountains
  - Pathogens, predators
  - Food supply of the pest
- **Human-applied Controls:**
  - Biological
  - Mechanical
  - Cultural
  - Physical
  - Genetic
  - Chemical
  - Regulatory

## Biological Control



- Usually, pests are not native to area
- Locate pest's native homeland and find natural enemies
- Before releasing natural enemy, evaluate if suitable
- Rear, release, redistribute

Gambusia affinis, mosquito larva  
Image Credit: Los Angeles County, Vector Control & Vector Borne Disease Control Division

## Mechanical Control

Use of devices, machines, and other physical methods to reduce pest populations or to alter the environment-


- **Cultivation:**
  - Disrupt soil conditions for weeds and insects
    - Hoes
    - Plows
    - Disks
  - Control growth or destroy plants
    - Mowers
- **Trapping:**
  - Use of mechanical or sticky device
  - Captures pests in a holding device
  - Restrains the pest
  - Kills the pest

## Mechanical Control




- **Exclusion:**
  - Nets, screens, air curtains
  - Caulking, steel wool
  - Metal tree collars
  - Sticky materials
  - Sharp objects

Figure 1-10 Exclusion method  
Image Credit: Bill Hochstetler, GPC PCO




## Cultural Controls

- **Alter Conditions or Pest Behaviors:**
  - Mowing
  - Irrigation
  - Aeration
  - Fertilization
  - Mulching
  - Tolerant crop varieties
  - Planting timing
  - Crop rotation
  - Trap crops
- **Sanitation- Eliminate Food, Water, and Shelter:**
  - Destroy infected crop residues
  - Weed to reduce pest harborage
  - Manage manure
  - Seal garbage cans
  - Remove soil near siding




## Physical, Genetic, and Regulatory Controls

- **Alter the Physical Environment:**
  - Humidity
  - Temperature
  - Air movement
  - Water
  - Light
- **Genetics or Host Resistance:**
  - Add or modify genetic material in crops and ornamental plants
  - Breed or select plants for resistance
- **Regulatory- Quarantine prevents pests from entry or movement:**
  - Monitor airports, ocean ports, borders
  - Nursery stocks and other plant materials
  - Eradication programs eliminate a pest from a defined area
  - Mosquito Abatement: Used for public health




## Chemical Control




- **Pesticide:** Any material that is applied to kill, attract, repel, or regulate pests
  - Disinfectants, fungicides, herbicides, insecticides, repellents, defoliants, etc.
- Advantages: Effective, fast, easy

Pesticides description graphic Image Credit: Pixy Illustrations GFC P00



## Pesticides Vary by...



- **Mode of Action:** How They Work to Control the Pest
  - **Systemic pesticides** are absorbed through tissues and transported elsewhere where the pest encounters it through feeding
    - Used on plants or livestock
  - **Contact pesticides** must come in direct contact with the target pest
- **Selectivity:** What Range of Pests They Affect
  - **Selective:** Kills only certain weeds, insects, plant pathogens
  - **Non-selective:** Kills all related pests




## Pesticides Vary by...

### Residual vs. Non-residual

- **Persistence:** How Long They Remain Active
  - **Residual Pesticides:** Remain active for weeks, months, years
  - **Non-residual:** Inactivated immediately or within a few days

Residual pesticide application Image Credit: Ralph Stone GFC P00      Non-residual pesticide application Image Credit: Pixy Illustrations GFC P00




## Pesticide Resistance

**The ability of a pest to tolerate a pesticide that once controlled it**


- Intensive pesticide use kills susceptible pests in a population, leaving some resistant ones to reproduce
  - Use of similar modes of action
  - Frequency of applications
  - Persistence of the chemical
  - Pest rate of reproduction & offspring numbers

Exposed to a non-lethal dose  
Now resistant pest has offspring,  
resistance passed onto some




Pesticide resistance graphic Image Credit: Pixy Illustrations GFC P00






## Resistance Management

- Do not use products repeatedly that have similar modes of action
- Allow some pests to survive
  - Limit treatment areas
  - Consider using lower dosages
- Use caution: new compounds having very specific actions - may develop resistance more quickly
- Use non-chemical means to control resistant pest populations

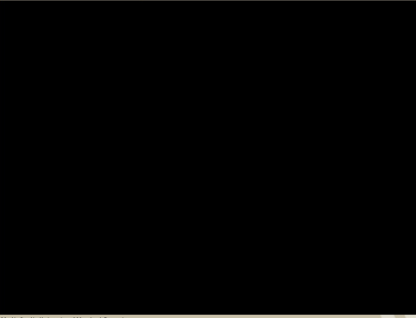


## What is Integrated Pest Management?



- **A Balanced, Tactical Approach...**
  - Anticipates and prevents damage
  - Uses several tactics in combination
  - Improves effectiveness, reduces side effects
  - Relies on identification, measurement, assessment, and knowledge
- **Why Practice IPM?**
  - Maintains balanced ecosystems
  - Pesticides alone may be ineffective
  - Promotes a healthy environment
  - Saves money
  - Maintains a good public image



## Components of IPM





Slide Credit: Network of Ethical Extension  
http://www.pesticide.org/2007/08/01/01/



## Integrated Pest Management

- **Considerations for Choosing Control Methods**
  - Determine damage level you can withstand
  - Determine desired outcomes
    - Prevention
    - Suppression
    - Eradication
  - Manage for pesticide resistance
  - Estimate costs
    - Monetary
    - Environmental impacts
- **IPM is Driven by Decisions**
  - Identify pest and know its biology
  - Monitor and survey for pests
  - Set IPM goal: prevent, suppress, eradicate
  - Implement
    - Select control strategies
    - Timing
    - Economics
    - Environmental impacts
    - Regulatory restrictions
  - Evaluate




## Acknowledgements

Adapted with permission from the Washington State University  
Urban IPM and Pesticide Safety Education Program  
for use by the

**GILA RIVER INDIAN COMMUNITY**  
**Department of Environmental Quality**  
**Pesticide Control Office**

PO Box 2139 • 45 S. Church Street • Sacaton, AZ 85147  
Office (520) 562-2234 • Fax (520) 562-3198  
Email: GRIC.Pesticide.Office@GRIC.nsn.us  
Web: www.GRICDEQ.org





**GILA RIVER INDIAN COMMUNITY  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY**


**PESTICIDE  
CONTROL OFFICE**

**Community  
Applicator  
Certification  
Training**



**Module 2:  
Pesticide Laws**



Image Credit: GFC



## Pesticide Laws

*This Module Will Help You:*

- Understand key federal laws and regulations
- Understand the importance of good record keeping

## Pesticide Laws

- Are meant to protect public health and the environment
- Regulate registration, labeling, sales, distribution, transport, storage, application, disposal




Image Credit: Venkatesh of internet




Image Credit: Ralph Thorne - GFC PCO





Image Credit: Ralph Thorne - GFC PCO





Image Credit: Hissaw@W of Berkeley  
Pesticide Safety, Education, Programs



## Tribal Pesticide Laws

- The Department of Environmental Quality, Pesticide Control Office is the lead program to enforce both federal and tribal pesticide laws
  - The Office utilizes federal credentials when applicable and necessary.
  - Refers certain cases to the EPA.
- Tribal law is more restrictive than federal law
- Applicators are responsible for knowing the law, even when it changes.

**GR-05-14... know it !**

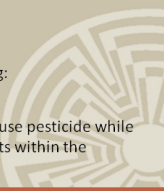

## § 18.304(A): Definitions

**Pesticide regulated activity** means any activity involving the use of a pesticide when that activity is regulated under this chapter.

Examples of pesticide regulated activities include, but are not limited to, the production, transportation, storage, sale, use, and disposal of pesticides, pesticide containers, and pesticide devices.

**Pest management business** means all of the following:  
A Community government entity that employs either of the following:

1. A Community Certified Applicator ....
2. A Community Applicator for the purpose of using a general use pesticide while engaged in the performance of official duties to control pests within the Reservation.

## § 18.313(A)

### §18.313: Requirements to Obtain Permits, Certifications, and Registrations; Exempted Applicators

A. Pesticide Use Permit. The following persons shall obtain a pesticide use permit before engaging or offering to engage in a pesticide regulated activity:

1. Owners or operators of a pest management business;
2. Regulated growers; and
3. Seed treaters

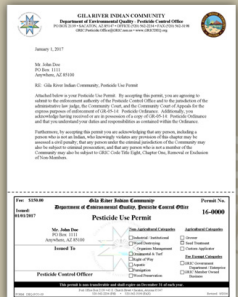


Image Credit: GFC PCO



## FIFRA and the U.S. EPA

- Federal Insecticide, Fungicide, & Rodenticide Act
- Enacted by U.S. Congress in 1947
- Administered by the Environmental Protection Agency (EPA)
  - Registers and licenses pesticides for use
  - Ensures both human and environmental health are evaluated
  - Precautions and restrictions put into place to prevent adverse effects

## EPA: Important Facts

- The EPA can stop the sale or use of any pesticide at any time
- Labeling and packaging must be consistent throughout the U.S.
- Tribal law can be more restrictive than federal law!
- Approves pesticide labels as LEGAL documents
- Reevaluates older pesticides under current standards
- Violators are subject to penalties

## Pesticide Classifications

- **General Use:**
  - Normally lower toxicity
- **Restricted Use (RUP):**
  - May cause adverse effects to human health or the environment
  - Must be stated on the federal label
  - Sold only to certified applicators
  - Applied only by certified applicators or employees under their direct supervision

## Pesticide Applicators

	Community Applicator (CA)	Certified Applicator	Community Certified Applicator (CCA)
Allows general use pesticide applications	X	X	X
Allows restricted use pesticide applications			X
Authorized to apply at schools		X	X
Community Member / Employees ONLY	X		
Requires categorical endorsements		X	X
GRIC Applicator Fee			X
Issued By	GRIC	State ADA/PMD/EPA	EPA & GRIC
Training Requirements	GRIC Certification Course	Examination(s)	Based on Certified Applicator

## Following the Label

- Applicators **MUST** follow the label, unless exemptions for specific uses are listed
- Tribal law may override these exemptions – check with Tribal law first!



Image Credit: Virginia Tech

## Label: Rules of Thumb

- The site must be stated on the label
- The target pest does not need to be listed
- Any application method may be used, unless prohibited by the label
- Applications may be made at a rate less than that stated on the label, not more!
- Tank mixtures are OK, unless the label says otherwise

**8.0 APPLICATION EQUIPMENT AND TECHNIQUES**

Do not apply this product through any type of irrigation system. This product may be applied with the following application equipment.

**Aerial**—Fixed-wing and helicopter

**Ground Broadcast Spray**—Boom or boomless systems, pull-type sprayers, floaters, pick-up sprayers, spray coupes and other ground broadcast equipment

**Hand-Held or Backpack Equipment**—Backpack sprayers, pump-up pressure sprayers, handguns, handwands, mistblowers\*, lances and other hand-held and motorized spray equipment used to direct the spray onto weed foliage

\* This product is not registered in California or Arizona for use in mistblowers.

**Selective Equipment**—Shielded and hooded sprayers, wiper applicators and sponge bars

**Injection Systems**—Aerial or ground injection sprayers

**Controlled Droplet Applicator (CDA)**—Hand-held or boom-mounted applicators that produce a spray consisting of a narrow range of droplet sizes

**APPLY THESE SPRAY SOLUTIONS IN PROPERLY MAINTAINED AND CALIBRATED EQUIPMENT CAPABLE OF DELIVERING THE DESIRED VOLUMES.**

Image Credit: GRIC POC

## Pesticide Registrations

- Any product that claims to control, repel, attract, or mitigate a pest
- Standard – Section 3
- Special Local Need – Section 24c
- Emergency Exemption – Section 18
- Minimum Risk – no registration required
- Experimental Use Permits

## Pest Control Device



- **Device:** Any instrument for trapping, destroying, repelling, or mitigating a pest (even a black light trap)
- The EPA requires the registration of all firms and organizations that produce devices

## Pesticide Re-registrations


- EPA reviews older pesticides every 15 years
- Products must meet safety standards according to the Food Quality Protection Act (FQPA) of 1996
- All products are screened for all routes of exposure in determining safe levels of residues in food

## Food Quality Protection Act (FQPA)

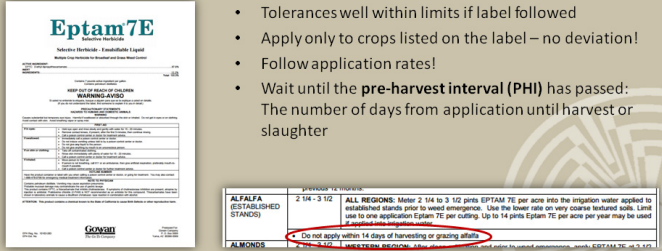
- Establishes food residue tolerances only when there is “reasonable certainty” of no harm
- Considers cumulative exposures
- Considers greater risks to infants and children
- Mandates the review of older pesticides under new standards – every 15 years
- Mandates testing for endocrine disruption

## Residues and Tolerances

- The EPA regulates residues and sets tolerances
- **Residue:** The amount of pesticide that remains on food or feed at time of harvest
- **Tolerance:** The maximum legal amount of residue that is allowed to remain on or in treated crops or animals that’s sold for food or feed



## How Does a Pesticide Applicator Meet Tolerance Levels?



- Tolerances well within limits if label followed
- Apply only to crops listed on the label – no deviation!
- Follow application rates!
- Wait until the **pre-harvest interval (PHI)** has passed: The number of days from application until harvest or slaughter

ALFALFA (ESTABLISHED STANDS)	3 1/4 - 3 1/2	ALL REGIONS: Mix 2 1/4 to 3 1/2 parts EPTAM 7E per acre into the irrigation water applied to established stands prior to weed emergence. Use the lower rate on very coarse textured soils. Limit use to one application Eptam 7E per cutting. 1/2 to 1 1/4 parts Eptam 7E per acre per year may be used if applied into irrigation water.
ALMONDS		Do not apply within 14 days of harvesting or grading almonds.



## Violations of Federal Law

- **Violation:** Distributing, selling, or delivering an unregistered pesticide
- **Violation:** Advertising not in accordance with the label specifications
- **Violation:** Selling a registered product if content do not conform with label information
- **Violation:** Selling adulterated or misbranded pesticide
- **Violation:** Detaching, altering, or defacing a container or label
- **Violation:** Forbidding EPA inspections
- **Violation:** Making a guarantee or recommendation that does not conform to the label
- **Violation:** Inaccurate record keeping
- **Violation:** Making a restricted-use pesticide available to a non-certified applicator
- **Violation:** Advertising a restricted use pesticide without telling the audience
- **Violation:** Using a pesticide in any manner inconsistent with its label!

## Federal Penalties for FIFRA Violations

<p style="text-align: center;"><u>Civil Penalties</u></p> <ul style="list-style-type: none"> <li>• Private Applicators: 1<sup>st</sup> time, warning; other offenses, up to \$1000</li> <li>• Most applicators and dealer managers: up to \$5,000 per offense</li> <li>• Size of operation, impact and gravity of violation all considered in deciding the penalty amount</li> </ul>	<p style="text-align: center;"><u>Criminal Penalties</u></p> <ul style="list-style-type: none"> <li>• Misdemeanor</li> <li>• Private Applicators: up to \$1000 and/or 30 days in prison</li> <li>• Commercial Applicators: up to \$25,000 and/or up to 1 year in prison</li> <li>• Producers: up to \$50,000 and/or up to 1 year in prison</li> </ul>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## Federal Laws to Know

- **Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)**
  - Governs pesticide registration, sales, application, and disposal
- **Food Quality Protection Act (FQPA)**
  - Sets tougher standards for pesticides used on food
- **Federal Food, Drug and Cosmetics Act (FFDCA)**
  - Governs pesticide tolerances

## Endangered Species Act

- Administered by U.S. Fish & Wildlife Service
- Must not harm endangered or threatened species or their habitat
- Illegal to kill, harm or collect endangered or threatened fish, plants, or wildlife
- EPA must ensure pesticide use will not harm endangered and threatened species



Image Credit: Jackson State University, CCU Bio...

## Endangered Species Protection Program

- Administered by tribal agencies and the EPA
- Labels direct applicators to consult a county bulletin to check for special restrictions

Bulletins List!

GO TO: [Bulletins List!](#)

**QUICK START:**

1. Click the Bulletins List! link above to enter the system.
2. Select your state and county.
3. Select the month of pesticide application.
4. Follow the numbered steps found in the Bulletin.
5. To print your Bulletin, click the print button at the bottom of the Bulletin. This will open a print version. (A PDF file) for you to print an official copy.

EPA recommends taking the [bulletin](#) (02-20-2012) about this for a demonstration of Bulletins List before using the system for the first time.

Image Credit: GFC PO

➔

Protecting Endangered Species  
Action Measures for Use of  
Rodenticides in Mendocino County

November 26, 2016

The Endangered Species Act is a federal law that protects certain plants and animals that are at risk of extinction. The law also protects the habitats of these species. The Endangered Species Act is administered by the U.S. Fish and Wildlife Service. The Endangered Species Act is a federal law that protects certain plants and animals that are at risk of extinction. The law also protects the habitats of these species. The Endangered Species Act is administered by the U.S. Fish and Wildlife Service.

Don't Use Rodenticides Until You're Ready!

## Endangered Species Protection Program

- Pesticide manufacturer must ensure pesticide use does not harm the threatened or endangered species or their habitat, when applied according to the label
- Precautionary measures may include buffer strips, reduced application rates, timing restrictions and prohibited use in specific areas



## Keeping Records

- EPA administers federal laws for commercial applicators
- USDA enforces federal laws for private applicators
- **GR-05-14 Pesticide Code: §18.319 – §18.323** identifies recordkeeping requirements.

**Pesticide Usage Record**

WARNING: Pesticides can be harmful. Keep children and pets away from pesticide applications until they are allowed or advised. For more information contact: EPA website: www.epa.gov

The following pesticide will be applied to the area:

Pesticide Name/Trade Name	EPA Reg. No.	Application/Rate	Date	Applicator

APPLICATOR INFORMATION:  
 Applicator Name: \_\_\_\_\_ Date of Treatment: \_\_\_\_\_  
 Address: Site Location: \_\_\_\_\_ Date: \_\_\_\_\_  
 Legal Mail Address (if different): \_\_\_\_\_  
 Applicator Certification:  
 Name: \_\_\_\_\_ Certification No.: \_\_\_\_\_  
 Applicator Registration: \_\_\_\_\_  
 Responsible Party Registration: \_\_\_\_\_  
 Other (Crop - Other Property): \_\_\_\_\_ Other (Crop - Other): \_\_\_\_\_

Image Credit: GRIC PCO



## Keeping Records is Smart

- Meet tribal and federal requirements
- Document professionalism, which can protect you in a lawsuit
- Evaluate the effectiveness of treatments
- Help time purchases efficiently to increase profits and avoid costly disposal problems.
- Provide information in medical emergencies
- Contribute to data that plays a key role in documenting the benefits of pesticides



## Training Records

- Keep records of pesticide training for your employees!
- Not required, but they do verify that employees received adequate training
- Keep names, ID numbers, signatures, dates, copies of training materials



## Acknowledgements

Adapted with permission from the Washington State University  
 Urban IPM and Pesticide Safety Education Program  
 for use by the

**GILA RIVER INDIAN COMMUNITY**  
**Department of Environmental Quality**  
**Pesticide Control Office**

PO Box 2139 • 45 S. Church Street • Sacaton, AZ 85147  
 Office (520) 562-2234 • Fax (520) 562-3198  
 Email: GRIC.Pesticide.Office@GRIC.nsn.us  
 Web: www.GRICDEQ.org



GILA RIVER INDIAN COMMUNITY  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

PESTICIDE  
CONTROL OFFICE

Community  
Applicator  
Certification  
Training



Module 3:  
Pesticide Labeling

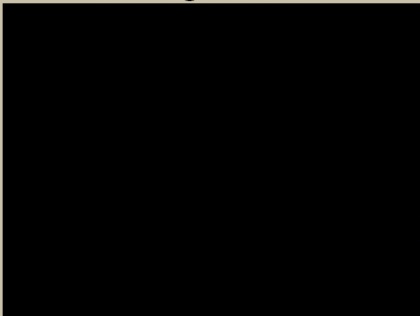
Image Credit: Ralph Elmore - GFE PCO

Pesticide Labeling

*This Module Will Help You:*

- Understand the basis behind pesticide labels
- Read a pesticide label and understand names, ingredients, formulations, signal words, precaution statements, and environmental hazard statements
- Understand directions for mixing and loading, application, storage, and disposal

Reading the Label



Media Credit: Eric Lopez Olin - Pesticide - and the US EPA

Labels and Labeling

- Pesticide users must comply with all label instructions!
- **Labeling:** The label itself, plus all other information referenced on the label or received from the manufacturer (brochures and leaflets)



**DIRECTIONS FOR USE**  
It is a violation of Federal law to use this product in a manner inconsistent with its labeling.  
**Do not formulate this product into other end-use products.**

Image Credit: GFE PCO

The Environmental Protection Agency

- EPA reviews every pesticide product
- EPA may require labeling changes
- EPA must approve labeling language

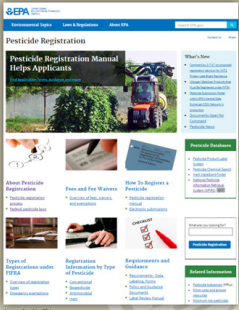


Image Credit: EPA.gov

How a Pesticide Comes to Market

Only 1 of 139,000 compounds survive

Chemical Manufacturer Creates Compound

Spend \$250,000,000 and 9 Years

Use Analysis Takes Place

Toxicology on Target Crop/Pest

Manufacturing Cost Analysis

Develop Marketing & Sales Plan

Additional Applications Researched

Go / No-go Decision for EPA Submission

18-24 months at EPA

EPA Approval

Submit EPA Approval to All 50 States for their approval

Spend \$250,000,000 and 9 Years

Sell First \$1 of Product

Image Credit: Bayer Environmental Science

### Toxicity or Toxicological Tests

*How poisonous or dangerous is a pesticide to humans, wildlife, and other non-target organisms?*

Image Credits: GIEC, PCO

### Efficacy Tests

- Does the pesticide manage the pest?
- Does the pesticide cause plant damage - phytotoxicity?

Image Credits: Pajon, Toxik

### Pesticide Testing

- Degradation, mobility, and residue tests
  - What happens to the pesticide after it is applied?
  - Does it move through soil to the groundwater?
  - Does it move into plants from the soil?

Image Credits: U.S. Geological Survey

### Read the Label **BEFORE**:

- Buying the pesticide
- Mixing the pesticide
- Applying the pesticide
- Storing the pesticide
- Disposing of the pesticide container

Image Credits: University of Florida, Extension

### Parts of a Pesticide Label: Brand Name

- Commercial name → **Knock 'em down 3SL**

**Knock 'em down 3SL**  
**Herbicide By Toxik™**  
 A weed, grass, and harvest aid desiccant/defoliant herbicide.

**Active Ingredients:**  
 Paraquat dichloride  
 (tetrachloroisophthalonitrile) .....43.2%

**Other Ingredients:**.....56.8%

**Total:**.....100.00%

Image Credits: UC Statewide IPM Program

### Parts of a Pesticide Label: Manufacturer

- Company that makes or distributes the pesticide → **Knock 'em down 3SL Herbicide By Toxik™**

**Knock 'em down 3SL**  
**Herbicide By Toxik™**  
 A weed, grass, and harvest aid desiccant/defoliant herbicide.

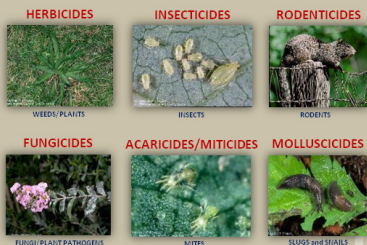
**Active Ingredients:**  
 Paraquat dichloride  
 (tetrachloroisophthalonitrile) .....43.2%

**Other Ingredients:**.....56.8%

**Total:**.....100.00%

Image Credits: UC Statewide IPM Program

### Parts of a Pesticide Label: Type



HERBICIDES  
WEEDS/ PLANTS

INSECTICIDES  
INSECTS

RODENTICIDES  
RODENTS

FUNGICIDES  
FUNGI/ PLANT PATHOGENS


ACARICIDES/MITICIDES  
MITES

MOLLUSCIDES  
SLUGS and SNAILS

Image Credit: UC Statewide IPM Program and UC Division of Agriculture and Natural Resources

### Parts of a Pesticide Label: Ingredients

- Active ingredient(s)
- Other ingredients



**Sulfur DF**  
Fungicide / Acaricide

Active Ingredient: Sulfur	88%
Other Ingredients	12%
Total	100%

Image Credit: UC Statewide IPM Program


### Parts of a Pesticide Label: Formulations

Liquid Formulations	Dry or Solid Formulations	Other Formulations
Emulsifiable concentrate (EC)	Dust (D)	Aerosol
Flowable (F)	Dry Flowable (DF)	Fogger
Liquid baits and gels	Wettable powder (WP)	Soil fumigant
Soluble liquids (SL)	Pellets (P)	Structural fumigant

Image Credit: UC Statewide IPM Program

### Parts of a Pesticide Label: EPA Registration Number

- Unique number
- Important for pesticide emergencies




**honcho plus**  
HERBICIDE

Complete Directions for Use  
EPA Reg. No. 534-054 2001-1

Image Credit: G/FC, PSC

### Parts of a Pesticide Label: Signal Words

- Danger Poison
- Danger
- Warning
- Caution

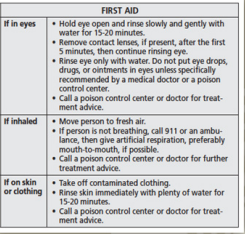


I. Danger Poison	I. Peligro Veneno
I. Danger	I. Peligro
II. Warning	II. Aviso
III. Caution	III. Precaución

Image Credit: UC Statewide IPM Program

### Parts of a Pesticide Label: First Aid

- First aid for each route of exposure:
  - Eyes
  - Nose
  - Mouth
  - Skin

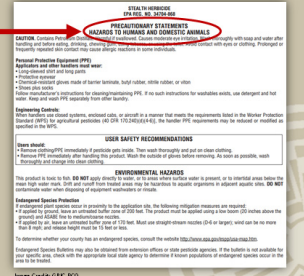


FIRST AID	
<b>If in eyes</b>	<ul style="list-style-type: none"> <li>Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>Rinse eye only with water. Do not put eye drops, drugs, or ointments in eyes unless specifically recommended by a medical doctor or a poison control center.</li> <li>Call a poison control center or doctor for treatment advice.</li> </ul>
<b>If inhaled</b>	<ul style="list-style-type: none"> <li>Move person to fresh air.</li> <li>If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible.</li> <li>Call a poison control center or doctor for further treatment advice.</li> </ul>
<b>If on skin or clothing</b>	<ul style="list-style-type: none"> <li>Take off contaminated clothing.</li> <li>Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>Call a poison control center or doctor for treatment advice.</li> </ul>

Image Credit: UC Statewide IPM Program

## Parts of a Pesticide Label: Precautionary Statements

- How to protect people and the environment

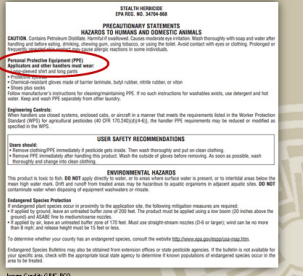


**PRECAUTIONARY STATEMENTS**  
**HAZARDS TO HUMANS AND DOMESTIC ANIMALS**  
**CAUTION:** Contains Pesticides That Are Hazardous to Aquatic Life and Birds. Avoid contact with soap and water after handling. Wash thoroughly with soap and water after handling. Avoid eating, drinking, and using tobacco products while handling. Avoid contact with food, feed, and food processing areas. Avoid contact with children and livestock. Avoid contact with pets and other animals. Avoid contact with water and waterways. Avoid contact with fish and shellfish. Avoid contact with crops and food crops. Avoid contact with bees and other beneficial insects. Avoid contact with plants and animals that you are not treating. Avoid contact with the treated area until it has dried. Avoid contact with the treated area until it has dried. Avoid contact with the treated area until it has dried. Avoid contact with the treated area until it has dried.

