



# **Protocol for Conducting Environmental Compliance Audits under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)**



**EPA Office of Compliance**

## **Notice**

The statements in this document are intended solely as guidance to aid regulated entities in complying with the regulations. The guidance is not a substitute for reading the regulations and understanding all the requirements as it applies to your facility. This guidance does not constitute rulemaking by the U.S. EPA and may not be relied on to create a substantive or procedural right or benefit enforceable, at law or in equity, by any person. U.S. EPA may decide to update this guide without public notice to reflect changes in U.S. EPA's approach to implementing the regulations or to clarify and update text. To determine whether U.S. EPA has revised this document and/or to obtain copies, contact U.S. EPA's Center for Environmental Publications at 1(800) 490-9198. Additional information regarding U.S. EPA Hotlines and further assistance pertaining to the specific rules discussed in this document can be found at the end of the *Key Compliance Requirements* located in Section II. **The contents of this document reflect regulations issued as of August 11, 2000.**

## **Acknowledgements**

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## **Section I**

### **Introduction**

#### **Background**

The Environmental Protection Agency (U.S. EPA) is responsible for ensuring that businesses and organizations comply with federal laws that protect the public health and the environment. U.S. EPA's Office of Enforcement and Compliance Assurance (OECA) has begun combining traditional enforcement activities with more innovative compliance approaches including the provision of compliance assistance to the general public. U.S. EPA's Office of Compliance Assistance was established in 1994 to focus on compliance assistance-related activities. U.S. EPA is also encouraging the development of self-assessment programs at individual facilities. Voluntary audit programs play an important role in helping companies meet their obligation to comply with environmental requirements. Such assessments can be a critical link, not only to improved compliance, but also to improvements in other aspects of an organization's performance. For example, environmental audits may identify pollution prevention opportunities that can substantially reduce an organization's operating costs. Environmental audits can also serve as an important diagnostic tool in evaluating a facility's overall environmental management system or EMS.

U.S. EPA is developing 13 multi-media Environmental Audit Protocols to assist and encourage businesses and organizations to perform environmental audits and disclose violations in accordance with OECA's Audit and Small Business Policies. The audit protocols are also intended to promote consistency among regulated entities when conducting environmental audits and to ensure that audits are conducted in a thorough and comprehensive manner. The protocols provide detailed regulatory checklists that can be customized to meet specific needs under the following primary environmental management areas:

- Generation of RCRA Hazardous Waste
- CERCLA
- Safe Drinking Water Act
- Managing Nonhazardous Solid Waste
- Treatment Storage and Disposal of RCRA Hazardous Waste
- Clean Air Act
- TSCA
- Pesticides Management (FIFRA)
- RCRA Regulated Storage Tanks
- EPCRA
- Clean Water Act
- Universal Waste and Used Oil
- Management of Toxic Substances (e.g., PCBs, lead-based paint, and asbestos)

#### **Who Should Use These Protocols?**

U.S. EPA has developed these audit protocols to provide regulated entities with specific guidance in periodically evaluating their compliance with federal environmental requirements. The specific application of this particular protocol, in terms of which media or functional area it applies to, is described in Section II under "Applicability".

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The Audit Protocols are designed for use by individuals who are already familiar with the federal regulations but require an updated comprehensive regulatory checklist to conduct environmental **compliance** audits at regulated facilities. Typically, compliance audits are performed by persons who are not necessarily media or legal experts but instead possess a working knowledge of the regulations and a familiarity with the operations and practices of the facility to be audited. These two basic skills are a prerequisite for adequately identifying areas at the facility subject to environmental regulations and potential regulatory violations that subtract from the organization's environmental performance. With these basic skills, audits can be successfully conducted by persons with various educational backgrounds (e.g., engineers, scientists, lawyers, business owners or operators). These protocols are not intended to be a substitute for the regulations nor are they intended to be instructional to an audience seeking a primer on the requirements under Title 40, however, they are designed to be sufficiently detailed to support the auditor's efforts.

The term "Protocol" has evolved over the years as a term of art among the professional practices of auditing and refers to the actual working document used by auditors to evaluate facility conditions against a given set of criteria (in this case the federal regulations). Therefore these documents describe "what" to audit a facility for rather than "how" to conduct an audit. To optimize the effective use of these documents, you should become familiar with basic environmental auditing practices. For more guidance on how to conduct environmental audits, U.S. EPA refers interested parties to two well known organizations: The Environmental Auditing Roundtable (EAR) and the Institute for Environmental Auditing (IEA).

Environmental Health and Safety Auditing Roundtable  
35888 Mildred Avenue  
North Ridgeville, Ohio 44039  
(216) 327-6605

The Institute for Environmental Auditing  
Box 23686  
L'Enfant Plaza Station  
Washington, DC 20026-3686

### **U.S. EPA's Public Policies that Support Environmental Auditing**

In 1986, in an effort to encourage the use of environmental auditing, U.S. EPA published its "Environmental Auditing Policy Statement" (see 51 FR 25004). The 1986 audit policy states that "it is U.S. EPA policy to encourage the use of environmental auditing by regulated industries to help achieve and maintain compliance with environmental laws and regulation, as well as to help identify and correct unregulated environmental hazards." In addition, U.S. EPA defined environmental auditing as "a systematic, documented, periodic, and objective review of facility operations and practices related to meeting environmental requirements." The policy also identified several objectives for environmental audits:

- verifying compliance with environmental requirements,
- evaluating the effectiveness of in-place environmental management systems, and
- assessing risks from regulated and unregulated materials and practices.

In 1986, in an effort to encourage the use of environmental auditing, EPA published its "Environmental Auditing Policy Statement" (see 51 FR 25004). The 1986 audit policy states that "it is EPA policy to encourage the use of environmental auditing by regulated industries to help achieve and maintain compliance with environmental laws and regulation, as well as to help identify and correct unregulated environmental hazards." In addition, EPA defined environmental auditing as "a systematic, documented, periodic, and objective review of facility operations and practices related to meeting environmental requirements." The policy also identified several objectives for environmental audits:

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- assessing risks from regulated and unregulated materials and practices.

In 1995, EPA published "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations" – commonly known as the EPA Audit Policy – which both reaffirmed and expanded the Agency's 1986 audit policy (see 60 FR 66706 December 22, 1995). The 1995 audit policy offered major incentives for entities to discover, disclose and correct environmental violations. On April 11, 2000, EPA issued a revised final Audit Policy which replaces the 1995 Audit Policy (65 FR 19,617). The April 11, 2000 revision maintains the basic structure

and terms of the 1995 Audit Policy while lengthening the prompt disclosure period to 21 days, clarifying some of its language (including the applicability of the Policy in the acquisitions context), and conforming its provisions to actual EPA practices. The revised audit policy continues the Agency's general practice of waiving or substantially mitigating gravity-based civil penalties for violations discovered through an environmental audit or through a compliance management system, provided the violations are promptly disclosed and corrected and that all of the Policy conditions are met. On the criminal side, the revised policy continues the Agency's general practice of not recommending that criminal charges be brought against entities that disclose violations that are potentially criminal in nature, provided the entity meets all of the policy's conditions. The policy safeguards human health and the environment by precluding relief for violations that cause serious environmental harm or may have presented an imminent and substantial endangerment. The audit policy is available on the Internet at [www.epa.gov/auditpol.html](http://www.epa.gov/auditpol.html).

In 1996, EPA issued its "Policy on Compliance Incentives for Small Businesses" which is commonly called the "Small Business Policy" (see 61 FR 27984 June 3, 1996). The Small Business Policy was intended to promote environmental compliance among small businesses by providing them with special incentives to participate in government sponsored on-site compliance assistance programs or conduct environmental audits. EPA will eliminate or reduce penalties for small businesses that voluntarily discover, promptly disclose, and correct violations in a timely manner.

On April 11, 2000, EPA issued its revised final Small Business Policy (see 65 FR 19630) to expand the options allowed under the 1996 policy for discovering violations and to establish a time period for disclosure. The major changes contained in the April 11, 2000 Small Business Policy revision include lengthening the prompt disclosure period from 10 to 21 calendar days and broadening the applicability of the Policy to violations uncovered by small businesses through any means of voluntary discovery. This broadening of the Policy takes advantage of the wide range of training, checklists, mentoring, and other activities now available to small businesses through regulatory agencies, private organizations, and the Internet.

**More information on EPA's Small Business and Audit/Self-Disclosure Policies are available by contacting EPA's Enforcement and Compliance Docket and Information Center at (202) 564-2614 or visiting the EPA web site at: <http://www.epa.gov/oeca/polguid/enfdock.html>**

## **How to Use The Protocols**

Each protocol provides guidance on key requirements, defines regulatory terms, and gives an overview of the federal laws affecting a particular environmental management area. They also include a checklist containing detailed procedures for conducting a review of facility conditions. The audit protocols are designed to support a wide range of environmental auditing needs; therefore several of the protocols in this set or sections of an individual protocol may not be applicable to a particular facility. To provide greater flexibility, each audit protocol can be obtained electronically from the U.S. EPA Website ([www.epa.gov/oeca/ccsmd/profile.html](http://www.epa.gov/oeca/ccsmd/profile.html)). The U.S. EPA Website offers the protocols in a word processing format which allows the user to custom-tailor the checklists to more specific environmental aspects associated with the facility to be audited.

The protocols are not intended to be an exhaustive set of procedures; rather they are meant to inform the auditor, about the degree and quality of evaluation essential to a thorough environmental audit. U.S. EPA is aware that other audit approaches may also provide an effective means of identifying and assessing facility environmental status and in developing corrective actions.

It is important to understand that there can be significant overlap within the realm of the federal regulations. For example, the Department of Transportation (DOT) has established regulations governing the transportation of hazardous materials. Similarly, the Occupational Safety and Health Administration (OSHA) under the U.S. Department of Labor has promulgated regulations governing the protection of workers who are exposed to hazardous chemicals. There can also be significant overlap between federal and state environmental regulations. In fact, state programs that implement federally mandated programs may contain more stringent requirements that are not included in these protocols. There can also be multiple state agencies regulating the areas covered in these protocols. The auditor also should determine which regulatory agency has authority for implementing an environmental program so that the proper set of regulations is consulted. Prior to conducting the audit, the auditor

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should review federal, state and local environmental requirements and expand the protocol, as required, to include other applicable requirements not included in these documents.

### **Review of Federal Legislation and Key Compliance Requirements:**

These sections are intended to provide only supplementary information or a “thumbnail sketch” of the regulations and statutes. These sections are not intended to function as the main tool of the protocol (this is the purpose of the checklist). Instead, they serve to remind the auditor of the general thrust of the regulation and to scope out facility requirements covered by that particular regulation. For example, a brief paragraph describing record keeping and reporting requirements and the associated subpart citations will identify and remind the auditor of a specific area of focus at the facility. This allows the auditor to plan the audit properly and to identify key areas and documents requiring review and analysis.

### **State and Local Regulations:**

Each U.S. EPA Audit Protocol contains a section alerting the auditor to typical issues addressed in state and local regulations concerning a given topic area (e.g., RCRA and used oil). From a practical standpoint, U.S. EPA cannot present individual state and local requirements in the protocols. However, this section does provide general guidance to the auditor regarding the division of statutory authority between U.S. EPA and the states over a specific media. This section also describes circumstances where states and local governments may enact more stringent requirements that go beyond the federal requirements.

U.S. EPA cannot overemphasize how important it is for the auditor to take under consideration the impact of state and local regulations on facility compliance. U.S. EPA has delegated various levels of authority to a majority of the states for most of the federal regulatory programs including enforcement. For example, most facilities regulated under RCRA, and/or CWA have been issued permits written by the states to ensure compliance with federal and state regulations. In turn, many states may have delegated various levels of authority to local jurisdictions. Similarly, local governments (e.g., counties, townships) may issue permits for air emissions from the facility. Therefore, auditors are advised to review local and state regulations in addition to the federal regulations in order to perform a comprehensive audit.

### **Key Terms and Definitions:**

This section of the protocol identifies terms of art used in the regulations and the checklists that are listed in the “Definitions” sections of the Code of Federal Regulations (CFR). It is important to note that not all definitions from the CFR may be contained in this section, however; those definitions which are commonly repeated in the checklists or are otherwise critical to an audit process are included. Wherever possible, we have attempted to list these definitions as they are written in the CFR and not to interpret their meaning outside of the regulations.

### **The Checklists:**

The checklists delineate what should be evaluated during an audit. The left column states either a requirement mandated by regulation or a good management practice that exceeds the requirements of the federal regulations. The right column gives instructions to help conduct the evaluation. These instructions are performance objectives that should be accomplished by the auditor. Some of the performance objectives may be simple documentation checks that take only a few minutes; others may require a time-intensive physical inspection of a facility. The checklists contained in these protocols are (and must be) sufficiently detailed to identify any area of the company or organization that would potentially receive a notice of violation if compliance is not achieved. For this reason, the checklists often get to a level of detail such that a specific paragraph of the subpart (e.g., 40 CFR 262.34(a)(1)(i)) contained in the CFR is identified for verification by the auditor. The checklists contain the following components:

- **“Regulatory Requirement or Management Practice Column”**  
The “Regulatory Requirement or Management Practice Column” states either a requirement mandated by regulation or a good management practice that exceeds the requirements of the federal regulations. The regulatory citation is given in parentheses after the stated requirement. Good management practices are distinguished from regulatory requirements in the checklist by the acronym (MP) and are printed in italics.
- **“Reviewer Checks” Column:**  
The items under the “Reviewer Checks:” column identify requirements that must be verified to accomplish the auditor’s performance objectives. (*The key to successful compliance auditing is to verify and document site observations and other data.*) The checklists follow very closely with the text in the CFR in order to provide the service they are intended to fulfill (i.e., *to be used for compliance auditing*). However, they are not a direct recitation of the CFR. Instead they are organized into more of a functional arrangement (e.g., record keeping and reporting requirements vs. technical controls) to accommodate an auditor’s likely sequence of review during the site visit. Wherever possible, the statements or items under the “Reviewer Checks” column, will follow the same sequence or order of the citations listed at the end of the statement in the “Regulatory Requirement” column.
- **“NOTE:” Statements**  
“Note:” statements contained in the checklists serve several purposes. They usually are distinguished from “Verify” statements to alert the auditor to *exceptions or conditions* that may affect requirements or to referenced standards that are not part of Title 40 (e.g., American Society for Testing and Materials (ASTM) standards). They also may be used to identify options that the regulatory agency may choose in interacting with the facility (e.g. permit reviews) or options the facility may employ to comply with a given requirement.
- **Checklist Numbering System:**  
The checklists also have a unique numbering system that allows the protocols to be more easily updated by topic area (e.g., RCRA Small Quantity Generator). Each topic area in turn is divided into control breaks to allow the protocol to be divided and assigned to different teams during the audit. This is why blank pages may appear in the middle of the checklists. Because of these control breaks, there is intentional repetition of text (particularly “Note” Statements) under the “Reviewer Checks” column to prevent oversight of key items by the audit team members who may be using only a portion of the checklist for their assigned area.

Updates:

Environmental regulations are continually changing both at the federal and state level. For this reason, it is important for environmental auditors to determine if any new regulations have been issued since the publication of each protocol document and, if so, amend the checklists to reflect the new regulations. Auditors may become aware of new federal regulations through periodic review of Federal Register notices as well as public information bulletins from trade associations and other compliance assistance providers. In addition, U.S. EPA offers information on new regulations, policies and compliance incentives through several Agency Websites. Each protocol provides specific information regarding U.S. EPA program office websites and hotlines that can be accessed for regulatory and policy updates.

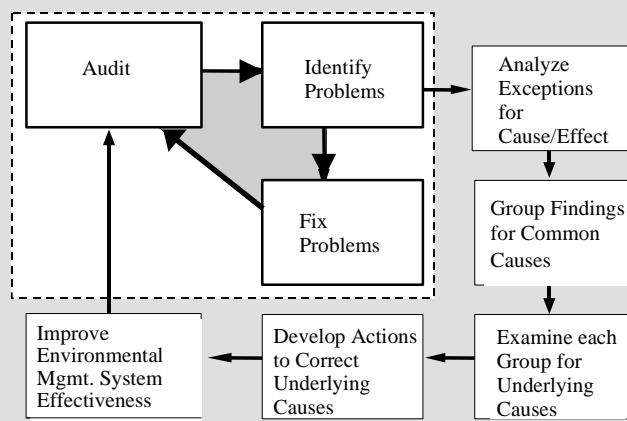
U.S. EPA will periodically update these audit protocols to ensure their accuracy and quality. Future updates of the protocols will reflect not only the changes in federal regulations but also public opinion regarding the usefulness of these documents. Accordingly, the Agency would like to obtain feedback from the public regarding the format, style and general approach used for the audit protocols. The last appendix in each protocol document contains a user satisfaction survey and comment form. This form is to be used by U.S. EPA to measure the success of this tool and future needs for regulatory checklists and auditing materials.

## The Relationship of Auditing to Environmental Management Systems

An environmental auditing program is an integral part of any organization's environmental management system (EMS). Audit findings generated from the use of these protocols can be used as a basis to implement, upgrade, or benchmark environmental management systems. Regular environmental auditing can be the key element to a high quality environmental management program and will function best when an organization identifies the "root causes" of each audit finding. Root causes are the primary factors that lead to noncompliance events. For example a violation of a facility's wastewater discharge permit may be traced back to breakdowns in management oversight, information exchange, or inadequate evaluations by untrained facility personnel.

As shown in Figure 1, a typical approach to auditing involves three basic steps: conducting the audit, identifying problems (audit findings), and fixing identified deficiencies. When the audit process is expanded, to identify and correct root causes to noncompliance, the organization's corrective action part of its EMS becomes more effective. In the expanded model, audit findings (exceptions) undergo a root cause analysis to identify underlying causes to noncompliance events. Management actions are then taken to correct the underlying causes behind the audit findings and improvements are made to the organization's overall EMS before another audit is conducted on the facility. Expanding the audit process allows the organization to successfully correct problems, sustain compliance, and prevent discovery of the same findings again during subsequent audits. Furthermore, identifying the root cause of an audit finding can mean identifying not only the failures that require correction but also successful practices that promote compliance and prevent violations. In each case a root cause analysis should uncover the failures while promoting the successes so that an organization can make continual progress toward environmental excellence.

**Figure 1 - Expanded Corrective Action Model**



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## **Section II Audit Protocols**

### **Applicability**

This audit protocol applies to facilities which use, store, or handle pesticides regulated under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). U.S. EPA has developed separate audit protocol documents that pertain to facilities that discharge wastewaters containing pesticide chemicals and/or dispose of pesticides classified under the Resource Conservation and Recovery Act (RCRA) as hazardous waste. Information is provided below for obtaining copies of these documents and other compliance assistance materials available from U.S. EPA.

Not all checklist items will be applicable to a given facility. Guidance is provided in the checklist to direct the auditor to regulations typically associated with the use, storage and handling of pesticides regulated under FIFRA.

There are numerous environmental regulatory requirements administered by federal, state, and local governments. Each level of government may have a major impact on areas at the facility that are subject to the audit. Auditors are advised to review federal, state and local regulations in order to perform a comprehensive audit.

### **Review of Federal Legislation**

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) was first passed in 1947, and amended numerous times, most recently by the Food Quality Protection Act (FQPA) of 1996. FIFRA provides the U.S. EPA with the authority to oversee, among other things, the registration, distribution, sale and use of pesticides. The Act applies to all types of pesticides, including insecticides, herbicides, fungicides, rodenticides, and antimicrobials. FIFRA covers both intrastate and interstate commerce.

Every regulation promulgated under FIFRA affects the agricultural chemical industry in some way. The FIFRA regulations are found in 40 CFR 152 through 186. Each part and its title are listed below.

Part 152-	Pesticide Registration and Classification Procedures
Part 153-	Registration Policies and Interpretations
Part 154-	Special Review Procedures
Part 155-	Registration Standards
Part 156-	Labeling Requirements for Pesticides and Devices
Part 157-	Packaging Requirements for Pesticides and Devices
Part 158-	Data Requirements for Registration
Part 160-	Good Laboratory Practice Standards
Part 162-	State Registration of Pesticide Products
Part 163-	Certification of Usefulness of Pesticide Chemicals
Part 164-	Rules of Practice Governing Hearings, under FIFRA, Arising from Refusals to Register, Cancellations of Registrations, Changes of Classifications, Suspensions of Registrations and Other Hearings Called Pursuant to section 6 of the Act
Part 166-	Exemption of Federal and State Agencies for Use of Pesticides under Emergency Conditions
Part 167-	Registration of Pesticide and Active Ingredient Producing Establishments, Submission of Pesticide Reports
Part 168-	Statements of Enforcement Policies and Interpretations
Part 169-	Books and Records of Pesticide Production and Distribution
Part 170-	Worker Protection Standards
Part 171-	Certification of Pesticide Applicators
Part 172-	Experimental Use Permits

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Part 173-	Procedures Governing the Rescission of State Primary Enforcement Responsibility for Pesticide Use Violations
Part 177-	Issuance of Food Additive Regulations
Part 178-	Objections and Requests for Hearings
Part 179-	Formal Evidentiary Public Hearing
Part 180-	Tolerances and Exemptions from Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities
Part 185-	Tolerances for Pesticides in Food
Part 186-	Pesticides in Animal Feed

Additional information on FIFRA and the regulation of pesticides can be obtained from a variety of sources, including U.S. EPA's Office of Pesticide Programs' homepage at <http://www.epa.gov/pesticides>, U.S. EPA's Office of Compliance, Agriculture and Ecosystem Division at <http://es.epa.gov/oeca/agecodiv.htm>, or The National Agriculture Compliance Assistance Center toll-free at 888-663-2155 or <http://es.epa.gov/oeca/ag>. Other sources include the National Pesticide Telecommunications Network toll-free at 800-858-7378 and the National Antimicrobial Information Network toll-free at 800-447-6349.

### **State/Local Regulations**

All states have their own pesticide laws and many states have their own pesticide registration requirements. States have primary use enforcement authority if U.S. EPA has determined that the state has adequate pesticide use laws and has adopted adequate procedures to enforce those laws. The U.S. EPA may enter into a cooperative agreement with a state to carry out enforcement of state laws and train and certify applicators. The FIFRA allows states to administer their own U.S. EPA-approved applicator certifications program. Also, each state is allowed to regulate the sale and use of pesticides as long as the regulations are at least as stringent as U.S. EPA's and the regulations do not conflict or differ from U.S. EPA's labeling and packaging restrictions. More and more tribal governments are adopting pesticide regulations. These regulations, like state regulations, must be considered when conducting FIFRA audits on tribal lands.

Additional information on specific state requirements can be obtained from the Association of American Pesticide Control Officials, Inc. (AAPCO) at: <http://aapco.ceris.purdue.edu/index.html>. This website contains a list of state pesticide control officials that includes contact information.

### **Key Compliance Requirements**

#### **Experimental Use Permits (EUP) (FIFRA sec. 5)**

Any person accumulating information necessary to register a pesticide or reregister a pesticide for a use not previously approved is required to obtain an experimental use permit (EUP). Pesticides under EUPs cannot be sold or distributed except in limited circumstances. The application process for an experimental use permit requires the submission of extensive data and the data required is based on the pesticide and pesticide use under consideration. Once a permit is granted, the permittee is required to supervise and evaluate the results of testing, submit reports, and maintain extensive documentation (40 CFR Part 172).

#### **Pesticide Registration (FIFRA secs. 3 and 6(a)(2))**

No pesticide product can be distributed or sold in the United States unless it is registered under FIFRA. The application process for registration requires the submission of extensive data to the U.S. EPA; and, the application must be approved prior to a product being distributed or sold in the United States. Registration is required to be amended when there is a modification in the composition, use, labeling, or packaging of a registered product. Registrants are required to keep the U.S. EPA informed of their current name, address, and any change of their authorized agent. When there is a transfer of the registration, specific documentation must be submitted to the U.S. EPA and U.S. EPA approval received (40 CFR 152.15 through 152.46, 152.122 through 152.135).

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### **Pesticide Labeling (FIFRA sec. 2(p))**

Every pesticide product is required to have a label that clearly identifies contents, source, ingredients, and directions for use. Pesticides shipped or used under an experimental use permit are required to have their own label and must include the statement "For Experimental Use Only" (40 CFR 156.10(a) and 40 CFR 172.6).

### **Pesticide Producers (FIFRA sec. 2(w))**

The following producers are required to be registered (40 CFR 167.20):

1. any establishment where a pesticidal product is produced, except for custom blenders;
2. any establishments where a substance is produced must be registered with U.S. EPA if the producer intends the substance to be used as an active ingredient of a pesticide, or the producer has actual or constructive knowledge that the substance will be used by any person as an active ingredient of a pesticide
3. any domestic establishment producing a pesticidal product for export, or any unregistered pesticide, or any foreign establishment producing a pesticidal product for import into the United States
4. any establishment, either foreign or domestic, which produces a pesticidal product for use under an Experimental Use Permit, FIFRA section 18 Emergency Exemption or section 24(c) Special Local Needs registration.

Producers are also required to meet reporting requirements and maintain specific records (40 CFR 167.85 and 169.2).

### **Pesticide Distribution**

Registered pesticides must be distributed or sold only with the composition, packaging, and labeling approved by U.S. EPA. Depending on the formulation of the pesticide, it must be distributed and sold in child-resistant packaging (40 CFR 152.130, 152.132, 157.20 through 157.36).

### **Pesticide Applicators**

Commercial applicators and private applicators of restricted use pesticides are required to be certified. Certification is based on the type of applications to be performed. Noncertified applicators of restricted use pesticides are required to be supervised by certified or private commercial applicators. Applicators can be certified by U.S. EPA or by a state with an approved certification plan (40 CFR Part 171 and applicable state regulations).

### **Worker Protection Standards**

When applying pesticides in a greenhouse, nursery, farm, or a forest, workers are required to abide by entry restrictions and personal protection equipment (PPE) requirements. Agricultural employers are required to notify workers of pesticide applications and the hazards associated with those applications and provide safety training. Notification is done orally and through the posting of signs. Agricultural employers are also required to provide decontamination supplies to workers for washing off pesticides and pesticide residues. Pesticide handlers have to meet requirements similar to agricultural employers (40 CFR Part 170).

### **Additional Concerns**

In addition to the regulatory requirements promulgated under Title 40 of the CFR reflected in this checklists, assessors should also be aware that 50 CFR 402.01 mandates that the use of pesticides must not jeopardize the existence of threatened or endangered species. Under 7 CFR 110.3 certified applicators of restricted-use pesticides are required to keep application records. The 19 CFR 12.112 further addresses the importation of pesticides.