**ENVIRONMENTAL HAZARDS**  
**CAUTION:** Contains Pesticides That Are Hazardous to Aquatic Life and Birds. Avoid contact with soap and water after handling. Wash thoroughly with soap and water after handling. Avoid eating, drinking, and using tobacco products while handling. Avoid contact with food, feed, and food processing areas. Avoid contact with children and livestock. Avoid contact with pets and other animals. Avoid contact with water and waterways. Avoid contact with fish and shellfish. Avoid contact with crops and food crops. Avoid contact with bees and other beneficial insects. Avoid contact with plants and animals that you are not treating. Avoid contact with the treated area until it has dried. Avoid contact with the treated area until it has dried. Avoid contact with the treated area until it has dried. Avoid contact with the treated area until it has dried.

## Parts of a Pesticide Label: PPE

- Personal protective equipment (PPE) could be different for each of these different tasks:
  - Mixing and loading
  - Applying

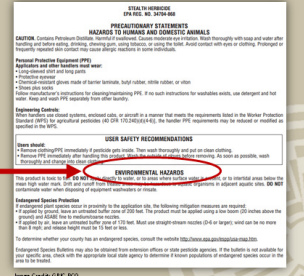


**PERSONAL PROTECTIVE EQUIPMENT (PPE)**  
**CAUTION:** Contains Pesticides That Are Hazardous to Aquatic Life and Birds. Avoid contact with soap and water after handling. Wash thoroughly with soap and water after handling. Avoid eating, drinking, and using tobacco products while handling. Avoid contact with food, feed, and food processing areas. Avoid contact with children and livestock. Avoid contact with pets and other animals. Avoid contact with water and waterways. Avoid contact with fish and shellfish. Avoid contact with crops and food crops. Avoid contact with bees and other beneficial insects. Avoid contact with plants and animals that you are not treating. Avoid contact with the treated area until it has dried. Avoid contact with the treated area until it has dried. Avoid contact with the treated area until it has dried. Avoid contact with the treated area until it has dried.

**SAFETY RECOMMENDATIONS**  
 This product is to be used on or around humans, livestock, and domestic animals. It is intended for use on the treated area. Do not use this product in or near waterways. Do not use this product in or near crops and food crops. Do not use this product in or near bees and other beneficial insects. Do not use this product in or near plants and animals that you are not treating. Do not use this product in or near the treated area until it has dried. Do not use this product in or near the treated area until it has dried. Do not use this product in or near the treated area until it has dried. Do not use this product in or near the treated area until it has dried.

## Parts of a Pesticide Label: Environmental Hazards Statement

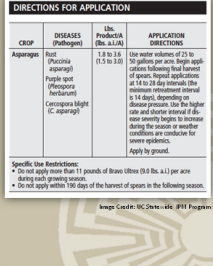
- Some pesticides are harmful to:
  - Birds
  - Fish
  - Beneficial insects
  - Water resources
  - Nontarget plants



**ENVIRONMENTAL HAZARDS**  
**CAUTION:** Contains Pesticides That Are Hazardous to Aquatic Life and Birds. Avoid contact with soap and water after handling. Wash thoroughly with soap and water after handling. Avoid eating, drinking, and using tobacco products while handling. Avoid contact with food, feed, and food processing areas. Avoid contact with children and livestock. Avoid contact with pets and other animals. Avoid contact with water and waterways. Avoid contact with fish and shellfish. Avoid contact with crops and food crops. Avoid contact with bees and other beneficial insects. Avoid contact with plants and animals that you are not treating. Avoid contact with the treated area until it has dried. Avoid contact with the treated area until it has dried. Avoid contact with the treated area until it has dried. Avoid contact with the treated area until it has dried.

## Parts of a Pesticide Label: Directions for Use

- Sites allowed
- Pests controlled
- Application rates
- Mixing instructions
- Application restrictions

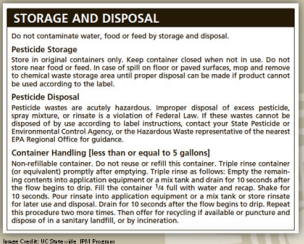


CROP	DISEASES (Pathogens)	Lb. Product/A (EPA a.i.)	APPLICATION DIRECTIONS
Apples	Rot (Fusiclone)	1.8 to 3.6 0.5 to 1.0	Use water volume of 25 to 50 gallons per acre. Apply following bud break at 14 to 28 day intervals (the frequency of application depends on the growth stage of the trees).
	Conspicuous light (C. aspergu)		1.8 lb. depending on disease pressure. Use the higher rate and dilute amount of dilution if necessary to increase coverage in or near the canopy.

**DIRECTIONS FOR APPLICATION**  
 Apply by ground.

## Parts of a Pesticide Label: Storage and Disposal Instructions

- Storage temperature range
- Specific storage or disposal instructions



**STORAGE AND DISPOSAL**  
 Do not contaminate water, food or feed by storage and disposal.  
**Pesticide Storage**  
 Store in original containers only. Keep container closed when not in use. Do not store near food or feed. In case of spill on floor or paved surface, mop and remove to chemical waste storage area until proper disposal can be made if product cannot be used according to the label.  
**Pesticide Disposal**  
 Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative of the nearest EPA Regional Office for guidance.  
**Container Handling [less than or equal to 5 gallons]**  
 Non-refillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use and disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Then offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration.

## Parts of a Pesticide Label: Non-Agricultural Use Requirements

- Can be found on pesticide labels that have both Agricultural and non-Ag uses



**AGRICULTURAL USE REQUIREMENTS**  
 Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It also contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.  
**Do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 24 hours.**  
 PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water:  
 • Coveralls over short-sleeved shirt and short pants, or coveralls over long-sleeved shirt and long pants  
 • Chemical-resistant gloves made of any waterproof material  
 • Chemical-resistant footwear plus socks  
 • Protective eyewear  
 • Chemical-resistant headgear for overhead exposure

**NON-AGRICULTURAL USE REQUIREMENTS**  
 The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR part 170). The NAPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses.  
 Keep all unprotected persons out of spraying areas or vicinity where there may be drift.  
 For terrestrial uses, do not enter or allow entry of maintenance workers into treated areas, or allow contact with treated vegetation wet with spray, dew, or rain, without appropriate protective clothing until spray has dried.  
 For aquatic uses, do not enter treated areas while treatments are in progress.





## Remember:

- The host or site must be on the label, but the pest does not have to be listed
- Deviation: Any application method may be used: air, ground, rope-wick
  - Except **chemigation**. To chemigate the label must state chemigation



## Remember:

- Deviation: A pesticide may be applied at a lower dose than specified on the label, **but not at a higher dose!**
- Deviation: Pesticides may be combined with other substances **unless prohibited by the label**

SPECIFIC USE DIRECTIONS			
AGRICULTURAL USES			
Crop	Target Pests	Rt. a.i./A	Rt. oz./A
ALFALFA AND ALFALFA GROWN FOR SEED	Alfalfa Caterpillar Army Caterpillar Cutworm species Crown Weevilers	0.015-0.025	1.50-3.20

their control, such as 2,4-D or dicamba.  
**Kochia and Russian Thistle - Apply a tank mixture of Landmark® XP Herbicide at 4.5 ounces per acre plus diuron at 6 pounds active ingredient per acre.**  
 Do not tank mix Landmark® XP Herbicide with Hyvar® X-L Herbicide.  
**UNDER ASPHALT AND CONCRETE PAVEMENT**



## Safety Data Sheets (SDS)

- Manufacturers required to develop and provide upon request for each product
- Get from your dealer
- Details a product's composition, properties, hazards, first-aid procedures
- Companies required to keep SDS for workers in contact with the substance



## Parts of the SDS

- Chemical product information (active and inert ingredients)
- Physical and chemical properties
  - Solubility, vapor pressure, stability, freezing/boiling point
- Fire and explosion hazards
- Toxicological Information/ Human Health Data
  - Acute, chronic, and delayed toxicity, carcinogenicity, teratogenicity
- Personal Protective equipment
- Other information – similar to pesticide label



## Parts of the SDS



## Acknowledgements

Adapted with permission from the Washington State University  
 Urban IPM and Pesticide Safety Education Program  
 for use by the

**GILA RIVER INDIAN COMMUNITY**  
**Department of Environmental Quality**  
**Pesticide Control Office**  
 PO Box 2139 • 45 S. Church Street • Sacaton, AZ 85147  
 Office (520) 562-2234 • Fax (520) 562-3198  
 Email: GRIC.Pesticide.Office@GRIC.nsn.us  
 Web: www.GRICDEQ.org



GILA RIVER INDIAN COMMUNITY  
DEPARTMENT OF ENVIRONMENTAL QUALITY


PESTICIDE CONTROL OFFICE

Community Applicator Certification Training



Module 4:  
Pesticide Formulations

Image Credit: Science Photo Library/Alamy



## Pesticide Formulations

*This Module Will Help You:*

- Recognize formulation abbreviations
- Identify formulation advantages and disadvantages
- Understand role of adjuvants









Image Credit: GRC POC, IED/MSU/Alamy



## Important Definitions

- **Active Ingredient (Ai):** The actual chemical in the product mixture that controls the pest
- **Inert Ingredient:** Other materials added with the Ai when the product is formulated
- **Phytotoxicity:** Plant damage
- **Adjuvant:** Product added to spray tank to assist pesticide in its application



## Pesticide Formulation

Active ingredients (Ai) will be listed along with inert (other) ingredients

- Water
- Emulsifiers
- Solvents
- Dry carrier material
- Stabilizers
- Dye
- Surfactants

1.0 INGREDIENTS	
<b>ACTIVE INGREDIENT:</b>	
*Glyphosate, N-(phosphonomethyl)glycine in the form of its isopropylamine salt	41.0%
<b>OTHER INGREDIENTS:</b>	
	59.0%
	100.0%

\*Contains 480 grams per liter or 4 pounds per U.S. gallon of the active ingredient glyphosate, in the form of its isopropylamine salt. Equivalent to 356 grams per liter or 3 pounds per U.S. gallon of the acid, glyphosate. No license granted under any non-U.S. patent(s).

Image Credit: GRC POC




## Why Add Inert Ingredients?

- For ease of pesticide product handling
- Inerts make measuring and mixing pesticides easier
- To provide for safety
- Makes the Ai work better
  - Better penetration
  - More selectivity
  - Increased effectiveness




Image Credit: Science Photo Library/Alamy



## Adjuvant

- The term adjuvant basically means additive
- Labels will often recommend to add an adjuvant
- Include surfactants, spreaders, wetting agents, colorant dyes, buffers, antifoaming agents, etc.
  - Formulation additive
  - Additive which is sold separately to mix with the product when tank mixing




Image Credit: Science Photo Library/Alamy

# Adjuvant

Basically... an Additive to the Tank Mix or Formulation

**Surfactants – group**

- Wetting agents
- Spreaders
- Emulsifiers
- Stickers/Extenders

**Others**


- Buffers
- Compatibility agents
- Defoaming agents
- Colorants/dyes
- Safeners
- Thickeners




# Adjuvants

## How to Choose the Right One


- Read the pesticide label for recommendations
  - Some may prohibit use of an adjuvant
- Don't use industrial products or household detergents
- Test before you spend \$\$
- Remember, many pesticide products contain an adjuvant



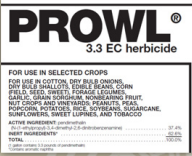
# Deciphering the Ai Codes in Product Names




**SC**  
Suspended Concentrate




**WP**  
Wettable Powder



**3.3 EC**  
3.3 lbs. Ai/ 1 gal.




**15G**  
15% Ai  
Granular




# Brand Name Abbreviations

Often brand names include abbreviations that describe something about the formulation

<b>D</b> – dust	<b>WSP</b> – water soluble packet
<b>G</b> – granular	<b>ULV</b> – ultra low volume
<b>SP</b> – soluble powder	<b>RTU</b> – ready to use
<b>S</b> – solution	<b>GL</b> – gel
<b>WP</b> – wettable powder	<b>LO</b> – low odor
<b>EC</b> – emulsifiable concentrate	
<b>DF</b> – dry flowable	
<b>WDG</b> – water dispersible granule	




# Liquid Pesticide Formulations




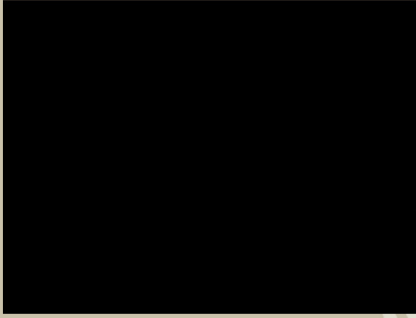
Media Credit: University of Florida, Extension; <https://www.ufl.edu/extension/>

# Dry Pesticide Formulations




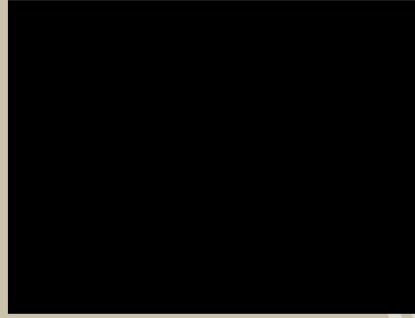
Media Credit: University of Florida, Extension; <https://www.ufl.edu/extension/>

 **Dust and Granule Pesticide Formulations**




Florida Cooperative Extension of Florida Entomology  
http://www.ifas.ufl.edu/entomology/

 **Bait Pesticide Formulations**



Florida Cooperative Extension of Florida Entomology  
http://www.ifas.ufl.edu/entomology/

 **Selecting a Formulation**

- Evaluate advantages and disadvantages
- Do you have the right application equipment?
- Can the formulation be applied when and where it is needed?
- Will the formulation reach the target pest and be there long enough?

**7.7 Colorants or Dyes**  
Colorants or marking dyes may be added to spray solutions of this product, however, they can reduce performance. Use colorants or dyes according to the manufacturer's recommendations.

**7.8 Drift Reduction Additives**  
Drift reduction additives may be used with all equipment types, except wiper applicators, sponge bars and Controlled Droplet Applicator (CDA) equipment. When a drift reduction additive is used, read and carefully observe the precautions, limitations, and all other information appearing on the additive label. Use of drift reduction additives can affect spray coverage, which can reduce product performance.


Florida Cooperative Extension of Florida Entomology

 **Solution**

**Active Ingredient TRULY dissolves in water**

Just like sugar or salt in water  
\*usually transparent\*

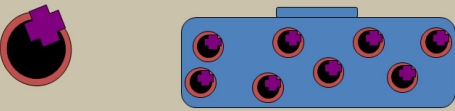



 **Suspension**

Solid particles suspended in a liquid like hot chocolate

Active Ingredient (high %)  
impregnated onto dry carrier  
and mixed with an emulsifier (slick, soapy)

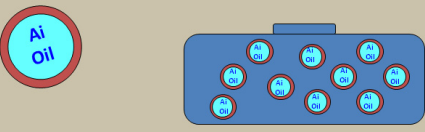
**Agitation Required**



 **Emulsion**

One liquid dispersed within another liquid like milk

**Ai** is dissolved in oil (oil/ai droplet) and mixed with an emulsifier  
**Ai/Oil** mixture is suspended in water forming a white emulsion







## Pesticide Formulations

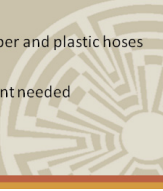
### Advantages and Disadvantages to each Formulation

**Examples of advantages:**

- Easy to handle
- Little agitation
- Relatively easy on equipment
- Leaves little residue
- Use indoor/outdoor
- Reduce drift or runoff
- Ready to use
- Control pests that move in and out of an area

**Examples of disadvantages:**

- Phytotoxic – plant injury
- Easily absorbed by the skin
- Flammable
- Deterioration of rubber and plastic hoses
- Drift hazards
- Specialized equipment needed
- Calibration critical



## Pesticide Mixtures

- Tank mixing multiple products is legal unless prohibited by the label
- Manufacturer notes *known* incompatibilities on label
- Incompatibility
  - Heat, clumping, precipitate
  - Inactivity of active ingredients
  - Use Jar-Test to test for incompatibility
  - Field incompatibility can still occur

**TANK MIXING INSTRUCTIONS**  
**W-A-L-E-S METHOD**

**W**ettable powders and water dispersible granules  
**A**gitate tank mix thoroughly  
**L**iquid flowables and suspensions  
**E**mulsifiable concentrate formulations  
**S**urfactants/Solutions




Image Credit: University of Georgia, Embrace Rep.

---



---



---



---



## Acknowledgements

Adapted with permission from the Washington State University  
 Urban IPM and Pesticide Safety Education Program  
 for use by the

**GILA RIVER INDIAN COMMUNITY**  
**Department of Environmental Quality**  
**Pesticide Control Office**

PO Box 2139 • 45 S. Church Street • Sacaton, AZ 85147  
 Office (520) 562-2234 • Fax (520) 562-3198  
 Email: GRIC.Pesticide.Office@GRIC.nsn.us  
 Web: www.GRICDEQ.org




---




---

GILA RIVER INDIAN COMMUNITY  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

PESTICIDE  
CONTROL OFFICE

Community  
Applicator  
Certification  
Training



Module 5:  
Pesticide Hazards,  
First Aid, and  
Incident Response

Image Credit: Bob Stone, University of Extension

Pesticide Hazards, First Aid, and  
Incident Response

*This Module Will Help You:*

- Know the different types of effects pesticides can have on your health
- Understand signal words
- Know the routes of exposure
- Recognize symptoms of exposure
- Know when and how to give first aid
- Know how to implement and execute an emergency response plan
- Identify how unintended spills and fires can harm humans and the environment
- Understand how to clean up spills to reduce environmental impact
- Know how to dispose of contaminated items
- Be familiar with emergency response equipment

Pesticides and Humans

- Insects, rodents, and humans have similar nervous, circulatory, and respiratory systems- pesticides affect similarly
- Health effects: short or long-term
- Physical and chemical risks - explosive or combustible

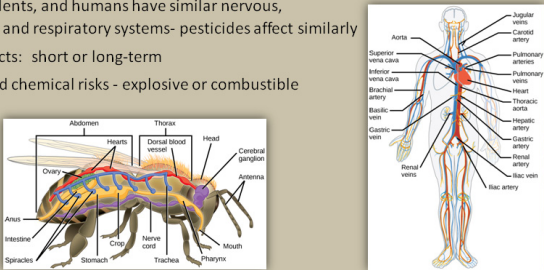


Image Credit: Fox Talbot

Pesticide Hazard

**Hazard = Toxicity x Exposure**

↓ risk; the potential for injury

↓ capacity of a pesticide to cause injury

↓ the risk of a pesticide contacting or entering the body

Hazards Increase...

- When mixing and loading the concentrate
- With a very high single exposure
- After many exposures over time

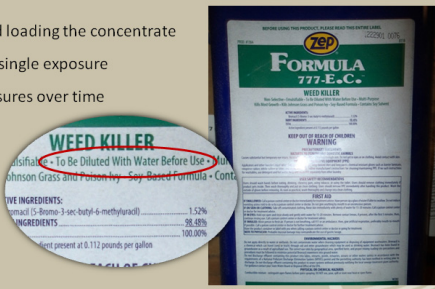


Image Credit: GFC PCO

Reduce Hazards...

- By using least toxic pesticides
- Wearing personal protective equipment
- Read and follow the label carefully
- Be aware of the people and the environment in and around treated areas






Image Credit: GFC PCO


**Pesticide Hazards**



**Acute:** Effects from a single exposure over a short period of time




**Chronic:** Exposure to small amounts over a long period of time: cancer, sterility, birth defects



**Sensitization:** Certain people develop allergic reactions or sensitization to some types of pesticides

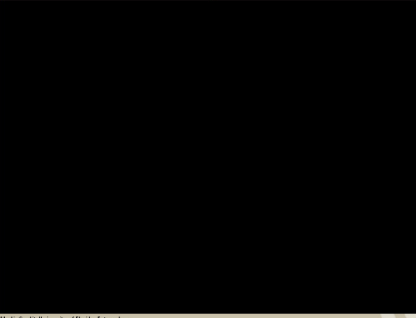
Florida Center for Pesticide Education, University of Florida

**Signs and Symptoms of Pesticide Poisoning**



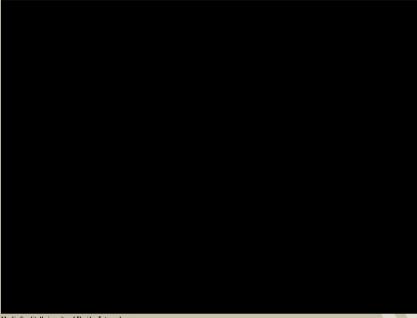
Florida Center for Pesticide Education, University of Florida

**Routes of Exposure: Skin**




Florida Center for Pesticide Education, University of Florida

**Routes of Exposure: Ingestion**




Florida Center for Pesticide Education, University of Florida

**Routes of Exposure: Inhalation**

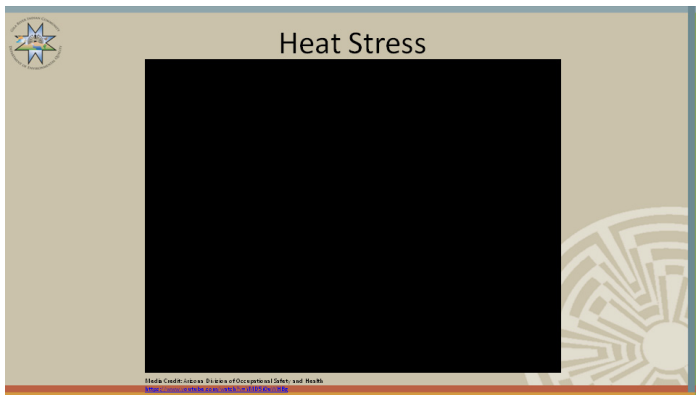
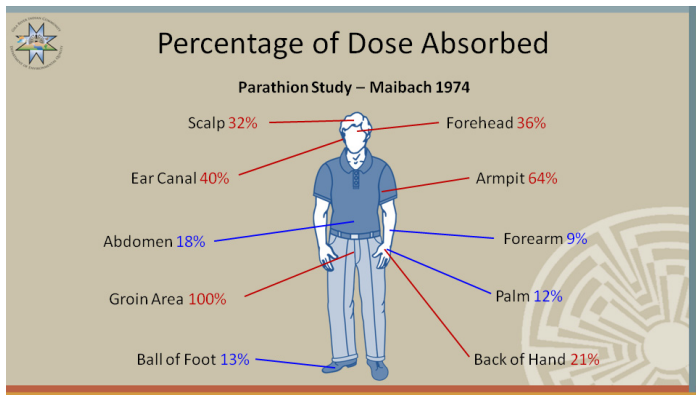


Florida Center for Pesticide Education, University of Florida

**Routes of Exposure: Eyes**



Florida Center for Pesticide Education, University of Florida



### Please Note

- The following slides are primarily provided to you as general guidance and highlights industry "Best Practices".
- These practices are not intended to conflict with guidance provided by lead GRIC entities tasked with Emergency / Incident Response whose guidance or regulation take primacy.

### Pesticide Incident Response

Image Credit: University of Nebraska, Lincoln Extension

#### What incidents can occur?

- Application tank/hose leaking
- Pesticide container spill/leak
- Explosion or fire in storage area

### Pesticide Incident Response

#### Why plan for an incident response?

- Protects employees, community, environment
- How you respond, makes the difference!

Image Credit: GARC DBU/Utahark Program      Image Credit: GARC DBU/Utahark Program

### Take Precautions to Reduce Fire Hazards!

Image Credit: GARC P/O

- Locate storage facility far from people, animals
- Always keep storage locked!
- Clearly post warning signs




### Take Precautions to Reduce Fire Hazards!

CLASS OF FIRE	TYPE OF FIRE	APPROVED FIRE EXTINGUISHER
	Wood, paper, cloth	Type A, Type A-B
	Gasoline, paints, oils, grease	Type A-B, Type B-C, Type A-B-C
	Electrical wiring, fuse box	Type B-C, Type A-B-C
	Metals	Bucket of Sand
	Commercial cooking oil appliances	*Wet Chemical

\*Class K extinguishers may require specific training, including when they should be used or not used. For example, the extinguishing agents in many Class K extinguishers are electrically conductive and should only be used after electrical power to the kitchen appliance has been shut off.


- Store combustibles away from heat sources
- Do not store containers in sunlight, especially glass!
- Install fire alarms
- Keep foam-type fire extinguishers approved for chemical fires available

### If There is a Chemical Fire:



1. Evacuate the area!
2. Call 911, and tell what chemicals are involved
3. Keep people away; establish a perimeter and protect downwind
4. Have SDS notebook ready!

### Pesticide Spills



- Protect yourself and others first (PPE), and administer first aid
  - Different spills = different hazards
- Then respond to spill, which may be small or large

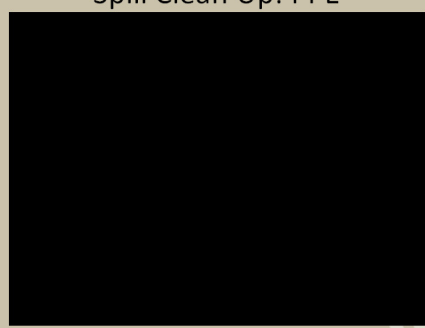
### Spill Clean Up – The 3 C’s

- **Control the Situation**
  - Protect yourself
  - Stop the source
  - Protect others
  - Stay at the site
- **Contain the Spill**
  - Confine the Spill
  - Protect water sources
  - Absorb liquids
  - Cover dry materials

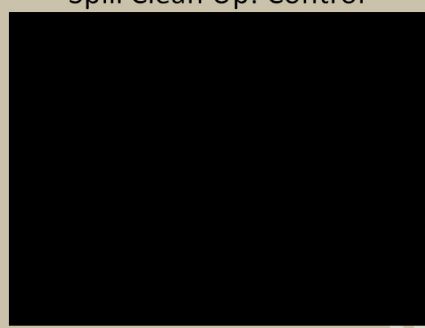
**Control**  
**Contain**  
**Clean up**


- **Clean Up**
  - Clean up the spill
  - Decontaminate the site
  - Neutralize the site
  - Decontaminate equipment
  - Decontaminate yourself

### Spill Clean Up: PPE




### Spill Clean Up: Control





## Spill Clean Up: Contain

Image Credit: University of Florida, Extension; <http://www.ufl.edu/extension/>



## Spill Clean Up: Clean Up

Image Credit: University of Florida, Extension; <http://www.ufl.edu/extension/>



## Prevent Spills First



- Inspect and maintain vehicles and equipment
- Understand your spray system thoroughly
- Be a safe driver!**

Image Credit: University of Florida, Extension;




## Keep a Spill Kit Nearby...

Whenever you are handling pesticides, including in storage areas and transport vehicles





Image Credit: GRIC PIO; Image Credit: GRIC PIO



## A Spill Kit Should Include:

- Emergency phone numbers
- Personal protective equipment
- Absorbent materials: pillows, containment tubes, clay, sawdust, pet litter, activated charcoal, vermiculite
- Shovel, broom, dustpan, sweeping compound
- Fire extinguisher rated for many chemical fires
- Large, sturdy plastic drum (overpack)



## For Major Spills, CALL...



**520.796.3755**

- GRIC Office of Emergency Management
- CHEMTREC** for emergency response info and technical assistance **1-800-424-9300** (emergency only)
- Emergency number on the pesticide label(s)



## 18.327: Notification of Spillage

- A. All persons regulated under this chapter must notify the **Office** as soon as a person learns of the spillage of **one gallon** or more of a pesticide in **concentrated** form, or the spillage of **five gallons** or more of a **diluted** pesticide, or whenever a spill of a pesticide may present a hazard to humans in the area.
- B. In the event a spillage of a pesticide solution occurs, the applicator or trained personnel wearing protective equipment as required by the pesticide label shall contain the spillage, and clean-up the affected area.
- C. The materials used to clean-up a pesticide spillage shall be placed in tight, non-combustible containers, and then transported to an authorized disposal site within 30 calendar days.



## Acknowledgements

Adapted with permission from the Washington State University  
Urban IPM and Pesticide Safety Education Program  
for use by the

**GILA RIVER INDIAN COMMUNITY**  
**Department of Environmental Quality**

**Pesticide Control Office**

PO Box 2139 • 45 S. Church Street • Sacaton, AZ 85147

Office (520) 562-2234 • Fax (520) 562-3198

Email: [GRIC.Pesticide.Office@GRIC.nsn.us](mailto:GRIC.Pesticide.Office@GRIC.nsn.us)

Web: [www.GRICDEQ.org](http://www.GRICDEQ.org)

---

---


---

---

GILA RIVER INDIAN COMMUNITY  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

PESTICIDE  
CONTROL OFFICE

Community  
Applicator  
Certification  
Training



Module 6:  
Pesticides  
and the  
Environment

Image Credit: GRC D&E

Pesticides and the Environment

*This Module Will Help You:*

- Understand the environmental consequences of pesticide application
- Understand how to prevent drift and runoff
- Identify pesticide-sensitive areas
- Understand how to adjust your methods to minimize environmental impact and maximize effectiveness

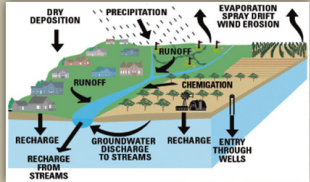
The Environment

Everything that surrounds us:

- Air, soil, water, plants, animals, people, in/outside buildings
- Beneficial organisms, endangered species
- There is public concern about the effect of pesticides on the environment

Protecting the Environment,  
Groundwater, and Endangered Species

- How will this pesticide affect the immediate environment at the site where it is being used?
  - Sources of Contamination
  - Sensitive Areas
  - Drift
  - Runoff & Leaching
  - Non-target Organisms
  - Residues



Schematic diagram illustrating a cycle of pesticides into streams and ground water. (Modified from U.S. EPA, 2004)  
Image Credit: U.S. Geological Survey

Label Warnings  
Environmental Hazards Section

- EPA requires pesticides be tested to assess their potential for harming the environment
  - Pesticide characteristics
  - Fate of pesticides in the environment
    - Off-target movement
    - Degradation pathways
  - Impacts on non-target organisms
- EPA makes some products **restricted use** due to environmental concerns

**Environmental Hazards**

For terrestrial uses, this pesticide is toxic to birds, fish, and aquatic invertebrates. **DO NOT** apply directly to water, or to areas where surface water is present, or to intertidal areas below the mean high water mark. Runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Care must be taken to avoid runoff. **DO NOT** contaminate water by cleaning equipment or disposal of wastes. **DO NOT** contaminate water when disposing of equipment washwater or rinsate.

**Directions For Use**

It is a violation of federal law to use this product in a manner inconsistent with its labeling. Read the entire label before using this product.

Revised 10/15 (02/06/05) 6/04  
Image Credit: GRC P&O

Pesticides and the Environment




Image Credit: U.S. Geological Survey



**Protecting Pollinators**

**THE NEW EPA BEE ADVISORY BOX**  
On EPA's new and strengthened pesticide label to protect pollinators

**PROTECTION OF POLLINATORS**

**APPLICATION RESTRICTIONS** Keep your bees and other insect pollinators safe from pesticides. Follow the application restrictions found in the DIRECTIONS AND USE TO PROTECT POLLINATORS.

Alerts users to separate restrictions on the label. These prohibit certain pesticide use when bees are present.

The new box also helps signal the pesticide's potential hazard to bees.

Makes clear that pesticide products can kill bees and pollinators.

Bees are often present and foraging when plants and trees flower. EPA's new label makes it clear that pesticides cannot be applied until all petals have fallen.

Warns users that direct contact and ingestion could harm pollinators. EPA is working with beekeepers, growers, pesticide companies, and others to advance pesticide management practices.

Highlights the importance of avoiding drift. Sometimes, wind can cause pesticides to drift to new areas and can cause bee kills.

The label also says that there are many reasons for declines in pollinator health, including pesticide exposure. EPA's new label will help protect pollinators.

Read EPA's new and strengthened label requirements: <https://go.usa.gov/JH44>

Image Credit: U.S. Environmental Protection Agency

**Protect Yourself, Family, Neighbors and Pets**

Image Credit: GFC DBO

Image Credit: GFC DBO

**Be a responsible applicator!**

**Acknowledgements**

Adapted with permission from the Washington State University Urban IPM and Pesticide Safety Education Program for use by the

**GILA RIVER INDIAN COMMUNITY**  
Department of Environmental Quality  
Pesticide Control Office

PO Box 2139 • 45 S. Church Street • Sacaton, AZ 85147  
Office (520) 562-2234 • Fax (520) 562-3198  
Email: GRIC.Pesticide.Office@GRIC.nsn.us  
Web: www.GRICDEQ.org



GILA RIVER INDIAN COMMUNITY  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY


PESTICIDE  
CONTROL OFFICE

Community  
Applicator  
Certification  
Training



Image Credit: National Pesticide Information Center (NPIC)

Module 7:  
Personal Protective  
Equipment  
(PPE)




## Personal Protective Equipment

This Module Will Help You:

- Understand PPE selection
- Understand PPE care, storage, and disposal



Image Credit: The University of Illinois Extension, University of Agriculture and Natural Resources



## Personal Protective Equipment

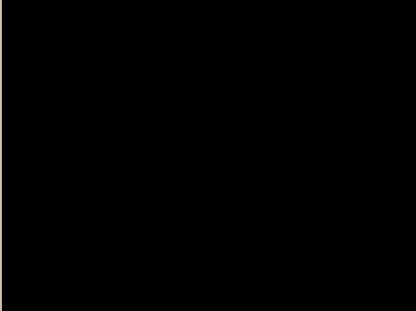



Image Credit: The University of Illinois Extension, and the US EPA



## Required PPE is Determined by:

**The Label !**

- The toxicity of the pesticide
- The formulation of the pesticide
- The activity you are performing
  - Measuring, mixing and loading
  - Applying
  - Maintenance operations

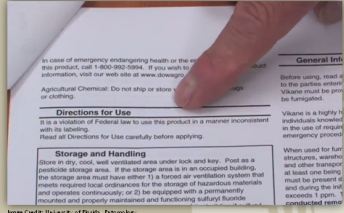



Image Credit: University of Florida, Delwood



## Read the Label

vegetation may result in temporary gastrointestinal irritation (vomiting, diarrhea, colic, etc.). If such symptoms are observed, provide the animal with plenty of fluids to prevent dehydration. **Self or veterinarian treatment is not recommended if symptoms persist for more than 24 hours.**

**Personal Protective Equipment (PPE)**


**Applicators and other handlers must wear:** Long-sleeved shirt and long pants, protective footwear plus socks, and protective eyewear. Discard clothing and other materials that have been heavily contaminated with this product's concentrate. Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

**User Safety Recommendations**  
Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and out.

Image Credit: GAC PCO

- Follow directions for PPE
  - Handlers
  - Applicators
  - Early entry workers
- Minimum requirements are given – can wear more



## Chemical Resistant Material

- Read the label
  - What clothing is specifically required

**Personal Protective Equipment (PPE)**

Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for Category F on an EPA chemical resistance category selection chart.

**Applicators and other handlers must wear:**

- Long-sleeved shirt and long pants
- Chemical-resistant gloves, Category F, such as barrier laminate, butyl rubber, nitrile rubber, or Viton  $\geq$  14 mils
- Shoes plus socks
- Protective eyewear

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. DO NOT reuse them. Follow manufacturer's instructions for cleaning/

Image Credit: GAC PCO

**Chemical Resistant Clothing**

- Prevents most chemicals from reaching the skin
- PVC plastic, rubber, non-woven coated fabrics




Image Credit: University of Nebraska-Lincoln, Institute of Agriculture and Natural Resources

**Chemical Resistant Materials**

**Watch for Signs of Wearing and Degrading**

- Color change
- Spongy
- Swollen
- Jelly-like
- Cracked
- Brittle




Image Credit: University of Nebraska-Lincoln

**Cotton, Denim, and Leather**

**NOT Recommended for Most Pesticide Applications**



Image Credit: ESE Office Clipart

**Personal Protective Equipment**

- Minimum:
  - Long-sleeved shirt
  - Long trousers or coveralls
  - Gloves
  - Shoes plus socks

**Protect Yourself!**



Image Credit: University of Nebraska-Lincoln, Cooperative Extension

**Coveralls**

- Wear loosely over clothing
- Zippers should be covered
- Two-piece: top should extend well below the waist and remain untucked




Image Credit: ESE Office Clipart

**Chemical Resistant Suits**

- Offers the most protection
- Wears out with chemical contact over time
- Made of rubber or plastic
- May be too warm
- Drink plenty of water!
- Take frequent breaks!



Image Credit: University of Nebraska-Lincoln, Department of Entomology



## Chemical Resistant Aprons



- Use when:
  - Mixing and loading
  - Cleaning equipment
- From neck to knees

**WARNING:** aprons can get caught in machinery!

Image Credit: GFC PCO



## Use Gloves

- Especially during mixing & loading
- Unlined and waterproof
- Check for holes
- If spraying overhead, tuck sleeves inside gloves and fold the cuffs up

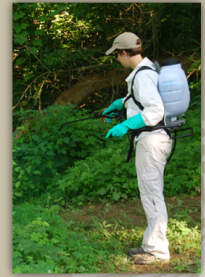


Image Credit: State of Pub. Inv.



## Check the Label

### Determine if You Need Specific Gloves / What Kind

#### Personal Protective Equipment (PPE)

Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for Category F on an EPA chemical resistance category selection chart.

#### Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Chemical-resistant gloves, Category F, such as barrier laminate, butyl rubber, nitrile rubber, or Viton  $\geq 14$  mils
- Shoes plus socks
- Protective eyewear

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. DO NOT reuse them. Follow manufacturer's instructions for cleaning/

Image Credit: GFC PCO



## Types of Chemical Resistant Gloves

### Butyl Rubber



Image Credit: Geopline

### Viton



Image Credit: Geopline



## Types of Chemical Resistant Gloves

### Nitrile Rubber



Image Credit: Geopline

### Neoprene



Image Credit: Geopline



## Types of Chemical Resistant Gloves

### Barrier Laminate



Image Credit: Geopline

Many gloves look alike, read the markings



Image Credit: Geopline





### What's Wrong With This Picture



Image Credit: pb-01/NoPhoto

**Lining can absorb pesticide!**



### What's Wrong With This Picture



Image Credit: iStockphoto.com/TravisK

**Wear long-sleeved shirts!**



### Footwear



Image Credit: Graphic

- No sandals!
- Consider wearing unlined, rubber boots... even if not required
- Hang pant legs outside the boots!



### Hats and Hoods



Image Credit: iStockphoto.com/Robert G. Schmitt

- Liquid-proof with a wide brim
- No absorbent materials!
- Chemical-resistant hoods on jackets



### Protect Your Eyes

When Mixing Concentrates or Handling Dusts

**Eyewear should have shields on all sides!**



Image Credit: Graphic



Image Credit: Graphic



### If Goggles are Required...

So is Access to an Eyewash Dispenser

A portable eyewash is recommended for people in the field without access to a stationary eyewash



Image Credit: Graphic



## Respirators

Prevent pesticide exposure through the respiratory system

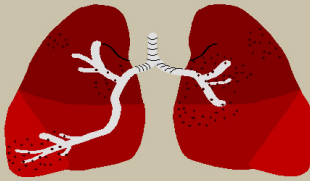


Image Credit: IEF Office Clipart

## Respirators




Image Credit: Hockley, Dow, Wiskandt, and the US EPA

## When Should a Respirator be Used?

**PERSONAL PROTECTIVE EQUIPMENT (PPE)**  
Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for category B on an EPA chemical-resistance category selection chart.

**Mixers, loaders, and applicators and other handlers must wear:**

- Coveralls over long-sleeved shirt and long pants.
- Chemical-resistant gloves, such as barrier laminate or butyl rubber.
- Chemical-resistant footwear plus socks.
- Protective eyewear.
- Chemical-resistant headgear for overhead exposure.
- Chemical-resistant apron when cleaning equipment, machinery or clothing.

A respirator with an organic vapor-removing cartridge with a prefilter approved for pesticides (MSHA/NIOSH approval number prefix TC-23C), or a canister approved for pesticides (MSHA/NIOSH approval number prefix TC-14C) or a NIOSH approved respirator with an organic vapor (OV) cartridge or canister with any R, P or HE prefilter.

- When the label requires it
- When exposed to spray mist
- When working in confined spaces
- When using dusts, gases, vapors, or fumigants

Image Credit: Gephico

## Chemical Cartridge and Canister Respirators

- Both half-face mask and full-face mask styles
- Get cartridges that are right for the chemicals you are using!




Image Credit: Gephico

## Always Select Equipment Approved by NIOSH

- National Institute of Occupational Safety and Health (NIOSH)
- Make sure the cartridge or filter is rated for the pesticide you are using
- Read the label



Image Credit: Gephico

## Fit Test Your Respirator

Check with GRIC's Occupational Safety & Health Office for requirements.

**(520) 562-4120**



## Use and Care of Respirators

- Fit-check and make sure it works before every use
- MUST have tight seal!
- Make sure valves are in proper working order
- Replace filters
  - Taste, smell, breathe
  - Tribal regulations
  - Manufacturer recommendations



Image Credit: University of Nebraska Institute of Agriculture and Natural Resources



## Pesticide Residues on Clothing

### From Brushing up Against...



Image Credit: The Ohio State University

- Plants
- Equipment
- Pesticides

Discard disposables and worn-out items!

Wash at the end of each day, including gloves and all PPE



## Decontaminate Clothing Daily

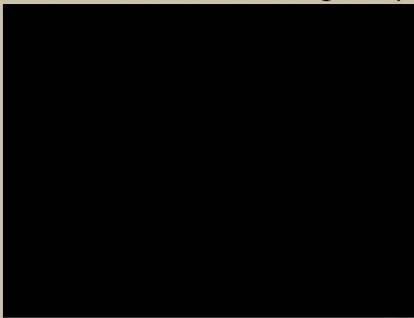


Image Credit: University of Florida, Extension <http://www.ufl.edu/extension/2007/07/27/06/>



## Laundering Pesticide Contaminated Clothing



Image Credit: North Dakota State University

- Launder pesticide clothing separately from other clothes
- Wash contaminated clothing in hot water with detergent
- Use 2 cycles for moderate to heavy contamination
- Rinse the washer with an "empty load"



## Line Dry Clothing if Possible



Image Credit: US Office ofpest



## Keep all PPE separate from pesticides in storage!!



Image Credit: GRC PCD



## PPE Use

- Wear adequate PPE
  - When mixing
  - When applying
  - When doing equipment maintenance



Image Credit: [www.pesticide.org](http://www.pesticide.org)



## PPE Use

- If a nozzle becomes plugged during an application...
  - Do not remove your PPE!
  - Use an old toothbrush to clean the nozzle. Never try to blow it out with your mouth



## Acknowledgements

Adapted with permission from the Washington State University  
Urban IPM and Pesticide Safety Education Program  
for use by the

**GILA RIVER INDIAN COMMUNITY**  
**Department of Environmental Quality**  
**Pesticide Control Office**


PO Box 2139 • 45 S. Church Street • Sacaton, AZ 85147  
Office (520) 562-2234 • Fax (520) 562-3198  
Email: [GRIC.Pesticide.Office@GRIC.nsn.us](mailto:GRIC.Pesticide.Office@GRIC.nsn.us)  
Web: [www.GRICDEQ.org](http://www.GRICDEQ.org)



GILA RIVER INDIAN COMMUNITY  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

PESTICIDE  
CONTROL OFFICE

Community  
Applicator  
Certification  
Training



Module 8:  
Transportation  
and  
Storage  
of  
Pesticides

Image Credit: GRC, PCO

Transportation, Storage, and Security

*This Module Will Help You:*

- Understand how to properly store pesticides and restrict access
- Understand inventory and maintenance methods
- Understand how to prepare for potential spills
- Understand how to dispose of pesticide wastes

Safety and Security

- Unauthorized access to pesticides poses several concerns
- Pesticides that are not secured pose threats
  - Consider transportation, application, lunch time, storage
- Pesticides being transported or stored in an unsafe manner pose threats to human health, animals, and the environment

How Often are Pesticides Transported?

```

graph LR
  Manufacturer --> Distributor
  Distributor --> Dealer
  Dealer --> Applicator
  Applicator --> Disposal
  Applicator --> Storage
  Storage --> Mixing
  Mixing --> Application
  Application --> Disposal
  
```

**Accidents happen!**

Transportation and Storage




Image Credit: FIC/Agri Chem Distributors, and the US EPA

Maintain Vehicles



- Use side rails on trucks
- Check brakes, tires, and steering often
- Inspect tanks, fittings, gauges, hoses, booms, nozzles
- Look out for defects, cracks, and punctures
- **Carry tools for repair!**

Image Credit: GRC, PCO

### Vehicle Owners and Operators are Held Responsible for Spills!...



...and **MUST** be trained in emergency response procedures for spills and notification

Image Credit: University of North Carolina

### Other Vehicle Precautions

- Inspect containers before loading:
  - Legible labels?
  - Tight seals?
  - Clean surfaces?
- Use tubs and liners for containment and cleanup
- Less handling of containers equals reduced likelihood of damage
- Secure load with tarps and tie downs


### Keep Them Separated



- Keep people and animals away
- Food, feed, seed, and plants could become contaminated or poisoned
- Keep herbicides separate insecticides and fertilizers

Image Credit: Mark Cousins Dine Research

### Transportation Security



- Never leave unattended
  - Shipment, products in service vehicle
  - Secure pesticides
    - Use locking storage
    - Access from children
    - Protect from theft

Image Credit: GFC POC

### Service Vehicle Requirements

- According to the Pesticide Ordinance, all **service vehicles** used in conjunction with a pest control application must have:
  - Measuring and pouring devices
  - Personal protective equipment and clothing
  - Absorbent materials
  - Over packs and/or other equipment to collect and store contaminated materials
  - First-aid kit
  - Poison control centers telephone number
  - Pesticide label and SDS for each pesticide
  - Change of clothing
  - At least one gallon of potable water
  - Soap and single use towels
  - Emergency eye wash kit

### An Ideal Pesticide Storage Site Protects Against:

- Exposure to people and animals
- Environmental contamination
- Temperature extremes and excess moisture
- Theft, vandalism, and carelessness
- Liability



## Pesticide Storage Requirements

- According to the Pesticide Ordinance, all **pest management businesses** must store their pesticides in a storage area that meets the following requirements:
  - Protected from elements
  - Floors, walls, and shelving built of a non-absorbent material
  - Adequate ventilation
  - Adequate lighting
  - Have emergency eyewash station
  - Have soap, fresh water and single use (disposable) towels;
  - Fire extinguisher, type ABC
  - First-aid kit
  - Emergency medical information, including telephone numbers for poison control centers;
  - Spill cleanup kit
  - Specimen label and safety data sheet for each pesticide stored
  - Sign placed at access point that warns pesticides are stored inside.



## Secure the Site



Image Credit: GPEC, PCD

- Use a dependable lock
- Post highly-visible warning signs on doors, windows
- Post “No Smoking” warnings, since many pesticides are highly flammable!
- Store pesticides only in original containers
- Never lend or borrow pesticides in unmarked or unlabelled containers
- Securely close containers when not in use



## Shelf Life of Pesticides

- Keep inventory - mark each container with its purchase date
- Be aware of each product's shelf life
- Watch for excessive clumping, poor suspension, layering, abnormal coloration
- Poor pest control or plant damage may indicate the pesticide has deteriorated
- Avoid storing large quantities for long periods – inventory control – use older product first – buy only what you need



## Check for Damaged Containers



Image Credit: GPEC, PCD

- Inspect regularly for tears, splits, breaks, leaks, rust, and corrosion
- If found, put on PPE, clean up spills, and use immediately according to label instructions!
- Transfer to an appropriate container and label it



## Service Container Requirements

- According to the Pesticide Ordinance, all **service containers** must be identified with the following requirements:
  - Name, e-mail address, if applicable, and telephone number of the applicator or custom applicator using the pesticide
  - Brand or trade name of the pesticide
  - EPA registration number
  - Name and percentage of the active ingredient
  - Dilution, if any, in the service container
  - EPA-assigned signal word (Danger, Warning, or Caution) for the registered label
  - The phrase “KEEP OUT OF REACH OF CHILDREN.”



## Safety Tips

- Have duplicate copies of labels and SDS
- Wear the appropriate PPE
- Label all items used in handling pesticides



Image Credit: GPEC, PCD

## Safety Tips

- Have a spill response plan
- Have absorbent materials ready for spills and leaks
  - Clay, pet litter, vermiculite
- Have a shovel, broom, heavy-duty plastic bags available



Image Credit: University of Kentucky

## Don't Generate Hazardous Waste!

- Leftovers = hazardous waste
- Dirty, empty containers
- Outdated products may lose effectiveness
- Cancelled products may not be legal
- Use it up before the expiration date!




Image Credit: CREC, PDC

## Disposal of Pesticides and Containers

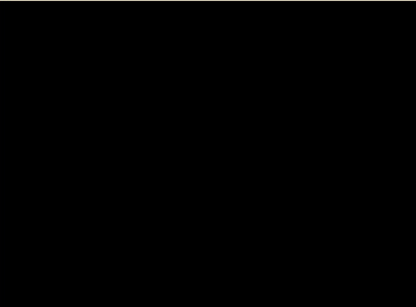


Image Credit: EPA Logo Only. Do not use the US EPA logo.

## Follow the Label!

**STORAGE AND DISPOSAL**

Do not contaminate water, food or feed by storage and disposal.

**Pesticide Storage**  
Store in original containers only. Keep container closed when not in use. Do not store near food or feed. In case of spill on floor or paved surfaces, mop and remove to chemical waste storage area until proper disposal can be made if product cannot be used according to the label.

**Pesticide Disposal**  
Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative of the nearest EPA Regional Office for guidance.

**Container Handling [less than or equal to 5 gallons]**  
Non-refillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/2 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use and disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Then offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration.