## **Key Terms and Definitions**

### **Accident**

An unexpected, undesirable event, caused by the use or presence of a pesticide, that adversely affects man or the environment (40 CFR 171.2).

### **The Act**

The *Federal, Insecticide, Fungicide, and Rodenticide Act*, as amended, 7 USC 136 *et seq.*

**Active Ingredient**

This term means (FIFRA sec.2(a) and see also 40 CFR 152.3):

1. in the case of a pesticide other than a plant regulator, defoliant, desiccant, or nitrogen stabilizer, an ingredient which will prevent, destroy, repel, or mitigate any pest;
2. in the case of a plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the product thereof;
3. in the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant;
4. in the case of a dessicant, an ingredient which will artificially accelerate the drying of plant tissue; and
5. in the case of a nitrogen stabilizer, an ingredient which will prevent or hinder the process of nitrification, denitrification, ammonia volatilization, or decrease production through action affecting soil bacteria.

**Acute Dermal LD<sub>50</sub>**

A statistically derived estimate of the single dermal dose of a substance that would cause 50 percent mortality to the test population under specified conditions (40 CFR 152.3).

**Acute Inhalation LC<sub>50</sub>**

A statistically derived estimate of the concentration of a substance that would cause 50 percent mortality to the test population under specified conditions (40 CFR 152.3).

**Acute Oral LD<sub>50</sub>**

A statistically derived estimate of the single oral dose of a substance that would cause 50 percent mortality to the test population under specified conditions (40 CFR 152.3).

**Administrator**

The Administrator of the U.S. Environmental Protection Agency.

**Adulterated**

Applies to any pesticide if (FIFRA sec. 2(c)):

1. its strength or purity falls below the professed standard or quality as expressed on its labeling under which it is sold;
2. any substance has been substituted wholly or in part for the pesticide; or
3. any valuable constituent of the pesticide has been wholly or in part abstracted.

**The Agency**

The U.S. Environmental Protection Agency.

**Agricultural Commodity**

Any plant, or part thereof, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by man or animals (40 CFR 171.2).

**Agricultural Emergency**

A sudden occurrence or set of circumstances which the agricultural employer could not have anticipated and over which the agricultural employer has no control, and which requires entry into a treated area during a restricted-entry interval, when no alternative practices would prevent or mitigate a substantial economic loss (40 CFR 170.112(d)).

**Agricultural Employer**

Any person who hires or contracts for the services of workers, for any type of compensation, to perform activities related to the production of agricultural plants, or any person who is an owner of or is responsible for the management or condition of an agricultural establishment that uses such workers (40 CFR 170.3).

**Agricultural Establishment**

Any farm, forest, nursery, or greenhouse (40 CFR 170.3).

**Agricultural Plant**

Any plant grown or maintained for commercial or research purposes and includes, but is not limited to, food, feed, and fiber plants; trees; turfgrass; flowers, shrubs; ornamentals; and seedlings (40 CFR 170.3).

**Amendment Review**

Review of any application requiring Agency approval to amend the registration of a currently registered product, or for which an application is pending Agency decision, not entailing a major change to the use pattern of an active ingredient (40 CFR 152.403).

**Amount of Pesticidal Product**

Quantity, expressed in weight or volume of the product, and is to be reported in pounds for solid or semi-solid pesticides and active ingredients or gallons for liquid pesticides and active ingredients, or number of individual retail units for devices (40 CFR 167.3).

**Amount of Pesticide or Active Ingredient**

The weight or volume of the pesticide or active ingredient used in producing a pesticide expressed as weight for solid or semi-solid products and as weight or volume of liquid products (40 CFR 169.1)

**Antimicrobial Pesticide**

A pesticide that (FIFRA sec. 2(mm)):

1. is intended to:
  - a) disinfect, sanitize, reduce, or mitigate growth or development of microbiological organisms; or
  - b) protect inanimate objects, industrial processes or systems, surfaces, water, or other chemical substances from contamination, fouling, or deterioration caused by bacteria, viruses, fungi, protozoa, algae, or slime; and
2. in the intended use is exempt from, or otherwise not subject to, a tolerance under section 408 of the Federal Food, Drug, and Cosmetic Act (21 USC 346a and 348) or a food additive regulation under section 409 of such Act;
3. is not one of the following:
  - a) a wood preservative or antifouling paint product for which a claim of pesticidal activity other than or in addition to an activity described in paragraph (1) is made;
  - b) an agricultural fungicide product; or
  - c) an aquatic herbicide product;
4. is any other chemical sterilant product (other than liquid chemical sterilant products exempt under FIFRA sec. 2(u)), any other disinfectant product, any other industrial microbiocide product, and any other preservative product that is not excluded by paragraph (3).

**Applicant**

A person who applies for a registration, amended registration, or reregistration, under FIFRA sec. 3 (40 CFR 152.3).

**Applicant**

Any person who applies for an experimental use permit, pursuant to section 5 of the Act (40 CFR 172.1).

**Appropriate**

When used with respect to child-resistant packaging, this term means that the packaging is chemically compatible with the pesticide contained therein (40 CFR 157.21).

**Batch**

A quantity of a pesticide product or active ingredient used in producing a pesticide made in one operation or lot or if made in a continuous or semi-continuous process or cycle, the quantity produced during an interval of time to be specified by the producer (40 CFR 169.1)

**Beneficial Organism**

Any pollinating insect, or any pest predator, parasite, pathogen or other biological control agent which functions naturally or as part of an integrated pest management program to control another pest (40 CFR 166.3).

**Biological Control Agent**

Any living organism applied to or introduced into the environment that is intended to function as a pesticide against another organism declared to be a pest by the U.S. EPA or authorized regulatory agency (40 CFR 152.3).

**Calibration of Equipment**

Measurement of dispersal or output of application equipment and adjustment of such equipment to control the rate of dispersal, and droplet or particle size of a pesticide dispersed by the equipment (40 CFR 171.2).

**Cooperator**

Any person who grants permission to a permittee or a permittee's designated participant for the use of an experimental use pesticide at an application site owned or controlled by the cooperator (40 CFR 172.1)

**Categories of Commercial Applicators:**

In relation to the certification of pesticide applicators, these include the following (40 CFR 171.3):

1. *Agricultural pest control--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.
2. *Agricultural pest control -- 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.
3. *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.
4. *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.
5. *Seed treatment.* This category includes commercial applicators using or supervising the use of restricted use pesticides on seeds.
6. *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 category 8 below.
7. *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 powerlines, pipelines, railway rights-of-way or other similar areas.
8. *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.
9. *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.
10. *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.
11. *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.

**Certified Applicator**

Any individual who is certified under section 11 as authorized to use or supervise the use of any pesticide which is classified for restricted use. Any applicator who holds or applies registered pesticides, or uses dilutions of registered pesticides consistent with FIFRA sec. 2(ee), only to provide a service to any person so served is not deemed to be a seller or distributor of pesticides under this Act (FIFRA sec. 2(e)(1)).

**Certification**

Recognition by a certifying agency that a person is competent and thus authorized to use or supervise the use of restricted use pesticides (40 CFR 171.2).

**Chemigation**

The application of pesticides through irrigation systems (40 CFR 170.3).

**Child-Resistant Packaging**

Packaging that is designed and constructed to be significantly difficult for children under 5 years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time, and that is not difficult for normal adults to use properly (40 CFR 157.21).

**Commercial Applicator**

An applicator (whether or not the applicator is a private applicator with respect to some uses) who uses or supervises the use of any pesticide which is classified for restricted use for any purpose or on any property other than as provided in the definition for "private applicator" (FIFRA sec. 2(e)(3) and see also 40 CFR 171.2).

**Commercial Pesticide Handling Establishment**

Any establishment, other than an agricultural establishment, that (40 CFR 170.3):

1. Employs any person, including a self-employed person, to apply on an agricultural establishment, pesticides used in the production of agricultural plants.
2. Employs any person, including a self-employed person, to perform on an agricultural establishment, tasks as a crop advisor.

**Compatibility**

That property of a pesticide which permits its use with other chemicals without undesirable results being caused by the combination (40 CFR 171.2).

**Competent**

Properly qualified to perform functions associated with pesticide application, the degree of capability required being directly related to the nature of the activity and the associated responsibility (40 CFR 171.2).

**Common Exposure Route**

A likely way (oral, dermal, respiratory) by which a pesticide may reach and/or enter an organism (40 CFR 171.2).

**Containment and Inactivation Controls**

Any combination of mechanical, procedural, or biological controls designed and operated to restrict environmental release of viable microorganisms from a facility (40 CFR 172.43).

**Crisis Exemption**

This is utilized in an emergency condition when the time from discovery of the emergency to the time when the pesticide use needed is insufficient to allow for the authorization of a specific quarantine exemption or public health exemption (40 CFR 166.2).

**Crop Advisor**

Any person who is assessing pest numbers or damage, pesticide distribution, or the status or requirements of agricultural plants. The term does not include any person who is performing hand labor tasks (40 CFR 170.3).

**Current Production [Sales or Distribution]**

Amount of planned production in the calendar year in which the pesticides report is submitted, including new pesticidal products not previously sold or distributed (40 CFR 167.3).

**Custom Blender**

Any establishment which provides the service of mixing pesticides to a customer's specifications, usually a pesticide(s)-fertilizer(s), pesticide-pesticide, or a pesticide-animal feed mixture, when: (1) The blend is prepared to the order of the customer and is not held in inventory by the blender; (2) the blend is to be used on the customer's property (including leased or rented property); (3) the pesticide(s) used in the blend bears end-use labeling directions which do not prohibit use of the product in such a blend; (4) the blend is prepared from registered pesticides; (b) the blend is delivered to the end-user along with a copy of the end-use labeling of each pesticide used in the blend and a statement specifying the composition of mixture; and (6) no other pesticide production activity is performed at the establishment (40 CFR 167.3).

**Data Gap**

The absence of any valid study or studies in the Agency's files which would satisfy a specific data requirement for a particular pesticide product (40 CFR 152.83).

**Data Submitters List**

The current Agency list, entitled ``Pesticide Data Submitters by Chemical," of persons who have submitted data to the Agency (40 CFR 152.83).

**Dealership**

Any site owned or operated by a restricted use pesticide retail dealer where any restricted use pesticide is made available for use, or where the dealer offers to make available for use any such pesticide (40 CFR 171.2).

**Deliberately Modified**

The directed addition, rearrangement, or removal of nucleotide sequences to or from genetic material (40 CFR 172.43).

**Device**

Any instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than man and other than bacteria, virus, or other microorganism on or in living man or other living animals); but not including equipment used for the application of pesticides when sold separately therefrom (FIFRA sec. 2(h), and see also 40 CFR 167.3 and 40 CFR 169.1).

**Dietary LC<sub>50</sub>**

A statistically derived estimate of the concentration of a test substance in the diet that would cause 50 percent mortality to the test population under specified conditions (40 CFR 152.161).

**Distribute(-d)(-tion) or Sell (Sold) (Sale)**

The acts of distributing, selling, offering for sale, holding for sale, shipping, holding for shipment, delivering for shipment, or receiving and (having so received) delivering or offering to deliver, or releasing for shipment to any person in any state (40 CFR 152.3).

**Early Entry**

Entry by a worker into a treated area on the agricultural establishment after a pesticide application is complete, but before any restricted-entry interval for the pesticide has expired (40 CFR 170.3).

**Emergency Condition**

An urgent, non-routine situation that requires the use of a pesticide(s) and shall be deemed to exist when (40 CFR 166.3):

1. No effective pesticides are available under the Act that have labeled uses registered for control of the pest under the conditions of the emergency; and
2. No economically or environmentally feasible alternative practices which provide adequate control are available;
3. The situation:
  - a) Involves the introduction or dissemination of a pest new to or not theretofore known to be widely prevalent or distributed within or throughout the United States and its territories; or

- b) Will present significant risks to human health; or
- c) Will present significant risks to threatened or endangered species, beneficial organisms, or the environment; or
- d) Will cause significant economic loss due to:
  - i) An outbreak or an expected outbreak of a pest; or
  - ii) A change in plant growth or development caused by unusual environmental conditions where such change can be rectified by the use of a pesticide(s).

**End Use Product**

A pesticide product whose labeling (40 CFR 152.3):

- 1. Includes directions for use of the product (as distributed or sold, or after combination by the user with other substances) for controlling pests or defoliating, desiccating, or regulating the growth of plants, and
- 2. Does not state that the product may be used to manufacture or formulate other pesticide products.

**Environment**

Water, air, land, and all plants and man and other animals living therein, and the interrelationships which exist among these (FIFRA sec. 2(j) and see also 40 CFR 171.2).

**Establishment**

Any place where a pesticide or device or active ingredient used in producing a pesticide is produced, or held, for distribution in sale (FIFRA sec. 2(dd) and see also 40 CFR 167.3).

**Excepted Agricultural Applications for Handler Standards**

40 CFR 170.202 through 170.260 does not apply when any pesticide is applied on an agricultural establishment in the following circumstances (40 CFR 170.203):

- 1. for mosquito abatement, Mediterranean fruit fly eradication, or similar wide-area public pest control programs sponsored by governmental entities;
- 2. on livestock or other animals, or in or about animal premises;
- 3. on plants grown for other than commercial or research purposes, which may include plants in habitations, home fruit and vegetable gardens, and home greenhouses;
- 4. on plants that are in ornamental gardens, parks, and public or private lawns and grounds that are intended only for aesthetic purposes or climatic modification;
- 5. in a manner not directly related to the production of agricultural plants, including, but not limited to, structural pest control, control of vegetation along rights-of-way and in other noncrop areas, and pasture and rangeland use;
- 6. for control of vertebrate pests;
- 7. as attractants or repellents in traps;
- 8. on the harvested portions of agricultural plants or on harvested timber; and
- 9. for research uses of unregistered pesticides.

**Excepted Agricultural Applications for Worker Standards**

40 CFR 170.102 through 170.160 does not apply when any pesticide is applied on an agricultural establishment in the following circumstances (40 CFR 170.103):

- 1. for mosquito abatement, Mediterranean fruit fly eradication, or similar wide-area public pest control programs sponsored by governmental entities;
- 2. on livestock or other animals, or in or about animal premises;
- 3. on plants grown for other than commercial or research purposes, which may include plants in habitations, home fruit and vegetable gardens, and home greenhouses;
- 4. on plants that are in ornamental gardens, parks, and public or private lawns and grounds that are intended only for aesthetic purposes or climatic modification;
- 5. by injection directly into agricultural plants, except this does not include "hack and squirt," "frill and spray," chemigation, soil-incorporation, or soil-injection;
- 6. in a manner not directly related to the production of agricultural plants, including, but not limited to, structural pest control, control of vegetation along rights-of-way and in other noncrop areas, and pasture and rangeland use;
- 7. for control of vertebrate pests;
- 8. as attractants or repellents in traps;
- 9. on the harvested portions of agricultural plants or on harvested timber; and

10. for research uses of unregistered pesticides.

**Exclusive Use Study**

A study that meets each of the following requirements (provided that, a study is an exclusive use study only during the 10-year period following the date of the first registration) (40 CFR 152.83):

1. The study pertains to a new active ingredient (new chemical) or new combination of active ingredients (new combination) first registered after September 30, 1978;
2. The study was submitted in support of, or as a condition of approval of, the application resulting in the first registration of a product containing such new chemical or new combination (first registration), or an application to amend such registration to add a new use; and
3. The study was not submitted to satisfy a data requirement imposed under FIFRA section 3(c)(2)(B).

**Experimental Animals**

Individual animals or groups of animals, regardless of species, intended for use and used solely for research purposes and does not include animals intended to be used for any food purposes (40 CFR 172.1).

**Experimental Use Permit Review**

Review of an application for a permit pursuant to section 5 of FIFRA to apply a limited quantity of a pesticide in order to accumulate information necessary to register the pesticide. The application may be for a new chemical or for a new use of an old chemical. The fee applies to such experimental uses of a single unregistered active ingredient (no limit on the number of other active ingredients, in a tank mix, already registered for the crops involved) and no more than three crops. This fee does not apply to experimental use permits required for small-scale field testing of microbial pest control agents (40 CFR 152.403).

**Farm**

Any operation, other than a nursery or forest, engaged in the outdoor production of agricultural plants (40 CFR 170.3).

**Final Printed Labeling**

The label or labeling of the product when distributed or sold. Final printed labeling does not include the package of the product, unless the labeling is an integral part of the package (40 CFR 152.3).

**First Food Use**

The use of a pesticide on a food or in a manner which otherwise would be expected to result in residues in a food, if no permanent tolerance, exemption from the requirement of a tolerance, or food additive regulation for residues of the pesticide on any food has been established for the pesticide under section 408 (d) or (e) or 409 of the Federal Food, Drug, and Cosmetic Act (FFDCA) (40 CFR 166.3).

**Food**

Any article used for food or drink for man or animals (40 CFR 166.3).

**Forest**

A concentration of trees and related vegetation in non-urban areas sparsely inhabited by and infrequently used by humans; characterized by natural terrain and drainage patterns (40 CFR 171.2).

**Forest**

Any operation engaged in the outdoor production of any agricultural plant to produce wood fiber or timber products (40 CFR 170.3)

**Fumigant**

Any pesticide product that is a vapor or gas or forms a vapor or gas on application and whose method of pesticidal action is through the gaseous state (40 CFR 156.203 and 40 CFR 170.3).

**Greenhouse**

Any operation engaged in the production of agricultural plants inside any structure or space that is enclosed with nonporous covering and that is of sufficient size to permit worker entry. This term includes, but is not limited to, polyhouses, mushroom houses, rhubarb houses, and similar structures. It does not include such structures as malls, atriums, conservatories,

## **Protocol for Conducting Environmental Compliance Audits under FIFRA**

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arboreums, or office buildings where agricultural plants are present primarily for aesthetic or climatic modification (40 CFR 170.3).

### **Hand Labor**

Any agricultural activity performed by hand or with hand tools that causes a worker to have substantial contact with surfaces (such as plants, plant parts, or soil) that may contain pesticide residues. These activities include, but are not limited to, harvesting, detasseling, thinning, weeding, topping, planting, sucker removal, pruning, disbudding, roguing, and packing produce into containers in the field. Hand labor does not include operating, moving, or repairing irrigation or watering equipment or performing the tasks of crop advisors (40 CFR 170.3).

### **Handler**

Any person, including a self-employed person (40 CFR 170.3):

1. Who is employed for any type of compensation by an agricultural establishment or commercial pesticide handling establishment to which 40 CFR 170.202 to 170.260 apply and who is:
  - a) Mixing, loading, transferring, or applying pesticides.
  - b) Disposing of pesticides or pesticide containers.
  - c) Handling opened containers of pesticides.
  - d) Acting as a flagger.
  - e) Cleaning, adjusting, handling, or repairing the parts of mixing, loading, or application equipment that may contain pesticide residues.
  - f) Assisting with the application of pesticides.
  - g) Entering a greenhouse or other enclosed area after the application and before the inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria established by 40 CFR 170.110(c)(3) or in the labeling has been met:
    - i) To operate ventilation equipment.
    - ii) To adjust or remove coverings used in fumigation.
    - iii) To monitor air levels.
  - h) Entering a treated area outdoors after application of any soil fumigant to adjust or remove soil coverings such as tarpaulins.
  - i) Performing tasks as a crop advisor:
    - i) During any pesticide application.
    - ii) Before the inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria established by 40 CFR 170.110(c)(3) or in the labeling has been met.
    - iii) During any restricted-entry interval.
2. The term does not include any person who is only handling pesticide containers that have been emptied or cleaned according to pesticide product labeling instructions or, in the absence of such instructions, have been subjected to triple-rinsing or its equivalent.

### **Handler Employer**

Any person who is self-employed as a handler or who employs any handler, for any type of compensation (40 CFR 170.3).

### **Hazard**

A probability that a given pesticide will have an adverse effect on man or the environment in a given situation, the relative likelihood of danger or ill effect being dependent on a number of interrelated factors present at any given time (40 CFR 171.2).

### **Host**

Any plant or animal on or in which another lives for nourishment, development, or protection (40 CFR 171.2).

### **Immediate Family**

Includes only spouse, children, stepchildren, foster children, parents, stepparents, foster parents, brothers, and sisters (40 CFR 170.3).

**Inability**

The incapacity of any person to maintain, furnish or permit access to any records under this Act and regulations, where such incapacity arises out of causes beyond the control and without the fault or negligence of such person. Such causes may include, but are not restricted to acts of God or of the public enemy, fires, floods, epidemics, quarantine restrictions, strikes, and unusually severe weather, but in every case, the failure must be beyond the control and without the fault or negligence of said person (40 CFR 169.1).

**Inert Ingredient**

An ingredient which is not active (see definition for active ingredient) (FIFRA sec. 2(m) and see also 40 CFR 152.3).

**Institutional Use**

Any application of a pesticide in or around any property or facility that functions to provide a service to the general public or to public or private organizations, including but not limited to (40 CFR 152.3):

1. Hospitals and nursing homes.
2. Schools other than preschools and day care facilities.
3. Museums and libraries.
4. Sports facilities.
5. Office buildings.

**Introduction of Genetic Material**

The movement of nucleotide sequences into a microorganism, regardless of the technique used (40 CFR 172.43).

**Inversions of Genetic Material**

The replacement of an internal section of a chromosome in the reverse orientation (40 CFR 172.43).

**Label**

The written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers (FIFRA sec. 2(p)(1)).

**Labeling**

All labels and all other written, printed, or graphic matter (FIFRA sec. 2(p)(2)):

1. accompanying the pesticide or device at any time; or
2. to which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of the Environmental Protection Agency, the United States Departments of Agriculture and Interior, the Department of Health and Human Services, state experiment stations, state agricultural colleges, and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

**Maintenance Applicator**

Any individual who, in the principal course of such individual's employment, uses, or supervises the use of, a pesticide not classified for restricted use (other than a ready to use consumer products pesticide); for the purpose of providing structural pest control or lawn pest control including janitors, general maintenance personnel, sanitation personnel, and grounds maintenance personnel. The term 'maintenance applicator' does not include private applicators as defined in FIFRA section 2(e)(2); individuals who use antimicrobial pesticides, sanitizers or disinfectants; individuals employed by federal, state, and local governments or any political subdivisions thereof, or individuals who use pesticides not classified for restricted use in or around their homes, boats, sod farms, nurseries, greenhouses, or other noncommercial property (FIFRA sec. 2(jj)).

**Make Available for Use**

To distribute, sell, ship, deliver for shipment, or receive and (having so received) deliver, to any person. However, the term excludes transactions solely between persons who are pesticide producers, registrants, wholesalers, or retail sellers, acting only in those capacities (40 CFR 171.2).

**Management Practice (MP)**

Practices that, although not mandated by law, are encouraged to promote safe operating procedures.

**Manufacturing Use Product**

Any pesticide product that is not an end-use product (40 CFR 152.3).

**Microbial Pesticide**

Any pesticide whose active ingredient is a microorganism intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or desiccant (40 CFR 172.43).

**Microbial Pesticides Resulting From Rearrangements**

A microbial pesticide resulting from translocations or inversions of genetic material (40 CFR 172.43).

**Microorganism**

A bacterium, fungus, alga, virus, or protozoan (40 CFR 172.43).

**Misbranded**

A pesticide is misbranded if (FIFRA sec. 2(q)):

1. its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;
2. it is contained in a package or other container or wrapping which does not conform to the standards established by the Administrator pursuant to section 25(c)(3) of FIFRA;
3. it is an imitation of, or is offered for sale under the name of, another pesticide;
4. its label does not bear the registration number assigned under section 7 of FIFRA to each establishment in which it was produced;
5. any word, statement, or other information required by or under authority of FIFRA to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;
6. the labeling accompanying it does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any requirements imposed under section 3(d) of the Act, are adequate to protect health and the environment;
7. the label does not contain a warning or caution statement which may be necessary and if complied with, together with any requirements imposed under section 3(d) of this Act, is adequate to protect health and the environment; or
8. in the case of a pesticide not registered in accordance with section 3 of this Act and intended for export, the label does not contain, in words prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) as to render it likely to be noted by the ordinary individual under customary conditions of purchase and use, the following: "Not Registered for Use in the United States of America."

A pesticide is misbranded if:

1. the label does not bear an ingredient statement on that part of the immediate container (and on the outside container or wrapper of the retail package, if there be one, through which the ingredient statement on the immediate container cannot be clearly read) which is presented or displayed under customary conditions of purchase, except that a pesticide is not misbranded under this subparagraph if:
  - a) the size or form of the immediate container, or the outside container or wrapper of the retail package, makes it impracticable to place the ingredient statement on the part which is presented or displayed under customary conditions of purchase; and
  - b) the ingredient statement appears prominently on another part of the immediate container, or outside container or wrapper, permitted by the Administrator;
2. the labeling does not contain a statement of the use classification under which the product is registered;
3. there is not affixed to its container, and to the outside container or wrapper of the retail package, if there be one, through which the required information on the immediate container cannot be clearly read, a label bearing:
  - a) the name and address of the producer, registrant, or person for whom produced;
  - b) the name, brand, or trademark under which the pesticide is sold;
  - c) the net weight or measure of the content, except that the Administrator may permit reasonable variations; and
  - d) when required by regulations of the Administrator to effectuate the purposes of this Act, the registration number assigned to the pesticide under this Act, and the use classification; and

4. the pesticide contains any substance or substances in quantities highly toxic to man, unless the label shall bear, in addition to any other matter required by this Act:
  - a) the skull and crossbones;
  - b) the word "poison" prominently in red on a background of distinctly contrasting color; and
  - c) a statement of a practical treatment (first aid or otherwise) in case of poisoning by the pesticide.

**New Biochemical and Microbial Registration Review**

Review of an application for registration of a biochemical or microbial pesticide product containing a biochemical or microbial active ingredient not contained in any other pesticide product that is registered under FIFRA at the time the application is made. For purposes of Subpart U of 40 CFR 152, the definitions of biochemical and microbial pesticides contained in 40 CFR 158.65 (a) and (b) apply (40 CFR 152.403).

**New Chemical**

An active ingredient not contained in any currently registered pesticide (40 CFR 166.3).

**New Chemical Registration Review**

Review of an application for registration of a pesticide product containing a chemical active ingredient which is not contained as an active ingredient in any other pesticide product that is registered under FIFRA at the time the application is made (40 CFR 152.403).

**New Use (When Used with Respect to a Product Containing a Particular Active Ingredient)**

1. Any proposed use pattern that would require the establishment of, the increase in, or the exemption from the requirement of, a tolerance or food additive regulation under section 408 or 409 of the Federal Food, Drug, and Cosmetic Act (FFDCA);
2. Any aquatic, terrestrial, outdoor, or forestry use pattern, if no product containing the active ingredient is currently registered for that use pattern; or
3. Any additional use pattern that would result in a significant increase in the level of exposure, or a change in the route of exposure, to the active ingredient of man or other organisms (40 CFR 152.3).