Image Credit: UC Statewide B11 Program

## Disposal and Recycling

- Triple-rinse or pressure-rinse all containers
- Add container rinse water to spray batch!
- Store clean containers in a special section
- Take clean containers for recycling
- **Recycle** containers through the GRIC waste disposal program or one supported by the Ag Container Recycling Council (ACRC)
- **Tank rinsates** may be stored and added to tank mixes for labeled sites

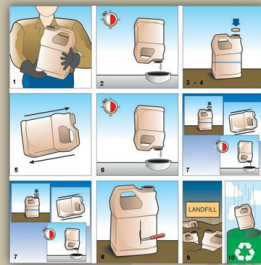


Image Credit: University of Kentucky, Institute of Agriculture and Botanical Sciences

## Prevention

- Keep storage areas locked
- Keep an updated and accurate inventory
- Communicate with police & fire units
- Routinely review, update, and practice emergency response procedures
- Keep an updated emergency telephone number list





## Acknowledgements

Adapted with permission from the Washington State University  
Urban IPM and Pesticide Safety Education Program  
for use by the

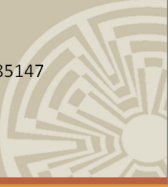
**GILA RIVER INDIAN COMMUNITY**  
**Department of Environmental Quality**  
**Pesticide Control Office**

PO Box 2139 • 45 S. Church Street • Sacaton, AZ 85147

Office (520) 562-2234 • Fax (520) 562-3198


Email: [GRIC.Pesticide.Office@GRIC.nsn.us](mailto:GRIC.Pesticide.Office@GRIC.nsn.us)

Web: [www.GRICDEQ.org](http://www.GRICDEQ.org)



---

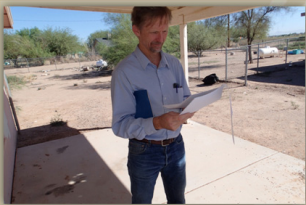
---



**GILA RIVER INDIAN COMMUNITY  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY**

**PESTICIDE  
CONTROL OFFICE**

**Community  
Applicator  
Certification  
Training**



**Module 9:  
Planning  
Pesticide  
Applications**


Image Credit: GRC PCO



## Planning the Pesticide Application


*This Module Will Help You:*

- Understand pesticide and adjuvant selection
- Understand tank mixing and loading, and pesticide application procedures
- Understand container and equipment rinsing considerations






## Pesticide Selection

**Before selecting and applying a pesticide:**



- Know the pest
- Know federal, and tribal regulations
- Know how to properly use application equipment
- Read the Label

## Pesticide Selection


**Site of Application MUST be on the Label**

For use as a surface, crack and crevice, or spot treatment in, on, and around buildings and structures and their immediate surroundings, and on modes of transport. Permitted areas of use include, but are not limited to, aircraft (cargo and other non-cabin areas only), apartment buildings, boiler rooms, buses, closets, correctional facilities, decks, entries, factories, fencing, floor drains (that lead to sewers), food granaries, food grain mills, food manufacturing, processing and serving establishments, furniture, garages, garbage rooms, greenhouses (non-commercial), hospitals, hotels and motels, houses, industrial buildings, laboratories, livestock/poultry housing, landscape vegetation, locker rooms, machine rooms, mausoleums, mobile homes, mop closets, mulch, nursing homes, offices, patios, pet kennels, porches, railcars, restaurants, storage rooms, schools, sewers (dry), stores, trailers, trees, trucks, utility passages, vessels, vestibules, warehouses, wineries and yards.

For indoor applications, retreat at 21 day intervals or as necessary to maintain control.

- Rights-of-way
- Industrial area
- Turf, ornamental planting bed
- Specific crop
- Food-handling establishment, etc.

Image Credit: GRC PCO



## Pesticide Selection

- Consider personal and environmental safety precautions and prohibitions
- Does label recommend the use of an adjuvant (buffer, surfactant, colorants)?

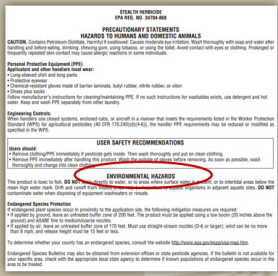

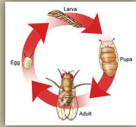


Image Credit: GRC PCO



## Application Considerations

**Application Timing**



- Plant, insect, disease growth stages
- Soil conditions
- Weather conditions
  - Rain or irrigation
  - Wind speed/direction
  - Cloudy, cool or warm
- Drift warnings, setbacks or no-spray buffers





Image Credit: EIC Office Clipart



## Equipment Considerations

- Tank size and pump adequate for job
- Type of tank (poly, galvanized steel)
- Nozzle type
  - Formulation, drift reduction, coverage
- Nozzle height/spacing (pattern), alignment
- Pressure



## Post-Application Restrictions

- Restrict entry if required

### DIRECTIONS FOR USE

It is a violation of Federal law to use this product in any manner inconsistent with its labeling. Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulations.

Entry Restrictions: Keep all unprotected persons out of operating areas or vicinity where there may be drift. Keep people and pets off treated areas until spray solution has dried.

Image Credit: GARC POC



## Pesticide Incompatibility

### Read the Label

- Specific recommendations for tank mixes known to be compatible
- Specific prohibitions for tank mixes known to be incompatible
- No statement, applicator responsibility to jar test for compatibility



## Tank Mixes



Image Credit: GARC POC

- Thoroughly mix each product before adding the next
  - Preslurry – a little water and product mixed to form paste before adding to tank mix
- Ensure uniform spray mixture at all times
  - Agitation may be required



## Diluting Pesticides Correctly

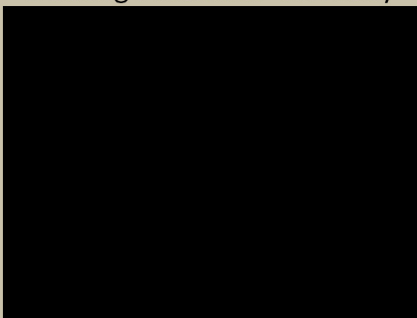


Image Credit: University of Florida, Extension



## Safe Mixing and Loading



Image Credit: University of Florida, Extension

- Appropriate mixing and loading area
  - Outdoors
  - Well-ventilated
  - Away from people and animals
  - Protect water sources
  - Location of mix/load site
  - Containment pad
  - Use air gap, check valves or anti-siphon devices (especially with chemigation)
  - Wear additional PPE when you mix and load: gloves, apron, face/eye protection and possibly a respirator



## Measuring Pesticide Accurately



Image Credit: University of Florida, Entomology  
http://www.pesticide.com/2012/02/26/2012/



## Safe Mixing and Loading



Image Credit: Google

- Clearly mark measuring devices
- Store measuring devices in pesticide storage area
- Carefully open containers
- Close container when not using
- Use accurate scale or measuring device
- Reduce exposure
  - Stay upwind of vapors and dusts
  - Be careful not to splash or spill concentrated product
  - Pour below eye level
- Never leave sprayer or containers unattended



## Cleaning and Disposal of Pesticide Containers

### Rinsable Containers

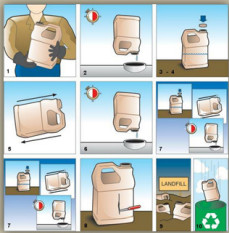


Image Credit: University of Nebraska, Extension of Agricultural and Natural Resources

- Triple-Rinse containers immediately
  - Completely empty pesticide concentrate
  - Fill container about 20% full with water, replace lid, shake container
  - Drain and rinse water into spray tank
  - Repeat twice



## Cleaning and Disposal of Pesticide Containers

### Non-Rinsable Containers



Image Credit: GHE, POC

- Empty as best possible
- Return if appropriate
- Dispose of in normal refuse if not recyclable or returnable; also render unusable



## Application Procedures

- 1) Personal Protective Equipment
- 2) Clear all people, pets, toys and other items from application area
- 3) Make sure pesticide contacts target area



Image Credit: JJ, Bush101, US.com



## Application Procedures



Image Credit: GHE, POC

- 4) Apply pesticide evenly
- 5) Make sure pesticide application looks appropriate
- 6) Check hoses, valves, nozzles, for leaks during application
- 7) Turn equipment off when you pause during the application
- 8) Make sure all post-application requirements are met
- 9) Soil incorporation
- 10) Label required posting
- 11) Reentry and restricted entry intervals
- 12) Grazing and pre-harvest intervals





## After Mixing, Loading and Application

- Clean application equipment when done
- Rinse empty spray tank – apply to site
  - Carry rinse water with you
  - Will not wash pesticide off
  - Once tank clean, decontaminate next
- Rinse empty spray tank – collect rinsate
  - Collect and hold rinsate for use in subsequent spray batch, if similar product is to be mixed later
  - Do not reuse rinsate containing cleaning agents
- Unusable material most likely considered hazardous waste



## After Mixing, Loading and Application



Image Credit: USDA

- Decontaminate tank if necessary
  - Water-detergent solution
  - Label-prescribed decon instructions and materials
- Circulate in entire system for few minutes
- Flush twice with clean water



## Cleaning Up

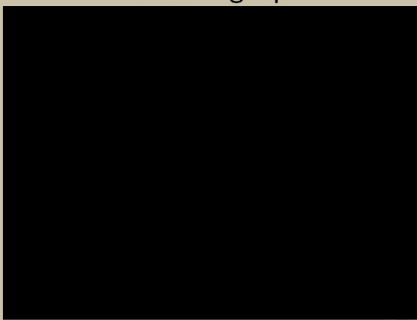


Image Credit: EPA/Agua Clara Partnership, and the US EPA



## After Mixing, Loading and Application

- Personal Cleanup
  - Remove contaminated clothing
  - Shower immediately after the application
  - Properly wash contaminated clothing
  - Dispose of heavily contaminated clothing as household hazardous waste



## Acknowledgements

Adapted with permission from the Washington State University  
Urban IPM and Pesticide Safety Education Program  
for use by the


**GILA RIVER INDIAN COMMUNITY**  
**Department of Environmental Quality**  
**Pesticide Control Office**

PO Box 2139 • 45 S. Church Street • Sacaton, AZ 85147  
Office (520) 562-2234 • Fax (520) 562-3198  
Email: GRIC.Pesticide.Office@GRIC.nsn.us  
Web: www.GRICDEQ.org

GILA RIVER INDIAN COMMUNITY  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

PESTICIDE  
CONTROL OFFICE

Community  
Applicator  
Certification  
Training




Module 10:  
Pesticide  
Application  
Procedures

Image Credit: GIEC PCO

 **Planning the Pesticide Application**

*This Module Will Help You:*

- Select appropriate application equipment and pesticide formulations
- Understand equipment components
- Determine pesticide application rates
- Chose drift reduction practices

 **Applying Pesticides**





Image Credit: EPA/John Deere, University of California, and the US EPA

 **Application Methods**

- Broadcast
  - Air, ground, boat
- Band
- Crack and crevice
- Spot
- Basal
- Space treatment
- Tree/stem injection
- Rope-wick or wiper treatment






Image Credit: GIEC PCO

 **Application Placement**



- Foliar
- Soil injection
- Soil incorporation
  - Tillage, rainfall, irrigation

Image Credit: Cornell University

 **Types of Safety Systems**

- Closed mixing and loading systems
  - Mechanical systems
  - Water-soluble packets
- Enclosed cabs
- Pesticide Containment Pad



## Closed Mixing and Loading Systems

- Prevent human contact with pesticides while mixing or loading
- Benefits
  - Increase human safety
  - Reduce need for PPE
  - Decrease likelihood of spilling
  - Accurately measure pesticide



Image Credit: Univ. of Georgia/UGA/ECO



## Enclosed Cabs

- May prevent pesticide exposure if sealed correctly
- Supplement to PPE but not a replacement
- Consider cab contamination issues



Image Credit: GPEC/ECO



## Pesticide Containment Systems

### Containment Pad



Image Credit: Washington State University

- Catch spills, leaks, overflows and wash water
- Prevent environmental contamination
- Impermeable material (sealed concrete, synthetic liners, glazed ceramic tile, etc.)
- System for recovering and removing material



## Application Equipment

### Hydraulic Sprayer: Liquid



Image Credit: Gaepic



Image Credit: Gaepic

- Large power sprayers
- Small backpack
- Hand-held sprayers



## Application Equipment

### Mechanical Systems: Granular Applicator



Image Credit: Gaepic



Image Credit: Gaepic

- Band or broadcast
- Application rate affected by:
  - Ground speed
  - Gate opening
  - Granule size, shape, and density
  - Terrain
  - Weather




## Sprayer Components

### Tank and Agitator



Image Credit: Gaepic

- Non-corrosive and easily cleaned
- Opening top and bottom eases filling and cleaning
- Continuous mixing of pesticide and carrier



## Sprayer Components

### Pump

- Provides pressure and volume to nozzles
- Corrosion and abrasion resistant
- Read manufacturer instructions





Image Credit: Google ©




## Sprayer Components


### Nozzle

- Amount of material applied
- Orifice size => droplet size
- Distribution and droplet pattern

Fine droplets =  
maximum coverage



Coarse droplets =  
minimize drift







Image Credit: GIE: IGO




## Sprayer Components

### Nozzle: Material Selection


- Brass – don't use with abrasive material
- Plastic
- Hardened Stainless Steel
- Ceramic

} Best to use with wettable powders and dry flowables

Avoid application problems- replace worn nozzles




## Oh no, Math!



- Equipment calibration and application requires basic math skills
- Remember, refer to manuals for formulas but you need to know how to use the formulas


Image Credit: GIE: IGO



## Equipment Calibration

**Calibration** is the process of measuring and adjusting the amount of pesticide your equipment will apply over a target area. It is a critical "first step" in making certain that your equipment is applying pesticide uniformly and at the correct rate. Calibrating your equipment will save you money, by not wasting pesticides from over application; and time, by preventing the need for re-application from under application. Over applying pesticides also can result in excess residues on or in plants, soil, and surface or groundwater.

<http://pesticidestewardship.org/c/calibration/Pages/Calibration-Intro.aspx>




## Equipment Calibration

### Why is Calibration Important?

- Adjust equipment to get desired rate
- Achieve label rate for product delivery
  - Meet application volume requirements
  - Effective pest control
  - Does not waste money
- Personal and environmental safety




**Timing Delivery Calibration**



Florida Center for Research of Florida, Extension.org  
http://www.floridacenterforresearchofFlorida.org/


**Test Application Calibration**



Florida Center for Research of Florida, Extension.org  
http://www.floridacenterforresearchofFlorida.org/

**Equipment Calibration**

**How Often Should You Calibrate?**



- Periodically
  - Any change in equipment set up
  - Whenever change products

*Calibration is important  
Take the time to do it right and often*

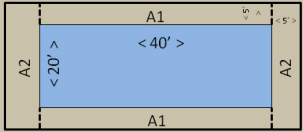
Florida Center for Research of Florida, Extension.org  
http://www.floridacenterforresearchofFlorida.org/

**Applying the Correct Amount**

**Decide on How Much Pesticide to Apply**

- Calculate the area to be treated
- Use the "Directions for Use" section of the label for the appropriate rate

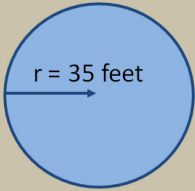
$A1 = L \times W$   
 $A1 = 40 \times 5$   
 $A1 = 2 \times 200$   
 $A1 = 400 \text{ sq. ft.}$



$A2 = L \times W$   
 $A2 = 30 \times 5$   
 $A2 = 2 \times 150$   
 $A2 = 300 \text{ sq. ft.}$

**Total Area = 700 sq. ft.**

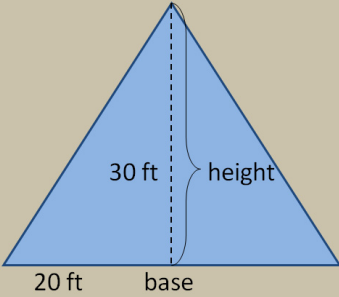
**Area of a Circle**



**Area =  $3.14 \times r^2$**

$3.14 \times 35 \times 35 = 3,846.5 \text{ sq.ft.}$

**Triangular Areas**

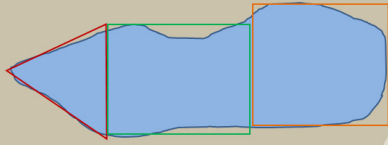


**Area =  $\frac{\text{base} \times \text{height}}{2}$**

Area =  $\frac{20 \times 30}{2} = 300 \text{ sq.ft.}$



## Irregularly Shaped Sites



Use a combination of shapes and add their areas:



## Determining Application Rate

- Calibrated delivery rate of sprayer used to determine amount of pesticide concentrate needed and amount of total spray mix
- **READ THE LABEL!!!**
- Have someone double check your calculations



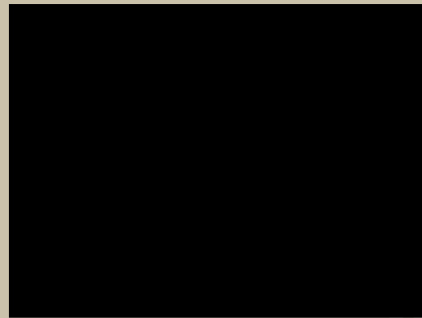
## Minimizing Drift

### Read the Label

- Volatility
- Equipment restrictions
- Droplet size restrictions
- Buffers
- Wind direction/speed
- Temperature Inversions



## What is Pesticide Drift



Media Center/Office: Puerto de la Bici  
<http://www.casimiro.com/WEB/PROFESOR/07>



## Lots of Decisions

### Mistakes are Costly

- Target site and pest
- Pesticide choices and formulations
- PPE, closed systems
- Equipment selection set up, calibration
- Environment where application is to take place



## Applicators Must Understand:

- Federal and Tribal pesticide laws and regulations
- Emergency procedures
- Importance of following label instructions
- How and when to correctly use pesticide application equipment
- Proper use and care of PPE
- Need of keeping accurate application records
- Importance of positive, open communication with employer, employees, customers, and public




## Public and Customer Communication




- Create a positive professional image
- Communicate what you are doing
- Stay current in pesticide issues and IPM
- Avoid troublesome phrases when communicating

Image Credit: GPC PLO




## Explain to Customers “what” and “why”

- **What** needs to be done to manage pest problem
- Educate customer on pest and **why** they have a problem
- Explain your product selection, treatment technique, and anticipated results



## How to Answer Customer Questions

- Be prepared
- Training exercises
  - Role-playing
- Copies of pesticide labels, SDS's, application records
- Admit when you don't know the answer, don't lie



## Before You Leave:

If applicable, inform the homeowner / representative:

- Of the work you've completed
- How long they should stay off of the treated area
- Additional activities they need to do
- Who to contact if incidental exposure occurs
- When follow up will be conducted

**18.326. Notices to Consumers.**

A. Immediately following an application, Non-agricultural pest management businesses shall provide a written notice to a customer for whom the applicator provides a pest management service that contains the following:

1. Name and address of the customer;
2. Specific site to which a pesticide was applied;
3. Date of service;
4. Target pest or category of service;
5. Trade name of pesticide applied;
6. EPA registration number of restricted use pesticide applied;
7. Amount of pesticide applied, in terms of percent active ingredient and volume of diluted mixture or in terms of total amount of liquid concentrate, ready-to-use product, granular material, or bait stations;
8. Name and certification number of the applicator or if the applicator is uncertified, the name of the uncertified applicator and the name and certification number of the applicator providing supervision; and
9. Following statement printed in at least an eight-point font and shall include the words:  
 "WARNING - Pesticides can be harmful. Keep children and pets away from pesticide applications until dry, dissipated, or aerated. For more information contact [applicator's name and certification number] at [applicator's telephone number]."




## Stay Current



- Participate in continuing education
  - Regulations
  - Safety
  - Environment
  - New products
  - IPM
  - Recordkeeping

Image Credit: GPC PLO



## Information Resources

**National Poison Control Center**  
1-800-222-1222

**National Pesticide Information Center (NPIC)**  
1-800-858-7378  
<http://npic.orst.edu>



## Acknowledgements

Adapted with permission from the Washington State University  
Urban IPM and Pesticide Safety Education Program  
for use by the

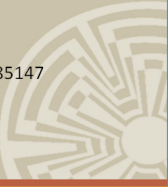
**GILA RIVER INDIAN COMMUNITY**  
**Department of Environmental Quality**  
**Pesticide Control Office**

PO Box 2139 • 45 S. Church Street • Sacaton, AZ 85147

Office (520) 562-2234 • Fax (520) 562-3198

Email: [GRIC.Pesticide.Office@GRIC.nsn.us](mailto:GRIC.Pesticide.Office@GRIC.nsn.us)

Web: [www.GRICDEQ.org](http://www.GRICDEQ.org)



---

---



# Appendix

THIS PAGE INTENTIONALLY LEFT BLANK



# GILA RIVER INDIAN COMMUNITY

Department of Environmental Quality - Pesticide Control Office

PO Box 2139 • 45 S. Church Street • Sacaton, AZ 85147

Office (520) 562-2234 • Fax (520) 562-3198

Email: GRIC.Pesticide.Office@GRIC.nsn.us



## Pesticide Usage Record

**WARNING: Pesticides can be harmful. Keep children and pets away from pesticide applications until dry, dissipated or aerated. For more information contact: [Your Business Here] @ [Your phone # here]**

The following pesticide will be used/has been used:

Pesticide/ Article Trade Name	EPA Registration No.	Active Ingredient	% Active Ingredient	Amount of Finished Product

**Application Location Information:**

Owner/ Property Name \_\_\_\_\_ Date of Treatment \_\_\_\_\_

Address/ Site Location \_\_\_\_\_ Dist \_\_\_\_\_

Target Pest/ Reason for Treatment \_\_\_\_\_

**Applicator Information:**

Name \_\_\_\_\_ Certification No: \_\_\_\_\_

Applicator Signature \_\_\_\_\_

Responsible Party Signature \_\_\_\_\_

THIS PAGE INTENTIONALLY LEFT BLANK





# GILA RIVER INDIAN COMMUNITY

Department of Environmental Quality - Pesticide Control Office

PO Box 2139 • 45 S. Church Street • Sacaton, AZ 85147

Office (520) 562-2234 • Fax (520) 562-3198

Email: GRIC.Pesticide.Office@GRIC.nsn.us



## Service Vehicle Requirements (GR-05-14, Section 18.333)

**Community applicators, certified applicators and Community certified applicators** shall store pesticides on their service vehicles in their original containers, in portable application equipment, or in a service container. The pesticides shall be kept locked when on an unattended service vehicle or within view and under the direct and personal supervision of the employee responsible for that service vehicle. A service container is one used to hold, store, or transport a pesticide either as a concentrate or as a ready to use mixture.

- All service vehicles shall be equipped with the following:
  - Measuring and pouring devices compatible with the pesticides stored, transported, or used on the vehicle;
  - Personal protective equipment and clothing, as required by pesticide labels, suitable for the pesticides stored, transported or used on the service vehicle;
  - Absorbent materials capable of absorbing or containing spills and leaks of up to one gallon;
  - Over packs and/or other equipment to collect and store contaminated materials;
  - A basic first-aid kit, which shall contain information regarding the practical treatment for pesticide poisonings and emergency medical information, including telephone numbers for poison control centers;
  - A pesticide label and safety data sheet for each pesticide transported or stored on the vehicle;
  - A change of clothing for use in the event that the applicator's garments are contaminated while using a pesticide;
  - A minimum of one gallon of potable water;
  - Soap and single use (disposable) towels for emergency washing of hands, face or body: and.
  - Emergency eye wash kit.

**Applicators, excluding agricultural applicators,** shall display the name of their pest management business on each side of their service vehicle. The name shall be in bold lettering at least two inches high, in distinctly contrasting color with the background, and shall be in plain view of the public. A **Community governmental entity need only display** the Community's tribal seal on their service vehicle.



# GILA RIVER INDIAN COMMUNITY

Department of Environmental Quality - Pesticide Control Office

PO Box 2139 • 45 S. Church Street • Sacaton, AZ 85147

Office (520) 562-2234 • Fax (520) 562-3198

Email: GRIC.Pesticide.Office@GRIC.nsn.us



## Pesticide Storage Requirements (GR-05-14, Section 18.332)

**An individual storing pesticides** for anything other than use at the individual's own residence shall store the pesticide according to the pesticide label instructions and comply with this section and all other provisions of this chapter.

**Businesses and government departments** and programs that do not employ a Community applicator or a Community certified applicator shall store antimicrobials and general use pesticides that come in household size containers in a closet that is secure from unauthorized entry. Pesticides shall not be stored in the same closet where food, feed, drugs, eating utensils, beverages, or tobacco products are stored. Pesticide shall not be stored in any container that has been used for food, feed, beverages, drugs or cosmetics. Pesticides shall not be stored in any way that could cause any person to reasonably mistake the pesticide for food, feed, beverages, drugs or cosmetics.

**Pest management businesses and regulated growers** shall store pesticides in a storage structure that is secure from unauthorized entry. If a person is unable to limit access to the storage structure to only authorized personnel, the pesticides shall be stored in a roofed concrete or metal structure with a lockable door.

- The storage structure shall comply with all of the following:
  - Be designed to keep the pesticides out of direct sunlight and protected from rain;
  - Have the floors, walls, and shelving built of a non-absorbent, easily cleanable material;
  - If the storage structure is enclosed, be constructed with ventilation to the outside air to prevent build-up of chemical odors to preclude chemical injury to persons;
  - Have adequate lighting to read pesticide labels;
  - Have an emergency eyewash station;
  - Have washing facilities, which shall include soap, fresh water and single use (disposable) towels;
  - Have an operational fire extinguisher, type ABC, or that is otherwise appropriate for the pesticides stored;

Have a first-aid kit with contents that are appropriate for the type of pesticides being used;

Have emergency medical information, including telephone numbers for poison control centers;

Have absorbent materials capable of absorbing spills and leaks of at least one gallon and over-packs and/or other equipment to collect and store contaminated material;

Have both a specimen label and safety data sheet for each pesticide stored at the facility that are to be readily accessible to all employees at all times; and

Have a sign conspicuously placed in the entrance or access area that warns individuals that pesticides are stored inside.

- Pesticides shall be stored in the storage structure as follows:

Not stored above or below incompatible chemicals, such as fertilizers, gasoline, or other fuels; and

Liquid formulations stored below dry formulations.

**A person using a service container** to store or transport a pesticide concentrate or registered ready-to-use pesticide, shall place a durable and legible label or tag on the service container that lists:

Name, e-mail address, if applicable, and telephone number of the applicator or custom applicator using the pesticide;

Brand or trade name of the pesticide;

EPA registration number;

Name and percentage of the active ingredient;

Dilution, if any, in the service container;

EPA-assigned signal word (danger, warning, or caution) for the registered label; and

The phrase “KEEP OUT OF REACH OF CHILDREN.”



# GILA RIVER INDIAN COMMUNITY

Department of Environmental Quality - Pesticide Control Office

PO Box 2139 • 45 S. Church Street • Sacaton, AZ 85147

Office (520) 562-2234 • Fax (520) 562-3198

Email: GRIC.Pesticide.Office@GRIC.nsn.us



## **Pest Management Business Records Requirements (GR-05-14, Section 18.320)**

**General use pesticides** – A pest management business that engages in a nonagricultural pesticide regulated activity shall make and preserve accurate records of all pesticide applications performed for a period of no less than two years from the date of the pesticide application. The record of a pesticide application shall contain, at a minimum, the following:

Name and address of the person for whom the pesticide was applied, and a description or address of the site where the application occurred;

Date of the pesticide application;

Target pest or purpose of pesticide application;

Trade name or common name of the pesticides or articles used and its U.S. EPA registration number;

Amount of pesticide applied, in terms of percent active ingredient and volume of diluted mixture or in terms of total amount of liquid concentrate, ready-to-use product, granular material, or bait stations; and

Name and certification number of the applicator or if the applicator is uncertified, name of the uncertified applicator and the name and certification number of the applicator providing supervision.

**Restricted use pesticides** – In addition to the records required above, a pest management business that engages in a nonagricultural pesticide regulated activity that uses a restricted use pesticide shall keep the following additional information:

Date of purchase or acquisition of the restricted use pesticide;

Quantity of the restricted use pesticide purchased or acquired;

Name and applicable certification or license number of the applicator making the restricted use pesticide purchase; and

**Wood Destroying Insects** – In addition to the records required under above, a pest management business conducting pesticide application to control wood destroying insects shall include the following records for a period of not less than five years from the date of the last pesticide application for either a pre-construction treatment, a new-construction treatment or a post-construction treatment.

Name of the pest management business;

Address and telephone number of the pest management business;



Pesticide use permit number;  
Location of the project;  
Date of the application;  
Start time of the application;  
Completion time of the application;  
Trade name of the chemical(s) used;  
Strength of the chemical preparation used, written as a percentage of the active ingredient;  
Number of gallons of chemical preparation applied;  
Square footage treated;  
Linear footage treated;  
Type of construction;  
Signature or name of the certified applicator; and  
Certification number of the certified applicator or, if the applicator is not certified, name and number of supervising certified applicator.

**Agricultural pest management business** – A pest management business that engages in an agricultural pesticide regulated activity shall make and preserve accurate records of pesticide applications performed for a period of no less than two years from the date of the pesticide application. The records of a pesticide application shall be either a completed Form 1080 or contain at a minimum all of the following:

Name and permit number of the seller;  
Date the recommendation is written;  
Name and permit number of the regulated grower upon whose site the pesticide will be applied;  
County where the site is located;  
Pest conditions present;  
Whether the site is within a pesticide management area;  
Anticipated date of harvest;  
Restricted entry interval;  
Label days to harvest;  
Date recommended for the pesticide application;  
Specific site being treated;  
Township, range, and section of the site;  
Number of acres or sites in each section being treated;  
Additional field description, if any;  
Brand name and U.S. EPA registration number of the pesticide to be applied or number of the pesticide regulated under FIFRA section 18, 7 U.S.C. § 136p to be applied;  
Rate and unit of measure per acre or dilution per 100 gallons;

Total quantity of pesticide concentrate to be applied;  
Total acres to be treated and total volume per acre or total number of sites to be treated;  
Whether a supplemental label is required;  
Method of pesticide application;  
Label restrictions or special instructions, if any;  
Name of the custom applicator making the application;  
Anticipated pesticide delivery location; and  
Signature and credential number of the regulated grower or pest control advisor making the recommendation.

**Pesticide disposal records: Restricted use pesticides** – Pest management businesses shall make a record of each restricted use pesticide disposed, sold, lost, or otherwise relinquished. The pest management business shall include the following information in the disposal record:

Date of disposal;  
Trade name of pesticide;  
EPA registration number of pesticide;  
Quantity of pesticide disposed;  
Percent active ingredient in the pesticide disposed,  
Method of disposal,  
Location and type of disposal site or service; and  
Name and certification or license number of the applicator making the pesticide disposal record on behalf of the pest management business.



# **GILA RIVER INDIAN COMMUNITY**

**Department of Environmental Quality - Pesticide Control Office**

PO Box 2139 • 45 S. Church Street • Sacaton, AZ 85147

Office (520) 562-2234 • Fax (520) 562-3198

Email: GRIC.Pesticide.Office@GRIC.nsn.us



## **Notices to Consumers Requirements (GR-05-14, Section 18.326)**

**Immediately following an application**, Non-agricultural pest management businesses shall provide a written notice to a customer for whom the applicator provides a pest management service that contains the following:

Name and address of the customer;

Specific site to which a pesticide was applied;

Date of service;

Target pest or category of service;

Trade name of pesticide applied;

EPA registration number of restricted use pesticide applied;

Amount of pesticide applied, in terms of percent active ingredient and volume of diluted mixture or in terms of total amount of liquid concentrate, ready-to-use product, granular material, or bait stations;

Name and certification number of the applicator or if the applicator is uncertified, the name of the uncertified applicator and the name and certification number of the applicator providing supervision; and

Following statement printed in at least an eight-point font and shall include the words:

**"WARNING - Pesticides can be harmful. Keep children and pets away from pesticide applications until dry, dissipated, or aerated. For more information contact [applicator's name and certification number] at [applicator's telephone number]."**

**The applicator** may provide the notice required above electronically.

THIS PAGE INTENTIONALLY LEFT BLANK



# Pesticide Code Title 18, Chapter 3 Ordinance GR-05-14



July 2, 2014

Department of Environmental Quality  
Pesticide Control Office



**Mission Statement:**

The Department of Environmental Quality honors the Community's cultural heritage by protecting, conserving, and restoring the Community's environmental resources.

**Vision Statement:**

A healthy, sustainable environment for our future generations.

PO Box 2139 • 45 S. Church Street • Sacaton, AZ 85147  
Office (520) 562-2234 • Fax (520) 562-3198





# GILA RIVER INDIAN COMMUNITY

## SACATON, AZ 85147

### ORDINANCE GR-05-14

**THE GILA RIVER INDIAN COMMUNITY COUNCIL HEREBY AMENDS THE 2009 GILA RIVER INDIAN COMMUNITY CODE BY REPEALING CURRENT TITLE 18, CHAPTER 3 AND ENACTING AN AMENDMENT TO TITLE 18, CHAPTER 3 OF THE GILA RIVER INDIAN COMMUNITY CODE**

**WHEREAS**, the Gila River Indian Community Council (the "Community Council") is the governing body of the Gila River Indian Community (the "Community" or "GRIC"); and

**WHEREAS**, the Community Council is empowered through Article XV, § 1(a)(9) of the Constitution and Bylaws of the Community (March 17, 1960) ("Constitution") to promote and protect the health, peace, morals, education and general welfare of the Community and its members; and

**WHEREAS**, the Community Council is empowered through Article XV, § 1(a)(19) of the Constitution to enact ordinances and laws necessary or incidental to the exercise of the powers granted to the Community Council; and

**WHEREAS**, the power to enact ordinances and laws is an inherent function of self-government that the Community has exercised over the years; and

**WHEREAS**, on April 3, 1996, the Community Council, through Ordinance GR-04-96, adopted the 1996 Pesticide Ordinance, which is now codified at Gila River Indian Community Code, Title 18, Chapter 3; and

**WHEREAS**, the Department of Environmental Quality desires to amend Title 18, Chapter 3 by repealing the 1996 Pesticide Ordinance and enacting the Pesticide Code; and

**WHEREAS**, the 1996 Pesticide Ordinance does not address many of the pesticide activities that occur within the Gila River Indian Reservation, particularly with the growth of agriculture and residential development, which are two areas of vital importance to the Community; and

**WHEREAS**, enacting the 2014 Pesticide Code ("Code") formalizes and establishes uniform requirements and procedures for the safe handling, storage, sale, production, transportation, and application of pesticides within the Reservation, in order to protect the public health, safety and environment of the Community and of all individuals living and/or working within the Reservation; and

**WHEREAS**, the obligation of complying with the Code's requirements are upon any person engaged in a pest management business and any other person falling within its scope; and



- WHEREAS,** the Code appoints the Pesticide Control Office to establish guidelines for integrated pest management programs and to develop application forms, permits, certifications, and registrations; and
- WHEREAS,** the Code establishes requirements and fees for obtaining permits, certifications, registrations and exempted applicators; exempted applicators include Community member owned businesses and Community departments and programs who are exempt from permit fees and Community members are exempt from Community certified applicator certification fees; and
- WHEREAS,** the Code establishes categories in which an applicator must be certified to apply restricted use pesticides, which is required for consistency with Federal requirements; and
- WHEREAS,** the Code establishes various notice requirements prior to application of pesticides and establishes requirements for the sale, disposal, and storage of pesticides, including in service vehicles; and
- WHEREAS,** the Code establishes requirements for the control of wood destroying insects as well as requirements for the use of fumigants; and
- WHEREAS,** the Code includes criminal enforcement for any violation of the Code and includes additional civil enforcement authority for DEQ, including administrative warrants; and
- WHEREAS,** the Code establishes an administrative appeals procedure and the procedures for judicial review of final administrative decisions; and
- WHEREAS,** the Code requires that any person engaged in pest management activities prior to the effective date of this chapter shall have 90 days to come into compliance by obtaining all applicable permits, certifications and registrations; and
- WHEREAS,** the Legislative Standing Committee, Natural Resources Standing Committee, and Economic Development Standing Committee recommend enactment of the 2014 Pesticide Code; and
- WHEREAS,** the Community Council has reviewed the attached 2014 Pesticide Code and finds the Code to be in the best interest of the Community; and
- WHEREAS,** the 2014 Pesticide Code has complied with pre-adoption notification procedures pursuant to Title Eight, Chapter Seven, Section 8.703 of the 2009 Gila River Indian Community Code by publication in the *Gila River Indian News* and at all seven district service centers.



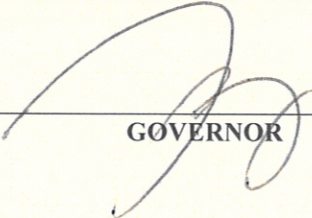
**NOW, THEREFORE, BE IT ENACTED**, that the Gila River Indian Community Council hereby amends the 2009 Gila River Indian Community Code by repealing current Title 18, Chapter 3, and enacts and codifies the new Title 18, Chapter 3, Pesticide Code, which is attached to this ordinance, effective on the date enacted by the Community Council.

**BE IT FINALLY ENACTED**, that the Governor or, in the Governor's absence, the Lieutenant Governor is hereby authorized to take all the necessary steps to carry out the intent of this enactment.

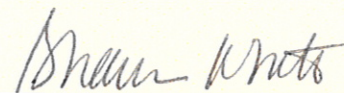
**CERTIFICATION**

Pursuant to authority contained in Article XV, Section 1, (a) (7), (9), (18), (19), (b) (8), (10), and Section 4 of the amended Constitution and Bylaws of the Gila River Indian Community, ratified by the tribe January 22, 1960, and approved by the Secretary of the Interior on March 17, 1960, the foregoing ordinance was adopted on the 2nd of July 2014, at a regular Community Council meeting held in District 3, Sacaton, Arizona at which a quorum of 14 Members were present by a vote of: 14 FOR; 0 OPPOSE; 0 ABSTAIN; 3 ABSENT; 0 VACANCIES.

GILA RIVER INDIAN COMMUNITY

  
\_\_\_\_\_  
GOVERNOR

ATTEST:

  
\_\_\_\_\_  
COMMUNITY COUNCIL SECRETARY



RECEIVED  
PIMA AGENCY

JUL 10 2014

BUREAU OF INDIAN AFFAIRS  
SACATON ARIZONA

## CHAPTER 3. PESTICIDE CODE

- 18.301. Title.
- 18.302. Authority.
- 18.303. Purpose.
- 18.304. Definitions.
- 18.305. Applicability.
- 18.306. Adoption by Reference.
- 18.307. Severability.
- 18.308. Pesticide Control Office.
- 18.309. Pesticide Fund.
- 18.310. Pesticide Management Areas.
- 18.311. Integrated Pest Management Program.
- 18.312. Criteria for Application Forms, Permits, Certifications, and Registrations
- 18.313. Requirements to Obtain Permits, Certifications, and Registrations; Exempted Applicators.
- 18.314. Permits, Certifications, and Registration Fees.
- 18.315. Denial of Permits, Certifications, and Registrations.
- 18.316. Duration of Permits, Certifications, and Registrations; Renewals, Office's Timeline for Issuing Permits, Certifications, and Registrations.
- 18.317. Restricted Use Pesticides; General.
- 18.318. Restricted Use Pesticides; Categories of Certified Applicators.
- 18.319. Office Request for Records.
- 18.320. Pest Management Business Records.
- 18.321. Regulated Growers Records.
- 18.322. Seller Records.
- 18.323. Pest Control Advisor Records.
- 18.324. Advance Notice of Pesticide Applications to the Office.
- 18.325. Notification of Pesticide Applications to Schools; School Duties; Exemptions.

- 18.326. Notices to Consumers.
- 18.327. Notification of Spillage; Clean-up Procedures.
- 18.328. Pesticide Sales.
- 18.329. General Provisions for Pesticide Usage.
- 18.330. Pesticide Usage; Ground Application of Pesticides Restrictions.
- 18.331. Pesticide Usage; Aerial Agricultural Pesticide Application Restrictions.
- 18.332. Pesticide Storage.
- 18.333. Requirements for Service Vehicles.
- 18.334. Pesticide and Pesticide Container Disposal.
- 18.335. Wood Destroying Insect Control; Certifications Required.
- 18.336. Treatment of Wood Destroying Insects; General Provisions.
- 18.337. Wood Destroying Insect Action Report.
- 18.338. Fumigation.
- 18.339. Violations.
- 18.340. Civil Enforcement.
- 18.341. Criminal Enforcement.
- 18.342. Administrative Appeals Procedures.
- 18.343. Judicial Review of Final Administrative Decisions.
- 18.344. Effective Date.
- 18.345. Transition Period.



## CHAPTER 3. PESTICIDE CODE

### 18.301. Title.

This chapter may be cited and referred to, and shall be known as, the Gila River Indian Community Pesticide Code (the “Pesticide Code”).

### 18.302. Authority.

A. The Community enacts this chapter under its inherent civil legislative, adjudicative and regulatory authority pursuant to the express delegation of authority by Congress under the Indian Reorganization Act, 25 U.S.C. § 461 *et seq.*, which provides the Community authority to organize, adopt the Constitution and Bylaws of the Community (March 17, 1960) and enact laws and ordinances governing conduct within the exterior boundaries of the Reservation, 25 U.S.C. § 476.

B. The Community enacts this chapter to regulate certain activities within the Reservation as prescribed by *Montana v. United States*, 450 U.S. 544 (1981). The Community finds that persons engaged in conduct or activities within the Reservation pursuant to a commercial dealing, lease agreement, contract, permit, license, certification, registration, or other arrangement have voluntarily agreed to the jurisdiction of the Community and are subject to regulation under the laws, ordinances and regulations of the Community. The Community finds that the activities regulated under this chapter, if left unregulated, pose an imminent threat to the political integrity, economic security, health, welfare and environment of the Community.

C. Further, separate from *Montana* and pursuant to the Community’s sovereign power to exclude nonmembers, the Community enacts this chapter to regulate certain activities occurring on tribal land within the Reservation and affirms the Community’s adjudicatory authority over such certain activities occurring on tribal land within the Reservation as prescribed by *Water Wheel Camp Recreational Area, Inc. v. LaRance*, 642 F.3d 802 (9th Cir. 2011).

D. The authority to manage and regulate the handling, storage, selling, production, transportation, and application of pesticides within the Reservation inherently lies within the retained sovereign power of the Community.

### 18.303. Purpose.

A. It is the intent and purpose of this chapter to formalize and establish uniform requirements and procedures for the safe handling, storage, sale, production, transportation, and application of pesticides within the Reservation, in order to protect the public health, safety and environment of the Community and of all individuals living and/or working within the Reservation. Its provisions shall be liberally construed to facilitate the accomplishment of these purposes.

B. It is the specific intent of this chapter to place the obligation of complying with this chapter's requirements upon any person engaged in a pest management business, and any other person falling within its scope. No provision of this chapter shall be construed to create or to form the basis for liability on the part of the Community or its officers, employees, or agents, for any alleged injury or damage arising from the adoption, administration, application, implementation, or enforcement of this chapter.

**18.304. Definitions.**

A. Unless a term is defined in this section, the terms used in this chapter have the meanings as defined in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and if not defined in FIFRA, the common meanings as found in a Webster's dictionary. A term defined in this section does not replace a term defined in FIFRA, but only expands upon the FIFRA definition to explain how the FIFRA term is applied in the Community.

1. *Administrative law judge* means an individual with experience and expertise in the law, appointed by the Executive Office, who sits as the trier of fact, applies the law in conducting and issuing rulings, and recommends a decision in administrative hearings called for in this chapter.
2. *Aircraft pilot* means a person who is licensed by the Federal Aviation Administration to operate an aircraft and who also is a Community certified applicator, certified by the Office to apply pesticides within the Reservation from the aircraft while in flight over the Community.
3. *Applicator* means an individual who uses or supervises the use of a pesticide within the Reservation and can include a certified applicator, a Community applicator, or a Community certified applicator.
4. *Agricultural pesticide* means a pesticide used in the production of agricultural commodities.
5. *Certified applicator* means either of the following:
  - a. An Arizona Department of Agriculture certified private applicator; or
  - b. An U.S. EPA, or other federal, state, or tribal government's certified commercial applicator, if the U.S. EPA has approved the other federal, state, or tribal government under 40 CFR Part 171 to certify commercial applicators to use restricted use pesticides.
6. *Commercial applicator* means a certified applicator who uses or supervises the use of any pesticide which is classified for restricted use on any property other

than property owned or controlled by the applicator, the applicator's employer, or another person, if the application is performed without compensation.

7. *Community* or *GRIC* means the Gila River Indian Community.
8. *Community applicator* means either an employee of a Community governmental entity or a Community member, which the Office certifies in accordance with the provisions of this chapter to use or supervise the use of any general use pesticides within the Reservation.
9. *Community certified applicator* means a certified applicator that the Office certifies in accordance with the provisions of this chapter to use or supervise the use of any restricted use pesticides within the Reservation.
10. *Community Council* means the Gila River Indian Community Council.
11. *Community Court* means the trial court of the Gila River Indian Community.
12. *Department* means the Gila River Indian Community, Department of Environmental Quality.
13. *Director* means the Executive Director of the Gila River Indian Community, Department of Environmental Quality.
14. *Direct supervision* means that a pesticide is applied by a person acting under the instructions and control of a certified applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is applied.
15. *Executive Office* means the Governor, or the Chief Executive Officer of the Community pursuant to the Constitution and Bylaws of the Community, approved March 17, 1960, or his or her designee.
16. *FIFRA* means the Federal Insecticide, Fungicide, and Rodenticide Act of 1996, 7 U.S.C. § 136 *et seq.*, as amended. For purposes of this chapter, the term FIFRA also includes the regulations adopted thereunder, as codified in 40 CFR Chapter I Subchapter E Parts 150 through 189.
17. *Final grade treatment* means the establishment of vertical barriers at the exterior of foundation walls in stem wall construction or at the exterior of grade beams in monolithic construction.
18. *Form 1080* means the Arizona Department of Agriculture document used to provide notice of commercial applications of agricultural pesticides.

19. *General Counsel* means the Gila River Indian Community Office of General Counsel and staff and other attorneys retained by the Community.
20. *General use pesticide* means any pesticide classified as a general use pesticide by the U.S. EPA pursuant to section 3 of FIFRA, 7 U.S.C. § 136a(d).
21. *Integrated pest management* means a sustainable approach to managing pests by combining biological, cultural, physical, and chemical tools in a way that minimizes economic, health and environmental risks.
22. *Label* means the written, printed or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers, including its labeling.
23. *Labeling* means all labels and other written, printed or graph matter which is:
  - a. Accompanying the pesticide or device at any time, or
  - b. Referenced on the label or in literature accompanying the pesticide or device, except when accurate, non-misleading reference is made to current official publications of a United States governmental agency or the official pesticide registration agencies of the State of Arizona.
24. *Marketplace* means an establishment that sells food and other general merchandise commonly used by a person in household and office environments.
25. *New-construction treatment* means a termite treatment that complies with standards in this chapter, protects all cellulose components of a structure from subterranean termites, and is performed after a permanent concrete slab foundation is installed or after footings and supports for a raised foundation are installed, but before the structure or a final grade is completed.
26. *Office* means the Department of Environmental Quality's Pesticide Control Office of the Gila River Indian Community.
27. *Office approval* means any of the methods the Office uses to allow a person to conduct a pesticide regulated activity. Examples of Office approval include, but are not limited to: permits, registrations, certifications, and approval letters.
28. *Person* means any individual, public or private corporation, company, partnership, firm, business, association or society of persons, whether incorporated or not, and any governmental agency or other governmental subdivision, including the Community and any of its divisions, departments, programs, enterprises or companies, unless expressly provided otherwise.

29. *Person-in-charge* means an individual who has passed the National Pesticide Applicator Certification Core exam and who is employed by a seller of a restricted use pesticide or an agricultural pesticide.
30. *Pest* means any weed, insect, vertebrate pest, nematode, fungus, virus, bacteria or other pathogenic organism that is in an undesirable location, and any other form of terrestrial or aquatic plant or animal life, exception virus, bacteria or other microorganisms on or in living humans or other living animals, which the Director declares to be a pest for the purpose of enforcement of this chapter.
31. *Pest control advisor* means an individual licensed by the Arizona Department of Agriculture as a “pest control advisor” or “agricultural pest control advisor.”
32. *Pest management business* means all of the following:
  - a. A business licensed by the Arizona Department of Agricultural as a custom applicator that employs a certified applicator for the purpose of using pesticides to control pests within the State of Arizona.
  - b. A business licensed by the Arizona Office of Pest Management to engage in the business of structural pest control that employs a certified applicator for the purpose of using pesticides to control pests within the State of Arizona.
  - c. A federal governmental agency that employs a certified applicator for purpose of using pesticides to control pests within the State of Arizona.
  - d. A state agency or a political subdivision of the State of Arizona that employs a certified applicator for the purpose of using pesticides to control pests within the State of Arizona.
  - e. A Community government entity that employs either of the following:
    1. A Community certified applicator for the purpose of using a restricted use pesticide while engaged in the performance of official duties to control pests within the Reservation; or
    2. A Community applicator for the purpose of using a general use pesticide while engaged in the performance of official duties to control pests within the Reservation.
  - f. A Community member that is a Community applicator and offers for compensation to use general use pesticides for the purpose of controlling pests within the Reservation.



33. *Pesticide* means any substance or mixture of substances intended to be used for defoliating plants or for preventing, destroying, repelling or mitigating arthropods, including insects and arachnids, fungi, bacteria, microbe, weed, rodent, predatory animal or any form of plant or animal life that is a pest and may infest or be detrimental to vegetation, humans, animals or households or be present in any environment.
34. *Pesticide regulated activity* means any activity involving the use of a pesticide when that activity is regulated under this chapter. Examples of pesticide regulated activities include, but are not limited to, the production, transportation, storage, sale, use, and disposal of pesticides, pesticide containers, and pesticide devices, as well as using an animal to assist with identifying infestations or making inspections for the purpose of identifying or attempting to identify infestations.
35. *Post-construction treatment* means a termite treatment to control subterranean termites or other wood destroying insects in an existing structure, and is performed after all soil disturbance associated with construction is complete and after an applicator has completed an inspection of the structure and a treatment proposal.
36. *Pre-construction treatment* means a termite treatment that protects all cellulose components of a structure from subterranean termites, which is performed before a permanent concrete slab foundation is installed or in conjunction with establishing footings and supports for a raised foundation, and establishes thorough and complete horizontal and vertical termiticide treated barriers.
37. *Private applicator* means a certified applicator who uses or supervises the use of any pesticide which is classified for restricted use for the purposes of producing an agricultural commodity on property owned or controlled by the applicator or the applicator's employer or (if applied without compensation other than the trading of personal services between producers of agricultural commodities) on the property of another person.
38. *Producer* means a person who manufactures, compounds, propagates, processes, or repackages any pesticide or device or active ingredient used in producing a pesticide. The dilution by individuals of formulated pesticides for their own use and according to the directions on registered labels shall not of itself result in such individuals being "producers" for the purposes of this chapter.
39. *Regulated grower* means a person who acquires or purchases pesticides or contracts or otherwise arranges for the application of pesticides to agricultural commodities or onto an agricultural establishment, as a part of the person's

normal course of employment or activity as an owner, lessee, sublessee, sharecropper, or manager of the land to which the pesticide is applied.

40. *Reservation* means any land within the exterior boundaries of the Gila River Indian Reservation, including fee patented and allotted lands used or claimed by any person, without regard to such person's membership in the Gila River Indian Community, and any land outside such boundaries held in trust for the Community or any of its members by the United States, including the Toka Sticks Golf Course located at 6910 Williams Field Road in Mesa, Arizona, and any other land constituting Indian Country within the meaning of 18 U.S.C. § 1151 or any successor provision.
41. *Restricted use pesticide* means any pesticide classified as a restricted use pesticide by the U.S. EPA pursuant to section 3 of FIFRA, 7 U.S.C. § 136a(d), and identified as such or required to be identified as such by the product label.
42. *School* means any educational institution that provides instruction in kindergarten programs, grades one through twelve and pre-kindergarten programs, such as the Community's Early Education Child Care Centers and Head Start Programs.
43. *Seller* means any person selling or offering for sale a restricted use pesticide.
44. *To Use Any Registered Pesticide In A Manner Inconsistent With Its Labeling* means to use any registered pesticide in a manner not permitted by the labeling, except that the term shall not include:
  - a. Applying a pesticide at any dosage, concentration, or frequency less than that specified on the labeling unless the labeling specifically prohibits deviation from the specified dosage, concentration, or frequency;
  - b. Applying a pesticide against any target pest not specified on the labeling if the application is to the crop, animal, or site specified on the labeling, unless the labeling specifically prohibits use against the pest;
  - c. Employing any method of application not prohibited by the labeling unless the labeling specifically states that the product may be applied only by the methods specified on the labeling;
  - d. Mixing a pesticide or pesticides with a fertilizer when such mixture is not prohibited by the labeling;
  - e. Using a pesticide in conformance under FIFRA section 5, 7 U.S.C. § 136c, section 18, 7 U.S.C. § 136p, or section 24, 7 U.S.C. § 136v.
45. *U.S. EPA* means the United States Environmental Protection Agency.

46. *Wood destroying insect* means any insect including subterranean termites, dry wood termites, powder post beetles and carpenter ants, which cause damage to any wood or cellulose material.
47. *Worker Protection Standard* means the Worker Protection Standard codified under 40 CFR Part 170, which is hereby adopted by reference and incorporated into and part of this chapter with the exception of the five year time frame specified in § 170.230(a), which for the purpose of this chapter shall be three years.

**18.305. Applicability.**

A. The provisions of this chapter shall apply to all persons and property within the Reservation, except as otherwise provided herein.

B. The use of pesticide is regulated by its label and labeling. It is a violation of FIFRA and this chapter to use any registered pesticide in a manner inconsistent with its labeling. While this chapter may impose additional requirements on the use of a pesticide, a person shall not construe a Pesticide Code requirement as permission to use the pesticide in violation of its labeling.