**New Use Pattern Registration Review**

Review of an application for registration, or for amendment of a registration entailing a major change to the use pattern of an active ingredient contained in a product registered under FIFRA or pending Agency decision on a prior application at the time of application. For purposes of this paragraph, examples of major changes include but are not limited to, changes from non-food to food use, outdoor to indoor use, ground to aerial application, terrestrial to aquatic use, and non-residential to residential use (40 CFR 152.403).

**Nonindigenous Microbial Pesticide**

A microbial pesticide brought into one of the following geographic areas from outside that area (40 CFR 172.43):

1. The continental United States, including Alaska, and the immediately adjoining countries (i.e., Canada and Mexico).
2. The Hawaiian Islands.
3. The Caribbean Islands including Puerto Rico and the U.S. Virgin Islands.

**Non-Target Organism**

A plant or animal other than the one against which the pesticide is applied (40 CFR 171.2).

**Nursery**

Any operation engaged in the outdoor production of any agricultural plant to produce cut flowers and ferns or plants that will be used in their entirety in another location. Such plants include, but are not limited to, flowering and foliage plants or trees; tree seedlings; live Christmas trees; vegetable, fruit, and ornamental transplants; and turfgrass produced for sod (40 CFR 170.3).

**Old Chemical Registration Review**

Review of an application for registration of a new product containing active ingredients and uses which are substantially similar or identical to those currently registered or for which an application is pending Agency decision (40 CFR 152.403).

**Operated By the Same Producer (When Used with Respect to Two Establishments)**

Each such establishment is either owned by, or leased for operation by and under the control of, the same person. The term does not include establishments owned or operated by different persons, regardless of contractual agreement between such persons (40 CFR 152.3).

**Original Data Submitter**

The person who possesses all rights to exclusive use or compensation under FIFRA section 3(c)(1)(D) in a study originally submitted in support of an application for registration, amended registration, reregistration, or experimental use permit, or to maintain an existing registration in effect. The term includes the person who originally submitted the study, any person to whom the rights under FIFRA section 3(c)(1)(D) have been transferred, or the authorized representative of a group of joint data developers (40 CFR 152.83).

**Ornamental**

Trees, shrubs, and other plantings in and around habitations generally, but not necessarily located in urban and suburban areas, including residences, parks, streets, retail outlets, industrial and institutional buildings (40 CFR 171.2).

**Outdoor Use**

Any pesticide application that occurs outside enclosed manmade structures or the consequences of which extend beyond enclosed manmade structures, including, but not limited to, pulp and paper mill water treatments and industrial cooling water treatments (40 CFR 152.161).

**Owner**

Any person who has a present possessory interest (fee, leasehold, rental, or other) in an agricultural establishment covered by 40 CFR Part 170. A person who has both leased such agricultural establishment to another person and granted that same person the right and full authority to manage and govern the use of such agricultural establishment is not an owner for purposes of 40 CFR Part 170 (40 CFR 170.3).

**Package or Packaging**

The immediate container or wrapping, including any attached closure(s), in which the pesticide is contained for distribution, sale, consumption, use, or storage. The term does not include any shipping or bulk container used for transporting or delivering the pesticide unless it is the only such package (40 CFR 152.3 and 40 CFR 157.21).

**Participant**

Any person acting as a representative of the permittee and responsible for making available for use, or supervising the use or evaluation of, an experimental use pesticide to be applied at a specific application site (40 CFR 172.1).

**Past Year**

The calendar year immediately prior to that in which the report is submitted (40 CFR 167.3).

**Personal Protective Equipment (PPE)**

Devices and apparel that are worn to protect the body from contact with pesticides or pesticide residues, including, but not limited to, coveralls, chemical-resistant suits, chemical-resistant gloves, chemical-resistant footwear, respiratory protection devices, chemical-resistant aprons, chemical-resistant headgear, and protective eyewear (40 CFR 170.112(c)(4)(i)).

**Pest**

Any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other micro-organisms on or in living man or other living animals) which the Administrator declares to be a pest under section 25(c)(1) of FIFRA (FIFRA sec. 2(t) and see also 40 CFR 152.5).

**Pesticidal Product**

A pesticide, active ingredient, or device (40 CFR 167.3).

**Pesticidal Product Report**

Information showing the types and amounts of pesticidal products which were: (1) Produced in the past calendar year; (2) produced in the current calendar year; and, (3) sold or distributed in the past calendar year. For active ingredients, the

## **Protocol for Conducting Environmental Compliance Audits under FIFRA**

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pesticidal product report must include information on the types and amounts of an active ingredient for which there is actual or constructive knowledge of its use or intended use as a pesticide. This pesticidal product report also pertains to those products produced for export only which must also be reported. A positive or a negative annual report is required in order to maintain registration for the establishment (40 CFR 167.3).

### **Pesticide**

Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant; and any nitrogen stabilizer, except that the term “pesticide” shall not include any article that is a “new animal drug” within the meaning of section 201(w) of the Federal Food, Drug, and Cosmetic Act (21 USC 321(w)), that has been determined by the Secretary of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use for the article, or that is an animal feed within the meaning of section 201(x) of such Act (21 USC 321(x)) bearing or containing a new animal drug. The term “pesticide” does not include liquid chemical sterilant products (including any sterilant or subordinate disinfectant claims on such products) for use on a critical or semi-critical device, as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 USC 321). For purposes of the preceding sentence, the term “critical device” includes any device which is introduced directly into the human body, either into or in contact with the bloodstream or normally sterile areas of the body and the term “semi-critical device” includes any device which contacts intact mucous membranes but which does not ordinarily penetrate the blood barrier or otherwise enter normally sterile areas of the body (FIFRA sec. 2(u), and see also 40 CFR 152.3, 40 CFR 152.8, and 40 CFR 152.10).

### **Pesticide Product**

A pesticide in the particular form (including composition, packaging, and labeling) in which the pesticide is, or is intended to be, distributed or sold. This includes any physical apparatus used to deliver or apply the pesticide if distributed or sold with the pesticide (40 CFR 152.3).

### **Practicable**

When used with respect to child-resistant packaging, this term means that the packaging can be mass produced and can be used in assembly line production (40 CFR 157.21).

### **Practical Knowledge**

The possession of pertinent facts and comprehension together with the ability to use them in dealing with specific problems and situations (40 CFR 171.2).

### **Principal Place of Business**

The principal location, either residence or office, in the state in which an individual, partnership, or corporation applies pesticides (40 CFR 171.2).

### **Private Applicator**

A certified applicator who uses or supervises the use of any pesticide which is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by the applicator or the applicator's employer or (if applied without compensation other than trading of personal services between producers of agricultural commodities) on the property of another person (FIFRA sec. 2(ee)(2)).

### **Produce**

To manufacture, prepare, compound, propagate, or process any pesticide or device or active ingredient used in producing a pesticide. (FIFRA sec. 2 (w) and see also 40 CFR 167.3).

### **Producer**

The person who manufactures, prepares, compounds, propagates, or processes 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 included in the definition of “producer” for the purposes of FIFRA (FIFRA sec. 2(w) and see also 40 CFR 167.3).

### **Protective Equipment**

Clothing or any other materials or devices that shield against unintended exposure to pesticides (40 CFR 171.2).

**Public Health Exemption**

This may be authorized in an emergency condition to control a pest that will cause a significant risk to human health (40 CFR 166.2).

**Public Health Pesticide**

Any minor use pesticide product registered for use and used predominantly in public health programs for vector control or for other recognized health protection uses, including the prevention or mitigation of viruses, bacteria, or other microorganisms (other than viruses, bacteria, or other microorganisms on or in living man or other living animal) that pose a threat to public health (FIFRA sec. 2(nn)).

**Quarantine Exemption**

This may be authorized in an emergency condition to control the introduction or spread of any pest new to or not theretofore known to be widely prevalent or distributed within and throughout the United States and its territories (40 CFR 166.2).

**Registrant**

A person who has registered any pesticide pursuant to the provisions of this Act (FIFRA sec. 2(y)).

**Regulated Pest**

A specific organism considered by a state or federal agency to be a pest requiring regulatory restrictions, regulations, or control procedures in order to protect the host, man and/or his environment (40 CFR 171.2).

**Residential Use**

Use of a pesticide directly (40 CFR 152.3):

1. On humans or pets,
2. In, on, or around any structure, vehicle, article, surface, or area associated with the household, including but not limited to areas such as non-agricultural outbuildings, non-commercial greenhouses, pleasure boats and recreational vehicles, or
3. In any preschool or day care facility.

**Residential Use**

Use of a pesticide or device (40 CFR 157.21):

1. Directly on humans or pets;
2. In, on, or around any structure, vehicle, article, surface or area associated with the household, including but not limited to areas such as non-agricultural outbuildings, non-commercial greenhouses, pleasure boats and recreational vehicles; or
3. In or around any preschool or day care facility.

**Restricted-Entry Interval**

The time after the end of a pesticide application during which entry to the treated area is restricted (40 CFR 156.203 and 40 CFR 170.3).

**Restricted-Use Pesticides**

Pesticides designated for restricted use under the provisions of Section 3(d)(1)(C) of FIFRA (40 CFR 171.2).

**Restricted-Use Pesticide Retail Dealer**

Any person who makes available for use any restricted use pesticide, or who offers to make available for use any such pesticide (40 CFR 171.2).

**Service Technician**

Any individual who uses or supervises the use of pesticides (other than a ready to use consumer products pesticide) for the purpose of providing structural pest control or lawn pest control on the property of another for a fee. The term "service technician" does not include individuals who use antimicrobial pesticides, sanitizers or disinfectants; or who otherwise apply ready to use consumer products pesticides.

**Single Genome**

The sum total of chromosomal and extrachromosomal genetic material of an isolate and any descendants derived under axenic culture conditions from that isolate (40 CFR 172.43).

**Small-Scale Test**

The experimental use of a microbial pesticide in a facility such as a laboratory or greenhouse, or use in limited replicated field trials or other tests as described in 40 CFR 172.3(c) (40 CFR 172.43).

**Sold or Distributed**

The aggregate amount of a pesticidal product released for shipment by the establishment in which the pesticidal product was produced (40 CFR 167.3).

**Significant Economic Loss**

Under the emergency conditions: for a productive activity, the profitability would be substantially below the expected profitability for that activity; or, for other types of activities, where profits cannot be calculated, the value of public or private fixed assets would be substantially below the expected value for those assets. Only losses caused by the emergency conditions, specific to the impacted site, and specific to the geographic area affected by the emergency conditions are included. The contribution of obvious mismanagement to the loss will not be considered in determining loss. In evaluating the significance of an economic loss for productive activities, the Agency will consider whether the expected reduction in profitability exceeds what would be expected as a result of normal fluctuations over a number of years, and whether the loss would affect the long-term financial viability expected from the productive activity. In evaluating the significance of an economic loss for situations other than productive activities, the Agency will consider reasonable measures of expected loss (40 CFR 166.3).

**Special Review**

Any interim administrative review of the risks and benefits of the use of a pesticide conducted pursuant to the provisions of EPA's Rebuttable Presumption Against Registration rules, 40 CFR 162.11(a), or any subsequent version of those rules (40 CFR 166.3).

**Specific Exemption**

This exemption may be authorized in an emergency condition to avert (40 CFR 166.2):

1. a significant economic loss
2. a significant risk to endangered species, threatened species, beneficial organisms, or the environment.

**Standard**

The measure of knowledge and ability which must be demonstrated as a requirement for certification (40 CFR 171.2).

**Substantial Economic Loss**

A loss in profitability greater than that which would be expected based on the experience and fluctuations of crop yields in previous years. Only losses caused by the agricultural emergency specific to the affected site and geographic area are considered. The contribution of mismanagement cannot be considered in determining the loss (40 CFR 170.112(d)).

**Supplemental Distribution**

The distribution or sale of a registered product by the registrant under another person's name and address. The distributor is considered the agent of the registrant for all intents and purposes under FIFRA (40 CFR 152.132).

**Technically Feasible**

When applied to child-resistant packaging, means that the technology exists to produce the child-resistant packaging for a particular pesticide (40 CFR 157.21).

**Susceptibility**

The degree to which an organism is affected by a pesticide at a particular level of exposure (40 CFR 171.2).

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### **Test or Testing**

Any use of a microbial pesticide consistent with section 5 of the Act, including limited replicated field trials and associated activities (40 CFR 172.43).

### **To Distribute or Sell**

To distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver. The term does not include the holding or application of registered pesticides or use dilutions thereof by any applicator who provides a service of controlling pests without delivering any unapplied pesticide to any person so served (FIFRA sec. 2(gg)).

### **Toxicity**

The property of a pesticide to cause any adverse physiological effects (40 CFR 171.2).

### **Toxicity Categories**

Required warnings and precautionary statements are based on the toxicity category of the pesticide. The category is assigned on the basis of the highest hazard shown in the table listed in 40 CFR 156.10 (40 CFR 156.10(h)).

### **Translocations of Genetic Material**

A chromosomal configuration in which part of a chromosome becomes attached to a different chromosome, or inserts in a different location on the same chromosome (40 CFR 172.43).

### **Treated Area**

Any area to which a pesticide is being directed or has been directed (40 CFR 170.3).

### **Type of Pesticidal Product**

This refers to each individual product as identified by: the product name; U.S. EPA Registration Number (or U.S. EPA File Symbol, if any, for planned products, or Experimental Permit Number, if the pesticide is produced under an Experimental Use Permit); active ingredients; production type (technical, formulation, repackaging, etc.); and, market for which the product was produced (domestic, foreign, etc.). In cases where a pesticide is not registered, registration is not applied for, or the pesticide is not produced under an Experimental Use Permit, the term shall also include the chemical formulation (40 CFR 167.3).

### **Uncertified Person**

Any person who is not holding a currently valid certification document indicating that he is certified under section 4 of FIFRA in the category of the restricted use pesticide made available for use (40 CFR 171.2).

### **Under the Direct Supervision Of**

The act or process whereby the application of a pesticide is made by a competent person acting under the instructions and control of a certified applicator who is responsible for the actions of that person and 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 (40 CFR 171.2).

### **Unit Packaging**

A package that is labeled with directions to use the entire contents of the package in a single application (40 CFR 157.21).

### **Unreasonable Adverse Effects on the Environment**

Any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide (40 CFR 166.3).

### **Valid Study**

A study that has been conducted in accordance with the Good Laboratory Practice standards of 40 CFR Part 160 or generally accepted scientific methodology and that U.S. EPA has not determined to be invalid (40 CFR 152.83).

### **Value for Pesticide Purposes**

That characteristic of a substance or mixture of substances which produces an efficacious action on a pest (40 CFR 172.1).

**Worker**

Any person, including a self-employed person, who is employed for any type of compensation and who is performing activities relating to the production of agricultural plants on an agricultural establishment to which subpart B of this part applies. While persons employed by a commercial pesticide handling establishment are performing tasks as crop advisors, they are not workers covered by the requirements of Subpart B of 40 CFR Part 170 (40 CFR 170.3).

**Typical Records To Review**

- Records of pesticides purchased (purchase orders, inventory)
- Pesticide application records
- Description of the pest control program
- Certification status of pesticide applicators
- Pesticide disposal manifests
- Contract files
- Recent ventilation rating for pesticide fume hood and pesticide mixing/storage areas

**Typical Physical Features To Inspect**

- Personnel protection equipment
- Pesticide application equipment
- Pesticide storage areas, including storage containers

**List of Acronyms and Abbreviations**

CFR	Code of Federal Regulations
EPA	Environmental Protection Agency
ESA	Endangered Species Act
EUP	Experimental Use Permit
FFDCA	Federal Food, Drug and Cosmetic Act
FIFRA	The Federal Insecticide, Fungicide, and Rodenticide Act
FR	Federal Register
ft	Foot
g	Gram
gal	Gallon
h	Hours
in.	Inch
kg	Kilogram
L	Liter
lb	Pound
mg	Milligram
mi	Mile
MP	Management Practice
NIH	National Institute of Health
NOI	Notice of Intent
NOV	Notice of Violation
PM	Pesticides Management
PPE	Personal Protective Equipment
RCRA	Resource Conservation and Recovery Act
REI	Restricted-Entry Interval
SCBA	Self-Contained Breathing Apparatus
USDA	U.S. Department of Agriculture

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**Checklist**

<b>COMPLIANCE CATEGORY: PESTICIDES MANAGEMENT</b>	
<b>REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE</b>	<b>REVIEWER CHECKS</b>
<b>PM.1</b>  <b>GENERAL</b>	
<b>PM.1.1.</b> The current status of any ongoing or unresolved consent orders, compliance agreements, notice of violations (NOVs), interagency agreements, or equivalent state enforcement actions is required to be examined.	<p>Determine if noncompliance issues have been resolved by reviewing a copy of the previous report, consent orders, compliance agreements, NOVs, interagency agreements, or equivalent state enforcement actions.</p> <p>(NOTE: For those open items, indicate what corrective action is planned and milestones established to correct problems.)</p>
<b>PM.1.2.</b> Facilities are required to comply with all applicable federal regulatory requirements pertaining to pesticides management not contained in this checklist.	<p>Determine if any new regulations have been issued since the finalization of this document. If so, update the checklist to include new requirements.</p> <p>Determine if the facility has activities or facilities that are regulated, but not addressed in this checklist.</p> <p>Verify that the facility is in compliance with all applicable and newly issued regulations.</p> <p>(NOTE: In addition to pesticide-specific regulations, facilities are required to comply with other applicable regulations on subjects such as hazardous waste, wastewater, and hazardous materials storage.)</p> <p>(NOTE: U.S. EPA provides guidance and policy determinations through Reregistration Eligibility Decisions (REDs) and Pesticide Registration (PRs) notices. This guidance should be consulted for additional policies, procedures, and regulatory decisions. REDs and PRs are available from: <a href="http://www.epa.gov/pesticides/chemreg.htm">http://www.epa.gov/pesticides/chemreg.htm</a>.)</p>
<b>PM.1.3.</b> Facilities are required to comply with state and local regulations concerning pesticides management.	<p>Verify that the facility is complying with state and local requirements.</p> <p>Verify that the facility is operating according to permits issued by the state or local agencies.</p> <p>(NOTE: Issues typically regulated by state and local agencies include the following:</p> <ul style="list-style-type: none"> <li>– applicator certification</li> </ul>

<b>COMPLIANCE CATEGORY: PESTICIDES MANAGEMENT</b>	
<b>REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE</b>	<b>REVIEWER CHECKS</b>
	<ul style="list-style-type: none"><li>– restricted-use pesticides</li><li>– application procedures</li><li>– suspended or canceled pesticides</li><li>– disposal methods</li><li>– emergency application of pesticides due to public health threats.)</li></ul> <p>(NOTE: In addition to pesticide-specific regulations, facilities are required to comply with other applicable regulations on subjects such as hazardous waste, wastewater, and hazardous materials storage.)</p>

COMPLIANCE CATEGORY PESTICIDES MANAGEMENT	
REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE	REVIEWER CHECKS
<b>EXPERIMENTAL USE PERMITS</b>  <b>PM.10</b>  <b>PM.10.1.</b> An experimental use permit is required in certain situations (40 CFR 172.2 and 172.3).	<p>Verify that any person accumulating information necessary to register a pesticide not registered with U.S. EPA or register a pesticide for a use not previously approved in the registration of the pesticide has an experimental use permit.</p> <p>Verify that pesticides under experimental use permits are not sold or distributed other than through participants and, if sold or distributed through participants, are used only at an application site of a cooperator and in accordance with the terms and conditions of the experimental use permit.</p> <p>(NOTE: It may be presumed that EUPs are not required when:</p> <ul style="list-style-type: none"> <li>– the experimental use of the pesticide is limited to:           <ul style="list-style-type: none"> <li>– laboratory or greenhouse tests</li> <li>– limited replicated field trials to confirm such tests</li> <li>– other tests whose purpose is only to assess the pesticide's potential efficacy, toxicity, or other properties</li> </ul> </li> <li>– the producer, applicator, or any other person conducting the test does not expect to receive any benefit in pest control from the pesticide's use.)</li> </ul> <p>(NOTE: The following types of experimental tests are presumed not to need an EUP:</p> <ul style="list-style-type: none"> <li>– a small-scale test involving use of a particular pesticide conducted on a cumulative total of no more than 10 acres of land per pest, except that:           <ul style="list-style-type: none"> <li>– when testing for more than one target pest occurs at the same time and in the same locality, the 10 acre limitation encompasses all of the target pests</li> <li>– any food or feed crops involved in, or affected by, such tests (including, but not limited to, crops subsequently grown on such land which may reasonably be expected to contain residues of the tested pesticides) are destroyed or consumed only by experimental animals unless an appropriate tolerance or exemption from a tolerance has been established under the FFDCA for residues of the pesticide</li> </ul> </li> <li>– a small-scale test involving the use of a particular pesticide conducted on a cumulative total of no more than 1 surface acre of water per pest, except that:           <ul style="list-style-type: none"> <li>– when the testing for more than one target pest occurs at the same time and in the same locality, the 1 acre limitation encompasses all of the target pests</li> <li>– waters which are involved in or affected by such tests are not used for irrigation purposes, drinking water supplies, or body contact recreational activities</li> </ul> </li> </ul>

<b>COMPLIANCE CATEGORY</b> <b>PESTICIDES MANAGEMENT</b>	
<b>REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE</b>	<b>REVIEWER CHECKS</b>
	<ul style="list-style-type: none"> <li>– testing is not conducted in any waters which contain or affect fish, shellfish, plants, or animals taken for recreational or commercial purposes and used for food or feed, unless an appropriate tolerance or exemption from a tolerance has been established under the FFDCA for residues of the pesticide</li> <li>– animal treatment tests involving the use of a particular pesticide are conducted only on experimental animals which are not used for food or feed, unless an appropriate tolerance or an exemption from a tolerance has been established for animal products and byproducts under the FFDCA for residues of the pesticide.)</li> </ul> <p>(NOTE: The examples of experimental tests that are presumed not to need a EUP are not all-inclusive and do not preclude testing in larger areas or larger numbers of units. Persons intending to conduct tests who are uncertain whether the testing may be conducted without a permit may submit a request for determination to the Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg, 1200 Pennsylvania Ave, NW. Washington, DC 20460, Telephone: (703-305-5447). )</p> <p>(NOTE: No EUP is required for a substance or mixture of substances being put through tests for the sole purpose of gathering data required for approval of such substance or mixture under the FFDCA as:</p> <ul style="list-style-type: none"> <li>– a “new drug”</li> <li>– a “new animal drug”</li> <li>– an “animal feed” containing a “new animal drug”).</li> </ul>
<b>PM.10.2.</b> Applications for experimental use permits are required to meet specific parameters (40 CFR 172.4 and 172.9).	<p>Verify that, an application or request for amendment to an existing EUP is submitted in triplicate to the Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Washington, DC 20460, as far as possible in advance of the intended date of shipment or use.</p> <p>Verify that the application includes:</p> <ul style="list-style-type: none"> <li>– the name and address of the applicant</li> <li>– the registration number of the product, if registered</li> <li>– the purpose or objectives of the proposed testing; a description in detail of the proposed testing program including test parameters; a designation of the pest organism(s) involved; the amount of pesticide product proposed for use; the crops, fauna, flora, sites, modes, dosage rates, and situation of application on or in which the pesticide is to be used; the states in which the proposed program will be conducted; the number of acres, number of structural sites, or number of animals by state to be treated or included in the area of experimental use; the proposed dates or period(s) during which the testing program is to be conducted; and the manner in which supervision of the program will be accomplished</li> </ul>

<b>COMPLIANCE CATEGORY</b> <b>PESTICIDES MANAGEMENT</b>	
<b>REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE</b>	<b>REVIEWER CHECKS</b>
	<p style="text-align: center;"><b>REVIEWER CHECKS</b></p> <ul style="list-style-type: none"> <li>– the name, street address, telephone number, and qualifications of all participants in the program (whether or not in the employ of the applicant)</li> <li>– the name and street address of all cooperators, if available at the time an application is submitted, or as soon thereafter as available</li> <li>– a description and the specific results of any appropriate prior testing of the product conducted by the applicant to determine toxicity and effects in or on target organisms at the site of application; and to determine phytotoxicity and other forms of toxicity or effects on nontarget plants, animals, and insects at or near the site of application; and to determine adverse effects on the environment</li> <li>– the proposed method of storage and disposition of any unused experimental use pesticide and its containers</li> <li>– such other additional pertinent information as the U.S. EPA or authorized regulatory agency may require.</li> </ul> <p>(NOTE: Testing intended to support a registration must be conducted in accordance with the Good Laboratory Practice Standards (40 CFR Part 160).)</p> <p>Verify that, if the experimental use pesticide is to be used in such a manner that any residue can reasonably be expected to result in or on food or feed, the applicant does one of the following:</p> <ul style="list-style-type: none"> <li>– submits evidence that a tolerance or exemption from the requirement of a tolerance has been established for residues of the pesticide in or on such food or feed under section 408 of the FFDCA, or a regulation promulgated under section 409 of the FFDCA</li> <li>– submits a petition proposing establishment of a tolerance or an exemption from the requirement of a tolerance under section 408, or a regulation under section 409, of the FFDCA</li> <li>– certifies that the food or feed derived from the experimental program will be destroyed or fed only to experimental animals for testing purposes, or otherwise disposed of in a manner which will not endanger man or the environment.</li> </ul> <p>Verify that, for unregistered pesticide products, the following is included:</p> <ul style="list-style-type: none"> <li>– a complete confidential statement of composition for the formulation to be tested giving the name and percentage by weight of each ingredient, active and inert</li> <li>– chemical and physical properties of each active ingredient of the formulation to be tested, including, but not limited to, the manufacturing or laboratory processes and analytical methods suitable for determining the active ingredients in the formulation</li> <li>– appropriate date, if available, on the rate of decline of residues on the treated crop or environmental site or other information for determination regarding entry of persons into treated areas</li> </ul>

COMPLIANCE CATEGORY PESTICIDES MANAGEMENT	
REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE	REVIEWER CHECKS
	<ul style="list-style-type: none"> <li>– results of toxicity tests and other data relevant to the product's potential for causing injury to the users or other persons who may be exposed, including any available epidemiological information as to man.</li> </ul> <p>Verify that a EUP is amended to add or change participants.</p> <p>Verify that applications for renewal are submitted before the current permit expires.</p>
<b>PM.10.3.</b> EUP programs are subject to surveillance and reporting requirements (40 CFR 172.8).	<p>Verify that the permittee supervises the test program and evaluates the results of testing at each site of application.</p> <p>Verify that the permittee immediately reports to the U.S. EPA or authorized regulatory agency, or to any person designated by U.S. EPA or authorized regulatory agency, any adverse effects from use of, or exposure to, the pesticide.</p> <p>Verify that a final report is submitted to the Registration Division within 180 days after the expiration of the permit, unless a request for extension of time is approved, and the report includes:</p> <ul style="list-style-type: none"> <li>– all data gathered during the testing program; field notes need not be submitted but must be maintained and submitted upon request</li> <li>– a description of the disposition of any pesticide containers and any unused pesticides including amounts disposed of and the method and site of disposition</li> <li>– the method of disposition of affected food and/or feed.</li> </ul> <p>(NOTE: The data gathered during the testing program may be submitted as part of an application for registration submitted within 180 days after the expiration of the permit, provided that the final report includes a statement that such application has been made, and the date of such application.)</p> <p>(NOTE: Testing intended to support a registration must be conducted in accordance with the Good Laboratory Practice Standards (40 CFR Part 160).)</p> <p>Verify that, in the case of any meat-producing animals or birds that receive a direct treatment or application of any experimental use pesticide, the name and location of the packing plant where the animals will be processed is sent to the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Washington, D.C. 20250, at least 10 days before the animals are to be shipped for slaughter.</p> <p>(NOTE: This requirement may be waived, on request, by the USDA. These provisions do not exempt treated food-producing animals and their products from compliance with other applicable inspection requirements.)</p>

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REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE	REVIEWER CHECKS
<p><b>PM.10.4.</b> Any person who plans to conduct small-scale testing of a type of microbial pesticide must submit a Notification to U.S. EPA and obtain prior approval (40 CFR 172.45 through 172.48).</p>	<p>Verify that individuals who plan to conduct small-scale testing of a type of microbial pesticide submit a Notification to U.S. EPA and obtain prior approval for either of the following tests:</p> <ul style="list-style-type: none"> <li>– small-scale tests that involve an intentional environmental introduction of that microbial pesticide</li> <li>– small-scale tests performed in a facility without adequate containment and inactivation controls.</li> </ul> <p>(NOTE: Instead of a Notification, individuals may submit an application for an experimental use permit (EUP) to U.S. EPA for approval.)</p> <p>(NOTE: This requirement applies to either of the following microbial pesticides:</p> <ul style="list-style-type: none"> <li>– microbial pesticides whose pesticidal properties have been imparted or enhanced by the introduction of genetic material that has been deliberately modified</li> <li>– nonindigenous microbial pesticides that have not been acted upon by the USDA (i.e., either by issuing or denying a permit or determining that a permit is unnecessary; or a permit is not pending with the USDA).</li> </ul> <p>(NOTE: Microbial pesticides resulting from deletions or rearrangements within a single genome that are brought about by the introduction of genetic material that has been deliberately modified are exempt from the notification requirement.)</p> <p>(NOTE: Testing conducted in a facility with adequate containment and inactivation controls, as provided in 40 CFR 172.45(e), does not require a notification (40 CFR 172.45(d)(2).)</p> <p>(NOTE: Testing intended to support a registration must be conducted in accordance with the Good Laboratory Practice Standards (40 CFR Part 160).)</p> <p>Verify that the selection and use of containment and inactivation controls for a particular microbial pesticide takes the following into account:</p> <ul style="list-style-type: none"> <li>– factors relevant to the microbial pesticide's ability to survive in the environment</li> <li>– potential routes of release in air, solids, and liquids; in or on waste materials and equipment; in or on people (including maintenance and custodial personnel); and in or on other organisms such as insects and rodents</li> <li>– procedures for transfer of materials between facilities</li> <li>– plans for routine or emergency clean-up and test termination.</li> </ul> <p>(NOTE: U.S. EPA will presume that compliance with the containment provisions of the National Institutes of Health (NIH) "Guidelines for Research Involving Recombinant DNA Molecules" (51 FR 16958, May 7, 1986) constitutes selection and use of adequate containment and inactivation controls.)</p>

<b>COMPLIANCE CATEGORY</b> <b>PESTICIDES MANAGEMENT</b>	
<b>REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE</b>	<b>REVIEWER CHECKS</b>
	<p>Verify that the selection of containment and inactivation controls is approved by an authorized official of the organization that is conducting the test prior to commencement of the test.</p> <p>Verify that records are developed and maintained describing the selection and use of the containment and inactivation controls, including contingency plans for emergency clean-up and test termination, that will be used during the test.</p> <p>Verify that these records are available for inspection at the test facility.</p> <p>Verify that, records are submitted to U.S. EPA at U.S. EPA's request and within the time frame specified in U.S. EPA's request.</p> <p>Verify that a notification is submitted for approval at least 90 days prior to the initiation of the proposed test.</p> <p>(NOTE: See 40 CFR 172.46 and 172.48 for details on the format and content of the Notification.)</p>

<b>COMPLIANCE CATEGORY PESTICIDES MANAGEMENT</b>	
<b>REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE</b>	<b>REVIEWER CHECKS</b>
<b>PESTICIDE REGISTRATION</b>	
<b>PM.20</b>	<p><b>PM.20.1.</b> No person can distribute or sell any pesticide product that is not registered under FIFRA (40 CFR 152.15, 152.30, and 155.25).</p> <p>Verify that no person distributes or sells any pesticide product that is not registered under FIFRA.</p> <p>(NOTE: A pesticide is any substance (or mixture of substances) intended for a pesticidal purpose, i.e., use for the purpose of preventing, destroying, repelling, or mitigating any pest or use as a plant regulator, defoliant, or desiccant. A substance is considered to be intended for a pesticidal purpose, and thus to be a pesticide requiring registration, if:</p> <ul style="list-style-type: none"> <li>– the person who distributes or sells the substance claims, states, or implies (by labeling or otherwise) one of the following:           <ul style="list-style-type: none"> <li>– that the substance (either by itself or in combination with any other substance) can or should be used as a pesticide</li> <li>– that the substance consists of or contains an active ingredient and that it can be used to manufacture a pesticide</li> </ul> </li> <li>– the substance consists of or contains one or more active ingredients and has no significant commercially valuable use as distributed or sold other than:           <ul style="list-style-type: none"> <li>– use for pesticidal purpose (by itself or in combination with any other substance)</li> <li>– use for manufacture of a pesticide</li> </ul> </li> <li>– the person who distributes or sells the substance has actual or constructive knowledge that the substance will be used, or is intended to be used, for a pesticidal purpose.)</li> </ul> <p>(NOTE: See Appendix A for exempted pesticides.)</p> <p>(NOTE: An unregistered pesticide, or a pesticide whose registration has been canceled or suspended, may be distributed or sold, or otherwise transferred as follows:</p> <ul style="list-style-type: none"> <li>– an unregistered pesticide may be transferred between registered establishments operated by the same producer when labeled in accordance with 40 CFR Part 156 (see checklist item PM.30.1)</li> <li>– an unregistered pesticide may be transferred between registered establishments not operated by the same producer if:           <ul style="list-style-type: none"> <li>– the transfer is solely for the purpose of further formulation, packaging, or labeling into a product that is registered</li> <li>– each active ingredient in the pesticide, at the time of transfer, is present as a result of incorporation into the pesticide of either a registered product or a pesticide that is produced by the registrant of the final product; and</li> </ul> </li> </ul>

<b>COMPLIANCE CATEGORY</b> <b>PESTICIDES MANAGEMENT</b>	
<b>REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE</b>	<b>REVIEWER CHECKS</b>
	<ul style="list-style-type: none"> <li>– the product as transferred is labeled in accordance with 40 CFR Part 156 (see checklist item PM.30.1)</li> <li>– an unregistered pesticide may be distributed or sold in accordance with the terms of an experimental use permit issued under FIFRA sec. 5, if the product is labeled in accordance with 40 CFR 172.6 (see checklist item PM.30.2)</li> <li>– an unregistered pesticide may be distributed or sold in accordance with the provisions pertaining to use of a pesticide for which an experimental use permit is not required, provided the product is labeled in accordance with 40 CFR Part 156 (see checklist item PM.30.1)</li> <li>– an unregistered pesticide may be transferred within the United States solely for export if it meets the following conditions: <ul style="list-style-type: none"> <li>– the product is prepared and packaged according to the specifications of the foreign purchaser</li> <li>– the product is labeled in accordance with 40 CFR Part 156 (see checklist item PM.30.1)</li> </ul> </li> <li>– an unregistered pesticide may be distributed or sold in accordance with the terms of an emergency exemption under FIFRA sec. 18, if the product is labeled in accordance with 40 CFR Part 156 (see checklist item PM.30.1)</li> <li>– an unregistered, suspended, or canceled pesticide may be transferred solely for disposal in accordance with FIFRA sec. 19, or an applicable order from the U.S. EPA or authorized regulatory agency, if labeled in accordance with 40 CFR Part 156 (see checklist item PM.30.1)</li> <li>– a canceled or suspended pesticide may be distributed or sold to the extent and in the manner specified in an order issued by the U.S. EPA or authorized regulatory agency concerning existing stocks of the pesticide.)</li> </ul>
<b>PM.20.2.</b> Registration of a pesticide is required to be done according to certain specifications (40 CFR 152.30, 152.42 and 152.43).	<p>Verify that any person seeking to obtain a registration for a new pesticide product submits an application for registration.</p> <p>(NOTE: See 40 CFR 152.50 for the contents of the application. See 40 CFR 155.27 through 155.34 for details on the U.S. EPAs responsibilities for reviewing the submitted data, requesting meetings, creating a public docket, and issuing a Notice of Availability.)</p> <p>(NOTE: U.S. EPA provides guidance and policy determinations through reregistration Eligibility Decisions (REDs) and Pesticide Registration (PRs) notices. This guidance should be consulted for additional policies, procedures, and regulatory decisions. REDs and PRs are available from: <a href="http://www.epa.gov/pesticides/chemreg.htm">http://www.epa.gov/pesticides/chemreg.htm</a>.)</p> <p>Verify that the application for new registration was approved by the U.S. EPA before the product was distributed or sold.</p> <p>(NOTE: An unregistered pesticide, or a pesticide whose registration has been</p>

<b>COMPLIANCE CATEGORY</b> <b>PESTICIDES MANAGEMENT</b>	
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	<p>canceled or suspended, may be distributed or sold, or otherwise transferred as follows:</p> <ul style="list-style-type: none"> <li>– an unregistered pesticide may be transferred between registered establishments operated by the same producer when labeled in accordance with 40 CFR Part 156 (see checklist item PM.30.1)</li> <li>– an unregistered pesticide may be transferred between registered establishments not operated by the same producer if: <ul style="list-style-type: none"> <li>– the transfer is solely for the purpose of further formulation, packaging, or labeling into a product that is registered</li> <li>– each active ingredient in the pesticide, at the time of transfer, is present as a result of incorporation into the pesticide of either a registered product or a pesticide that is produced by the registrant of the final product</li> <li>– the product as transferred is labeled in accordance with 40 CFR Part 156 (see checklist item PM.30.1)</li> </ul> </li> <li>– an unregistered pesticide may be distributed or sold in accordance with the terms of an experimental use permit issued under FIFRA sec. 5, if the product is labeled in accordance with 40 CFR 172.6 (see checklist item PM.30.2)</li> <li>– an unregistered pesticide may be distributed or sold in accordance with the provisions pertaining to use of a pesticide for which an experimental use permit is not required, provided the product is labeled in accordance with 40 CFR Part 156 (see checklist item PM.30.1)</li> <li>– an unregistered pesticide may be transferred within the United States solely for export if it meets the following conditions: <ul style="list-style-type: none"> <li>– the product is prepared and packaged according to the specifications of the foreign purchaser</li> <li>– the product is labeled in accordance with 40 CFR Part 156 (see checklist item PM.30.1)</li> </ul> </li> <li>– an unregistered pesticide may be distributed or sold in accordance with the terms of an emergency exemption under FIFRA sec. 18, if the product is labeled in accordance with 40 CFR Part 156 (see checklist item PM.30.1)</li> <li>– an unregistered, suspended, or canceled pesticide may be transferred solely for disposal in accordance with FIFRA sec. 19, or an applicable order from the U.S. EPA or authorized regulatory agency, if labeled in accordance with 40 CFR Part 156 (see checklist item PM.30.1)</li> <li>– a canceled or suspended pesticide may be distributed or sold to the extent and in the manner specified in an order issued by the U.S. EPA or authorized regulatory agency concerning existing stocks of the pesticide.)</li> </ul> <p>(NOTE: A product proposed for registration must have a single, defined composition, except that U.S. EPA may approve a basic formulation and one or more alternate formulations for a single product.)</p> <p>Verify that alternate formulations meet the following criteria:</p>

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	<ul style="list-style-type: none"> <li>– the alternate formulation has the same certified limits for each active ingredient as the basic formulation</li> <li>– if the alternate formulation contains an inert ingredient or impurity of toxicological significance, the formulation has the same upper certified limit for that substance as the basic formulation</li> <li>– the label text of the alternate formulation product is identical to that of the basic formulation</li> <li>– the analytical method required under 40 CFR 158.180 is suitable for use on both the basic formulation and the alternate formulation.</li> </ul> <p>(NOTE: The Agency may determine that an alternate formulation must be separately registered. If U.S. EPA makes this determination, the Agency will notify the applicant of its determination and its reasons. Thereafter the application for an alternate formulation will be treated as an application for new registration, and the alternate formulation will be assigned a new registration number.)</p>
<b>PM.20.3.</b> Any modification in the composition, labeling, or packaging of a registered product must be submitted with an application for amended registration (40 CFR 152.44 and 152.46).	<p>Verify that any modification in the composition, labeling, or packaging of a registered product is submitted with an application for amended registration.</p> <p>Verify that the applicant submits the information required by 40 CFR 152.50, as applicable to the change requested.</p> <p>(NOTE: If an application for amended registration is required, the application must be approved by the U.S. EPA before the product, as modified, may legally be distributed or sold.)</p> <p>(NOTE: In its discretion, the U.S. EPA may:</p> <ul style="list-style-type: none"> <li>– waive the requirement for submission of an application for amended registration</li> <li>– require that the applicant certify to the Agency that he has complied with an Agency directive rather than submit an application for amended registration</li> <li>– permit an applicant to consolidate an amendment affecting a number of products into a single application</li> <li>– permit an applicant to modify a registration by notification or non-notification.)</li> </ul> <p>(NOTE: U.S. EPA may determine that certain minor modifications to registration having no potential to cause unreasonable adverse effects to the environment may be accomplished by notification to the Agency, without requiring that the registrant obtain Agency approval. If this is the case, U.S. EPA will issue procedures following an opportunity for public comment describing the types of modifications permitted by notification and any conditions and procedures for submitting notifications.)</p>

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<p><b>PM.20.4.</b> Registrants are required to provide certain information to the U.S. EPA (40 CFR 152.122 and 152.125).</p>	<p>Verify that the registrant keeps the Agency informed of his current name and address of record.</p> <p>Verify that the registrant responds within 30 days of the Agency issuing a NOI to cancel all products in the Federal Register.</p> <p>(NOTE: If no response is received, the cancellations will become effective at the end of 30 days without further notice to the registrant. The Agency may make provision for the sale and distribution of existing stocks of such products after the effective date of cancellation.)</p> <p>Verify that the registrant also notifies the Agency if he changes his authorized agent.</p> <p>Verify that, if at any time the registrant receives or becomes aware of any factual information regarding unreasonable adverse effects of the pesticide on the environment that has not previously been submitted to the Agency, he provides such information to the Agency, clearly identified as FIFRA 6(a)(2) data.</p>
<p><b>PM.20.5.</b> A registrant may distribute or sell his registered product under another person's name and address if specific parameters are met (40 CFR 152.132).</p>	<p>Verify that the registrant has submitted to the Agency for each distributor product a statement signed by both the registrant and the distributor listing the names and addresses of the registrant and distributor, the distributor's company number, the additional brand name(s) to be used, and the registration number of the product.</p> <p>Verify that the distributor product is produced, packaged, and labeled in a registered establishment operated or under contract with the same producer who produces, packages, and labels the registered product.</p> <p>Verify that the distributor product is not repackaged.</p> <p>Verify that the label of the distributed product is the same as that as the registered product, except that:</p> <ul style="list-style-type: none"> <li>– the product name of the distributed product may be different (but not misleading)</li> <li>– the name and address of the distributor may appear instead of that of the registrant</li> <li>– the registration number of the product is followed by a dash and includes the distributor's company number</li> <li>– the establishment number must be the number of the final establishment at which it was produced</li> <li>– specific claims may be deleted.</li> </ul> <p>(NOTE: Voluntary cancellation of a product applies to the registered product and all distributor products distributed or sold under that registration number.)</p>

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<b>PM.20.6.</b> Transfer of registration must meet specific parameters (40 CFR 152.135).	<p>Verify that, if the registrant transfers the registration of a product to another person, and the registered product is distributed and sold without the requirement of a new application for registration by that other person, the following documents are submitted to the Agency and Agency approval has been received:</p> <ul style="list-style-type: none"> <li>– a document signed by the authorized representative of the registrant (the transferor) and of the person to whom the registration is transferred (the transferee) that contains the following information:           <ul style="list-style-type: none"> <li>– the name, address and state of incorporation (if any) of the transferor</li> <li>– the name, address and state of incorporation of the transferee</li> <li>– the name(s) and U.S. EPA registration number(s) of the product(s) being transferred</li> <li>– a statement that the transferor transfers irrevocably to the transferee all right, title, and interest in the U.S. EPA registration(s) listed in the document</li> <li>– a statement that the transferred registration(s) shall not serve as collateral or otherwise secure any loan or other payment arrangement or executory promise, and that the registration(s) shall not revert to the transferor unless a new transfer agreement is submitted to and approved by the Agency</li> <li>– a description of the general nature of the underlying transaction, e.g., merger, spinoff, bankruptcy transfer (no financial information need be disclosed)</li> <li>– a statement that the transferor and transferee understand that any false statement may be punishable under 18 USC 1001</li> <li>– an acknowledgment by the transferee that his rights and duties concerning the registration will be deemed by U.S. EPA to be the same as those of the transferor at the time the transfer is approved</li> </ul> </li> <li>– a notarized statement affirming that:           <ul style="list-style-type: none"> <li>– the person signing the transfer agreement is authorized by the registrant to bind the transferor</li> <li>– no court order prohibits the transfer, and that any required court approvals have been obtained</li> <li>– the transfer is authorized under all relevant federal, state and local laws and all relevant corporate charters, bylaws, partnerships, or other agreements.</li> </ul> </li> </ul> <p>(NOTE: The transfer will be effective on the date of Agency approval. Thereafter the transferee will be regarded as the registrant for all purposes under FIFRA.)</p> <p>(NOTE: Rights to exclusive use of data or compensation under FIFRA sec. 3(c)(1)(D) are separate from the registration itself and may be retained by the transferor, or may be transferred independently. If the registrant as the original data submitter wishes to transfer data rights at the same time as he transfers the registration, he may submit a single transfer document containing the information required by this section for both the registration and the data.)</p>

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<b>PM.30</b>  <b>PESTICIDE LABELING</b>	<p><b>PM.30.1.</b> Pesticide labels are required to contain specific information (40 CFR 156.10(a)(1) through 156.10(a)(4)).</p> <p>Verify that every pesticide product has a label which shows clearly and prominently the following:</p> <ul style="list-style-type: none"> <li>– the name, brand, or trademark</li> <li>– the name and address of the producer, registrant, or person for whom produced</li> <li>– the net contents</li> <li>– the product registration number</li> <li>– the producing establishment number</li> <li>– an ingredient statement</li> <li>– warning or precautionary statements</li> <li>– the directions for use</li> <li>– the use classification.</li> </ul> <p>Verify that all words, statements, graphic representations, designs or other information required on the labeling are clearly legible to a person with normal vision, and are placed with such conspicuously (as compared with other words, statements, designs, or graphic matter on the labeling) and expressed in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.</p> <p>Verify that all required label text is:</p> <ul style="list-style-type: none"> <li>– set in 6-point or larger type</li> <li>– appears on a clear contrasting background</li> <li>– is not be obscured or crowded.</li> </ul> <p>Verify that all required label or labeling text appears in the English language.</p> <p>(NOTE: The Agency may require or the applicant may propose additional text in other languages as is considered necessary to protect the public. When additional text in another language is necessary, all labeling requirements will be applied equally to both the English and other-language versions of the labeling.)</p> <p>Verify that the label appears on or is securely attached to the immediate container of the pesticide product.</p> <p>(NOTE: For purposes of this requirement, and the misbranding provisions of the Act, "securely attached" means that a label can reasonably be expected to remain affixed during the foreseeable conditions and period of use. If the immediate container is enclosed within a wrapper or outside container through which the</p>

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	<p>label cannot be clearly read, the label must also be securely attached to such outside wrapper or container, if it is a part of the package as customarily distributed or sold.)</p> <p>Verify that when any registered pesticide product is transported in a tank car, tank truck or other mobile or portable bulk container, a copy of the accepted label is attached to the shipping papers, and left with the consignee at the time of delivery.</p> <p>Verify that when pesticide products are stored in bulk containers, whether mobile or stationary, which remain in the custody of the user, a copy of the label of labeling, including all appropriate directions for use, is securely attached to the container in the immediate vicinity of the discharge control valve.</p>
<b>PM.30.2.</b> All pesticides shipped or used under an experimental use permit are required to be labeled according to certain parameters (40 CFR 172.6).	<p>Verify that all pesticides shipped or used under an experimental use permit are labeled with directions and conditions for use, including the following:</p> <ul style="list-style-type: none"> <li>– the prominent statement, ``For Experimental Use Only''</li> <li>– the Experimental Use Permit number</li> <li>– the statement, ``Not for sale to any person other than a participant or cooperator of the U.S. EPA-approved Experimental Use Program''</li> <li>– the name, brand, or trademark</li> <li>– the name and address of the permittee, producer, or registrant</li> <li>– the net contents</li> <li>– an ingredient statement</li> <li>– warning or caution statements</li> <li>– any appropriate limitations on entry of persons into treated areas</li> <li>– the establishment registration number, except in those cases where application of the pesticide is made solely by the producer</li> <li>– the directions for use, except that the U.S. EPA or authorized regulatory agency may approve the use of the experimental program as labeling provided that such program is to be distributed with the product.</li> </ul> <p>(NOTE: In the case of a registered pesticide, the U.S. EPA or authorized regulatory agency may, at its discretion, permit a pesticide to be used under an experimental use permit with supplemental labeling as approved by the U.S. EPA or authorized regulatory agency.)</p>
<b>PM.30.3.</b> Certain requirements must be met for pesticide export label and labeling requirements (40 CFR 168.65)	<p>Verify that every exported pesticide, device, and active ingredient used in producing a pesticide bears a label or labeling that meets the requirements of FIFRA sec. 17(a)(1), 7 USC sec. 136o(a)(1).</p> <p>(NOTE: This requirement applies regardless of whether the export is for commercial or research use.)</p>

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	<p>(NOTE: This requirement applies to unregistered pesticides regardless of whether the exporter must submit a purchaser acknowledgment statement under FIFRA sec. 17(a)(2), 7 USC sec. 136o(a)(2) as described at 40 CFR 168.75.)</p> <p>Verify that the label shows clearly and prominently the following:</p> <ul style="list-style-type: none"><li>– the name, brand, or trademark</li><li>– the name and address of the producer, registrant, or person for whom produced</li><li>– the net contents (expressed in English or metric terms)</li><li>– the producing establishment number</li><li>– the ingredient statement in English and the appropriate foreign language(s)</li><li>– warning or precautionary statement in English and the appropriate foreign language(s)</li><li>– the use classification in English and the appropriate foreign language(s)</li><li>– either the information included on the EPA approved label if the product is registered for use in the United States or the phrase “Not Registered for Use in the United States of America” in English and the appropriate foreign language(s)</li></ul> <p>(NOTE: To determine if a pesticide is considered registered for purposes under FIFRA sec. 17(a)(1), 7 USC sec. 136o(a)(1), refer to 40 CFR 168.65(b)(1)(iii)(A).)</p> <p>(NOTE: Acceptable foreign languages must include either the language used in official government business or the predominantly spoken or written language of the country of import. 40 CFR 168.65(b)(4)(D)(ii))</p> <p>(NOTE: Supplemental labeling is permitted if it satisfies 40 CFR 168.65(c).)</p>

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<b>COMPLIANCE CATEGORY</b> <b>PESTICIDES MANAGEMENT</b>	
<b>REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE</b>	<b>REVIEWER CHECKS</b>
<b>PM.40</b>  <b>RESTRICTED USE PESTICIDES</b>	<p><b>PM.40.1.</b> Restricted use pesticides must be managed according to specific parameters (40 CFR 152.166 through 152.168).</p> <p>Verify that a product whose labeling bears directions for end use and that has been classified for restricted use, is labeled in accordance with the requirements of 40 CFR 156.10 (see checklist item PM.30.1) or other Agency instructions.</p> <p>(NOTE: The Agency will permit the use of stickers or supplemental labeling as an interim alternative to the use of an approved amended label.)</p> <p>(NOTE: A product whose labeling does not bear directions for end use (a product that is intended and labeled solely for further formulation into other pesticide products) does not have to meet labeling requirements.)</p> <p>Verify that no product with a use classified for restricted use is distributed or sold by the registrant or producer after the 120th day after the effective date of the classification unless the product:</p> <ul style="list-style-type: none"> <li>– bears an approved amended label which contains the terms of restricted use imposed by the Agency and otherwise complies with 40 CFR Part 156 (see checklist item PM.30.1)</li> <li>– bears a sticker containing the product name, U.S. EPA registration number, and any terms of restricted use imposed by the Agency</li> <li>– is accompanied by supplemental labeling bearing the product name, U.S. EPA registration number, and any terms of restricted use imposed by the Agency.</li> </ul> <p>Verify that, if the registrant chooses to delete the restricted uses from his product label, that product is not distributed or sold after the 180th day after the effective date of classification unless the product bears amended labeling with the restricted uses deleted.</p> <p>Verify that, after the 270th day after the effective date of classification, no registrant or producer distributes or sells a product that does not bear the approved amended label.</p> <p>Verify that no product with a use classified for restricted use by a regulation is distributed or sold by a retailer or other person after the 270th day after the effective date of the final rule unless the product bears a compliant label or labeling.</p> <p>(NOTE: See Appendix B for the current U.S. EPA restricted use pesticide list.)</p>