**18.306. Adoption by Reference.**

FIFRA, as defined in this chapter and including any amendments that may be in effect at the time of the activity regulated pursuant to this chapter, is hereby adopted by reference and incorporated as part of this chapter. If a provision of this chapter is more stringent than a provision of FIFRA, then a person shall comply with the more stringent provision of this chapter.

**18.307. Severability.**

The provisions of this chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this chapter, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances.

**18.308. Pesticide Control Office.**

A. Establishment. The Pesticide Control Office is hereby established within the Department of Environmental Quality.

B. Powers and Duties. The Office is hereby designated as the Community's lead department responsible for administering this chapter and is authorized to exercise all of the legal authority necessary for this purpose, including, but not limited to, the following:

1. Enforcing this chapter, consistent with the provisions specified herein;

2. Proposing amendments to this chapter and the permit systems from time to time to reflect amendments to FIFRA, the Worker Protection Standard and other information, experiences, or developments warranting the proposal of amendments hereto;
3. Adopting reasonably necessary regulations, policies and procedures consistent with requirements under Community law and federal law regarding pesticide use for the protection of the health, safety and welfare of the Community provided that the Office:
  - a. Provides affected parties an opportunity to comment on proposed regulations, including holding a public hearing if a public hearing is requested;
  - b. Prepares a responsive summary that addresses the comments received and provides a copy of the responsive summary to the person(s) submitting the comments and person(s) attending the public hearings if held; and
  - c. Submits for review and approval a copy of the proposed regulations and responsiveness summary to the Natural Resources Standing Committee.
4. Maintaining a record of its acts and proceedings, including the issuance, denial, renewal, suspension, or revocation of certifications, permits, and registrations;
5. Developing and submitting to the U.S. EPA as necessary for approval, a certification and training plan as authorized under FIFRA, 7 U.S.C. § 136u, that is in compliance with 40 CFR Part 171. Such plan will set forth the requirements for a certified applicator to become a Community certified applicator in categories specified in this chapter and any subcategories that the Office may deem necessary. Once the U.S. EPA approves the certification and training plan, the Office shall be responsible for administering and updating of said approved plan;
6. Developing and administering standards for the training and certification of Community applicators in categories specified in this chapter and any subcategories that the Office may deem necessary;
7. Issuing and enforcing permits, registrations, and certifications under the provisions of this chapter;
8. Hiring Pesticide Control Officers and other staff as needed and as funding allows;
9. Utilizing all reasonably available resources and services to monitor activities regulated under this chapter;

10. Imposing emergency restrictions, requirements, controls, and prohibitions regarding regulated activities as necessary to protect the health, safety and welfare of the Community against hazards posed by pesticide usage considering all reasonable accessible data and information as may appear technically and scientifically credible. If the Office determines that an emergency exists requiring an immediate pesticide application, the Office may authorize such emergency pesticide application.
11. Assessing notice of violations, administrative compliance orders and fines, civil fines, suspending or revoking permits, certifications, or registrations, and assessing penalties for violations of any provision of this chapter in accordance with Section 18.340;
12. Working cooperatively with federal, tribal, state, county, and municipal government agencies and contracting with appropriate private parties, businesses, and technicians to coordinate pest management activities, including entering into intergovernmental agreements as appropriate for optimal coordination, cooperation, and assistance in relation to regulated activities;
13. Designating residential and institutional areas located adjacent to farmlands as pesticide management areas;
14. Delegating authority to authorized representatives of the Office to conduct inspections, investigations, sampling, observations, inquiries and enforcement of any provision of this chapter;
15. Enforcing FIFRA and the pesticide regulations adopted there under as codified in 40 CFR, Chapter I, Subchapter E., as applicable;
16. Maintaining a public educational outreach program focused on pesticide safety;
17. Maintaining a compliance assistance program; and
18. Performing such other duties and responsibilities as it deems necessary to implement this chapter.

**18.309. Pesticide Fund.**

A. The pesticide fund in existence as of the effective date of this chapter shall remain in effect.

B. The Office may use the pesticide fund to administer this chapter in accordance with the special revenue fund plan of operation and pursuant to an approved budget to include, but not limited to, the purchasing of educational and outreach materials, sampling and the



laboratory testing of pesticide residue, compliance and enforcement, and the training of the Office's staff.

C. All fees and any monies collected as a result of violations of this chapter shall be deposited with the Community Treasurer to be credited to the pesticide fund. The Department shall report annually to the Community Council on the sums deposited into the fund, including the sources and uses thereof. Any monies contained in the fund at the end of any fiscal year shall not revert to the general fund, but shall remain available for appropriation as provided in this section.

### **18.310. Pesticide Management Areas.**

A. The Pesticide Management Areas, in existence as of the effective date of this chapter, are hereby adopted by reference and incorporated herein. The Office shall develop guidelines for the establishment of new pesticide management areas and changes to the boundaries of existing pesticide management areas. In developing the guidelines, the Office shall consider the number of residences, public areas and structures located near agricultural fields. The Office shall provide written notice to all affected parties of the establishment of new pesticide management areas and changes to existing pesticide management areas. The Office shall prepare, date, keep on file and make available upon request maps identifying the location of all new and existing pesticide management areas and the location of the existing pesticide management areas and any changes thereto.

B. If the Office determines that an agricultural emergency under this chapter exists, the Office may suspend any pesticide application restrictions imposed on pesticide management areas during the time of the emergency. The Office shall show in writing, its reasons for the determination of an agricultural emergency. In making the determination of an agricultural emergency, the Office shall consider the following criteria:

1. Whether the health, welfare, or safety of the Community is threatened;
2. Whether a natural cause exists such as a boll weevil, whitefly, or other infestation of insects that threatens the economic viability of crops or ongoing weather conditions such as muddy or flooded fields precludes use of alternative treatment options; and
3. Whether a significant loss to the crop will result from any organism determined to be a pest.

C. The Office shall prohibit aerial pesticide applications by fixed wing aircraft within a pesticide management area, unless the Director determines an agricultural emergency exists.

D. The Office may allow aerial pesticide applications by helicopter and ground applications at any time within a pesticide management area.

**18.311. Integrated Pest Management Program.**

The Office shall prepare guidelines for an integrated pest management program that will consider the following elements:

- A. The identification of pests.
- B. The establishment of a monitoring and record keeping system for regular sampling and assessment of pest populations.
- C. The determination of the pest population levels that can be tolerated based on aesthetic, economic and health concerns and setting action thresholds if pest problems or environmental conditions warrant remedial action.
- D. The prevention of pest problems through sanitation, the management of waste, the addition of physical barriers and the modification of habitats that attract and/or harbor pests.
- E. A preference for reliance on nontoxic, biological, cultural or mechanical pest management methods or reliance on the use of natural control agents.
- F. The use of chemical pesticides, if necessary, with preference for products that are the least harmful to human health and the environment.

**18.312. Criteria for Application Forms, Permits, Certifications, and Registrations**

A. The Office shall develop an application form for each of the following: a pesticide use permit, an applicator certification, a producer registration, a seller registration, a pest control advisor registration, and other pest management activities that the Office determines is necessary for the safe use of pesticides within the Community. All applications, permits, certifications, and registrations shall include an affirmation that the permittee, certified or registered person voluntarily consents to the jurisdiction of the Gila River Indian Community and its civil regulatory authority for any and all activities authorized by this chapter, including the authority of the Office to conduct investigations of violations of this chapter and inspections of facilities, offices, aircrafts, etc., whether located on or off the Gila River Indian Community. The application forms shall indicate if the application is for a new application or for a renewal. If a renewal application, the Office may waive the submission of duplicative supportive documentation that was received during the applicant's initial application submission. The Office shall use the following criteria and may use any other reasonable criteria the Office deems necessary in developing the forms.

1. *Pesticide Use Permit.* The pesticide use permit application form and other information required prior to approval of the application shall include all of the following, unless otherwise stated:
  - a. The applicant's contact information and information pertaining to the applicant's business and qualifications.
  - b. The designation of the applicant's principal office location and each branch office doing business within the Reservation and the address where the records required to be maintained under Section 18.319 to Section 18.323 will be kept;
  - c. A copy of the documents, such as licenses, permits, certifications, and registrations, required under state pesticide laws that allows the applicant to operate a pest management business in the State of Arizona. The documents must be valid at the time of submittal. The document submittal requirement does not apply to federal or Arizona governmental agencies, Community governmental departments and programs or to Community applicators.
  - d. A copy of the documents, such as licenses, permits, certifications, and registrations, required under this chapter, state pesticide laws or FIFRA for each certified, Community, or Community certified applicator.
  - e. If the applicant is a regulated grower, a listing of the applicators, pesticide workers and pesticide handlers with their U.S. EPA Worker Protection Standard identification numbers including its date of issuance.
  - f. If the applicant is a regulated grower, the submission of a map indicating the land to which the applicant intends to apply or have pesticides applied. The map shall have a unique identifier for each farm field and indicate the size of each farm field in acres.
  - g. The submittal of proof of financial responsibility to cover claims of injury, illness, death, or property damage resulting from pesticide use. Such proof shall consist of a certificate of liability insurance or a surety bond endorsed in favor of the Community and shall be maintained at all times in the amount of at least \$100,000 for property damage, \$100,000 for personal death, injury or illness, and \$100,000 for public liability. The requirement to provide proof of financial responsibility does not apply to Community governmental departments and programs, regulated growers and seed treaters.

- h. The payment of any fees associated with the initial issuance and renewals of the permit. The fee requirement does not apply to Community governmental departments and programs, Community applicators, and Community members.
  - 2. *Applicator Certification.* The applicator certification application form and other information required prior to approval of the application shall include the following:
    - a. The applicant's contact information, whether the application is for a Community certified applicator or a Community applicator.
    - b. The application form for a Community certified applicator shall also include the following criteria:
      - 1. A copy of the restricted use pesticides certifications the applicant holds in the categories listed in Section 18.318.
      - 2. The name and contact information of the pest management business or regulated grower for which the Community certified applicator is employed.
      - 3. Aircraft pilot Community Certified applicators shall also include a copy of their valid commercial pilot certificate issued by the Federal Aviation Administration or State Agricultural Aircraft Pilot License, and the name and contact information of the pest management business employing them.
    - c. The Office shall only issue a Community certified applicator certification to a person that has a certification to apply restricted use pesticides from the U.S. EPA or from any federal, state, or tribal government that has been authorized by the U.S. EPA pursuant to 40 CFR Part 171. The Community certified applicator certification issued by the Office shall authorize that person to engage only in the activity or activities explicitly authorized in the copy of the federal, state, or tribal certification that the applicator submitted.
    - d. The application form for a Community applicator shall verify that the applicant has attended an Office sponsored Community applicator training.
  - 3. *Producer Registration.* The producer registration application form and other information required prior to approval of the application shall include all of the following:

- a. The applicant's contact information;
  - b. For the initial producer registration:
    - 1. The current U.S. EPA's establishment number issued to the producing establishment; and
    - 2. A list of the pesticides being produced, each pesticide's active ingredients, each pesticide's U.S. EPA registration number, and a complete copy of each pesticide's label.
  - c. After the initial producer registration, the producer shall submit an annual report that contains information about the pesticides that were produced during the past year, and sold or distributed during the past year. The producer may submit the annual report to the Office at the same time the producer is required to submit to the Department other reports containing similar information, but in no case shall the reports be submitted after March 31 of the calendar year of the renewal. If the producer fails to submit the annual report by March 31 of the calendar year, then the Office shall revoke or suspend the registration until the annual report is received.
4. *Seller Registration.* The seller registration application form and other requirements required for approval of the application shall include the following:
- a. The applicant's contact information, the name and contact information of the person-in-charge and the location where records required to be maintained under Section 18.322 will be kept.
5. *Pest control advisor registration.* The application form and other information required prior to approval of the application shall include the applicant's contact information, the applicant's employer contact information, and the location where records required to be maintained under Section 18.323 will be kept.
- B. The Office shall include the following provisions on each application form, as well as each certification, permit, and registration issued, to inform a person that by signing the application form, or by receiving a certification, permit or registration, such person is:
- 1. Agreeing to submit to the enforcement authority of the Office, including allowing the Office to inspect at locations outside the Reservation for the following reasons, including, but not limited to:
    - a. The applicant's mixing and loading of pesticides onto a service vehicle or aircraft, when the pesticides are intended for use within the Reservation, and

- b. The applicant's records of pesticide use within the Reservation;
2. Agreeing to submit to the jurisdiction of the administrative law judge, the Community Court, and the Community Court of Appeals for the express purposes of enforcement of this chapter;
3. Certifying the information contained in the application is true and accurate;
4. Acknowledging the receipt of a copy of this chapter and that the applicant understands their duties and responsibilities as contained in this chapter and any conditions imposed during the permitting process; and
5. Acknowledging that any person, including a person who is not an Indian, who knowingly violates any provision of this chapter may be assessed a civil penalty; that any person under the criminal jurisdiction of the Community may also be subject to criminal prosecution; and that any person who is not a member of the Community may also be subject to GRIC Code Title Eight, Chapter One, Removal or Exclusion of Non-Members.

**18.313. Requirements to Obtain Permits, Certifications, and Registrations; Exempted Applicators.**

A. Pesticide Use Permit. The following persons shall obtain a pesticide use permit before engaging or offering to engage in a pesticide regulated activity:

1. Owners or operators of a pest management business;
2. Regulated growers; and
3. Seed treaters

B. Producer Registration. A person wishing to be a producer shall obtain a producer registration before establishing a production facility and beginning the production of a pesticide product.

C. Community Certified Applicator Certification. An applicator shall obtain a Community certified applicator certification before offering to use, using, or supervise the use of a restricted use pesticide.

D. Community Applicator Certification. An applicator who otherwise does not possess a Community certified applicator certification or a certified applicator certification shall obtain a Community applicator certification before offering to use, using, or supervise the use of a general use pesticide.



E. Seller Registration. A person shall obtain a seller's registration before selling or offering to sell restricted use pesticides.

F. Pest Control Advisor. A pest control advisor shall register with the Office prior to making any recommendations on a Form 1080 or being employed as a person-in-charge.

G. Exempted Applicators. The following persons are exempt from the requirement to obtain a Community certified applicator certification under Section 18.313.C., and a Community applicator certification under Section 18.313.D.:

1. Persons applying general use pesticides on property where they reside.
2. Persons using ready to use non-restricted consumer pesticide products and non-restricted antimicrobial pesticide products.
3. Regulated growers applying general use pesticides on farm fields identified in their pesticide use permit application.
4. Any person making integrated pest management recommendations, conducting integrated pest management training, or offering integrated pest management consultation, if that person is following the Office's integrated pest management guidelines and not acting in the capacity of pest control advisor.
5. Applicators acting under the authority of a Community government department or program while in an emergency response.
6. Applicators acting under the authority of a federal or state government agency or political subdivision of the state while in an emergency response, provided that said agency provides to the Office for approval an advance written notice containing the reasons for the emergency and their plan for pesticide usage.
7. A person employed by a landscaping business that is exempt under Section 18.313.H.

H. Exempted Businesses: A landscaping business utilizing application equipment that collectively holds less than four gallons of mixed herbicide, except if the landscaping business' main purpose of business is weed control, is exempt from the requirement to obtain a Pesticide Use Permit under Section 18.313.A. To be exempt, there shall be no more than one piece of application equipment in use by the landscaping business at an address and the landscaping business shall not use herbicides that are sterilants, pre-emergents, or labeled with the words "restricted use."

**18.314. Permits, Certifications, and Registration Fees.**

The applicant shall remit a fee as follows with each application for a permit, certification and registration:

A. A pest management business shall remit the following fees for a pesticide use permit:

1. \$150 for a new application; and
2. \$100 for a renewal application.
3. A pest management business that fails to renew its permit within 30 calendar days after the expiration date of the permit shall remit the new application fee with its next application for a pesticide use permit.
4. Community government departments, programs and Community member owned pest management businesses are exempt from paying the pesticide use permit fee but must submit the required documents for a pesticide use permit.

B. A regulated grower shall remit the following fees for a pesticide use permit:

1. \$100 for a new application; and
2. \$50 for a renewal application.
3. A regulated grower that fails to renew its permit within 30 calendar days after the expiration date of the permit shall remit the new application fee with its next application for a pesticide use permit.
4. Community members are exempt from paying the pesticide use permit fee but must submit the required documents for a pesticide use permit.

C. A seed treatment establishment shall remit the following fees for a pesticide use permit:

1. \$100 for a new application; and
2. \$50 for a renewal application.
3. A seed treatment establishment that fails to renew its permit within 30 calendar days after the expiration date of the permit shall remit the new application fee with its next application for a pesticide use permit.

D. A producer shall remit a registration fee of \$50 with the registration of its production facility.

E. A seller shall remit a registration fee of \$50 with the registration of its facility.

F. An applicator shall remit the following fees for a Community certified applicator certification.

1. \$20 for a new application; and
2. \$10 for a renewal application;
3. A Community certified applicator that fails to renew their certification within 30 calendar days after the expiration date of the certification shall remit the new application fee with their next application for a certification.
4. Employees of Community government departments, programs and Community members are exempt from paying the Community certified applicator certification fee but must submit the required documents for a certification.

G. Community applicators are exempt from paying a fee.

H. A pest control advisor shall remit a fee of \$50 with the pest control advisor's registration.

**18.315. Denial of Permits, Certifications, and Registrations.**

The Office may deny a request for a permit, certification, or registration if the Office determines that the applicant does not or will not meet the requirements of this chapter. The Office may deny a permit, certification, or registration to an otherwise qualified applicant that has had a similar permit, certification, or registration revoked and may continue to deny the permit, certification, or registration for up to three years from the date of the initial revocation of the permit, certification, or registration.

**18.316. Duration of Permits, Certifications, and Registrations; Renewals, Office's Timeline for Issuing Permits, Certifications, and Registrations.**

A. A Community certified applicator certification shall expire on the same date as the authorizing certification pursuant to Section 18.312.A.2.b. All other permits, certifications, and registrations shall be valid for one calendar year. A permit, certification, or registration shall not be transferable. The holder of a permit, certification, registration or any other prior written approval must renew said permit, certification, registration or other written approval on an annual basis.

B. The Office shall issue the permit, certification, or registration to a qualified applicant as soon as practicable after receipt of the application form, provided the application is complete, the applicant remitted the appropriate fee, and the requirements of this chapter are met. As used in this paragraph "as soon as practicable" will vary depending on Office staffing, funding and workload and shall not be construed to be less than 20 business days after the Office determines the application to be complete.

**18.317. Restricted Use Pesticides; General.**

Any person engaging in a pesticide regulated activity involving a restricted use pesticide shall do so only in strict conformity with the terms and provisions of this chapter, the Office's policies, and regulations issued pursuant thereto.

**18.318. Restricted Use Pesticides; Categories of Community Certified Applicators.**

A. A Community certified applicator wishing to use or supervise the use of a restricted use pesticide within the Reservation shall be certified in one or more of the following categories; and may only use or supervise the use of a restricted use pesticide in the categories for which the Community certified applicator is certified.

1. Agricultural pest control.
  - a. Plant. This category includes commercial applicators using or supervising the use of restricted use pesticides in production of agricultural crops, including without limiting the foregoing, tobacco, peanuts, cotton, feed grains, soybeans and forage; vegetables; small fruits; tree fruits and nuts; as well as on grasslands and non-crop agricultural lands.
  - b. Animal. This category includes commercial applicators using or supervising the use of restricted use pesticides on animals, including without limiting the foregoing, beef cattle, dairy cattle, swine, sheep, horses, goats, poultry, and livestock, and to places on or in which animals are confined. Doctors of veterinary medicine engaged in the business of applying pesticides for hire, publicly holding themselves out as pesticide applicators, or engaged in large-scale use of pesticides are included in this category.
2. Forest pest control. This category includes commercial applicators using or supervising the use of restricted use pesticides in forests, forest nurseries, and forest seed producing areas.
3. Ornamental and turf pest control. This category includes commercial applicators using or supervising the use of restricted use pesticides to control pests in the maintenance and production of ornamental trees, shrubs, flowers, and turf.
4. Seed treatment. This category includes commercial applicators using or supervising the use of restricted use pesticides on seeds.
5. Aquatic pest control. This category includes commercial applicators using or supervising the use of any restricted use pesticide purposefully applied to standing

or running water, excluding applicators engaged in public health related activities included in Section 18.318.A.8.

6. Right-of-way pest control. This category includes commercial applicators using or supervising the use of restricted use pesticides in the maintenance of public roads, electric power lines, pipelines, railway rights-of-way or other similar areas.
7. Industrial, institutional, structural and health related pest control. This category includes commercial applicators using or supervising the use of restricted use pesticides in, on, or around food handling establishments, human dwellings, institutions, such as schools and hospitals, industrial establishments, including warehouses and grain elevators, and any other structures and adjacent areas, public or private; and for the protection of stored, processed, or manufactured products.
8. Public health pest control. This category includes State, Federal or other governmental employees using or supervising the use of restricted use pesticides in public health programs for the management and control of pests having medical and public health importance.
9. Regulatory pest control. This category includes State, Federal or other governmental employees who use or supervise the use of restricted use pesticides in the control of regulated pests.
10. Demonstration and research pest control. This category includes:
  - a. Individuals who demonstrate to the public the proper use and techniques of application of restricted use pesticides or supervise such demonstration; and
  - b. Persons conducting field research with pesticides, and in doing so, use or supervise the use of restricted use pesticides. Included in the first group are such persons as extension specialists and county agents, commercial representatives demonstrating pesticide products, and those individuals demonstrating methods used in public programs. The second group includes: State, Federal, commercial and other persons conducting field research on or utilizing restricted use pesticides.
11. Wood destroying insect control. This category includes commercial applicators using or supervising the use of restricted use pesticides to control wood destroying insects in or about a structure by a means other than use of a fumigant.
12. Fumigation. This category includes commercial applicators using or supervising the use of a restricted use pesticide to fumigate soil, in an in situ agricultural

commodity fumigation, in storage structures, in transportation vessels, to human dwellings, and to control burrowing rodents.

**18.319. Office Request for Records.**

A. Upon written request by the Office for the production of records, any person regulated under this chapter shall:

1. Make the records required under this chapter available for review by the Office within 24 hours or by a later date specified by the Office.
2. Make the records available at the Office unless another location is agreed upon.
3. Be available to interpret the submitted records if requested by the Office.

B. If a person cannot timely comply with a request made under Section 18.319.A., the person shall immediately provide written notice to the Office, indicate the reason for noncompliance, and request greater specificity regarding the information to be made available or additional time in which to comply.

C. If the Office requests a record from any person regulated under this chapter, when there may be an immediate risk to the health or safety of an individual, non-target animal, or the environment, the person shall provide the record to the Office within one hour.

**18.320. Pest Management Business Records.**

A. Nonagricultural pest management business: General – A pest management business that engages in a nonagricultural pesticide regulated activity shall make and preserve accurate records of all pesticide applications performed for a period of no less than two years from the date of the pesticide application. The record of a pesticide application shall contain, at a minimum, the following:

1. Name and address of the person for whom the pesticide was applied, and a description or address of the site where the application occurred;
2. Date of the pesticide application;
3. Target pest or purpose of pesticide application;
4. Trade name or common name of the pesticides or articles used and its U.S. EPA registration number;
5. Amount of pesticide applied, in terms of percent active ingredient and volume of diluted mixture or in terms of total amount of liquid concentrate, ready-to-use product, granular material, or bait stations; and



6. Name and certification number of the applicator or if the applicator is uncertified, name of the uncertified applicator and the name and certification number of the applicator providing supervision.

B. Nonagricultural pest management business: Restricted use pesticides – In addition to the records required under Section 18.320.A., a pest management business that engages in a nonagricultural pesticide regulated activity that uses a restricted use pesticide shall keep the following additional information:

1. Date of purchase or acquisition of the restricted use pesticide;
2. Quantity of the restricted use pesticide purchased or acquired;
3. Name and applicable certification or license number of the applicator making the restricted use pesticide purchase; and

C. Pest management business: Wood Destroying Insects – In addition to the records required under Sections 18.320.A and B, a pest management business conducting pesticide application to control wood destroying insects shall include the records required under Section 18.336 for a period of not less than five years from the date of the last pesticide application for either a pre-construction treatment, a new-construction treatment or a post-construction treatment.

D. Agricultural pest management business: – A pest management business that engages in an agricultural pesticide regulated activity shall make and preserve accurate records of pesticide applications performed for a period of no less than two years from the date of the pesticide application. The records of a pesticide application shall be either a completed Form 1080 or contain at a minimum all of the following:

1. Name and permit number of the seller;
2. Date the recommendation is written;
3. Name and permit number of the regulated grower upon whose site the pesticide will be applied;
4. County where the site is located;
5. Pest conditions present;
6. Whether the site is within a pesticide management area;
7. Anticipated date of harvest;
8. Restricted entry interval;
9. Label days to harvest;

10. Date recommended for the pesticide application;
11. Specific site being treated;
12. Township, range, and section of the site;
13. Number of acres or sites in each section being treated;
14. Additional field description, if any;
15. Brand name and U.S. EPA registration number of the pesticide to be applied or number of the pesticide regulated under FIFRA section 18, 7 U.S.C. § 136p to be applied;
16. Rate and unit of measure per acre or dilution per 100 gallons;
17. Total quantity of pesticide concentrate to be applied;
18. Total acres to be treated and total volume per acre or total number of sites to be treated;
19. Whether a supplemental label is required;
20. Method of pesticide application;
21. Label restrictions or special instructions, if any;
22. Name of the custom applicator making the application;
23. Anticipated pesticide delivery location; and
24. Signature and credential number of the regulated grower or pest control advisor making the recommendation.

E. Pesticide disposal records: Restricted use pesticides – Pest management businesses shall make a record of each restricted use pesticide disposed, sold, lost, or otherwise relinquished. The pest management business shall include the following information in the disposal record:

1. Date of disposal;
2. Trade name of pesticide;
3. EPA registration number of pesticide;
4. Quantity of pesticide disposed;
5. Percent active ingredient in the pesticide disposed,

6. Method of disposal,
7. Location and type of disposal site or service; and
8. Name and certification or license number of the applicator making the pesticide disposal record on behalf of the pest management business.

**18.321. Regulated Growers Records.**

A. Following an application to a field on an agricultural establishment of a restricted use pesticide, a pesticide registered under FIFRA section 5, 7 U.S.C. § 136c, section 18, 7 U.S.C. § 136p, or section 24, 7 U.S.C. § 136v, a regulated grower shall make and preserve accurate records for a period of no less than two years from the date of the pesticide application on either a completed Form 1080 or contain at a minimum all of the following:

1. Name of the Community certified applicator and the applicator's Community certified applicator certification number;
2. Name and permit number of the seller;
3. Name of the pesticide applied and its EPA registration number;
4. Date and time of application;
5. Name of regulated grower;
6. Method of application;
7. Crop name and the number of acres treated with the pesticide;
8. Rate per acre of the active ingredient or formulation of the pesticide;
9. Total volume of pesticide used per acre; and
10. County, range, township, and section of the field that received the application.

B. Following an application to a non-field of a restricted use pesticide, a pesticide registered under FIFRA section 5, 7 U.S.C. § 136c, section 18, 7 U.S.C. § 136p, or section 24, 7 U.S.C. § 136v, a regulated grower shall make and preserve accurate records for a period of no less than two years from the date of the pesticide application on either a completed Form 1080 or contain at a minimum all of the following:

1. The information requested under subsection Section 18.321.A.1. through A.10;
2. Item treated;

3. Rate of the active ingredient or formulation of the pesticide per item treated;
4. Total volume of pesticide used in the application; and
5. Application site location by county, range, township, and section, or by physical address.

C. Pesticide disposal records: Restricted use pesticides – Regulated growers shall make a record of each restricted use pesticide disposed, sold, lost, or otherwise relinquished. The regulated grower shall include the following information in the disposal record:

1. Date of disposal;
2. Trade name of pesticide;
3. EPA registration number of pesticide;
4. Quantity of pesticide disposed;
5. Percent active ingredient in the pesticide disposed,
6. Method of disposal,
7. Location and type of disposal site or service; and
8. Name and certification or license number of the applicator making the pesticide disposal record on behalf of the pest management business.

**18.322. Seller Records.**

A seller of a restricted use pesticide, device, or agricultural pesticide shall maintain all records showing the receipt, sale, delivery, or other disposition of the pesticide or device for a period no less than two years from the date that possession of the pesticide or device is relinquished. The records shall include all of the following:

- A. Bill of lading showing receipt of the pesticide or device;
- B. Current pesticide inventory;
- C. Seller's dated sales receipt, delivery receipt, invoice of transaction, delivery, or disposition of the pesticide;
- D. Name and address of the person that purchased the pesticide or device;
- E. Pesticide brand name and the U.S. EPA registration number;

F. The experimental use permit number granted by the U.S. EPA under FIFRA section 5, 7 U.S.C. § 136c, if applicable;

G. The emergency exemption permit number granted by the U.S. EPA under FIFRA section 18, 7 U.S.C. § 136p, if applicable;

H. The state special local need registration number issued under FIFRA section 24, 7 U.S.C. § 136v, if applicable; and

I. Quantity of the pesticide sold to purchaser.

**18.323. Pest Control Advisor Records.**

A pest control advisor shall keep a copy of each Form 1080 that the pest control advisor has completed for a period of no less than two years from the date of the pesticide application listed on the form.

**18.324. Advance Notice of Pesticide Applications to the Office.**

The following persons shall provide verbal notification via telephone call, or written notification via fax, email, or hand delivery to the Office at least eight hours in advance of a planned pesticide application. Unless otherwise stated in Section 18.324.A.1. through A.9 below, the notice shall include, but is not limited to, the date and approximate time the application is to take place, the specific chemical(s) by trade name and the location of planned pesticide application.

A. A pest management business licensed by the Arizona Department of Agriculture as a custom applicator shall provide a written notice of a planned agricultural pesticide application by submitting a copy of the written instructions portion of a Form 1080 signed by a pest control advisor or the regulated grower.

B. A pest management business licensed by the Arizona Office of Pest Management shall provide notice of a planned restricted use pesticide application, a planned pesticide application authorized under FIFRA section 5, 7 U.S.C. § 136c, section 18, 7 U.S.C. § 136p, or section 24, 7 U.S.C. § 136v, or a planned fumigant application.

C. A regulated grower, who is also a Community certified applicator, applying a fumigant, a restricted use pesticide, or a pesticide authorized under FIFRA section 5, 7 U.S.C. § 136c, section 18, 7 U.S.C. § 136p, or section 24, 7 U.S.C. § 136v, shall provide written notice of the planned pesticide application by submitting a copy of the written instructions portion of a Form 1080 signed by the regulated grower.

D. A pest management business applying a pesticide for wood destroying organism treatment.



E. A seed treater applying a fumigant pesticide.

F. An applicator applying a pesticide subject to a National Pollutant Discharge Elimination System permit under Clean Water Act section 402, 33 U.S.C. § 1342.

G. An applicator applying a pesticide while acting under the authority of a Community government agency in an emergency response mode.

**18.325. Notification of Pesticide Applications to Schools; School Duties; Exemptions.**

A. All pesticide applications to school property (both buildings and grounds used for the instruction and recreation of students) must be performed by a certified applicator, certified in the appropriate category of the pest being addressed

B. A pest management business must notify the school at least 72 hours in advance of any pesticide application at the school. The 72-hour notice shall include the following:

1. Date and time application is to occur;
2. Description of application areas where pesticide is to be applied;
3. Pest being targeted;
4. Pesticide brand name;
5. Concentration;
6. Rate of application;
7. A copy of the pesticide label;
8. A copy of the safety data sheet; and
9. Any use restrictions required by the pesticide label.

C. The following pesticide applications are exempt from the 72-hour notification requirements prescribed in Section 18.325.B:

1. Non-residual pesticide applications performed or contracted by a federal or Community public health department and program for vector control outside of a school building.
2. Emergency pesticide applications to control harmful pests (*i.e. stinging wasps & bees*) that pose an immediate threat to the public health. Under these circumstances the pest management business shall do the following:

- a. Notify the school before the application with a statement of the pest problem, treatment procedure, area to be treated and approximate time of the application;
  - b. Immediately after the application has been completed, notify the school of the name of the pesticide applied, the formulation, the strength and dosage, and the date and time of the application, and provide the pesticide label; and
  - c. Post a notice in the treated area immediately after the application. The posting shall include the name of the pesticide, the date and time of application and telephone number of the pest management business.
3. Antimicrobials disinfectants, germicides, sanitizers, and swimming pool chemicals.
  4. Block, gel, or paste-type bait that is a toxicity category III or IV formulation of insecticide pursuant to 40 CFR § 156.62 and that is secured in an enclosed, tamper-resistant bait station placed in an area inaccessible to children.
  5. Personal or self-applied insect repellants.
  6. Any pesticide exempt from regulation by the U.S. EPA pursuant to the FIFRA.
  7. Those pesticide applications made more than 48 hours before a scheduled school day.

D. At least 48 hours prior to a pesticide application at a school, the school must provide a notice of the planned pesticide application details to parents, guardians, and staff members requesting to be notified. Parents, guardians and staff must be registered with the school to receive such advance notice. The school shall provide the 48 hour advance notice as follows:

1. Oral notification to pupils and employees during a regular school session; and
2. Written notification to parents, guardians or an individual authorized by a parent or guardian during a regular childcare session.

E. The school shall post signs to identify pesticide application areas or require the pest management business to fill out and post the required signs.

F. The school shall maintain written records of pesticide application notifications for a period of at least two years after the application. The school is not required to maintain records of pesticides that are exempt pursuant to Section 18.325.C.

**18.326. Notices to Consumers.**

A. Immediately following an application, Non-agricultural pest management businesses shall provide a written notice to a customer for whom the applicator provides a pest management service that contains the following:

1. Name and address of the customer;
2. Specific site to which a pesticide was applied;
3. Date of service;
4. Target pest or category of service;
5. Trade name of pesticide applied;
6. EPA registration number of restricted use pesticide applied;
7. Amount of pesticide applied, in terms of percent active ingredient and volume of diluted mixture or in terms of total amount of liquid concentrate, ready-to-use product, granular material, or bait stations;
8. Name and certification number of the applicator or if the applicator is uncertified, the name of the uncertified applicator and the name and certification number of the applicator providing supervision; and
9. Following statement printed in at least an eight-point font and shall include the words:

**"WARNING - Pesticides can be harmful. Keep children and pets away from pesticide applications until dry, dissipated, or aerated. For more information contact [applicator's name and certification number] at [applicator's telephone number]."**

- B. The applicator may provide the notice required by subsection (A) electronically.

**18.327. Notification of Spillage; Clean-up Procedures.**

A. All persons regulated under this chapter must notify the Office as soon as a person learns of the spillage of one gallon or more of a pesticide in concentrated form, or the spillage of five gallons or more of a diluted pesticide, or whenever a spill of a pesticide may present a hazard to humans in the area.

B. In the event a spillage of a pesticide solution occurs, the applicator or trained personnel wearing protective equipment as required by the pesticide label shall contain the spillage, and clean-up the affected area.

C. The materials used to clean-up a pesticide spillage shall be placed in tight, non-combustible containers, and then transported to an authorized disposal site within 30 calendar days.

**18.328. Pesticide Sales.**

A. Any person who sells pesticides shall sell only pesticides that have an U.S. EPA or an Arizona Department of Agriculture registration number.

B. A seller shall comply with all of the following:

1. Employ a person-in-charge.

2. Only sell a restricted use pesticide for use within the Reservation to any of the following:

a. A regulated grower who has a valid pesticide use permit and who is also a Community certified applicator.

b. A regulated grower who has a valid pesticide use permit and who arranges for a Community certified applicator to receive and apply the restricted use pesticide.

c. To a pest management business with a valid pesticide use permit and who employs a Community certified applicator.

3. Only sell an agricultural pesticide for use within the Reservation to a regulated grower who has a valid pesticide use permit.

C. Any person who sells pesticides in a marketplace shall comply with all of the following requirements:

1. Store the pesticides according to the label instructions.

2. Do not store pesticide product in close proximity to or over food, feed, drugs, eating utensils, beverages, or tobacco products.

3. No pesticide shall be stored or sold in a container, which has been used for food, feed, beverages, drugs, or cosmetics or stored in any way that could cause a person to reasonably mistake the pesticide for food, feed, beverages, drugs, or cosmetics.

4. Pesticides containers shall be free from corrosion, leakage, and pesticide contamination. If a container does not meet these standards, it must be stored in a separate location outside of the marketplace.

**18.329. General Provisions for Pesticide Usage.**

A. Unless exempted from registration by either the U.S. EPA or the Arizona Department of Agriculture, a person shall only use those pesticides registered by both the U.S. EPA and the Arizona Department of Agriculture.

B. A person shall use the pesticide in accordance with the pesticide's label and labeling instructions. A person shall not use or instruct another to use any registered pesticide in a manner inconsistent with its labeling.

C. Pesticides approved under FIFRA section 5, 7 U.S.C. § 136c, section 18, 7 U.S.C. § 136p, or section 24, 7 U.S.C. § 136v, shall only be used in the Community if a person submits to the Office a use plan and receives from the Office an approval for the use plan of such pesticides and the person uses such pesticides in accordance with the approved use plan.

D. All persons shall comply with the specifications on the label of the product being used regarding the use of personal protective clothing and equipment. Pest management businesses and regulated growers shall instruct employees to use protective clothing and equipment while engaged in the mixing, the loading, and the application of pesticides. Community pest management businesses and regulated growers shall also instruct their employees about how to maintain, clean and store such items when not in use.

E. An applicator applying a pesticide shall not allow the pesticide to drift onto a non-target area that will cause any damage or unreasonable adverse effect.

F. An applicator applying a pesticide shall not allow the pesticide to come into contact with any person, whether the contact is directly or through drift.

G. An applicator applying a highly toxic or odoriferous agricultural pesticide shall not apply or allow the pesticide to drift within a quarter mile of a property boundary of a school, day care center, detention facility, health care institution, or residences.

H. All openings on service containers and portable application equipment shall be equipped with covers that prevent splashes and spills.

I. All service containers shall be translucent or have a means to indicate externally the internal liquid level in the container. All portable application equipment shall be constructed in a manner that allows the applicator to detect the level of liquid.

J. A pest control advisor, a pest management business licensed by the Arizona Department of Agriculture as a custom applicator, and a regulated grower shall comply with the Arizona Department of Agriculture rules pertaining to the Form 1080 except they do not need to submit the completed Form 1080 to the Office unless requested to do so by the Office. A completed Form 1080 is one signed by the applicator after the application of the pesticides.

K. A pest control advisor and a regulated grower shall be responsible to list on the Form 1080 any information pertaining to buffer zones, endangered species, and sensitive crops, which the applicator should be aware of to prevent pesticide drift from causing damages.

L. A pest management business licensed by the Arizona Department of Agriculture as custom applicator shall have a Community certified applicator within direct supervision at the time the restricted use pesticide is used.

M. A pest management business licensed by the Arizona Office of Pest Management to engage in the business of structural pest control shall have a certified applicator physically present at the time and place the pesticide is used.

N. A person shall not dump, negligently store, or leave unattended any pesticide, service container, or pesticide container, or part of a container, at any place or under any condition.

**18.330. Pesticide Usage; Ground Application of Pesticides Restrictions.**

A. Persons transporting pesticides within the Reservation shall transport the pesticides in closed containers secured on the transporting vehicle in a manner to prevent spillage or leakage of chemicals.

B. Ground applications are prohibited whenever the constant wind velocity exceeds 10 miles per hour at the nozzle height. The Office may use an anemometer during monitoring activities to determine compliance.

C. An applicator of agricultural pesticides may dispense the rinsate resulting from the washing and rinsing of equipment used in ground application of agricultural pesticides onto the field where such agricultural pesticides were applied. An applicator of non-agricultural pesticides is prohibited from dispensing the rinsate resulting from the washing and rinsing equipment used in ground application of non-agricultural pesticides onto land within the Reservation.

D. An applicator of agricultural pesticides applying pesticides using ground equipment shall not apply or allow the agricultural pesticides to drift within 10 feet of a property boundary of a school, day care center, detention facility, health care institution or residential housing, except:

1. If the occupant of the residential housing gives written consent to encroach into the 10 foot restricted area; or
2. If any authorized school activities will begin after the restricted-entry interval specified on the agricultural pesticide label will expire.

**18.331. Pesticide Usage; Aerial Agricultural Pesticide Application Restrictions.**



A. An aircraft pilot shall not apply agricultural pesticides under any of the following conditions:

1. By fixed wing aircraft within the boundaries of a pesticide management area unless the Office has declared an agricultural emergency. A helicopter may be used to conduct non-emergency aerial agricultural pesticide applications within the pesticide management area.
2. Within one-fourth mile of a school, a health care institution, residential treatment facility, detention facility, or a residential area comprised of at least six residences adjoining the field to be sprayed.
3. Within 500 feet of an operating school bus.
4. Within 100 feet of any person.
5. Within the greatest distance of either 10 feet of the outer boundary or outer fence line of any residence or within 100 feet from the residence adjoining the field to be sprayed without the occupant or owner's consent.
6. Whenever the wind velocity exceeds five miles per hour, unless the pesticide label specifies a different wind speed.
7. Within 100 feet of a residential or commercial structure located outside the Community's external boundary.
8. Over the surface of, or in waters of the United States as defined in 40 CFR § 122.2.

B. An aircraft pilot shall dispense an agricultural pesticide in such a way as to prevent drift within the grounds of a residence, school, health care institution, residential treatment facility, or detention facility.

C. An aircraft pilot shall not transport agricultural pesticides over a school, a health care institution, a residential treatment facility, or a detention facility.

**18.332. Pesticide Storage.**

A. An individual storing pesticides for anything other than use at the individual's own residence shall store the pesticide according to the pesticide label instructions and comply with this section and all other provisions of this chapter.

B. Businesses and government departments and programs that do not employ a Community applicator or a Community certified applicator shall store antimicrobials and general use pesticides that come in household size containers in a closet that is secure from unauthorized

entry. Pesticides shall not be stored in the same closet where food, feed, drugs, eating utensils, beverages, or tobacco products are stored. Pesticide shall not be stored in any container that has been used for food, feed, beverages, drugs or cosmetics. Pesticides shall not be stored in any way that could cause any person to reasonably mistake the pesticide for food, feed, beverages, drugs or cosmetics.

C. Pest management businesses and regulated growers shall store pesticides in a storage structure that is secure from unauthorized entry. If a person is unable to limit access to the storage structure to only authorized personnel, the pesticides shall be stored in a roofed concrete or metal structure with a lockable door.

1. The storage structure shall comply with all of the following:
  - a. Be designed to keep the pesticides out of direct sunlight and protected from rain;
  - b. Have the floors, walls, and shelving built of a non-absorbent, easily cleanable material;
  - c. If the storage structure is enclosed, be constructed with ventilation to the outside air to prevent build-up of chemical odors to preclude chemical injury to persons;
  - d. Have adequate lighting to read pesticide labels;
  - e. Have an emergency eyewash station;
  - f. Have washing facilities, which shall include soap, fresh water and single use (disposable) towels;
  - g. Have an operational fire extinguisher, type ABC, or that is otherwise appropriate for the pesticides stored;
  - h. Have a first-aid kit with contents that are appropriate for the type of pesticides being used;
  - i. Have emergency medical information, including telephone numbers for poison control centers;
  - j. Have absorbent materials capable of absorbing spills and leaks of at least one gallon and over-packs and/or other equipment to collect and store contaminated material;

- k. Have both a specimen label and safety data sheet for each pesticide stored at the facility that are to be readily accessible to all employees at all times; and
  - l. Have a sign conspicuously placed in the entrance or access area that warns individuals that pesticides are stored inside.
2. Pesticides shall be stored in the storage structure as follows:
- a. Not stored above or below incompatible chemicals, such as fertilizers, gasoline, or other fuels; and
  - b. Liquid formulations stored below dry formulations.
- D. A person using a service container to store or transport a pesticide concentrate or registered ready-to-use pesticide, shall place a durable and legible label or tag on the service container that lists:
- 1. Name, e-mail address, if applicable, and telephone number of the applicator or custom applicator using the pesticide;
  - 2. Brand or trade name of the pesticide;
  - 3. EPA registration number;
  - 4. Name and percentage of the active ingredient;
  - 5. Dilution, if any, in the service container;
  - 6. EPA-assigned signal word (danger, warning, or caution) for the registered label; and
  - 7. The phrase "KEEP OUT OF REACH OF CHILDREN."

**18.333. Requirements for Service Vehicles.**

A. Community applicators, certified applicators and Community certified applicators shall store pesticides on their service vehicles in their original containers, in portable application equipment, or in a service container. The pesticides shall be kept locked when on an unattended service vehicle or within view and under the direct and personal supervision of the employee responsible for that service vehicle. A service container is one used to hold, store, or transport a pesticide either as a concentrate or as a ready to use mixture.

B. All service vehicles shall be equipped with the following:

1. Measuring and pouring devices compatible with the pesticides stored, transported, or used on the vehicle;
2. Personal protective equipment and clothing, as required by pesticide labels, suitable for the pesticides stored, transported or used on the service vehicle;
3. Absorbent materials capable of absorbing or containing spills and leaks of up to one gallon;
4. Over packs and/or other equipment to collect and store contaminated materials;
5. A basic first-aid kit, which shall contain information regarding the practical treatment for pesticide poisonings and emergency medical information, including telephone numbers for poison control centers;
6. A pesticide label and safety data sheet for each pesticide transported or stored on the vehicle;
7. A change of clothing for use in the event that the applicator's garments are contaminated while using a pesticide;
8. A minimum of one gallon of potable water;
9. Soap and single use (disposable) towels for emergency washing of hands, face or body: and.
10. Emergency eye wash kit.

C. Applicators, excluding agricultural applicators, shall display the name of their pest management business on each side of their service vehicle. The name shall be in bold lettering at least two inches high, in distinctly contrasting color with the background, and shall be in plain view of the public. A Community governmental entity need only display the Community's tribal seal on their service vehicle.

**18.334. Pesticide and Pesticide Container Disposal.**

A. Excess quantities of the pesticide, including any rinsate containing the pesticide, other material used to contain or collect excess or spilled quantities of the pesticide, and pesticide containers are a waste, which may be either a solid waste or a hazardous waste. Unless otherwise authorized under Title 18, Chapter 2, Solid Waste Disposal, of the Gila River Indian Community Code, no person shall dispose of a solid waste or a hazardous waste on the Reservation.

B. A person shall provide for the safe storage of the pesticide waste until the person can transport the pesticide waste off the Reservation for reuse, recycling, disposal or other federal or state approved method. A person shall not construe this provision as authorization to

violate state or federal pesticide and waste management laws once the waste pesticide leaves the Community's jurisdiction.

C. The person shall take the following steps before transporting any pesticide container off the Reservation:

1. Unless the container is a pressurized container, a paper bag, or container designed for reuse, the container shall be triple rinsed and punctured or crushed to render the container incapable of holding any material. The person shall place the rinsate in a service container or in the application equipment for use at a site, or the rinsate shall be taken off the Reservation as a pesticide waste;
2. A pesticide container that is a combustible bag or package, the person shall appropriately and thoroughly empty the container and either fold and tie into bundles; or enclose securely in a secondary container and labeled as containing either a non-hazardous pesticide waste or as a hazardous waste and handle accordingly.
3. A reusable container that the person no longer wants, the person shall return the reusable container to the seller in accordance with the seller's instruction or follow the requirements under Section 18.334.C.2.

**18.335. Wood Destroying Insect Control; Certifications Required.**

A. Only a pest management business that employs a certified applicator certified in the appropriate category(s), may do either of the following:

1. Use pesticides to prevent or control termites and other wood destroying insects.
2. Conduct a wood destroying insect inspection, prepare a treatment proposal, and complete a wood destroying insect action report.

**18.336. Treatment of Wood Destroying Insects; General Provisions.**

A. A pest management business conducting termite treatments shall apply a chemical labeled as a termiticide in accordance with this chapter and the termiticide label. A termiticide shall not be applied at a rate less than label rate. A pesticide that is engineered by its pesticide producer to act as a repellent shall not be used for treatment of termites.

B. Immediately after completing a termite treatment, the pest management business shall securely affix a tag to the construction site. Tags shall contain the following information at a minimum:

1. Name of the pest management business;

2. Address and telephone number of the pest management business;
3. Pesticide use permit number;
4. Location of the project;
5. Date of the application;
6. Start time of the application;
7. Completion time of the application;
8. Trade name of the chemical(s) used;
9. Strength of the chemical preparation used, written as a percentage of the active ingredient;
10. Number of gallons of chemical preparation applied;
11. Square footage treated;
12. Linear footage treated;
13. Type of construction;
14. Signature or name of the certified applicator; and
15. Certification number of the certified applicator or, if the applicator is not certified, name and number of supervising certified applicator.

C. If a duplicate tag is requested, the applicator shall mark the subsequent tags "DUPLICATE" before providing the tags to the requester. In the event that a treatment site is abandoned before it is complete, then the tag shall indicate what portion of the treatment was accomplished, be marked "TREATMENT INCOMPLETE" and be prominently posted at the site of the treatment.

D. The information written on the tag shall be an accurate representation of the treatment performed and made a part of the pest management business' treatment records.

**18.337. Wood Destroying Insect Action Report.**

Within 30 days of completion of a treatment project, the pest management business shall report to the Office, on a form approved by the Office, the following data:

A. The name and certification number of the certified applicator that performed the treatment project. If the applicator was not a certified applicator then the name and certification number of the certified applicator that supervised the treatment;



- B. Address or location of the treatment project;
- C. Name of the pest management business;
- D. Type of treatment;
- E. Target pest; and
- F. Any other information as required by the Office.

**18.338. Fumigation.**

A. Only a pest management business employing a certified applicator certified in the category of fumigation may use a fumigant to treat a building or other structure to treat an agricultural product, treat the soil, or control rodents.

B. A certified applicator that proposes to use a fumigant, which the label or labeling requires the applicator to have a fumigation management plan, shall provide the plan to the Office before using the fumigant.

C. A certified applicator shall be present at the site of the fumigation of a structure from the time the fumigant is released until the time the fumigation is complete and the structure is released for safe occupation. The certified applicator shall deter entry into the structure by routinely inspecting the structure under fumigation at least once each hour. The certified applicator shall secure all entrances to the structure in such a manner as to prevent entry by anyone other than the certified applicator. The structure must remain secured until the structure is released for safe occupancy.

D. In addition to any warning requirements on a label the certified applicator is using, the following shall apply:

1. Prior to the commencement of fumigation, warning signs shall be posted in plainly visible locations on or in the immediate vicinity of all pedestrian entrances to, and on every side of, the space under fumigation;
2. These signs shall be firmly attached and shall not be removed until fumigation and ventilation are completed and the spaces under fumigation are safe for occupancy;
3. Warning signs shall be printed in red on white background and shall contain a skull and crossbones and the following words in bold letters not less than two inches in height: "DANGER" and "FUMIGATION" or "POISON GAS." The warning signs shall also state in letters not less than 1/2 inch in height the name of the fumigant, the date and time the fumigant was injected, and the name, address and telephone number of the company performing the fumigation; and

4. A pest management business performing fumigation in spaces normally occupied by persons or domestic animals shall use a warning agent with all fumigants that lack such properties.

**18.339. Violations.**

In addition to any prohibitions set forth in this chapter, violations of this chapter include, but are not limited to:

A. A person who violates any requirement or provision of this chapter or regulation issued pursuant to any requirement or provision of this chapter.

B. A person who uses any registered pesticide in a manner inconsistent with its label and labeling or applicable regulations.

C. A person who conducts a pesticide regulated activity before obtaining a permit, certification, registration, or other Departmental approval required under this chapter.

D. A person who violates any condition of a permit, certification, registration, or other Departmental approval issued pursuant to this chapter.

E. A person who aids or abets any person to evade the provisions of this chapter or allows one's permit, certification, or registration to be used by another person.

F. A person who makes false or fraudulent records, reports, or proposals, or falsifies any other documents required by this chapter.

G. A person who misrepresents a material fact in obtaining a permit, certification, registration, or other Departmental approval required under this chapter.

H. A person who misrepresents a material fact for the purpose of defrauding or deceiving the Department or the owner or occupant of the property at which structural pest control activities are conducted.

I. A person who fails to maintain or refuses to allow inspection of any records or other documents required under this chapter.

J. A person who refuses the Department lawful access to a vehicle or entry onto land or a structure to conduct an inspection of a pesticide regulated activity or to take documentary or physical samples.