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<b>REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE</b>	<b>REVIEWER CHECKS</b>
<b>PM.40.2.</b> Advertising of restricted use pesticides must meet specific requirements (40 CFR 152.168).	<p>Verify that any product classified for restricted use is not advertised unless the advertisement contains a statement of its restricted use classification.</p> <p>(NOTE: This requirement applies to all advertisements of the product, including, but not limited, to:</p> <ul style="list-style-type: none"> <li>– brochures, pamphlets, circulars and similar material offered to purchasers at the point of sale or by direct mail</li> <li>– newspapers, magazines, newsletters and other material in circulation or available to the public</li> <li>– broadcast media such as radio and television</li> <li>– telephone advertising</li> <li>– billboards and posters.)</li> </ul> <p>(NOTE: The requirement may be satisfied for printed material by inclusion of the statement "Restricted Use Pesticide," or the terms of restriction, prominently in the advertisement. The requirement may be satisfied with respect to broadcast or telephone advertising by inclusion in the broadcast of the spoken words "Restricted use pesticide," or a statement of the terms of restriction.)</p>

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<b>REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE</b>	<b>REVIEWER CHECKS</b>
<b>PM.50</b>  <b>PESTICIDE PRODUCTION, DISTRIBUTION, AND PACKAGING</b>	
<b>PM.50.1.</b> Certain establishments producing pesticides and active ingredients are required to be registered (40 CFR 167.20).	<p>Verify that any establishment where a pesticidal product is produced, except those which are custom blenders only, is registered with the Agency.</p> <p>(NOTE: If custom blending occurs at an establishment where other pesticide production takes place, the establishment must be registered.)</p> <p>Verify that establishments where a substance is produced which is intended to be used as an active ingredient of a pesticide, or the producer has actual or constructive knowledge that the substance will be used by any person as an active ingredient of a pesticide are registered.</p> <p>Verify that any domestic establishment producing a pesticidal product for export, or any unregistered pesticide, or any foreign establishment producing a pesticidal product for import into the United States is registered.</p> <p>Verify that any establishment, either foreign or domestic, which produces a pesticidal product for use under an Experimental Use Permit, FIFRA section 18 Emergency Exemption or section 24(c), Special Local Needs registration, is registered.</p> <p>Verify that applicants for establishment registration submit the following information:</p> <ul style="list-style-type: none"> <li>– name and address of the company</li> <li>– the type of ownership (individual, partnership, cooperative association, corporation, or any organized group of persons whether incorporated or not)</li> <li>– the name and address of each producing establishment for which registration is sought.</li> </ul> <p>Verify that an application for establishment registration is submitted, and an establishment registration number is assigned by the Agency, before any production occurs at an establishment.</p> <p>(NOTE: The Agency will return incomplete or inaccurately completed applications to the applicant. If the application is complete and accurate, the Agency will register the establishment and assign a registration number to the establishment. The establishment registration number will be entered on the application, and a copy of the application will be returned to the applicant.)</p>

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	<p>Verify that, if at any time after the first report there is a change in the required information, that new information is reported to U.S. EPA, in writing on letterhead stationery or on forms supplied by the Agency, within 30 days after such change occurs.</p> <p>(NOTE: Establishment registration will remain effective provided pesticide reports are submitted annually. Failure to submit a report may result in termination of establishment registration, civil and/or criminal penalty assessments.)</p>
<b>PM.50.2.</b> Pesticide producers are required to meet reporting requirements (40 CFR 167.85).	<p>Verify that each producer operating an establishment submits an annual reports on or before March 1 of each year, even if the producer has produced no pesticidal product for that reporting year.</p> <p>(NOTE: This applies to establishments producing pesticides, active ingredients, or devices. It does not apply to those who are solely custom blenders.)</p> <p>Verify that the report includes the following information:</p> <ul style="list-style-type: none"> <li>– name and address of the establishment</li> <li>– amount of each pesticidal product:           <ul style="list-style-type: none"> <li>– produced during the past year</li> <li>– sold or distributed during the past year</li> <li>– estimated to be produced during the current year.</li> </ul> </li> </ul> <p>(NOTE: The report includes only those pesticidal products actually produced at the reporting establishment. Reports submitted by foreign-producing establishments cover only those pesticidal products exported to the United States.)</p> <p>Verify that the reports are submitted on forms supplied by the Agency.</p> <p>Verify that an initial report is submitted no later than 30 days after the first registration of each establishment the producer operates.</p>
<b>PM.50.3.</b> All producers of pesticides, devices, or active ingredients used in producing pesticides subject to FIFRA are required to maintain specific records (40 CFR 169.2).	<p>(NOTE: This requirement applies to all producers of pesticides, devices, or active ingredients used in producing pesticides subject FIFRA, including pesticides produced pursuant to an experimental use permit, and pesticides, devices, and pesticide active ingredients produced for export.)</p> <p>Verify that records showing the product name, U.S. EPA Registration Number, Experimental Permit Number if the pesticide is produced under an Experimental Use Permit, and the amounts per batch, and batch identification (numbers, letters, etc.) of all pesticides produced are maintained for 2 yr.</p> <p>(NOTE: In cases where the product is an active ingredient used in producing a pesticide or where the product is a pesticide which is not registered, is not the</p>

<b>COMPLIANCE CATEGORY</b> <b>PESTICIDES MANAGEMENT</b>	
<b>REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE</b>	<b>REVIEWER CHECKS</b>
	<p>subject of an application for registration, or is not produced under an Experimental Use Permit, the records shall also show the complete formula.)</p> <p>Verify that the batch identification appears on all production control records.</p> <p>Verify that records showing the brand names and quantities of devices produced are retained for 2 yr.</p> <p>Verify that records showing the following information regarding receipt, by the producer, of all pesticides, devices, and active ingredients used in producing pesticides, are retained for 2 yr:</p> <ul style="list-style-type: none"> <li>– brand name of the pesticide or device, or common or chemical name of the pesticide active ingredient</li> <li>– name and address of shipper</li> <li>– name of delivering carrier</li> <li>– date received</li> <li>– quantities received.</li> </ul> <p>(NOTE: These records are not intended to cover receipt of pesticides used for in-plant maintenance, extermination, or sanitation programs, etc. Shipping and receiving documents such as invoices, freight bills, receiving tickets, etc., which provide the required information will be considered satisfactory.)</p> <p>Verify that records showing the following information regarding the shipment of all pesticides, devices, and active ingredients used in producing pesticides are retained for 2 yr:</p> <ul style="list-style-type: none"> <li>– brand name of pesticide or device, or the common or chemical name of the pesticide active ingredient</li> <li>– name and address of consignee</li> <li>– where the pesticide is produced pursuant to an EUP, a special exemption, or a special local need, the information required under these parameters regarding the distribution of such pesticides</li> <li>– name of originating carrier</li> <li>– date shipped or delivered for shipment</li> <li>– quantities shipped or delivered for shipment.</li> </ul> <p>(NOTE: Records are required regardless of whether any shipment or receipt of shipment is between plants owned or otherwise controlled by the same person. Shipping and receiving documents such as invoices, freight bills, receiving tickets, etc., which provide the required information will be considered satisfactory.)</p> <p>Verify that inventory records are kept with respect to the types and amounts of pesticides or pesticide active ingredients, or quantities of devices in stock which have been produced.</p>

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<b>REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE</b>	<b>REVIEWER CHECKS</b>
	<p>(NOTE: Inventory records may be disposed of when a more current inventory record is prepared.)</p> <p>Verify that copies of all domestic advertising of the restricted uses of any pesticide registered for restricted use, including any radio or television scripts, for all such pesticides are retained for 2 yr.</p> <p>Verify that copies of all guarantees given pursuant to section 12(a)(2)(C) of FIFRA are retained for 1 yr after expiration of the guarantee.</p> <p>Verify that, the following records are retained for 2 yr after expiration of the contract for all pesticides, devices, and active ingredients used in producing pesticides intended solely for export to any foreign country:</p> <ul style="list-style-type: none"> <li>– copies of the specification or directions of the foreign purchaser for the production of such pesticides, devices, or pesticide active ingredients</li> <li>– copies of labels or labeling required to comply with section 17(a)(1) of FIFRA</li> <li>– for any pesticide other than a pesticide registered under section 3 or sold under section 6(a)(1) of FIFRA, copies of a statement signed by the foreign purchaser of the pesticide acknowledging that the purchaser understands that such pesticide is not registered for use in the United States and cannot be sold in the United States under FIFRA.</li> </ul> <p>Verify that records on the method of disposal (burial, incineration, etc.), date or dates of disposal, location of the disposal sites, and the types and amounts of pesticides or pesticide active ingredients disposed of by the producer or his contractor are retained.</p> <p>(NOTE: With regard to the disposal of containers accumulated during production, the Agency will consider satisfactory a statement, attested to by a responsible firm official, describing in general terms the method and location of disposal, e.g., all containers are taken periodically to a certain site.)</p> <p>Verify that records of deviations from normal disposal practices are maintained.</p> <p>Verify that records on the disposal of pesticides or pesticide active ingredients and/or containers specified pursuant to section 19 of the FIFRA and associated promulgated regulations are maintained.</p> <p>(NOTE: The disposal record requirements apply to those products bearing label instructions for disposal and to any other products specified under any regulations promulgated pursuant to section 19 of FIFRA.)</p> <p>Verify that disposal records are retained for 20 yr or are forwarded after 3 yr to the</p>

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	<p>U.S. EPA Regional Administrator for maintenance.</p> <p>(NOTE: Whenever any producer of pesticides or pesticide active ingredients is complying with a rule promulgated under RCRA for the handling or disposal of hazardous wastes, such producers are no longer required to maintain disposal records in accordance with these requirements.)</p> <p>Verify that records of any tests conducted on human beings, whether performed by the producer himself, or authorized and/or paid for by the producer, are kept and include:</p> <ul style="list-style-type: none"> <li>– the names and addresses of subjects tested</li> <li>– dates of tests</li> <li>– types of tests</li> <li>– written consent of subjects to test</li> <li>– all information and instructions given to the subjects regarding the nature and purpose of the tests and of any physical and mental health consequences which were reasonably foreseen therefrom, and any adverse effects of the test on the subjects, including any such effects coming to the attention of the producer after completion of the tests.</li> </ul> <p>Verify that the records on tests conducted on human beings are retained for 20 yr or are forwarded after 3 yr to the U.S. EPA Regional Administrator for maintenance.</p> <p>Verify that records containing research data relating to registered pesticides, including all test reports submitted to the Agency in support of registration or in support of a tolerance petition, all underlying raw data, and interpretations and evaluations thereof, whether in the possession of the producer or in the possession of the independent testing facility or laboratory (if any) which performed such tests on behalf of the producer, are retained as long as the registration is valid and the producer is in business.</p>
<b>PM.50.4.</b> Registrants are required to meet specific parameters concerning distribution of pesticides (40 CFR 152.130 and 152.132)	<p>Verify that a registrant only distributes or sells registered products with the composition, packaging and labeling currently approved by the Agency.</p> <p>Verify that if a registrant distributes or sells products under labeling bearing any subset of the approved directions for use, when limiting the uses listed on the label, no changes are necessary in precautionary statements, use classification, or packaging of the product.</p> <p>(NOTE: Normally, if the product labeling is amended on the initiative of the registrant, by submission of an application for amended registration, the registrant may distribute or sell under the previously approved labeling for a period of 18 mo after approval of the revision, unless an order subsequently issued provides</p>

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	<p>otherwise. However, if the product labeling is required to be revised as a result of the issuance of a Registration Standard, a Label Improvement Program notice, or a notice concluding a special review process applies to the registrant's product, the time frames established by the Agency takes precedence.)</p> <p>(NOTE: Pesticides that are unregistered in the United States, but are produced only for export must comply with FIFRA Sec. 17, 7 USC Sec. 136o. Exporters shipping unregistered products must meet specific alternative requirements. 40 CFR 168.75)</p> <p>Verify that if the registrant distributes or sells his registered product under another person's name and address instead of (or in addition to) his own, the Agency has been notified and all the following conditions met:</p> <ul style="list-style-type: none"> <li>– the registrant has submitted to the Agency for each distributor product a statement signed by both the registrant and the distributor listing the names and addresses of the registrant and the distributor, the distributor's company number, the additional brand name(s) to be used, and the registration number of the registered product</li> <li>– the distributor product is produced, packaged and labeled in a registered establishment operated by the same producer (or under contract) who produces, packages, and labels the registered product</li> <li>– the distributor product is not repackaged (remains in the producer's unopened container)</li> <li>– the label of the distributor product is the same as that of the registered product, except that: <ul style="list-style-type: none"> <li>– the product name of the distributor product may be different (but may not be misleading)</li> <li>– the name and address of the distributor may appear instead of that of the registrant</li> <li>– the registration number of the registered product is followed by a dash, followed by the distributor's company number (obtainable from the Agency upon request)</li> <li>– the establishment number is that of the final establishment at which the product was produced</li> <li>– specific claims may be deleted, provided that no other changes are necessary</li> </ul> </li> <li>– the registrant ensures that distributors under his canceled registration are notified and comply with the terms of the cancellation.</li> </ul>
<b>PM.50.5.</b> Pesticide packaging must meet specific criteria (40 CFR 157.22, 157.24, 157.27).	<p>Verify that a pesticide product is distributed and sold in child-resistant packaging if it meets both of the following criteria:</p> <ul style="list-style-type: none"> <li>– based upon testing with an appropriate test species, the product meets any of the following toxicity criteria:</li> </ul>

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	<ul style="list-style-type: none"> <li>– the pesticide has an acute oral LD<sub>50</sub> of 1.5 g/kg or less</li> <li>– the pesticide has an acute dermal LD<sub>50</sub> of 2000 mg/kg or less</li> <li>– the pesticide has an acute inhalation LC<sub>50</sub> of 2 mg/L or less</li> <li>– the pesticide is corrosive to the eye (causes irreversible destruction of ocular tissue) or causes corneal involvement or irritation persisting for 21 days or more</li> <li>– the pesticide is corrosive to the skin (causes tissue destruction into the dermis and/or scarring) or causes severe skin irritation (severe erythema or edema) at 72 h</li> <li>– the pesticide or device has such characteristics that, based upon human toxicological data, use history, accident data or such other evidence as is available, the Agency determines there is serious hazard of accidental injury or illness which child-resistant packaging could reduce</li> <li>– the product's labeling either directly recommends residential use or reasonably can be interpreted to permit residential use.</li> </ul> <p>Verify that pesticide products distributed or sold as an aggregate of one or more unit packages and meeting the above listed criteria are distributed or sold in child-resistant packaging either for each unit package, or for the outer retail container which contains the unit packages.</p> <p>(NOTE: Child-resistant packaging is not required for both the outer package and the unit packages unless the Agency determines, on a case-by-case basis, that it is necessary for risk reduction.)</p> <p>(NOTE: The following classes of products are not required to have child-resistant packaging:</p> <ul style="list-style-type: none"> <li>– a product restricted to use by or under the supervision of a certified applicator, but the Agency may require the use of child-resistant packaging for a product classified for restricted use by or under the direct supervision of a certified applicator if the Agency determines that the product poses a risk of serious accidental injury or illness which child-resistant packaging could reduce.</li> <li>– products distributed and sold in the following sizes (unless otherwise required by the Agency): <ul style="list-style-type: none"> <li>– if the product is a solid product, regardless of pesticide type, a size of 50 lb or greater</li> <li>– if the product is a liquid product intended for use in swimming pools, a size greater than 7.5 gal by volume;</li> <li>– if the product is a liquid product intended for any other pesticide use, a size of 5 gal or greater by volume</li> <li>– if the product is packaged as an aerosol (measured by weight), regardless of pesticide type, a weight of 2 lb or greater.)</li> </ul> </li> </ul>

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<b>REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE</b>	<b>REVIEWER CHECKS</b>
<b>PM.50.6.</b> Child-resistant packaging must meet specific standards (40 CFR 157.32 and 157.34).	<p>Verify that child-resistant packaging meets the effectiveness specifications in 16 CFR 1700.15(b) when in actual use as a pesticide container and for the reasonably expected lifetime of the package.</p> <p>(NOTE: This requirement may be satisfied by appropriate scientific evaluation of the compatibility of the substance with the child-resistant packaging to determine that the chemical and physical characteristics of the pesticide will not compromise or interfere with the proper functioning of the child-resistant packaging, and that the packaging will not be detrimental to the integrity of the product during storage and use.)</p> <p>(NOTE: The standard for durability must take into account the number of times the package is customarily opened and closed. This requirement may be satisfied by appropriate technical evaluation based on physical wear and stress factors of packaging, the force required for activation, and other relevant factors.)</p> <p>Verify that the registrant of a pesticide product required to be in child-resistant packaging has certified to the Agency that the package meets the standards of 40 CFR 157.32.</p> <p>Verify that packaging certification is submitted with each application for new registration, if applicable.</p> <p>Verify that, if the Agency has determined that a currently registered product is required to be packaged in child-resistant packaging, a certification is submitted within 6 mo after the Agency finally notifies the registrant of the requirement.</p> <p>Verify that the certification contains the following information:</p> <ul style="list-style-type: none"> <li>– the name and U.S. EPA registration number of the product to which the certification applies</li> <li>– the registrant's name and address</li> <li>– the date</li> <li>– the name, title and signature of the company official making the certification</li> <li>– a statement that the packaging that is being used for the product will meet the standards of 40 CFR 157.32 (NOTE: The statement, ``I certify that the packaging that will be used for this product meets the standards of 40 CFR 157.32," will suffice for this purpose.)</li> </ul>
<b>PM.50.7.</b> Specific records are required to be kept by the registrant for pesticide products which are required to be in child-resistant packaging (40 CFR 157.36).	<p>Verify that the following records are maintained by the registrant:</p> <ul style="list-style-type: none"> <li>– a description of the package, including a description of:             <ul style="list-style-type: none"> <li>– the container and its dimensions and composition</li> <li>– the closure or child-resistant mechanism, including the name of its manufacturer and the manufacturer's designation for the closure or the physical working of the child-resistant packaging mechanism.</li> </ul> </li> </ul>

<b>COMPLIANCE CATEGORY</b> <b>PESTICIDES MANAGEMENT</b>	
<b>REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE</b>	<b>REVIEWER CHECKS</b>
	<ul style="list-style-type: none"> <li>– a copy of the certification statement required by 40 CFR 157.34 (see checklist item PM.50.6)</li> <li>– one of the following types of records verifying that each package for the product is child-resistant: <ul style="list-style-type: none"> <li>– test data on the package based on the Consumer Product Safety Commission protocol in 16 CFR 1700.20</li> <li>– test data, not conforming to the protocol in 16 CFR 1700.20, or a set of measurements on the package, together with an explanation as to why such data or measurements demonstrate that the package is child-resistant</li> <li>– test data, whether or not conforming to the protocol in 16 CFR 1700.20, on a different package, together with an explanation of why such data demonstrate that the package being used is child-resistant</li> <li>– written evidence, in the form of one of the following, that verifies that testing on the package has been conducted according to the protocol in 16 CFR 1700.20: <ul style="list-style-type: none"> <li>– a letter or literature from the packaging supplier</li> <li>– a letter from the facility that conducted the testing</li> <li>– a specification in the contract between the registrant or applicant and the packaging supplier;</li> </ul> </li> </ul> </li> <li>– when the container and closure are purchased separately by the registrant: <ul style="list-style-type: none"> <li>– information showing that the closure is child-resistant</li> <li>– a written explanation of why the container is child-resistant</li> <li>– information showing that the closure and container are compatible with each other, and a written explanation of why the resulting package is child-resistant</li> </ul> </li> <li>– records verifying that the package meets the compatibility and durability standards.</li> </ul>

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<b>REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE</b>	<b>REVIEWER CHECKS</b>
<b>PM.60</b>  <b>PESTICIDE APPLICATORS</b>	
<b>PM.60.1.</b> Commercial applicators of restricted-use pesticides are required to be certified (40 CFR 171.4).	<p>Verify that commercial applicators of restricted-use pesticides have passed a written exam, and, as appropriate, performance testing.</p> <p>Verify that they are certified for both general use and each category (see definitions) or subcategory, if any, in which they are working.</p> <p>(NOTE: See Appendix C and Appendix D of this document for the general standards and category specific standards.)</p> <p>(NOTE: These standards do not apply to the following persons:</p> <ul style="list-style-type: none"> <li>– persons conducting laboratory type research involving restricted use pesticides</li> <li>– Doctors of Medicine and Doctors of Veterinary Medicine applying pesticides as drugs or medication during the course of their normal practice.)</li> </ul>
<b>PM.60.2.</b> Private applicators of restricted-use pesticides are required to be certified (40 CFR 171.5).	<p>Verify that private applicators of restricted use pesticides are certified.</p> <p>Verify that a private applicator shows that he possesses a practical knowledge of the pest problems and pest control practices associated with his agricultural operations; proper storage, use, handling and disposal of the pesticides and containers; and his related legal responsibility.</p> <p>Verify that the practical knowledge includes the ability to:</p> <ul style="list-style-type: none"> <li>– recognize common pests to be controlled and damage caused by them</li> <li>– read and understand the label and labeling information--including the common name of pesticides he applied; pest(s) to be controlled, timing and methods of application; safety precautions; any pre-harvest or re-entry restrictions; and any specific disposal procedures</li> <li>– apply pesticides in accordance with label instructions and warnings, including the ability to prepare the proper concentration of pesticide to be used under particular circumstances taking into account such factors as area to be covered, speed at which application equipment will be driven, and the quantity dispersed in a given period of operation</li> <li>– recognize local environmental situations that must be considered during application to avoid contamination</li> <li>– recognize poisoning symptoms and procedures to follow in case of a pesticide accident.</li> </ul>

<b>COMPLIANCE CATEGORY</b> <b>PESTICIDES MANAGEMENT</b>	
<b>REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE</b>	<b>REVIEWER CHECKS</b>
	<p>(NOTE: Competence of each private applicator shall be verified by the responsible state agency through the administration of a private applicator certification system which ensures that the private applicator is competent.</p>
<b>PM.60.3.</b> Supervision of noncertified applicators is required to be executed according to specific parameters (40 CFR 171.6).	<p>Verify that, when necessary, noncertified applicators are supervised by certified private or commercial applicators.</p> <p>(NOTE: The availability of the certified applicator is directly related to the hazard of the situation. In many situations, where the certified applicator is not required to be physically present, ``direct supervision'' shall include verifiable instruction to the competent person, as follows:</p> <ul style="list-style-type: none"> <li>– detailed guidance for applying the pesticide properly</li> <li>– provisions for contacting the certified applicator in the event he is needed.</li> </ul> <p>In other situations, and as required by the label, the actual physical presence of a certified applicator may be required when application is made by a noncertified applicator.)</p> <p>Verify that certified applicators whose activities indicate a supervisory role demonstrate a practical knowledge of federal and state supervisory requirements, including labeling, regarding the application of restricted use pesticides by noncertified applicators.</p>

<b>COMPLIANCE CATEGORY PESTICIDES MANAGEMENT</b>	
<b>REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE</b>	<b>REVIEWER CHECKS</b>
<b>AGRICULTURAL PESTICIDES</b>  <b>PM.70</b>  <b>Entry Restrictions</b>	(NOTE: See the definitions for <i>Excepted Agricultural Applications for Worker Standards</i> .)
<b>PM.70.1.</b> Employers must satisfy certain requirements when applying pesticides on a farm or in a forest (40 CFR 170.110(a)).	Verify that, during treatments on a farm or in a forest, employees other than those appropriately trained, do not enter or remain in the treated area.
<b>PM.70.2.</b> Employers must satisfy certain requirements when applying pesticides in a nurseries (40 CFR 170.110(b)).	Verify that, when applications described in column A of Table 1 in Appendix E take place in a nursery, employees other than those appropriately trained do not enter or remain in the areas specified in column B of the table.  (NOTE: After the application is completed, the entry-restricted area is the treated area, until the end of any restricted-entry interval.)
<b>PM.70.3.</b> Employers must satisfy certain requirements when applying pesticides in greenhouses (40 CFR 170.110(c)).	Verify that, when applications described in column A of the table in Appendix F take place in a greenhouse, employees other than those appropriately trained, do not enter or remain in the areas described in column B until the time specified in column C has expired.  Verify that no employee is allowed to enter or remain in the treated area as specified in column D of after the time specified in column C, and until the expiration of any restricted-entry interval, except as provided in 40 CFR 170.112 (see checklist items PM.70.4 through PM.70.11).  Verify that, when specified by column C, ventilation continues until the air concentration is measured to be less than or equal to the inhalation exposure level the labeling requires to be achieved.  Verify that, if no inhalation exposure is listed on the labeling, ventilation continues until after: <ul style="list-style-type: none"><li>– ten air exchanges are completed</li><li>– 2 h of ventilation using fans or other mechanical ventilating systems</li><li>– 4 h of ventilation using vents, windows or other passive ventilation</li><li>– 11 h with no ventilation followed by 1 h of mechanical ventilation</li><li>– 11 h with no ventilation followed by 2 h of passive ventilation, or</li><li>– 24 h with no ventilation.)</li></ul>

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<b>PM.70.4.</b> Employers are required to meet specific requirements concerning entry into treated areas (40 CFR 170.112(a)).	<p>Verify that the employer does not allow or direct any employee to enter or remain in the treated area before the restricted-entry interval specified on the pesticide labeling has expired.</p> <p>(NOTE: Entry restricted areas in greenhouses are specified in column D of Appendix F.)</p> <p>Verify that when two or more pesticides are applied at the same time, the restricted-entry interval is the longest of the applicable intervals.</p> <p>Verify that the employer assures that any worker who enters a treated area under an allowable restricted-entry interval, uses the PPE specified in the product labeling for early-entry workers.</p> <p>(NOTE: Entry-restricted areas in greenhouses are specified in column D in Table 2 of 40 CFR 170.100(c)(4)).</p>
<b>PM.70.5.</b> Employees may enter treated areas during a restricted-entry interval providing certain requirements are met (40 CFR 170.112(b)).	<p>Verify that only employees who meet the following criteria enter a treated area during a restricted-entry interval:</p> <ul style="list-style-type: none"> <li>– no contact is made with anything that has been treated with the pesticide to which the restricted-entry interval applies, including, but not limited to, soil, water, air, or surfaces of plants</li> <li>– entry is not allowed until any inhalation exposure level listed in the labeling has been reached or any ventilation criteria have been met.</li> </ul>
<b>PM.70.6.</b> Employees entering treated areas during a restricted-entry interval for short-term activity must satisfy certain operational requirements (40 CFR 170.104(a), 170.112(c)(1) through 170.112(c)(5)).	<p>Verify that employees who enter a treated area during a restricted-entry interval for short-term activities satisfy the following requirements:</p> <ul style="list-style-type: none"> <li>– no hand labor activity is performed</li> <li>– the time in the treated area does not exceed 1 h in any 24-h period</li> <li>– entry is not allowed until 4 h following the end of the application, and no such entry is allowed thereafter until any inhalation exposure level listed in the labeling has been reached or any ventilation criteria have been met</li> <li>– the employee is provided with the PPE specified on the product labeling for early entry.</li> </ul> <p>Verify that the PPE provided to the employee for early entry conforms to the following standards:</p> <ul style="list-style-type: none"> <li>– when “chemical-resistant” PPE is specified, it is made of material that allows no measurable movement of the pesticide the material during use</li> <li>– when “waterproof” PPE is specified, it is made of material that allows no measurable movement of water or aqueous solutions through the material during use</li> </ul>