**18.340. Civil Enforcement.**

- A. General Provisions.
1. The Department is authorized to implement compliance and enforcement procedures to address any violation of this chapter or a permit, certification, or registration authorized by this chapter.
  2. The measures available to the Department to achieve compliance for Pesticide Code provisions are listed below. The Department shall seek voluntary compliance before implementing more stringent enforcement measures, unless the noncompliance represents an imminent and substantial endangerment to human health or the environment requiring stronger measures. Thus, if a notice of violation does not achieve the intended results, the Department may institute additional measures including the issuance of an administrative compliance order, seeking injunctive relief and civil penalties in the Community Court, or revocation or suspension of a permit, certification, or registration under Section 18.340.G.
    - a. Notice of violation;
    - b. Administrative compliance order with civil penalties (administrative); and
    - c. Permit, certification, and registration suspension or revocation; and
    - d. Civil penalties (judicial).
  3. When the Department identifies a violation of this chapter either through an inspection or by other means, the Department personnel will decide what type of compliance and enforcement tools to use based on the following considerations:
    - a. Risk to human health, the environment and quality of life;
    - b. The degree of recklessness, negligence or deliberateness of the violator;
    - c. The violator's previous compliance history; and
    - d. Financial advantage gained by non-compliance.

4. Nothing herein shall preclude the Department from taking immediate action in response to an imminent or substantial endangerment to human health or the environment.
5. The Department may seize and quarantine any pesticide that is adulterated, misbranded, or detrimental to the public health, or that is otherwise not in conformity with any applicable provision of this chapter. The cost for disposing of such chemicals will be placed upon the owner of the chemicals after the Department complies with the provisions of Section 18.340.F. or any other applicable remedies available to the Department.
6. The Department may cooperate or enter into formal agreements with any agency of the State of Arizona or of the federal government for the purpose of enforcing any provision of this chapter.
7. Duly authorized GRIC law enforcement officers may provide coordinated assistance to the Department for engaging in an enforcement action under this chapter. Such assistance may include providing civil stand-by and/or other applicable civil services.
8. If the Department brings an enforcement action against a certified applicator or Community certified applicator and if the applicator is held responsible by the administrative or judicial body, upon the final disposition of the case the Department shall notify the agency certifying the applicator of the final decision.

B. Report and Investigation of Damage from Pesticides. Any person who alleges any loss, non-performance, or damage as a result of the use or application of a pesticide or device should report the occurrence to the Department within five business days from the time that the occurrence became known to such person. The failure to file a report of loss is not evidence that no loss, non-performance, or damage occurred, and is not a bar to the maintenance of a civil action to recover damages for loss, non-performance, or damage, or to an enforcement action by the Department.

1. The report shall include, so far as is known to the claimant:
  - a. The name and address of the claimant.
  - b. The type, kind and location of property allegedly injured or damaged.
  - c. The date the alleged loss, non-performance or damage occurred.

- d. The name of the person allegedly responsible for the loss, non-performance or damage.
    - e. The suspected pesticide or action that caused the loss, non-performance or damage.
    - f. The name of the owner or occupant of the property on which the loss, non-performance or damage occurred.
  2. Based on information received from the report of loss, non-performance or damage, the Pesticide Control Officer or his agent may investigate and initiate enforcement proceedings as necessary.
  3. If the Pesticide Control Officer, following an inspection or investigation determines that an alleged violation occurred, the Pesticide Control Officer may issue a written notice of violation, pursuant to the procedures in Section 18.340.E. The notice of violation should be issued within 20 days of the Department's investigation and determination that an alleged violation has occurred.
- C. Inspections and Entry.
  1. The Department shall make such investigations and inspections of persons or entities engaging in pesticide activities or activities regulated by this chapter as are necessary to ensure compliance with the provisions of this chapter and permits, certifications, or registrations issued pursuant to this chapter.
  2. The Department and any of its duly authorized officers, presenting proper identification as such, may enter the property of any person engaging in pesticide regulated activities at reasonable times in order to inspect or investigate the conduct of such activities to ensure compliance with this chapter and with permits, certifications, or registrations issued pursuant to this chapter.
  3. As part of its inspection, the Department may obtain samples of pesticides, devices, and containers, and may make copies of labels and records. The analysis of pesticide samples, including pesticide residue, may be admitted as evidence of detrimental exposure to pesticides and/or to validate correct pesticide use.
- D. Administrative Inspection Warrants.
  1. In the event that consent to entry is withheld or consent is otherwise barred, the Department may obtain an administrative inspection warrant from a judge of the Community Court. A judge of the Community Court, upon proper oath or

affirmation showing probable cause, may issue warrants for the purpose of conducting administrative inspections or investigations as part of a general plan of inspection or investigation under this chapter or if there is probable cause to believe that a violation of this chapter or of permits, certifications, or registrations issued pursuant to this chapter has occurred or is occurring, including seizures of property appropriate to the inspections. For purposes of the issuance of administrative inspection warrants, probable cause exists upon showing a valid public interest in the effective enforcement of this chapter or regulations hereunder, sufficient to justify administrative inspection of the area, premises, building, or conveyance in the circumstances specified in the application for the warrant.

2. A warrant shall be issued only upon an affidavit of an employee of the Department having knowledge of the facts alleged, sworn to before the judge and establishing the grounds for issuing the warrant. If the judge is satisfied that grounds for the application exist or that there is probable cause to believe the grounds exist, the judge shall issue a warrant identifying the area, premises, building, or conveyance to be inspected, the purpose of the inspection, and, if appropriate, the type of property to be inspected, if any. The warrant shall:
  - a. State the grounds for its issuance and the name of each person whose affidavit has been taken in support of the warrant;
  - b. Be directed to an employee authorized by the Department to execute it;
  - c. Command the person to whom it is directed to allow the inspection of the area, premises, building, or conveyance identified for the purpose specified and, if appropriate, direct the seizure of the property specified;
  - d. Identify the item or types of property to be seized, if any;
  - e. Direct that it be served during normal business hours and designate the judge to whom it shall be returned;
3. A warrant issued pursuant to this section must be executed and returned within 10 calendar days of its date unless, upon a showing of a need for additional time, the court orders otherwise. If property is seized pursuant to a warrant, a copy of the warrant shall be given to the person from whom or from whose premises the property is seized, together with a receipt for the property seized. The return of the warrant to the Community Court shall be made promptly, accompanied by a



written inventory of any property seized. The inventory shall be made in the presence of the person executing the warrant and the person from whose possession or premises the property was seized, if present, or in the presence of at least one credible person other than the person executing the warrant. A copy of the inventory shall be delivered to the person from whom or from whose premises the property was seized and to the applicant for the warrant.

4. The judge who has issued a warrant shall attach a copy of the return and all papers returnable in connection with the warrant and file them with the clerk of the court in which the inspection was made.
  5. In the event entry is withheld or barred, the Department may exercise its right to suspend or revoke a person's permit, certification, or registration pursuant to Section 18.340.G., or other penalty as provided for under this chapter.
- E. Notice of Violation.
1. For routine acts of noncompliance, the Department will issue a written notice of violation for each violation identified. Unless a longer period of time is specified in the notice of violation, compliance must be achieved within 30 calendar days of the issuance of the notice. For the purposes of this section, routine acts of noncompliance means situations where the noncompliance does not constitute an emergency situation and no imminent and substantial endangerment to public health or the environment exists.
  2. A notice of violation issued pursuant to this subsection shall state with reasonable specificity the nature of the violation, including the requirement or provision of this chapter and/or the terms or conditions of a permit, certification, or registration issued under this chapter, which has been violated. The notice of violation may be conditional and require a person to refrain from particular acts unless certain conditions exist. Written notices of violation issued by the Department shall be transmitted to the alleged violator by certified mail or by personal service.
  3. The Department is not required to issue a notice of violation prior to issuing an administrative compliance order, or seeking injunctive relief and civil penalties in the Community Court.
- F. Administrative Compliance Orders.

1. If the director has reasonable cause to believe that any person has violated or is in violation of any provision of this chapter, or any requirement of a permit, certification, or registration issued under this chapter, the director may issue an order requiring compliance as expeditiously as practicable, but in no event shall compliance be achieved later than one year after the order was issued. The order shall be transmitted to the alleged violator by certified mail, return receipt requested, or by personal service.
  2. A compliance order issued pursuant to this subsection shall state with reasonable specificity the nature of the violation, the requirement, provision, or section violated, a reasonable time for compliance, if applicable, and shall state that the alleged violator is entitled to a hearing if a hearing is requested in writing within 30 calendar days after the date of issuance of the order.
  3. A compliance order becomes final and enforceable in the Community Court unless, within 30 calendar days after receipt of the compliance order, the recipient of the order requests a hearing before an administrative law judge in accordance with the administrative appeals requirements set forth in Section 18.342 of this chapter. If a hearing is requested, the compliance order does not become final until the administrative law judge has issued a recommended decision on the appeal to the director and the director has issued a final decision on the appeal.
  4. After a compliance order becomes final, the Office of General Counsel, at the request of the director, may file an action in the Community Court to enforce an administrative compliance order issued pursuant to this subsection. Any person to whom a compliance order is issued who fails to take corrective action within the time specified in said order shall be liable for a civil penalty to be assessed by the director in accordance with Section 18.340.I. of this chapter.
  5. The director's final decision is appealable to the Community Court, but the decision is not automatically stayed during the appeal.
- G. Permit, Certification, or Registration Suspension or Revocation.
1. The director may suspend or revoke a permit, certification, or registration issued under this chapter for good cause, including, but not limited to, the following reasons:
    - a. Failure to notify the Department of significant changes to the permitted facility or permitted, certified, or registered activity;

- b. Misrepresentation, submittal of false or inaccurate information, or failure to fully disclose all relevant facts in a permit, certification, or registration application;
  - c. Failure to provide timely notice or other information to the Department as required under this chapter and/or any permit, certification, or registration issued under this chapter;
  - d. Refusing to allow the Department timely inspection of the facility/site premises and records;
  - e. Failure to meet compliance schedules;
  - f. Violation of any requirement set forth in this chapter or violation of any terms or conditions of a permit, certification, or registration issued under this chapter.
2. A decision to suspend or revoke a permit, certification, or registration shall be based on a finding that continued operation of the permitted facility or the permitted, certified, or registered activity presents a risk to public health and safety or a threat to the environment.
  3. Before suspending or revoking a permit, certification, or registration, the director shall provide notice to the permittee, certified person, or registered person by certified mail of the Director's intent to suspend or revoke the permit, certification, or registration. Such notice may include an administrative compliance order issued by the director, ordering that noncompliance with permit, certification, or registration requirements be corrected within a specified timeframe. If the permittee fails to correct the noncompliance within the timeframe specified by the administrative compliance order, the permit, certification, or registration shall be deemed suspended.
  4. The Department may immediately suspend a permit, certification, or registration and require the cessation of any activity for any suspected violation that would constitute a serious violation, and such suspension shall remain in effect for a minimum of 15 calendar days to allow the Department to investigate the suspected violation.

5. A notification by the director revoking a permit, certification, or registration is appealable to an administrative law judge and the final order of revocation from the director is appealable to the Community Court in accordance with the administrative appeals requirements set forth in Section 18.342 of this chapter.
- H. Civil Penalties.
1. A person who is found to be in violation of this chapter, a compliance order issued pursuant to Section 18.340.F., or any provision of a permit, certification or registration issued under this chapter, shall be subject to:
    - a. An order imposing an administrative civil penalty of up to \$5,000.00 per day for each violation; or
    - b. A civil judicial penalty of up to \$10,000.00 per day for each violation.
  2. Each day of a failure to perform any act or duty for which a civil penalty may be assessed pursuant to this section constitutes a separate offense. Where the director has notified the source of the violation, and the plaintiff makes a prima facie showing that the conduct or events giving rise to the violation are likely to have continued or recurred past the date of notice, the days of violation shall be presumed to include the date of such notice and each and every day thereafter until the violator established that continuous compliance has been achieved.
  3. At the request of the Director, the General Counsel may file an action in the Community Court to recover penalties provided for in this section.
  4. In determining the amount of a civil penalty under this section, the Director or the Community Court, as appropriate, shall consider the following factors:
    - a. The violator's full compliance history and good faith efforts to comply;
    - b. Self-reporting of the violation;
    - c. The duration of the violation as established by any other credible evidence (including evidence other than the applicable test method);
    - d. The hazard or potential hazard created to the health or safety of the public;

- e. Payment by the violator of penalties previously assessed for the same violation;
- f. The economic damage to the property or the environment caused by the violation;
- g. The economic benefit of non-compliance to the violator;
- h. The seriousness of the violation;
- i. If applicable, the size of the business and the economic impact of the penalty on the business; and
- j. Any other matters that justice may require.

I. Injunctive Relief.

1. At the request of the director, the General Counsel may file an action for a temporary restraining order, a preliminary injunction, a permanent injunction or any other relief provided by law if the director has reasonable cause to believe that any of the following is occurring:
  - a. A person has violated or is in violation of any provision of this chapter, a compliance order, or any provision of a permit, certification or registration issued under this chapter;
  - b. A person has violated or is in violation of a compliance order that is in effect; or
  - c. A person has created or is creating an imminent and substantial endangerment to public health or the environment.
2. Under this section, the Director may also seek other action as is appropriate for legal and/or equitable relief, including requiring the person to conduct environmental remediation or to establish performance bonds. Such relief may also include the confiscation, impoundment, or deactivation of vehicles and equipment used to commit acts which violate any provision of this chapter.
3. An action brought pursuant to Section 18.340.J.1 and 2 shall be commenced within two years of the occurrence of the violation. However, when an

investigation has been completed by the Department, the action shall be commenced within one year of the completed investigation.

**18.341. Criminal Enforcement.**

A. The Department may request that the Community Office of the Prosecutor bring a criminal action in Community Court against any person under the criminal jurisdiction of the Community and/or the Department may refer a criminal enforcement action or portion of such action to the U.S. EPA.

B. Any person under the criminal jurisdiction of the Community, who intentionally, knowingly or recklessly violates any provision, requirement or prohibition of this chapter or a permit, certification, or registration issued pursuant to this chapter shall, upon conviction, be punished by imprisonment for a period not to exceed 30 days, or a fine not to exceed \$5,000.00, or both. Criminal prosecution may be undertaken either as an alternative or in conjunction with any other remedy under this chapter.

C. The U.S. EPA maintains concurrent jurisdiction with the Community to enforce label violations and may assess penalties for label violations in addition to those assessed by the Community.

D. This section shall not be deemed to limit or restrict the Department or any other persons from taking other appropriate action, including notifying representatives of federal, state, county or municipal government agencies if it appears any person violated or failed to comply with this chapter.

**18.342. Administrative Appeals Procedures.**

A. Appeal of a Department Action. This section applies to all appealable Department actions under this chapter. An appealable Department action is:

1. The issuance or denial of a permit, certification, or registration authorized by this chapter;
2. Revocation or suspension of a permit, certification, or registration authorized by this chapter;
3. The issuance of a compliance order; and
4. The imposition, by order, of an administrative civil penalty.

B. Notice of Appealable Department Action: Hearing.

1. At the time an action is taken that is appealable under this chapter, the Department shall serve notice of the action pursuant to Section 18.342.C. The



notice shall identify the Pesticide Code, rule, permit, certification, or registration provision that is alleged to have been violated or on which the action is based and shall include a description of the party's right to request a hearing on the matter.

2. A party may obtain a hearing on an appealable Department action by filing a notice of appeal with the Department within 30 days after receiving the notice prescribed in Section 18.342.B.1. The notice may be filed by a party whose legal rights, duties, and privileges were determined by the appealable Department action. A notice of appeal may also be filed by a party who will be adversely affected by the issuance or denial of a permit, license, certification, or registration and who exercised any right to comment on the action as provided by law or rule, provided that the grounds for appeal are limited to issues raised in that party's comment. The director has the discretion to accept notices that are filed late due to circumstances beyond the party's control.
3. The notice of appeal shall identify the party, the party's address, the action being appealed and shall contain a concise statement of the reasons for the appeal. The Department shall notify the Executive Office of the appeal and the Executive Office shall schedule a hearing pursuant to Section 18.342.E.

C. Process Service.

1. Every notice or decision under this section shall be served by personal delivery or certified mail, return receipt requested, or by any other method reasonably calculated to effect actual notice to every party to the action. Notice shall be served to the party's last address of record with the Department. Upon written agreement of the parties, electronic service may be utilized.
2. Each party shall inform the Department and, if applicable, the administrative law judge of any change of address within five days of the change.

D. Request for Hearing.

1. The Director shall notify the Executive Office of the appeal within five business days.
2. The Department shall provide the following information to the Executive Office:
  - a. Caption of the matter, including the names of the parties;
  - b. The date the party appealed the Department action;
  - c. Estimated time for the hearing;
  - d. Proposed hearing dates;

- e. Any request to expedite or consolidate the matter;
- f. Any agreement of the parties to waive the applicable time limits to set the hearing; and
- g. Information regarding the nature of the proceeding, including the specific allegation.

E. Assignment of Administrative Law Judge: Setting the Hearing. Within 30 days of the Executive Office's receipt of a request for a hearing, the Executive Office shall provide, in writing, to the appealing party and the Department:

- 1. The name of the administrative law judge assigned to hear the matter; and
- 2. The date, time, and location of the hearing.

F. Scheduling of Hearing.

- 1. Except as provided in Section 18.342.F.2., below, hearings for appealable Department actions shall be held within 60 days after the notice of appeal is filed.
- 2. The date scheduled for the hearing may be advanced or delayed upon the agreement of the parties or on a showing of good cause.
- 3. The administrative law judge shall prepare and serve a notice of hearing on all parties to the appeal at least 30 days before the hearing. The notice shall include:
  - a. A statement of the time, place, and nature of the hearing;
  - b. A statement of legal authority and jurisdiction under which the hearing is to be held;
  - c. A reference to the particular sections of the chapter involved; and
  - d. A short and plain statement of the matters asserted.
- 4. Notwithstanding Section 18.342.F.3, a hearing shall be expedited upon a showing of extraordinary circumstances or the possibility of irreparable harm if the parties to the appeal have actual notice of the hearing date. Any party to the appeal may file a motion with the administrative law judge asserting the party's right to an expedited hearing.

G. Pre-Hearing Conference.

- 1. Upon written request of any party or upon the administrative law judge's own motion, the administrative law judge may schedule a pre-hearing conference at

least 10 days before the date set for hearing. The purpose of the pre-hearing conference is to:

- a. Clarify or limit procedural, legal, or factual issues;
  - b. Consider amendments to any pleadings;
  - c. Identify and exchange lists of witnesses and exhibits intended to be introduced at the hearing;
  - d. Obtain stipulations or rulings regarding testimony, exhibits, facts, or law;
  - e. Schedule deadlines, hearing dates, and locations if not previously set; and
  - f. Allow the parties the opportunity to discuss settlement.
2. The administrative law judge may issue a pre-hearing order outlining the issues to be discussed. This order shall control the subsequent course of the action.
  3. The administrative law judge shall record any agreements reached during a pre-hearing conference by electronic or mechanical means or memorialize them in an order reciting the action taken.

#### H. Hearing.

1. The parties to an appealable Department action have the right to be represented by counsel or to proceed without counsel, to submit evidence and to cross-examine witnesses.
2. The administrative law judge may issue subpoenas to compel the attendance of witnesses and the production of documents. The subpoenas shall be served and enforced in a manner provided by the relevant provisions of GRIC Code Title 4, Courts and Procedures, for the service and enforcement of subpoenas in civil matters.
3. All parties shall have the opportunity to respond and present evidence and argument on all relevant issues. All relevant evidence is admissible, but the administrative law judge may exclude evidence if its probative value is outweighed by danger of unfair prejudice, by confusion of the issues or considerations of undue delay, waste of time, or needless presentation of cumulative evidence. The administrative law judge shall exercise reasonable control over the manner and order of cross-examining witnesses and presenting evidence to make cross-examination and presentation effective for ascertaining the truth, avoiding needless consumption of time and protecting witnesses from harassment or undue embarrassment.

4. The administrative law judge shall secure either a court reporter or an electronic means of producing a clear and accurate record of the proceeding at the Department's expense. Any party requesting a transcript shall pay the costs of the transcript.
  5. Informal disposition may be made by stipulation, agreed settlement, consent order, or default.
  6. The hearing may be conducted in an informal manner and without the adherence to the rules of evidence required in judicial proceedings. Neither the manner of conducting the hearing nor the failure to adhere to the rules of evidence required in judicial proceedings is grounds for reversing any administrative decision if the evidence supporting the decision is substantial, reliable, and probative.
- I. Final Administrative Decision: Review.
1. The administrative law judge shall issue a written recommended decision within 20 days after the hearing is concluded. However, for complicated cases or for other good cause, the administrative law judge may provide notice to the parties that the recommended decision will be issued more than 20 days after the conclusion of the hearing. The recommended decision shall include findings of fact and conclusions of law, separately stated, and a concise explanation of the reasons supporting the recommended decision.
  2. The administrative law judge shall serve a copy of the recommended decision and a copy of the record of the hearing on the appealing party and the Director.
  3. Within 30 days after the date the administrative law judge sends a copy of the recommended decision to the Director, the Director may review the decision and accept, reject or modify it in accordance with the following requirements:
    - a. If the Director declines to review the administrative law judge's decision or accepts the decision, the Department shall serve the administrative law judge's decision on all parties.
    - b. Prior to rejecting or modifying the decision, the Director shall consult with and obtain the consent of the Executive Office or his or her designee. The Director shall thereafter serve on all parties a copy of the administrative law judge's decision with the rejection or modification and a written justification setting forth reasons for the rejection or modification.
  4. The Director's final decision shall state separately the findings of fact and conclusions of law. If no appeal is taken within 35 days, the decision shall become final.

5. A party may appeal a final administrative decision pursuant to Section 18.343.

**18.343. Judicial Review of Final Administrative Decisions.**

A. Scope.

1. This section applies to and governs every action for judicial review of a final administrative decision under this chapter.
2. Unless review is sought of an administrative decision within the time and in the manner provided in Section 18.343.B., the parties to the proceeding shall be barred from obtaining judicial review of such decision.

B. Commencement of Action. An action to review a final administrative decision shall be commenced by the affected party by filing a complaint within 35 days from the date when a copy of the decision sought to be reviewed is served upon the party affected. The decision shall be deemed to have been served when personally delivered or mailed by registered mail to the last recorded residence or place of business of the affected party.

C. Jurisdiction. Jurisdiction to review final administrative decisions is vested in the Gila River Indian Community Court.

D. Service of Process. In an action to review a final administrative decision of the Department, a copy of the summons and complaint shall be served as in civil actions and as provided by the GRIC Code Title 4, Courts and Procedure, upon the Director.

E. Appearance of defendants. The Department shall answer the complaint within 20 days after service of the summons and complaint.

F. Pleadings and Record on Review.

1. The complaint shall contain a statement of the findings and decision or part thereof for which review is sought, and shall clearly specify the grounds upon which review is sought. It shall also state what portion of the record the party asserts is relevant to the review it is seeking and that shall be filed by the Department as part of the record on review.
2. Except as otherwise provided, the Director shall file an answer which shall contain the original or a certified copy of the portion of record designated in the complaint. The answer of the Department may also contain other portions of the record as the Director deems relevant. By order of the court or by stipulation of all parties to the action, the record may be shortened or supplemented.
3. If, as a result of judicial review, the cause is remanded to the Department and a review thereafter is sought of the administrative decision, the original and

supplemental record, or the record as is determined by court order or stipulation of all parties, shall constitute the record on review.

G. Scope of Review.

1. An action to review a final administrative decision shall be heard and determined within a reasonable time. The hearing and determination shall be extended to all questions of law and fact presented by the entire record before the court. No new or additional evidence in support of or in opposition to a finding, order, or decision of the Department shall be heard by the court, except in the event of a trial de novo or in cases where, in the discretion of the court, justice demands the admission of such evidence.
2. The trial shall be de novo if a trial de novo is demanded in the complaint or answer and if no hearing was held by an administrative law judge or the proceedings before the administrative law judge were not stenographically reported or mechanically recorded so that a transcript might be made.
3. A party who has demanded a trial de novo in the complaint or answer pursuant to Section 18.343.G.2., shall file, prior to the time for filing the opening appellate brief, a motion explaining the need for a trial de novo with citation to legal authority supporting the demand. Any party opposing the motion may file a response thereto.
4. The Community Court may not reverse the Director's finding of fact unless it is clearly erroneous and may not reverse the Director's final administrative decision unless it has no substantial evidentiary basis in the record or is erroneous as a matter of law.

H. Authority of the Gila River Indian Community Court.

1. The Community Court may:
  - a. With or without bond, unless required by this chapter, and before or after answer, stay the decision in whole or in part pending final disposition of the case, after notice to the Department and for substantial good cause shown.
  - b. Make any order that it deems proper for the amendment, completion, or filing of the record of the proceedings by the Department.
  - c. Allow substitution of parties by reason of marriage, death, bankruptcy, assignment or other cause.
  - d. Dismiss parties or realign parties as plaintiff and defendant.

- e. Modify, affirm, or reverse the decision in whole or in part.
  - f. Specify questions or matters requiring further hearing or proceedings and give other proper instructions.
  - g. When a hearing has been held by the administrative law judge, remand for the purpose of taking additional evidence when from the state of the record or otherwise it appears that such action is just.
  - h. In the case of affirmance or partial affirmance of an administrative decision requiring payment of money, enter judgment for the amount justified by the record and for costs, upon which execution may issue.
2. Technical errors in the proceedings before the administrative law judge or failure to observe technical rules of evidence shall not constitute grounds for reversal of the decision, unless the trial court determines that the error or failure affected the rights of a party and resulted in injustice to that party.
  3. On motion of a party before rendition of judgment, the trial court shall make findings of fact and state conclusions of law upon which its judgment is based.

I. Appellate Review. The final decision, order, judgment or decree of the Community Court entered for an action to review a final administrative decision of the Department may be appealed to the Gila River Indian Community Court of Appeals.

J. Rules of Civil Procedure. Where applicable, all rules of civil procedure in the Community Court, including rules relating to appeals to the Community Court of Appeals, shall apply to all proceedings.

**18.344. Effective Date.**

This chapter shall become effective the date of its enactment by the Community Council. Any person engaging in the pest management activities within the Reservation shall comply with this chapter on the effective date unless otherwise exempted from compliance under the provisions hereof.

**18.345. Transition Period.**

If any person was engaged in pest management activities prior to the effective date of this chapter that requires the person to make an application for a permit, certification and registration, such person shall come into compliance with this chapter by submitting all documentation and applying for all permits, certifications, or registrations required hereunder within 90 calendar days of the effective date. The Office shall waive the pesticide use permit fees for those pest management businesses and regulated growers that already paid their fees for that calendar year. If the effective date of this chapter is on or after October 1, the Office shall waive all new permit,



certification, or registration fees for the remainder of the calendar year. Those persons that submitted their applications for permits, certifications, and registrations for which the fees were waived shall submit the renewal fee for the following calendar years as long as there is no lapse in their renewals.