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	<ul style="list-style-type: none"> <li>– when “chemical-resistant suit” is specified, it is loose-fitting, one- or two-piece, chemical resistant garment that covers, at a minimum, the entire body except head, hands, and feet</li> <li>– when “coveralls” are specified, they are a loose-fitting, one- or two-piece garment, such as a cotton or cotton and polyester coverall, that cover, at a minimum, the entire body except head, hands, and feet</li> <li>– when “chemical-resistant footwear” is specified it is a chemical-resistant shoe, boot, or shoe coverings worn over shoes or boots</li> <li>– when “protective eyewear” is specified, it is a goggle; face shield; safety glasses with front, brow, and temple protection; or a full-face respirator</li> <li>– when “chemical-resistant headgear” is specified, it is a chemical-resistant hood or hat with a wide brim.</li> <li>– gloves specified by the product labeling.</li> </ul> <p>(NOTE: Long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, socks, and other items of work clothing are not considered PPE in this instance and are not subject to these requirements.)</p> <p>(NOTE: The pesticide product labeling may specify that the coveralls be worn over a layer of clothing. If a chemical-resistant suit is substituted for coveralls, it need not be worn over a layer of clothing. If chemical-resistant footwear with sufficient durability and a tread appropriate for wear in rough terrain is not obtainable for workers, then leather boots may be worn in such terrain.)</p> <p>Verify that gloves or glove linings worn for early-entry activities are not made of leather, cotton, or other absorbent materials, unless these materials are listed on the product labeling as acceptable for such use.</p> <p>(NOTE: If chemical-resistant gloves with sufficient durability and suppleness are not obtainable for tasks with roses or other plants with sharp thorns, leather gloves may be worn over chemical-resistant liners.)</p> <p>Verify that once leather gloves have been worn for tasks with roses or other plants with sharp thorns, thereafter, they are worn only with chemical-resistant liners and not for any other use.</p> <p>Verify that, before entering the treated area, employees read or are informed of information on the product labeling, in a manner that they understand, of all labeling requirements related to:</p> <ul style="list-style-type: none"> <li>– human hazards or precautions</li> <li>– first aid</li> <li>– symptoms of poisoning</li> <li>– PPE specified for early entry</li> <li>– any other labeling requirements related to safe use.</li> </ul>

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	<p>(NOTE: The requirement to ensure employees read or are informed of information on the product labeling does not apply to the owner, or the immediate family of an owner of an agricultural establishment who are performing tasks related to the production of agricultural plants on their own agricultural establishment. But, this protection must be provided to other workers and members who are not members of the immediate family.)</p>
<b>PM.70.7.</b> Employers are required to ensure that employees entering treated areas during a restricted-entry interval for short-term activity satisfy certain PPE management requirements (40 CFR 170.104(a) and 170.112(c)(6)).	<p>Verify that employees wear protective equipment correctly for its intended purpose and use it according to manufacturer's instructions.</p> <p>Verify that, before each day of use, all PPE is inspected for leaks, holes, tears, or worn places any damaged equipment is repaired or discarded.</p> <p>Verify that PPE that cannot be cleaned properly is disposed of in accordance with any applicable federal, state, and local regulations.</p> <p>Verify that all PPE is cleaned according to manufacturer's instructions or pesticide product labeling instructions before each day of reuse.</p> <p>Verify that in the absence of any manufacturer's instructions, it is washed thoroughly in detergent and hot water.</p> <p>Verify that, before being stored, all clean PPE is dried thoroughly or is put in a well-ventilated place to dry.</p> <p>Verify that PPE contaminated with pesticides is kept separately and washed separately from any other clothing or laundry.</p> <p>Verify that any person who cleans or launders PPE is informed that such equipment may be contaminated with pesticides, and of the potentially harmful effects of exposure to pesticides.</p> <p>Verify that any person who cleans or launders PPE is informed of the correct way to handle and clean such equipment, and to protect themselves when handling equipment contaminated with pesticides.</p> <p>Verify that all clean PPE is stored separately from personal clothing and apart from pesticide-contaminated areas.</p> <p>Verify that each worker is instructed how to put on, use, and remove the PPE.</p> <p>Verify that each worker is informed about the importance of washing thoroughly after removing PPE.</p> <p>Verify that each worker is instructed in the prevention, recognition, and first aid treatment of heat-related illness.</p>

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	<p>Verify that workers have a clean place away from pesticide-storage and pesticide-use areas for storing personal clothing not in use.</p> <p>Verify that workers have a clean place away from pesticide-storage and pesticide-use areas for putting on PPE at the start of any exposure period, and removing PPE at the end of any exposure period.</p> <p>(NOTE: These requirements do not apply to the owner, or the immediate family of an owner of an agricultural establishment who are performing tasks related to the production of agricultural plants on their own agricultural establishment. But, this protection must be provided to other workers and members who are not members of the immediate family.)</p>
<b>PM.70.8.</b> Employers must take certain precautions to prevent heat-related illness among employees entering treated areas during a restricted-entry interval for short-term activity (40 CFR 170.104(a) and 170.112(c)(7)).	<p>Verify that, when PPE is required by the labeling of any pesticide for early entry, no worker is allowed or directed to perform the early-entry activity without implementing, when appropriate, measures to prevent heat-related illness.</p> <p>(NOTE: These requirements do not apply to the owner, or the immediate family of an owner of an agricultural establishment who are performing tasks related to the production of agricultural plants on their own agricultural establishment. But, this protection must be provided to other workers and members who are not members of the immediate family.)</p>
<b>PM.70.9.</b> Employers must provide a decontamination site during early-entry activity (40 CFR 170.104(a) and 170.112(c)(8)).	<p>Verify that, during any early-entry activity, the employer provides a decontamination site in accordance with 40 CFR 170.150 (see checklist item PM.90.1).</p> <p>(NOTE: These requirements do not apply to the owner, or the immediate family of an owner of an agricultural establishment who are performing tasks related to the production of agricultural plants on their own agricultural establishment. But, this protection must be provided to other workers and members who are not members of the immediate family.)</p>
<b>PM.70.10.</b> Employers must not permit employees entering treated areas during a restricted-entry interval for short-term activity to wear or take home PPE contaminated with pesticides (40 CFR 170.104(a) and 170.112(c)(9)).	<p>Verify that the employer does not allow or direct any worker to wear home or to take home PPE contaminated with pesticides.</p> <p>(NOTE: These requirements do not apply to the owner, or the immediate family of an owner of an agricultural establishment who are performing tasks related to the production of agricultural plants on their own agricultural establishment. But, this protection must be provided to other workers and members who are not members of the immediate family.)</p>

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<b>PM.70.11.</b> Employees may enter treated areas under a restricted-entry interval in an agricultural emergency if employers meet certain criteria (40 CFR 170.112(d))	<p>Verify that any worker who enters a treated area under a restricted-entry interval in an agricultural emergency to perform tasks, including hand labor tasks, necessary to mitigate the effects of the agricultural emergency, does so only if the agricultural employer assures that all the following criteria are met:</p> <ul style="list-style-type: none"><li>– a state, tribal, or federal agency having jurisdiction declares the existence of circumstances that could cause an agricultural emergency on that agricultural establishment</li><li>– the agricultural establishment is subject to circumstances that result in an agricultural emergency (see definition section for “agricultural emergency.”)</li><li>– the requirements of 40 CFR 170.112(c)(3) through (c)(9) (see checklist items PM.70.6 through PM.70.9) are met.</li></ul>

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<b>AGRICULTURAL PESTICIDES</b>  <b>PM.80</b>  <b>Worker Notification and Training</b>	<p>(NOTE: See the definitions for <i>Excepted Agricultural Applications for Worker Standards</i>.)</p>
<b>PM.80.1.</b> Agricultural employers are required notify workers of pesticide applications in greenhouses (40 CFR 170.104(a), 170.120(a), 172.120(c), and 172.120(d)).	<p>(NOTE: These requirements do not apply to the owner, or the immediate family of an owner of an agricultural establishment who are performing tasks related to the production of agricultural plants on their own agricultural establishment. But, this protection must be provided to other workers and members who are not members of the immediate family.)</p> <p>Verify that all pesticide applications are posted as follows:</p> <ul style="list-style-type: none"> <li>– the warning sign has a background color that contrasts with red</li> <li>– the words “DANGER” and “PELIGRO,” plus “PESTICIDES” and “PESTICIDAS,” are at the top of the sign</li> <li>– the words “KEEP OUT” and “NO ENTRE” are at the bottom of the sign</li> <li>– letters for all words are clearly legible</li> <li>– a circle containing an upraised hand on the left and a stern face on the right is near the center of the sign and the following are met:           <ul style="list-style-type: none"> <li>– the inside of the circle is red, except that the hand and a large portion of the face is in a shade that contrasts with red</li> <li>– the length of the hand is at least twice the height of the smallest letters</li> <li>– the length of the face is only slightly smaller than the hand</li> </ul> </li> <li>– the standard sign is at least 14 in. by 16 in. with letters at least 1 in. in height</li> </ul> <p>(NOTE: Additional information may appear on the warning sign if it does not detract from the appearance of the sign or change the meaning of the required information.)</p> <p>(NOTE: In greenhouses, the agricultural employer may, at any time, use a sign smaller than the standard sign, but when a smaller sign is used, the following are met:</p> <ul style="list-style-type: none"> <li>– if a sign is used with DANGER and PELIGRO in letters at least 7/8 in. in height and the remaining letters at least 1/2 in. in height and a red circle at least 3 in. in diameter containing an upraised hand and a stern face, the signs are no further than 50 ft apart</li> <li>– if a sign is used with DANGER and PELIGRO in letters at least 7/16 in. in height and the remaining letters at least 1/4 in. in height and a red circle at least 1 1/2 in. in diameter containing an upraised hand and a stern face, the signs are no further than 25 ft apart.)</li> </ul>

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	<p>(NOTE: The employer may replace the Spanish portion of the warning sign with a non-English language read by the largest group of workers who do not read English. The replacement sign must be in the same format as the original sign and be visible and legible.)</p> <p>Verify that, in greenhouses, the signs are posted so they are visible from all usual points of worker entry to the treated area, including each aisle or other walking route that enters the treated area.</p> <p>Verify that when there are no usual points of worker entry to the treated area, signs are posted in the corners of the treated area, or in any other location affording maximum visibility.</p> <p>Verify that the signs:</p> <ul style="list-style-type: none"> <li>– are posted no sooner than 24 h before the scheduled application of the pesticide</li> <li>– remain posted throughout the application and any restricted-entry interval</li> <li>– are removed within 3 days after the end of the application and any restricted-entry interval and before agricultural-worker entry is permitted, other than entry permitted by 40 CFR 170.112 (see checklist items PM.70.4 through PM.70.11).</li> </ul> <p>Verify that the signs remain visible and legible during the time they are posted.</p> <p>(NOTE: When several contiguous areas are to be treated with pesticides on a rotating or sequential basis, the entire area may be posted. But, worker entry, other than entry permitted by 40 CFR 170.112 (see checklist items PM.70.4 through PM.70.11), is prohibited for the entire area while the signs are posted.)</p> <p>Verify that, if the pesticide product labeling has a statement requiring both the posting of treated areas and oral notification to workers, the employer also provides oral notification as follows:</p> <ul style="list-style-type: none"> <li>– notification is in a manner that the worker can understand</li> <li>– if a worker will be on the premises during the application, the warning is given before the application takes place or at the beginning of the worker's first work period during which the application is taking place or the restricted-entry interval for the pesticide is in effect</li> <li>– the warning consists of: <ul style="list-style-type: none"> <li>– the location and description of the treated area</li> <li>– the time during which entry is restricted</li> <li>– instructions not to enter the treated area until the restricted-entry interval has expired.</li> </ul> </li> </ul> <p>(NOTE: Notice need not be given to a worker if the employer can assure that one</p>

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	<p>of the following is met:</p> <ul style="list-style-type: none"> <li>– from the start of the application until the end of the application and during any restricted-entry interval, the worker will not enter, work in, remain in, or pass through the greenhouse</li> <li>– the worker applied (or supervised the application of) the pesticide for which the notice is intended and is aware of all oral warnings.)</li> </ul>
<b>PM.80.2.</b> Agricultural employers are required to notify workers of pesticide applications on farms, in nurseries, or in forests (40 CFR 170.104(a), 170.120(b), 172.120(c), and 172.120(d)).	<p>(NOTE: These requirements do not apply to the owner, or the immediate family of an owner of an agricultural establishment who are performing tasks related to the production of agricultural plants on their own agricultural establishment. But, this protection must be provided to other workers and members who are not members of the immediate family.)</p> <p>Verify that, if required by the pesticide label, both oral notification is given and signs are posted.</p> <p>(NOTE: For any pesticide other than those for which the labeling requires both posting and oral notification of applications, the agricultural employer shall give notice of the application to the worker either by the posting of warning or orally, and shall inform the workers as to which method of notification is in effect.)</p> <p>Verify that all pesticide applications are posted as follows:</p> <ul style="list-style-type: none"> <li>– the warning sign has a background color that contrasts with red</li> <li>– the words “DANGER” and “PELIGRO,” plus “PESTICIDES” and “PESTICIDAS,” are at the top of the sign</li> <li>– the words “KEEP OUT” and “NO ENTRE” are at the bottom of the sign</li> <li>– letters for all words are clearly legible</li> <li>– a circle containing an upraised hand on the left and a stern face on the right is near the center of the sign and the following are met:           <ul style="list-style-type: none"> <li>– the inside of the circle is red, except that the hand and a large portion of the face is in a shade that contrasts with red</li> <li>– the length of the hand is at least twice the height of the smallest letters</li> <li>– the length of the face is only slightly smaller than the hand</li> </ul> </li> <li>– the standard sign is at least 14 in. by 16 in. with letters at least 1 in. in height</li> </ul> <p>(NOTE: Additional information may appear on the warning sign if it does not detract from the appearance of the sign or change the meaning of the required information.)</p> <p>Verify that farms and forests use the standard size unless a smaller sign is necessary because the treated area is too small to accommodate a sign of at least 14 in. by 16 in..</p> <p>(NOTE: In nurseries, the agricultural employer may, at any time, use a sign</p>

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	<p>smaller than the standard sign, but when a smaller sign is used, the following are met:</p> <ul style="list-style-type: none"> <li>– if a sign is used with DANGER and PELIGRO in letters at least 7/8 in. in height and the remaining letters at least 1/2 in. in height and a red circle at least 3 in. in diameter containing an upraised hand and a stern face, the signs are no further than 50 ft apart</li> <li>– if a sign is used with DANGER and PELIGRO in letters at least 7/16 in. in height and the remaining letters at least 1/4 in. in height and a red circle at least 1 1/2 in. in diameter containing an upraised hand and a stern face, the signs are no further than 25 ft apart.)</li> </ul> <p>(NOTE: The employer may replace the Spanish portion of the warning sign with a non-English language read by the largest group of workers who do not read English. The replacement sign must be in the same format as the original sign and be visible and legible.)</p> <p>Verify that, on farms and in forests and nurseries, the signs are visible from all usual points of worker entry to the treated area, including at least all of the following:</p> <ul style="list-style-type: none"> <li>– each access road</li> <li>– each border with any labor camp adjacent to the treated area</li> <li>– each footpath and other walking route that enters the treated area</li> <li>– when there are no usual points of worker entry, signs are posted in the corners of the treated area or in any other location affording maximum visibility.</li> </ul> <p>Verify that the signs:</p> <ul style="list-style-type: none"> <li>– are posted no sooner than 24 h before the scheduled application of the pesticide</li> <li>– remain posted throughout the application and any restricted-entry interval</li> <li>– are removed within 3 days after the end of the application and any restricted-entry interval and before agricultural-worker entry is permitted, other than entry permitted by 40 CFR 170.112 (see checklist items PM.70.4 through PM.70.11).</li> </ul> <p>Verify that the signs remain visible and legible during the time they are posted.</p> <p>(NOTE: When several contiguous areas are to be treated with pesticides on a rotating or sequential basis, the entire area may be posted. But, worker entry, other than entry permitted by 40 CFR 170.112 (see checklist items PM.70.4 through PM.70.11), is prohibited for the entire area while the signs are posted.)</p> <p>Verify that, if the pesticide product labeling has a statement requiring both the posting of treated areas and oral notification to workers, the employer also</p>

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	<p>provides oral notification as follows:</p> <ul style="list-style-type: none"> <li>– notification is in a manner that the worker can understand</li> <li>– if a worker will be on the premises during the application, the warning is given before the application takes place or at the beginning of the worker's first work period during which the application is taking place or the restricted-entry interval for the pesticide is in effect</li> <li>– the warning consists of:           <ul style="list-style-type: none"> <li>– the location and description of the treated area</li> <li>– the time during which entry is restricted</li> <li>– instructions not to enter the treated area until the restricted-entry interval has expired.</li> </ul> </li> </ul> <p>(NOTE: Notice need not be given to a worker if the employer can assure that one of the following is met:</p> <ul style="list-style-type: none"> <li>– from the start of the application until the end of the application and during any restricted-entry interval, the worker will not enter, work in, remain in, or pass through on foot the treated area or any area within 1/4 mi of the treated area</li> <li>– the worker applied (or supervised the application of) the pesticide for which the notice is intended and is aware of all oral warnings.)</li> </ul>
<b>PM.80.3.</b> Agricultural employers are required to display specific information when a pesticide has been applied on the establishment or a restricted-entry interval has been in effect (40 CFR 170.104(a) and 170.122).	<p>(NOTE: These requirements do not apply to the owner, or the immediate family of an owner of an agricultural establishment who are performing tasks related to the production of agricultural plants on their own agricultural establishment. But, this protection must be provided to other workers and members who are not members of the immediate family.)</p> <p>Verify that, if a pesticide has been applied on the establishment or a restricted-entry interval has been in effect within the last 30 days, the following information is displayed:</p> <ul style="list-style-type: none"> <li>– the location and description of the treated area</li> <li>– the product name, U.S. EPA registration number, and active ingredient(s) of the pesticide</li> <li>– the time and date the pesticide is to be applied</li> <li>– the restricted-entry interval for the pesticide.</li> </ul> <p>Verify that the information is displayed in the location specified for the pesticide safety poster and is accessible and legible.</p> <p>Verify that, if warning signs are posted for the treated area before an application, the specific application information for that application is posted at the same time or earlier.</p>

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	<p>Verify that the required information is posted before the application takes place, if workers will be on the establishment during application or posted at the beginning of any worker's first work period.</p> <p>Verify that the information continues to be displayed for at least 30 days after the end of the restricted-entry interval (or, if there is no restricted-entry interval, for at least 30 days after the end of the application) or at least until workers are no longer on the establishment, whichever is earlier.</p>
<b>PM.80.4.</b> Agricultural employers must provide specific information to handler employers (40 CFR 170.124)	<p>Verify that whenever handlers who are employed by a commercial pesticide handling establishment are performing pesticide handling tasks on an agricultural establishment, the employer provides to the handler employer, or assures that the handler employer is aware of, the following information concerning any areas on the agricultural establishment that the handler may be in (or may walk within 1/4 mile of) and that may be treated with a pesticide or that may be under a restricted-entry interval while the handler will be on the agricultural establishment:</p> <ul style="list-style-type: none"> <li>- specific location and description of any such areas</li> <li>- restrictions on entering those areas.</li> </ul>
<b>PM.80.5.</b> Agricultural employers must provide pesticide safety training for certain workers (40 CFR 170.104(a), 170.130(a), and 170.130(b)).	<p>(NOTE: These requirements do not apply to the owner, or the immediate family of an owner of an agricultural establishment who are performing tasks related to the production of agricultural plants on their own agricultural establishment. But, this protection must be provided to other workers and members who are not members of the immediate family.)</p> <p>Verify that each worker, has been trained during the last 5 yr, counting from the end of the month in which the training was completed.</p> <p>Verify that, workers have received safety information training before a worker enters any areas on the agricultural establishment where, within the last 30 days a pesticide has been applied or the restricted-entry interval for such pesticide has been in effect.</p> <p>Verify that the pesticide safety information training is done in a manner that agricultural workers can understand, such as by providing written materials, or oral communication, or by other means.</p> <p>Verify that workers are trained before the 6th day that they enter any areas on the agricultural establishment where, within the last 30 days a pesticide has been applied or a restricted-entry interval for such pesticide has been in effect.</p> <p>(NOTE: The exception to the safety information and 6th day training requirements is that workers are required to be trained before entering a treated area on the agricultural establishment during a restricted-entry interval to perform</p>

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	<p>early-entry activities and contacting anything that has been treated with the pesticide to which the restricted-entry interval applies, including but not limited to, soil, water, or surfaces of plants.)</p> <p>(NOTE: The following persons need not be trained under this section:</p> <ul style="list-style-type: none"> <li>- a worker who is currently certified as an applicator of restricted-use pesticides</li> <li>- a worker who satisfies the training requirements of 40 CFR 171 (see checklist items PM.60.1 through PM.60.3 )</li> <li>- a worker who satisfies the handler training requirements of 40 CFR 170.230(c) (see checklist item PM.120.4)</li> <li>- a worker who is certified or licensed as a crop advisor by a program acknowledged as appropriate in writing by U.S. EPA or a state or Tribal lead agency for pesticide enforcement, provided that a requirement for such certification or licensing is pesticide safety training that includes the required minimum safety content (see checklist item PM.120.4.)</li> </ul>
<b>PM.80.6.</b> Pesticide safety information training is required to meet specific parameters (40 CFR 172.104(a), 172.130(c), and 172.130(d)).	<p>(NOTE: These requirements do not apply to the owner, or the immediate family of an owner of an agricultural establishment who are performing tasks related to the production of agricultural plants on their own agricultural establishment. But, this protection must be provided to other workers and members who are not members of the immediate family.)</p> <p>Verify that, at a minimum, the following pesticide safety information is provided:</p> <ul style="list-style-type: none"> <li>- pesticides may be on or in plants, soil, irrigation water, or drifting from nearby applications</li> <li>- prevent pesticides from entering your body by: <ul style="list-style-type: none"> <li>- following directions and/or signs about keeping out of treated or restricted areas</li> <li>- washing before eating, drinking, using chewing gum or tobacco, or using the toilet</li> <li>- wearing work clothing that protects the body from pesticide residues</li> <li>- washing/showering with soap and water, shampoo hair, and put on clean clothes after work</li> <li>- washing work clothes separately from other clothes before wearing them again</li> <li>- washing immediately in the nearest clean water if pesticides are spilled or sprayed on the body and as soon as possible, shower, shampoo, and change into clean clothes</li> <li>- further training is provided within 5 days</li> </ul> </li> </ul> <p>Verify that general pesticide safety information is presented to workers either orally from written materials or audiovisually such that:</p> <ul style="list-style-type: none"> <li>- the information is presented in a manner that the workers can understand</li> </ul>

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	<p>(such as through a translator) using nontechnical terms</p> <ul style="list-style-type: none"> <li>- the presenter responds to workers' questions.</li> </ul> <p>Verify that the person who conducts the training meets at least one of the following criteria:</p> <ul style="list-style-type: none"> <li>- is currently certified as an applicator of restricted-use pesticides</li> <li>- is currently designated as a trainer of certified applicators or pesticide handlers by a state, federal, or tribal agency having jurisdiction</li> <li>- has completed a pesticide safety train-the-trainer program approved by a state, federal, or tribal agency having jurisdiction</li> <li>- satisfies the training requirements in 40 CFR 171 (see checklist items PM.60.1 through PM.60.3) or in 40 CFR 170.230(c) (see checklist item PM.120.4)</li> </ul> <p>Verify that the worker who receives an U.S. EPA-approved Worker Protection Standard worker training certificate has been trained in accordance with 40 CFR 170.130(c)(4).</p> <p>Verify that training materials convey, at a minimum, the following information:</p> <ul style="list-style-type: none"> <li>- where and in what form pesticides may be encountered during work activities</li> <li>- hazards of pesticides resulting from toxicity and exposure, including acute and chronic effects, delayed effects, and sensitization</li> <li>- routes through which pesticides can enter the body</li> <li>- signs and symptoms of common types of pesticide poisoning</li> <li>- emergency first aid for pesticide injuries or poisonings</li> <li>- how to obtain emergency medical care</li> <li>- routine and emergency decontamination procedures, including emergency eyeflushing techniques</li> <li>- hazards from chemigation and drift</li> <li>- hazards from pesticide residues on clothing.</li> <li>- warnings about taking pesticides or pesticide containers home.</li> <li>- requirements of 40 CFR 170.102 through 40 CFR 170.160 designed to reduce the risks of illness or injury resulting from workers' occupational exposure to pesticides, including: <ul style="list-style-type: none"> <li>- application and entry restrictions</li> <li>- the design of the warning sign</li> <li>- posting of warning signs</li> <li>- oral warnings</li> <li>- the availability of specific information about applications, and the protection against retaliatory acts.</li> </ul> </li> </ul>

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<p><b>PM.80.7.</b> Agricultural employers must post certain pesticide safety information when pesticides have been applied or a restricted-entry interval has been in effect (40 CFR 170.104(a) and 170.135)</p>	<p>(NOTE: These requirements do not apply to the owner, or the immediate family of an owner of an agricultural establishment who are performing tasks related to the production of agricultural plants on their own agricultural establishment. But, this protection must be provided to other workers and members who are not members of the immediate family.)</p> <p>Verify that, when workers are on an agricultural establishment and, within the last 30 days a pesticide has been applied on the establishment or a restricted-entry interval has been in effect, the agricultural employer displays pesticide safety information.</p> <p>Verify that a safety poster is displayed that conveys, at a minimum, the following basic pesticide safety concepts:</p> <ul style="list-style-type: none"> <li>- to help keep pesticides from entering your body, at a minimum, the following points are conveyed: <ul style="list-style-type: none"> <li>- avoid getting on your skin or into your body any pesticides that may be on plants and soil, in irrigation water, or drifting from nearby applications</li> <li>- wash before eating, drinking, using chewing gum or tobacco, or using the toilet</li> <li>- wear work clothing that protects the body from pesticide residues (long-sleeved shirts, long pants, shoes and socks, and a hat or scarf)</li> <li>- wash/shower with soap and water, shampoo hair, and put on clean clothes after work</li> <li>- wash work clothes separately from other clothes before wearing them again</li> <li>- wash immediately in the nearest clean water if pesticides are spilled or sprayed on the body and as soon as possible, shower, shampoo, and change into clean clothes</li> <li>- follow directions about keeping out of treated or restricted areas</li> </ul> </li> <li>- there are federal rules to protect workers and handlers, including a requirement for safety training.</li> </ul> <p>Verify that the name, address, and telephone number of the nearest emergency medical care facility is on the safety poster or displayed close to the safety poster.</p> <p>Verify that the employer informs workers promptly of any change to the information on emergency medical care facilities</p> <p>Verify that the pesticide safety information is displayed in a central location on the farm or in the nursery or greenhouse where it can be readily seen and read by workers.</p> <p>Verify that the pesticide safety information is displayed in a location in or near the forest in a place where it can be readily seen and read by workers and where workers are likely to congregate or pass by, such as at a decontamination site or an</p>

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	<p>equipment storage site.</p> <p>Verify that workers are informed of the location of the pesticide safety information and are allowed access to it.</p> <p>Verify that the pesticide safety information remains legible during the time it is posted.</p>

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<b>AGRICULTURAL PESTICIDES</b>  <b>PM.90</b>  <b>Operations</b>	<p>(NOTE: See the definition for <i>Excepted Agricultural Applications for Worker Standards</i>.)</p>
<b>PM.90.1.</b> Agricultural employers must provide decontamination supplies that satisfy certain requirements (40 CFR 170.104(a) and 170.150).	<p>(NOTE: These requirements do not apply to the owner, or the immediate family of an owner of an agricultural establishment who are performing tasks related to the production of agricultural plants on their own agricultural establishment. But, this protection must be provided to other workers and members who are not members of the immediate family.)</p> <p>Verify that the agricultural employer provides decontamination supplies for workers whenever the following conditions are met:</p> <ul style="list-style-type: none"> <li>- any worker on the agricultural establishment is performing an activity in the area where a pesticide was applied or a restricted-entry interval (REI) was in effect within the last 30 days</li> <li>- the worker contacts anything that has been treated with the pesticide, including, but not limited to soil, water, plants, plant surfaces, and plant parts.</li> </ul> <p>(NOTE: The 30-day time period does not apply if the only pesticides used in the treated area are products with an REI of 4 h or less on the label (but not a product without an REI on the label).)</p> <p>Verify that, the agricultural employer provides decontamination supplies for not less than 7 days following the expiration of any applicable REI when workers are in treated areas where the only pesticides used are products with an REI of 4 h or less on the label.</p> <p>Verify that the agricultural employer provides workers with enough water for routine washing and emergency eyeflushing.</p> <p>Verify that, at all times when water is available to workers, it is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed.</p> <p>Verify that, when water stored in a tank is to be used for mixing pesticides, it is not used for decontamination or eyeflushing, unless the tank is equipped with properly functioning valves or other mechanisms that prevent movement of pesticides into the tank.</p> <p>Verify that the agricultural employer provides soap and single-use towels in</p>

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	<p>quantities sufficient to meet worker's needs.</p> <p>Verify that, for emergency eyeflushing, the agricultural employer provides at least 1 pint of water which is immediately available to each worker who is performing permitted early-entry activities and for which the pesticide labeling requires protective eyewear.</p> <p>Verify that the eyeflush water is carried by the early-entry worker, or is on the vehicle the early-entry worker is using, or otherwise immediately accessible.</p> <p>Verify that the decontamination supplies are located together and are reasonably accessible to and not more than 1/4 mi from where workers are working.</p> <p>Verify that the decontamination supplies are not maintained in an area being treated with pesticides.</p> <p>Verify that the decontamination supplies are not maintained in an area that is under a REI, unless the workers for whom the supplies are provided are performing permitted early-entry activities and involving contact with treated surfaces and the decontamination supplies would otherwise not be reasonably accessible to those workers.</p> <p>Verify that, at the end of any exposure period for workers engaged in permitted early-entry activities and involving contact with anything that has been treated with the pesticide to which the REI applies, including, but not limited to, soil, water, air, or surfaces of plants, the agricultural employer provides, at the site where the workers remove PPE, soap, clean towels, and a sufficient amount of water so that the workers may wash thoroughly.</p> <p>(NOTE: For worker activities performed more than 1/4 mi from the nearest place of vehicular access:</p> <ul style="list-style-type: none"> <li>– the soap, single-use towels, and water may be at the nearest place of vehicular access</li> <li>– the agricultural employer may permit workers to use clean water from springs, streams, lakes, or other sources for decontamination at the remote work site, if such water is more accessible than the water located at the nearest place of vehicular access.)</li> </ul>
<b>PM.90.2.</b> Agricultural employers must provide assistance to workers who have been poisoned or injured by exposure to pesticides use (40 CFR 170.104(a) and 170.160).	<p>(NOTE: These requirements do not apply to the owner, or the immediate family of an owner of an agricultural establishment who are performing tasks related to the production of agricultural plants on their own agricultural establishment. But, this protection must be provided to other workers and members who are not members of the immediate family.)</p> <p>Verify that, if there is reason to believe that a person who is or has been employed on an agricultural establishment to perform tasks related to the production of</p>

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	<p>agricultural plants has been poisoned or injured by exposure to pesticides used on the agricultural establishment, including, but not limited to, exposures from application, splash, spill, drift, or pesticide residues, the agricultural employer:</p> <ul style="list-style-type: none"><li>– makes available to that person prompt transportation from the agricultural establishment, including any labor camp on the agricultural establishment, to an appropriate emergency medical facility</li><li>– provides to that person, or to treating medical personnel, promptly upon request, any obtainable information on:<ul style="list-style-type: none"><li>– product name, U.S. EPA registration number, and active ingredients of any product to which that person might have been exposed</li><li>– antidote, first aid, and other medical information from the</li><li>– product labeling</li><li>– the circumstances of application or use of the pesticide on the agricultural establishment</li><li>– the circumstances of exposure of that person to the pesticide</li></ul></li></ul>

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<b>AGRICULTURAL PESTICIDES</b>	(NOTE: See the definitions for <i>Excepted Agricultural Applications for Handler Standards</i> .)
<b>PM.120</b>  <b>Pesticide Handlers</b>	<p>(NOTE: The requirements for pesticide handlers do not apply when any pesticide is applied on an agricultural establishment in the following circumstances:</p> <ul style="list-style-type: none"> <li>– for mosquito abatement, Mediterranean fruit fly eradication, or similar wide-area public pest control programs sponsored by governmental entities</li> <li>– on livestock or other animals, or in or about animal premises</li> <li>– on plants grown for other than commercial or research purposes, which may include plants in habitations, home fruit and vegetable gardens, and home greenhouses</li> <li>– on plants that are in ornamental gardens, parks, and public or private lawns and grounds and that are intended only for aesthetic purposes or climatic modification</li> <li>– in a manner not directly related to the production of agricultural plants, including, but not limited to, structural pest control, control of vegetation along rights-of-way and in other noncrop areas, and pasture and rangeland use</li> <li>– for control of vertebrate pests</li> <li>– as attractants or repellents in traps</li> <li>– on the harvested portions of agricultural plants or on harvested timber</li> <li>– for research uses of unregistered pesticides.)</li> </ul>
<b>PM.120.1.</b> Handler employers and handlers are required to take certain precautions during pesticide applications (40 CFR 170.204(a) and 170.210).	<p>Verify that the handler employer and the handler do not apply pesticides so as to contact, either directly or through drift, any worker or other person, other than an appropriately trained and equipped handler.</p> <p>Verify that, any handler who is performing any handling activity with a product that has the skull and crossbones symbol on the front panel of the label is monitored visually or by voice communication at least every 2 h.</p> <p>Verify that any handler who handles a fumigant in a greenhouse, including a handler who enters the greenhouse before the acceptable inhalation exposure level or ventilation criteria have been met, to monitor air levels or to initiate ventilation, maintains continuous visual or voice contact with another handler.</p> <p>Verify that the other handler present during applications in a greenhouse has immediate access to the PPE required by the fumigant labeling for handlers in the event entry into the fumigated greenhouse becomes necessary for rescue.</p> <p>(NOTE: The requirements related to fumigants and products with a skull and crossbones do not apply to the owner, or the immediate family of an owner of an agricultural establishment who are performing handling tasks on their own agricultural establishment. But, this protection must be provided to other workers</p>

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	<p>and members who are not members of the immediate family.)</p>
<b>PM.120.2.</b> Handler employers must provide specific information about pesticide applications (40 CFR 170.204(a) and 170.222).	<p>(NOTE: These requirements do not apply to the owner, or the immediate family of an owner of an agricultural establishment who are handling tasks related on their own agricultural establishment. But, this protection must be provided to other workers and members who are not members of the immediate family.)</p> <p>Verify that, when handlers (except those employed by a commercial pesticide handling establishment) are on an agricultural establishment, and a pesticide has been applied on the establishment within the last 30 days, or a restricted-entry interval has been in effect, the handler employer displays information about the pesticide.</p> <p>Verify that the information is displayed in the same location as the safety poster and accessible and legible.</p> <p>Verify that, if warning signs are posted for the treated area before an application, the specific application information for that application is posted at the same time or earlier.</p> <p>Verify that the information is posted before the application takes place, if handlers (except those employed by a commercial pesticide handling establishment) will be on the establishment during application, or posted at the beginning of any such handler's first work period</p> <p>Verify that the information is displayed for at least 30 days after the end of the restricted-entry interval (or, if there is no restricted-entry interval, for at least 30 days after the end of the application) or at least until the handlers are no longer on the establishment, whichever is earlier.</p> <p>Verify that the displayed information includes all of the following:</p> <ul style="list-style-type: none"> <li>– the location and description of the treated area</li> <li>– the product name, U.S. EPA registration number, and active ingredient(s) of the pesticide</li> <li>– the time and date the pesticide is to be applied</li> <li>– the restricted-entry interval for the pesticide</li> </ul>
<b>PM.120.3.</b> Handler employers must provide certain information to agricultural employers prior to pesticide applications (40 CFR 170.224)	<p>Verify that, before the application of any pesticide on or in an agricultural establishment, the handler employer provides the following information to any agricultural employer for the establishment or assures that any agricultural employer is aware of:</p> <ul style="list-style-type: none"> <li>– specific location and description of the treated area</li> </ul>

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<p><b>PM.120.4.</b> Handlers must satisfy certain safety training prior to performing handling tasks (40 CFR 170.204(a) and 170.230)</p>	<ul style="list-style-type: none"> <li>– time and date of application</li> <li>– product name, U.S. EPA registration number, and active ingredient(s)</li> <li>– restricted-entry interval</li> <li>– whether posting and oral notification are required</li> <li>– any other product-specific requirements on the product labeling concerning protection of workers or other persons during or after application</li> </ul> <p>(NOTE: These requirements do not apply to the owner, or the immediate family of an owner of an agricultural establishment who are handling tasks related on their own agricultural establishment. But, this protection must be provided to other workers and members who are not members of the immediate family.)</p> <p>Verify that, before any handler performs any handling task, that handler has been trained during the last 5 yr, counting from the end of the month in which the training was completed.</p> <p>Verify that general pesticide safety information is presented to handlers either orally from written materials or audiovisually.</p> <ul style="list-style-type: none"> <li>– the information is presented in a manner that the handlers can understand (such as through a translator)</li> <li>– the presenter responds to handlers' questions</li> </ul> <p>Verify that the person who conducts the training meets at least one of the following criteria:</p> <ul style="list-style-type: none"> <li>– is currently certified as an applicator of restricted-use pesticides under 40 CFR 171 (see checklist items PM.60.1 through PM.60.3)</li> <li>– is currently designated as a trainer of certified applicators or pesticide handlers by a state, federal, or tribal agency having jurisdiction</li> <li>– has completed a pesticide safety train-the-trainer program approved by a state, federal, or tribal agency having jurisdiction</li> </ul> <p>Verify that the pesticide safety training materials conveys, at a minimum, the following information:</p> <ul style="list-style-type: none"> <li>– format and meaning of information contained on pesticide labels and in labeling, including safety information such as precautionary statements about human health hazards</li> <li>– hazards of pesticides resulting from toxicity and exposure, including acute and chronic effects, delayed effects, and sensitization</li> <li>– routes by which pesticides can enter the body</li> <li>– signs and symptoms of common types of pesticide poisoning</li> <li>– emergency first aid for pesticide injuries or poisonings</li> <li>– how to obtain emergency medical care</li> </ul>

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	<ul style="list-style-type: none"> <li>– routine and emergency decontamination procedures</li> <li>– need for and appropriate use of PPE</li> <li>– prevention, recognition, and first aid treatment of heat-related illness</li> <li>– safety requirements for handling, transporting, storing, and disposing of pesticides, including general procedures for spill cleanup</li> <li>– environmental concerns such as drift, runoff, and wildlife hazards</li> <li>– warnings about taking pesticides or pesticide containers home</li> <li>– requirements of this 40 CFR 170.202 through 40 CFR 170.260 that must be followed by handler employers for the protection of handlers and other persons, including the prohibition against applying pesticides in a manner that will cause contact with workers or other persons, the requirement to use PPE, the provisions for training and decontamination, and the protection against retaliatory acts.</li> </ul> <p>(NOTE: The following persons need not be trained:</p> <ul style="list-style-type: none"> <li>– a handler who is currently certified as an applicator of restricted-use pesticides under 40 CFR 171 (see checklist items PM.60.1 through PM.60.3)</li> <li>– a handler who satisfies the training requirements of 40 CFR 171 (see checklist items PM.60.1 through PM.60.3)</li> <li>– a handler who is certified or licensed as a crop advisor by a program acknowledged as appropriate in writing by U.S. EPA or a state or tribal lead agency for pesticide enforcement, provided that a requirement for such certification or licensing is pesticide safety training that includes the required minimum safety content.)</li> </ul>
<b>PM.120.5.</b> The handler employer is required to assure that prior to the handler performing any handling activity, the handler either has read the product labeling or has been informed of all labeling requirements related to safe use of the pesticide (40 CFR 170.204(a) and 170.232).	<p>(NOTE: These requirements do not apply to the owner, or the immediate family of an owner of an agricultural establishment who are handling tasks related on their own agricultural establishment. But, this protection must be provided to other workers and members who are not members of the immediate family.)</p> <p>Verify that the handler employer assures that before the handler performs any handling activity, the handler either has read the product labeling or has been informed in a manner the handler can understand of all labeling requirements related to safe use of the pesticide, such as signal words, human hazard precautions, PPE requirements, first aid instructions, environmental precautions, and any additional precautions pertaining to the handling activity to be performed.</p> <p>Verify that the handler employer assures that the handler has access to the product labeling information during handling activities.</p> <p>(NOTE: Whenever a handler who is employed by a commercial pesticide handling establishment will be performing pesticide handling tasks on an agricultural establishment, the handler employer shall assure that the handler is aware of the following information concerning any areas on the agricultural establishment that the handler may be in (or may walk within 1/4 mi of) and that</p>

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	<p>may be treated with a pesticide or that may be under a REI while the handler will be on the agricultural establishment:</p> <ul style="list-style-type: none"> <li>– specific location and description of any such areas</li> <li>– restrictions on entering those areas.)</li> </ul>
<p><b>PM.120.6.</b> The handler employer is required to assure that before the handler uses any equipment, the handler is instructed in the safe operation of the equipment (40 CFR 170.204(a) and 170.234).</p>	<p>(NOTE: These requirements do not apply to the owner, or the immediate family of an owner of an agricultural establishment who are handling tasks related on their own agricultural establishment. But, this protection must be provided to other workers and members who are not members of the immediate family.)</p> <p>Verify that the handler employer assures that, before the handler uses any equipment for mixing, loading, transferring, or applying pesticides, the handler is instructed in the safe operation of such equipment, including, when relevant, chemigation safety requirements and drift avoidance.</p> <p>Verify that, before each day of use, equipment used for mixing, loading, transferring, or applying pesticides is inspected for leaks, clogging, and worn or damaged parts, and any damaged equipment is repaired or is replaced.</p> <p>Verify that, before allowing any person to repair, clean, or adjust equipment that has been used to mix, load, transfer, or apply pesticides, the handler employer ensures that pesticide residues have been removed from the equipment.</p> <p>(NOTE: The requirement for pesticide residues to be removed from equipment does not apply if the person doing the cleaning, repairing, or adjusting is a handler employed by the agricultural or commercial pesticide handling establishment.)</p> <p>Verify that, if pesticide residue removal is not feasible, the person who repairs, cleans, or adjusts the equipment is informed:</p> <ul style="list-style-type: none"> <li>– equipment may be contaminated with pesticides</li> <li>– of the potentially harmful effects of exposure to pesticides</li> <li>– of the correct way to handle such equipment.</li> </ul>
<p><b>PM.120.7.</b> Handler employers are required to display certain safety information (40 CFR 170.204(a) and 170.235).</p>	<p>(NOTE: These requirements do not apply to the owner, or the immediate family of an owner of an agricultural establishment who are handling tasks related on their own agricultural establishment. But, this protection must be provided to other workers and members who are not members of the immediate family.)</p> <p>Verify that, when handlers (except those employed by a commercial pesticide handling establishment) are on an agricultural establishment and, within the last 30 days, a pesticide has been applied on the establishment or a restricted-entry interval has been in effect, the handler employer displays required pesticide safety information.</p>

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	<p>Verify that a safety poster is displayed that conveys, at a minimum, the following basic pesticide safety concepts:</p> <ul style="list-style-type: none"> <li>- to help keep pesticides from entering your body, at a minimum, the following points are conveyed:           <ul style="list-style-type: none"> <li>- avoid getting on your skin or into your body any pesticides that may be on plants and soil, in irrigation water, or drifting from nearby applications</li> <li>- wash before eating, drinking, using chewing gum or tobacco, or using the toilet</li> <li>- wear work clothing that protects the body from pesticide residues (long-sleeved shirts, long pants, shoes and socks, and a hat or scarf)</li> <li>- wash/shower with soap and water, shampoo hair, and put on clean clothes after work</li> <li>- wash work clothes separately from other clothes before wearing them again</li> <li>- wash immediately in the nearest clean water if pesticides are spilled or sprayed on the body and as soon as possible, shower, shampoo, and change into clean clothes</li> <li>- follow directions about keeping out of treated or restricted areas</li> </ul> </li> <li>- there are federal rules to protect workers and handlers, including a requirement for safety training.</li> </ul> <p>Verify that the name, address, and telephone number of the nearest emergency medical care facility is on the safety poster or displayed close to the safety poster.</p> <p>Verify that the handler employer informs workers promptly of any change to the information on emergency medical care facilities</p> <p>Verify that the pesticide safety information is displayed in a central location on the farm or in the nursery or greenhouse where it can be readily seen and read by handlers.</p> <p>Verify that the pesticide safety information is displayed in a location in or near the forest in a place where it can be readily seen and read by workers and where workers are likely to congregate or pass by, such as at a decontamination site or an equipment storage site.</p> <p>Verify that handlers are informed of the location of the pesticide safety information and are allowed access to it.</p> <p>Verify that the pesticide safety information remains legible during the time it is posted.</p>

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<p><b>PM.120.8.</b> Pesticide handlers are required to use the clothing and PPE specified on the labeling for use of a product (40 CFR 170.204(a) and 170.240).</p>	<p>(NOTE: These requirements do not apply to the owner, or the immediate family of an owner of an agricultural establishment who are handling tasks related on their own agricultural establishment. But, this protection must be provided to other workers and members who are not members of the immediate family.)</p> <p>Verify that the PPE conforms to the following standards:</p> <ul style="list-style-type: none"> <li>– when “chemical-resistant” PPE is specified, it is made of material that allows no measurable movement of the pesticide the material during use</li> <li>– when “waterproof” PPE is specified, it is made of material that allows no measurable movement of water or aqueous solutions through the material during use</li> <li>– when “chemical-resistant suit” is specified, it is loose-fitting, one- or two-piece, chemical resistant garment that covers, at a minimum, the entire body except head, hands, and feet</li> <li>– when “coveralls” are specified, they are a loose-fitting, one- or two-piece garment, such a cotton or cotton and polyester coverall, that cover, at a minimum, the entire body except head, hands, and feet</li> <li>– gloves are of the type specified by the product label</li> <li>– when “chemical-resistant footwear” is specified it is a chemical-resistant shoe, boot, or shoe coverings worn over shoes or boots</li> <li>– when “protective eyewear” is specified, it is a goggle; face shield; safety glasses with front, brow, and temple protection; or a full-face respirator</li> <li>– when a “chemically-resistant apron” is specified, it is an apron that covers the front of the body from mid-chest to the knees</li> <li>– when a respirator is specified, it is appropriate for the product used and the activity to be performed</li> <li>– when “chemical-resistant headgear” is specified, it is a chemical-resistant hood or hat with a wide brim.</li> </ul> <p>(NOTE: Long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, socks, and other items of work clothing are not considered PPE in this instance and are not subject to these requirements.)</p> <p>(NOTE: The pesticide product labeling may specify that the coveralls be worn over a layer of clothing. If a chemical-resistant suit is substituted for coveralls, it need not be worn over a layer of clothing. If chemical-resistant footwear with sufficient durability and a tread appropriate for wear in rough terrain is not obtainable for workers, then leather boots may be worn in such terrain.)</p> <p>Verify that gloves or glove linings made of leather, cotton, or other absorbant material are not worn for handling activity unless they are listed on the product labeled as acceptable for use.</p> <p>(NOTE: If chemical-resistant gloves with sufficient durability and suppleness are not obtainable for tasks with roses or other plants with sharp thorns, leather gloves</p>

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	<p>may be worn over chemical-resistant liners.)</p> <p>Verify that once leather gloves have been worn for tasks with roses or other plants with sharp thorns, thereafter, they are worn only with chemical-resistant liners and not for any other use.</p> <p>(NOTE: If handling tasks are performed using properly functioning systems that enclose the pesticide to prevent it from contacting handlers or other persons, and if such systems are used and are maintained in accordance with that manufacturer's written operating instructions, exceptions to labeling-specified PPE for the handling activity are permitted as follows:</p> <ul style="list-style-type: none"> <li>– persons using a closed system to mix or load pesticides with a signal word of DANGER or WARNING may substitute a long-sleeved shirt, long pants, shoes, socks, chemical-resistant apron, and any protective gloves specified on the labeling for handlers for the labeling-specified PPE</li> <li>– persons using a closed system to mix or load pesticides other than those with a signal word of DANGER or WARNING, or to perform other handling tasks may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified PPE.)</li> </ul> <p>Verify that persons using a closed system that operates under pressure wear protective eyewear.</p> <p>Verify that persons using a closed system have all labeling-specified PPE immediately available for use in an emergency.</p> <p>(NOTE: If handling tasks are performed from inside a cab that has a nonporous barrier which totally surrounds the occupants of the cab and prevents contact with pesticides outside of the cab, exceptions to PPE specified on the product labeling for that handling activity are permitted as follows:</p> <ul style="list-style-type: none"> <li>– persons occupying an enclosed cab may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified PPE. If a respiratory protection device is specified on the pesticide product labeling for the handling activity, it must be worn</li> <li>– persons occupying an enclosed cab that has a properly functioning ventilation system which is used and maintained in accordance with the manufacturer's written operating instructions and which is declared in writing by the manufacturer or by a governmental agency to provide respiratory protection equivalent to or greater than a dust/mist filtering respirator may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified PPE. If a respiratory protection device other than a dust/mist-filtering respirator is specified on the pesticide product labeling, it must be worn</li> <li>– persons occupying an enclosed cab that has a properly functioning ventilation system which is used and maintained in accordance with the manufacturer's written operating instructions and which is declared in writing by the manufacturer or by a governmental agency to provide respiratory protection</li> </ul>

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	<p>equivalent to or greater than the vapor- or gas-removing respirator specified on pesticide product labeling may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified PPE. If an air-supplying respirator or a self-contained breathing apparatus (SCBA) is specified on the pesticide product labeling, it must be worn</p> <ul style="list-style-type: none"> <li>– persons occupying an enclosed cab shall have all labeling-specified PPE immediately available and stored in a chemical-resistant container, such as a plastic bag. They shall wear such PPE if it is necessary to exit the cab and contact pesticide-treated surfaces in the treated area. Once PPE is worn in the treated area, it must be removed before reentering the cab.)</li> </ul> <p>Verify that chemical-resistant gloves are worn when entering or leaving an aircraft contaminated by pesticide residues.</p> <p>Verify that, in the cockpit, the gloves are kept in an enclosed container to prevent contamination of the inside of the cockpit.</p> <p>Verify that persons occupying an open cockpit use the PPE specified in the product labeling for use during application, except that chemical-resistant footwear need not be worn.</p> <p>(NOTE: For aerial applications, a helmet may be substituted for chemical-resistant headgear and a visor may be substituted for protective eyewear.)</p> <p>(NOTE: Persons occupying an enclosed cockpit may substitute a long-sleeved shirt, long pants, shoes, and socks for labeling-specified PPE.)</p> <p>Verify that, if crop advisors entering treated areas while a restricted-entry interval is in effect wear the PPE specified on the pesticide labeling for early-entry activities instead of the PPE specified on the pesticide labeling for handling activities, the following are met:</p> <ul style="list-style-type: none"> <li>– application has been completed for at least 4 h</li> <li>– any inhalation exposure level listed in the labeling has been reached or any ventilation criteria established in the labeling have been met.</li> </ul> <p>Verify that the handler employer assures that PPE is used correctly for its intended purpose and is used according to the manufacturer's instructions.</p> <p>Verify that, before each day of use, all PPE is inspected for leaks, holes, tears, or worn places, and any damaged equipment is repaired or discarded.</p> <p>Verify that all PPE is cleaned according to the manufacturer's instructions or pesticide product labeling instructions before each day of reuse.</p> <p>(NOTE: In the absence of any manufacturer's instructions, PPE shall be washed</p>

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	<p>thoroughly in detergent and hot water.)</p> <p>Verify that, if any PPE cannot be cleaned properly, the handler employer disposes of the PPE in accordance with any applicable federal, state, and local regulations.</p> <p>(NOTE: Coveralls or other absorbent materials that have been drenched or heavily contaminated with an undiluted pesticide that has the signal word DANGER or WARNING on the label shall not be reused.)</p> <p>Verify that contaminated PPE is kept separately and washed separately from any other clothing or laundry.</p> <p>Verify that all clean personal PPE is either dried thoroughly before being stored or is put in a well ventilated place to dry.</p> <p>Verify that all PPE is stored separately from personal clothing and apart from pesticide-contaminated areas.</p> <p>Verify that, when dust/mist filtering respirators are used, the filters are replaced:</p> <ul style="list-style-type: none"> <li>– when breathing resistance becomes excessive</li> <li>– when the filter element has physical damage or tears</li> <li>– according to manufacturer's recommendations or pesticide product labeling, whichever is more frequent</li> <li>– in the absence of any other instructions or indications of service life, at the end of each day's work period.</li> </ul> <p>Verify that when gas- or vapor-removing respirators are used, the gas- or vapor-removing canisters or cartridges are replaced:</p> <ul style="list-style-type: none"> <li>– at the first indication of odor, taste, or irritation</li> <li>– according to manufacturer's recommendations or pesticide product labeling, whichever is more frequent</li> <li>– in the absence of any other instructions or indications of service life, at the end of each day's work period.</li> </ul> <p>Verify that the handler employer informs any person who cleans or launders PPE:</p> <ul style="list-style-type: none"> <li>– such equipment may be contaminated with pesticides</li> <li>– of the potentially harmful effects of exposure to pesticides</li> <li>– of the correct way(s) to clean PPE and to protect themselves when handling such equipment.</li> </ul> <p>Verify that handlers have a clean place away from pesticide storage and pesticide use areas where they may:</p>

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	<ul style="list-style-type: none"> <li>– store personal clothing not in use</li> <li>– put on PPE at the start of any exposure period</li> <li>– remove PPE at the end of any exposure period.</li> </ul> <p>Verify that the handler employer does not allow or direct any handler to wear home or to take home PPE contaminated with pesticides.</p> <p>Verify that when the use of PPE is specified by the labeling of any pesticide for the handling activity, the handler employer assures that no handler is allowed or directed to perform the handling activity unless appropriate measures are taken, if necessary, to prevent heat-related illness.</p>
<b>PM.120.9.</b> Appropriate decontamination supplies are required to be provided during handling activity (40 CFR 170.204(a) and 170.250).	<p>(NOTE: These requirements do not apply to the owner, or the immediate family of an owner of an agricultural establishment who are handling tasks related on their own agricultural establishment. But, this protection must be provided to other workers and members who are not members of the immediate family.)</p> <p>Verify that the handler employer provides for handlers decontamination supplies for washing off pesticides and pesticide residues.</p> <p>Verify that handlers are provided with enough water for routine washing, for emergency eyeflushing, and for washing the entire body in case of an emergency.</p> <p>Verify that , at all times when the water is available to handlers, it is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed.</p> <p>Verify that when water stored in a tank is to be used for mixing pesticides, it is not used for decontamination or eye flushing, unless the tank is equipped with properly functioning valves or other mechanisms that prevent movement of pesticides into the tank.</p> <p>Verify that the handler employer provides the following:</p> <ul style="list-style-type: none"> <li>– soap and single-use towels in quantities sufficient to meet handlers' needs</li> <li>– one clean change of clothing, such as coveralls, for use in an emergency.</li> </ul> <p>Verify that decontamination supplies are located together and are reasonably accessible to and not more than 1/4 mi from each handler during the handling activity.</p> <p>(NOTE: The following are exceptions for supply location:</p> <ul style="list-style-type: none"> <li>– for mixing activities, decontamination supplies shall be at the mixing site</li> <li>– decontamination supplies for a pilot who is applying pesticides aerially is in the airplane or at the aircraft loading site</li> </ul>

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	<ul style="list-style-type: none"> <li>– when handling activities are performed more than 1/4 mi from the nearest place of vehicular access:           <ul style="list-style-type: none"> <li>– the soap, single-use towels, clean change of clothing, and water may be at the nearest place of vehicular access</li> <li>– the handler employer may permit handlers to use clean water from springs, streams, lakes, or other sources for decontamination at the remote work site, if such water is more accessible than the water located at the nearest place of vehicular access.</li> </ul> </li> </ul> <p>Verify that the decontamination supplies are not in an area being treated with pesticides or in an area under a restricted-entry interval, unless:</p> <ul style="list-style-type: none"> <li>– the decontamination supplies are in the area where the handler is performing handling activities</li> <li>– the soap, single-use towels, and clean change of clothing are in enclosed containers</li> <li>– the water is running tap water or is enclosed in a container.</li> </ul> <p>(NOTE: To provide for emergency eyeflushing, the handler employer shall assure that at least 1 pint of water is immediately available to each handler who is performing tasks for which the pesticide labeling requires protective eyewear. The eyeflush water shall be carried by the handler, or shall be on the vehicle or aircraft the handler is using, or shall be otherwise immediately accessible.)</p> <p>Verify that, at the end of any exposure period, the handler employer provides, at the site where handlers remove PPE, soap, clean towels, and a sufficient amount of water so that the handlers may wash thoroughly.</p>
<b>PM.120.10.</b> Handler employers are required to take certain actions to provide emergency assistance (40 CFR 170.04(a) and 170.260).	<p>(NOTE: These requirements do not apply to the owner, or the immediate family of an owner of an agricultural establishment who are handling tasks related on their own agricultural establishment. But, this protection must be provided to other workers and members who are not members of the immediate family.)</p> <p>Verify that, if there is reason to believe that a person who is or has been employed by an agricultural establishment or commercial pesticide handling establishment to perform pesticide handling tasks has been poisoned or injured by exposure to pesticides as a result of that employment, including, but not limited to, exposures from handling tasks or from application, splash, spill, drift, or pesticide residues, the handler employer:</p> <ul style="list-style-type: none"> <li>– make available to that person prompt transportation from the place of employment or the handling site to an appropriate emergency medical facility</li> <li>– provide to that person or to treating medical personnel, promptly upon request, any obtainable information on:           <ul style="list-style-type: none"> <li>– product name, U.S. EPA registration number, and active ingredients of</li> </ul> </li> </ul>

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	<p>any product to which that person might have been exposed</p> <ul style="list-style-type: none"><li>– antidote, first aid, and other medical information from the product labeling</li><li>– the circumstances of handling of the pesticide</li><li>– the circumstances of exposure of that person to the pesticide.</li></ul>

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**Protocol for Conducting Environmental Compliance  
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**Appendix A:  
Exempted Pesticides (40 CFR 152.20 and 152.25)**

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**Exempted Pesticides**  
**(40 CFR 152.20 and 152.25)**

These pesticides are exempt from 40 CFR 152.

1. The following pesticides are exempt because it has been determined that they are adequately regulated by another federal agency:

- all biological control agents are exempt from FIFRA requirements except the following:
    - eucaryotic microorganisms, including protozoa, algae and fungi
    - procaryotic microorganisms, including bacteria
    - viruses
  - a pesticide product that is offered solely for human use and also is a new drug within the meaning of FFDCA sec. 201(p) or is an article that has been determined by the Secretary of Health and Human Services not to be a new drug by a regulation establishing conditions of use for the article. Such products are subject to regulation in accordance with the FFDCA and implementing regulations.)
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2. The pesticides or classes of pesticides listed here have been determined to be of a character not requiring regulation under FIFRA, and are therefore exempt from all provisions of FIFRA when intended for use, and used, only in the manner specified.
    - a) Treated articles or substances. An article or substance treated with, or containing, a pesticide to protect the article or substance itself (for example, paint treated with a pesticide to protect the paint coating, or wood products treated to protect the wood against insect or fungus infestation), if the pesticide is registered for such use.
    - b) Pheromones and pheromone traps. Pheromones and identical or substantially similar compounds labeled for use only in pheromone traps (or labeled for use in a manner which the U.S. EPA or authorized regulatory agency determines poses no greater risk of adverse effects on the environment than use in pheromone traps), and pheromone traps in which those compounds are the sole active ingredient(s).
      - For the purposes of this paragraph, a pheromone is a compound produced by an arthropod which, alone or in combination with other such compounds, modifies the behavior of other individuals of the same species.
      - For the purposes of this paragraph, a synthetically produced compound is identical to a pheromone only when their molecular structures are identical, or when the only differences between the molecular structures are between the stereochemical isomer ratios of the two compounds, except that a synthetic compound found to have toxicological properties significantly different from a pheromone is not identical.
      - When a compound possesses many characteristics of a pheromone but does not meet the criteria in paragraph (a)(2) of this section, it may, after review by the Agency, be deemed a substantially similar compound.
      - For the purposes of this paragraph, a pheromone trap is a device containing a pheromone or an identical or substantially similar compound used for the sole purpose of attracting, and trapping or killing, target arthropods. Pheromone traps are intended to achieve pest control by removal of target organisms from their natural environment and do not result in increased levels of pheromones or identical or substantially similar compounds over a significant fraction of the treated area.
    - c) Preservatives for biological specimens.
      - Embalming fluids.
      - Products used to preserve animal or animal organ specimens, in mortuaries, laboratories, hospitals, museums and institutions of learning.
      - Products used to preserve the integrity of milk, urine, blood, or other body fluids for laboratory analysis.
    - d) Vitamin hormone products. Vitamin hormone horticultural products consisting of mixtures of plant hormones, plant nutrients, inoculants, or soil amendments, which meet the following criteria:
      - The product, in the undiluted package concentration at which it is distributed or sold, meets the criteria of 40 CFR 156.10(h)(1) of this chapter for Toxicity Category III or IV; and

- The product is not intended for use on food crop sites, and is labeled accordingly.
- e) Foods. Products consisting of foods and containing no active ingredients, which are used to attract pests.
- f) Natural cedar blocks, chips, shavings, balls, chests, drawer liners, paneling, and needles (except cedar oil, or formulated products which contain cedar oil, other cedar extracts, or ground cedar wood as part of a mixture) that meet all of the following criteria:
  - The product consists totally of cedarwood or natural cedar.
  - The product is not treated, combined, or impregnated with any additional substance(s).
  - The product bears claims or directions for use solely to repel arthropods other than ticks or to retard mildew, and no additional claims are made in sale or distribution. The labeling must be limited to specific arthropods, or must exclude ticks if any general term such as ``arthropods," ``insects," ``bugs," or any other broad inclusive term, is used. The exemption does not apply to natural cedar products claimed to repel ticks.
- g) Products containing the following active ingredients are exempt from the requirements of FIFRA, alone or in combination with other substances listed in this paragraph, provided that all of the criteria of this section are met.
  - Castor oil (U.S.P. or equivalent)
  - Cedar oil
  - Cinnamon and cinnamon oil
  - Citric acid
  - Citronella and citronella oil
  - Cloves and clove oil
  - Corn gluten meal
  - Corn oil
  - Cottonseed oil
  - Dried blood
  - Eugenol
  - Garlic and garlic oil
  - Geraniol
  - Geranium oil
  - Lauryl sulfate
  - Lemongrass oil
  - Linseed oil
  - Malic acid
  - Mint and mint oil
  - Peppermint and peppermint oil
  - 2-Phenethyl propionate (2-phenylethyl propionate)
  - Potassium sorbate
  - Putrescent whole egg solids
  - Rosemary and rosemary oil
  - Sesame (includes ground sesame plant) and sesame oil
  - Sodium chloride (common salt)
  - Sodium lauryl sulfate
  - Soybean oil
  - Thyme and thyme oil
  - White pepper
  - Zinc metal strips (consisting solely of zinc metal and impurities)

(NOTE: A pesticide product exempt under paragraph (g) may only include inert ingredients listed in the most current List 4A. This list is updated periodically and is published in the Federal Register. The most current list may be obtained by writing to Registration Support Branch (4A Inerts List) Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington DC 20460. All of the following conditions must be met for products to be exempted under this section:

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- Each product containing the substance must bear a label identifying the name and percentage (by weight) of each active ingredient and the name of each inert ingredient.
- The product must not bear claims either to control or mitigate microorganisms that pose a threat to human health, including but not limited to disease transmitting bacteria or viruses, or claims to control insects or rodents carrying specific diseases, including, but not limited to ticks that carry Lyme disease.
- The product must not include any false and misleading labeling statements, including those listed in 40 CFR 156.10(a)(5)(i) through (viii).)

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**Protocol for Conducting Environmental Compliance  
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**Appendix B:  
Restricted-Use Pesticides (40 CFR 152.175)**

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**Restricted-Use Pesticides**  
**(40 CFR 152.175)**

The following uses of pesticide products containing the active ingredients specified below have been classified for restricted use and are limited to use by or under the direct supervision of a certified applicator.

Active Ingredient	Formulation	Use Pattern	Classification	Criteria Influencing Restriction
Acrolein	As sole active ingredient. No mixtures registered.	All uses.	Restricted.	Inhalation hazard to humans. Residue effects on avian species and aquatic organisms
Aldicarb	As sole active ingredient.	Ornamental uses (indoor and outdoor).	Restricted.	Other hazards-accident history.
	No mixtures registered.	Agricultural crop uses.	Under further evaluation.	
Aluminum phosphide	As sole active ingredient. No mixtures registered.	Agricultural crop uses.	Under further evaluation.	Inhalation hazard to humans.
Azinphos methyl	All liquids with a concentration greater than 13.5%.	Agricultural crop uses.	Under further evaluation.	Inhalation hazard to humans.
	All other formulations.	Agricultural crop uses.	Under further evaluation.	
Carbofuran	All concentrate suspensions and wettable powders 40% and greater.	Agricultural crop uses.	Under further evaluation.	Acute inhalation toxicity.
	All granular formulations.	Rice.	Under evaluation.	Hazard to non-target organisms.
	All granular and fertilizer formulations.	All uses except rice.	Under further evaluation.	
Chloropicrin	All formulations greater than 2%.	All uses	Under further evaluation.	Acute inhalation toxicity
	All formulations.	Rodent control	Under further evaluation.	Hazard to non-target organisms.
	All formulations 2% and less.	Outdoor uses (other than rodent control).	Unclassified.	
Clonotalid	All wettable powders	All uses	Restricted	Acute inhalation

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Active Ingredient	Formulation	Use Pattern	Classification	Criteria Influencing Restriction
	70% and greater.  All granulars and wettable powders.  Pressurized sprays 0.55% and less.	Molluscide uses.  Hospital antiseptics.	Restricted  Unclassified.	toxicity.  Effects on aquatic organisms.
Dicrotophos	All liquid formulations 8% and greater.	All uses.	Restricted.	Acute dermal toxicity; residue effects on avian species (except for tree injections).
Disulfoton	All emulsifiable concentrates 65% and greater, all emulsifiable concentrates and concentrate solutions 21% and greater with fensulfothion 43% and greater, all emulsifiable concentrates 32% and greater in combination with 32% fensulfothion and greater.  Nonaqueous solution 95% and greater.  Granular formulations 10% and greater.	All uses.  Commercial seed treatment.  Indoor uses (greenhouse).	Restricted.  Restricted.  Restricted.	Acute dermal toxicity; residue effects on avian species (except for tree injections).  Acute inhalation toxicity.  Acute dermal toxicity.  Acute inhalation toxicity.
Ethoprop	Emulsifiable concentrates 40% and greater.  All granular and fertilizer formulations.	Aquatic uses.  All uses.	Restricted.  Under evaluation.	Acute dermal toxicity.
Ethyl parathion	All granular and dust formulations greater than 2%, fertilizer formulations, wettable powders, emulsifiable	All uses.	Restricted.	Inhalation hazard to humans. Acute dermal toxicity. Residue effects or mammalian, aquatic, avian species.

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Active Ingredient	Formulation	Use Pattern	Classification	Criteria Influencing Restriction
	concentrates, concentrated suspensions, concentrated solutions.			
	Smoke fumigants.	All uses.	Restricted.	Inhalation hazard to humans.
	Dust and granular formulations 2% and below.	All uses.	Restricted.	Other hazards-accident history.
Fenamiphos	Emulsifiable concentrates 35% and greater.	All uses.	Restricted.	Acute dermal toxicity.
Fonofos	Emulsifiable concentrates 44% and greater.	All uses.	Restricted.	Acute dermal toxicity.
	Emulsifiable concentrates 12.6% and less with pebulate 50.3% and less.	Tobacco.	Unclassified.	
Methamidophos	Liquid formulations 40% and greater.	Tobacco.	Restricted.	Acute dermal toxicity; residue effects an avian species.
	Dust formulations 2.5% and greater.	Tobacco.	Restricted.	Residue effects an avian species.
Methidathion	All formulations.	All uses except nursery stock safflower and sunflower.	Restricted.	Residue effects on avian species.
	All formulations.	Nursery stock, safflower, and sun flower.	Unclassified.	
Methomyl	As sole active ingredient in 1% to 2.5 baits (except 1% fly bait).	Nondomestic out doors agricultural crops, ornamental and turf. All other registered uses.	Restricted.	Residue effects on mammalian species.
	All concentrated solution formulations.	Nondomestic out doors agricultural crops, ornamental	Restricted.	Other hazards-accident history.

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Active Ingredient	Formulation	Use Pattern	Classification	Criteria Influencing Restriction
	90% wettable powder formulations (not in water soluble bags).  90% wettable powder formulation in water soluble bags.  All granular formulations.  25% wettable powder formulations.  In 1.24% to 2.5% dusts as sole active ingredient and in mixtures with fungicides and chlorinated hydrocarbon, inorganic phosphate and biological insecticides.	and turf. All other registered uses.  Nondomestic outdoors agricultural crops, ornamental and turf. All other registered uses.  Nondomestic outdoors agricultural crops, ornamental and turf. All other registered uses.  Nondomestic outdoors agricultural crops, ornamental and turf. All other registered uses.  Nondomestic outdoors agricultural crops, ornamental and turf. All other registered uses.	Restricted.  Unclassified.  Unclassified.  Unclassified.  Unclassified.	Other hazards-accident history.
Methyl bromide	All formulations in containers greater than 1.5 lb.  Containers with not more than 1.5 lb of methyl bromide with 0.25% to 2% chloropicrin as an indicator.  Containers with not more than 1.5 lb having no indicator.	All uses.  Single applications (nondomestic use) for soil treatment in closed systems.  All uses.	Restricted.  Unclassified.  Restricted.	Other hazards-accident history.  Other hazards-accident history.

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<b>Active Ingredient</b>	<b>Formulation</b>	<b>Use Pattern</b>	<b>Classification</b>	<b>Criteria Influencing Restriction</b>
Methyl parathion	All dust and granular formulations less than 5%.	All uses.	Restricted.	Other hazards- accident history. All foliar applications restricted based on residue effects on mammalian and avian species.
	Microencapsulated.	All uses.	Restricted.	Residue effects on avian species. Hazard to bees.
	All dust and granular formulations 5% and greater and all wettable powders and liquids.	All uses.	Restricted.	Acute dermal toxicity. Residue effects on mammalian and avian species.
Nicotine (alkaloid)	Liquid and dry formulations 14% and above.	Indoor (greenhouse)	Restricted.	Acute inhalation toxicity.
	All formulations.	Applications to cranberries	Restricted.	Effects on aquatic organisms.
	Liquid and dry formulations 1.5% and less.	All uses (domestic and nondomestic).	Unclassified.	
Paraquat (dichloride) and paraquat bis(methyl sulfate)	All formulations and concentrations except those listed.	All uses.	Restricted.	Other hazards. Use and accident history, human toxicological data.
	Pressurized spray formulations containing 0.44% Paraquat bis(methyl sulfate) and 15% petroleum distillates as active ingredients.	Spot weed and grass control.	Restricted.	
	Liquid fertilizers containing concentrations of 0.025% paraquat dichloride and 0.03% atrazine; 0.03% paraquat dichloride and 0.37% atrazine, 0.04% paraquat dichloride and 0.49% atrazine.	All uses.	Unclassified.	

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Active Ingredient	Formulation	Use Pattern	Classification	Criteria Influencing Restriction
Phorate	Liquid formulations 65% and greater.	All uses.	Restricted.	Acute dermal toxicity. Residue effects on avian species (applies to foliar applications only). Residue effects on mammalian species (applies to foliar application only).
	All granular formulations.	Rice.	Restricted.	Effects on aquatic organisms.
Phosphamidon	Liquid formulations 75% and greater.	Rice.	Restricted.	Acute dermal toxicity. Residue effects on mammalian species. Residue effects on avian species.
	Dust formulations 1.5% and greater.	Rice.	Restricted.	Acute dermal toxicity. Residue effects on mammalian species. Residue effects on avian species.
Picloram	All formulations and concentrations except tordon 101 R.	Rice.	Restricted.	Hazard to non-target organisms (specifically nontarget plants both crop and noncrop).
	Tordon 101 R forestry herbicide containing 5.4% picloram and 20.9% 2, 4-D.	Control of unwanted trees by cut surface treatment.	Unclassified.	
Sodium cyanide <sup>3</sup>	All capsules and ball formulations.	All uses.	Restricted.	Inhalation hazard to humans.
Sodium fluoroacetate	All solutions and dry baits.	All uses.	Restricted.	Acute oral toxicity. Hazard to nontarget organisms. Use and accident history.
Strychnine	All dry baits pellets and powder formulations greater than 0.5%.	All uses.	Restricted.	Acute oral toxicity. Hazard to nontarget avian species. Use and accident history.

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Active Ingredient	Formulation	Use Pattern	Classification	Criteria Influencing Restriction
	All dry baits, pellets, and powder formulations.  All dry baits, and pellets, and powder formulations 0.5% and below.  All dry baits, and pellets, and powder formulations 0.5% and below.	All uses calling for burrow builders.  All uses except subsoil.  All subsoil uses.	Restricted.  Restricted.  Unclassified.	Hazard to nontarget organisms.  Hazard to nontarget organisms.
Sulfotepp	Sprays and smoke generators.	All uses.	Restricted.	Inhalation hazard to humans.
Zinc phosphide	All formulations 2% and less.  All bait formulations  All dry formulation 10% and greater.	All domestic uses and nondomestic uses in and around buildings.  Nondomestic outdoor uses (other than around buildings).  Domestic uses.	Unclassified.  Unclassified.  Unclassified.	Hazard to nontarget organisms.  Acute oral toxicity.

<sup>2</sup>Percentages given are the total of dioxathion plus related compounds.

<sup>3</sup>NOTE: M-44 sodium cyanide capsules may only be used by certified applicators who have also taken the required additional training.

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**Appendix C:  
General Standards for All Categories of Certified Commercial  
Applicators (40 CFR 171.4(b))**

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**General Standards for All Categories of Certified Commercial Applicators**  
**(40 CFR 171.4(b))**

All commercial applicators shall demonstrate practical knowledge of the principles and practices of pest control and safe use of pesticides. Testing shall be based on examples of problems and situations appropriate to the particular category or subcategory of the applicator's certification and the following areas of competency:

**Label and Labeling Comprehension:**

1. The general format and terminology of pesticide labels and labeling;
2. The understanding of instructions, warnings, terms, symbols, and other information commonly appearing on pesticide labels;
3. Classification of the product, general or restricted; and
4. Necessity for use consistent with the label.

**Safety. Factors including:**

1. Pesticide toxicity and hazard to man and common exposure routes;
2. Common types and causes of pesticide accidents;
3. Precautions necessary to guard against injury to applicators and other individuals in or near treated areas;
4. Need for and use of protective clothing and equipment;
5. Symptoms of pesticide poisoning;
6. First aid and other procedures to be followed in case of a pesticide accident; and
7. Proper identification, storage, transport, handling, mixing procedures, and disposal methods for pesticides and used pesticide containers, including precautions to be taken to prevent children from having access to pesticides and pesticide containers.

**Environment. The potential environmental consequences of the use and misuse of pesticides as may be influenced by such factors as:**

1. Weather and other climatic conditions;
2. Types of terrain, soil, or other substrate;
3. Presence of fish, wildlife, and other non-target organisms; and
4. Drainage patterns.

**Pests. Factors such as:**

1. Common features of pest organisms and characteristics of damage needed for pest recognition;
2. Recognition of relevant pests; and
3. Pest development and biology as it may be relevant to problem identification and control.

**Pesticides. Factors such as:**

1. Types of pesticides;
2. Types of formulations;
3. Compatibility, synergism, persistence, and animal and plant toxicity of the formulations;
4. Hazards and residues associated with use;
5. Factors which influence effectiveness or lead to such problems as resistance to pesticides; and
6. Dilution procedures.

**Equipment. Factors including:**

1. Types of equipment and advantages and limitations of each type; and
2. Uses, maintenance, and calibration.

**Application techniques. Factors including:**

1. Methods of procedure used to apply various formulations of pesticides, solutions, and gases, together with a knowledge of which technique of application to use in a given situation;
2. Relationship of discharge and placement of pesticides to proper use, unnecessary use, and misuse; and

## **Protocol for Conducting Environmental Compliance Audits under FIFRA**

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3. Prevention of drift and pesticide loss into the environment.

Laws and regulations.

1. Applicable state laws and regulations; and
2. Applicable federal laws and regulations.

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**Appendix D:  
Specific Standards for Competency for Each Category of  
Certified Commercial Applicators  
(40 CFR 171.4(c))**

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**Specific Standards for Competency for Each Category of Certified Commercial Applicators  
(40 CFR 171.4(c))**

Commercial applicators in each category shall be particularly qualified with respect to the practical knowledge standards elaborated below:

- Agricultural pest control--Plant. Applicators must demonstrate practical knowledge of crops grown and the specific pests of those crops on which they may be using restricted use pesticides. The importance of such competency is amplified by the extensive areas involved, the quantities of pesticides needed, and the ultimate use of many commodities as food and feed. Practical knowledge is required concerning soil and water problems, pre-harvest intervals, re-entry intervals, phytotoxicity, and potential for environmental contamination, non-target injury and community problems resulting from the use of restricted use pesticides in agricultural areas.
- Agricultural pest control--Animal. Applicators applying pesticides directly to animals must demonstrate practical knowledge of such animals and their associated pests. A practical knowledge is also required concerning specific pesticide toxicity and residue potential, since host animals will frequently be used for food. Further, the applicator must know the relative hazards associated with such factors as formulation, application techniques, age of animals, stress, and extent of treatment.
- Forest pest control. Applicators shall demonstrate practical knowledge of types of forests, forest nurseries, and seed production in their state and the pests involved. They should possess practical knowledge of the cyclic occurrence of certain pests and specific population dynamics as a basis for programming pesticide applications. A practical knowledge is required of the relative biotic agents and their vulnerability to the pesticides to be applied. Because forest stands may be large and frequently include natural aquatic habitats and harbor wildlife, the consequences of pesticide use may be difficult to assess. The applicator must therefore demonstrate practical knowledge of control methods which will minimize the possibility of secondary problems such as unintended effects on wildlife. Proper use of specialized equipment must be demonstrated, especially as it may relate to meteorological factors and adjacent land use.
- Ornamental and turf pest control. Applicators shall demonstrate practical knowledge of pesticide problems associated with the production and maintenance of ornamental trees, shrubs, plantings, and turf, including cognizance of potential phytotoxicity due to a wide variety of plant material, drift, and persistence beyond the intended period of pest control. Because of the frequent proximity of human habitations to application activities, applicators in this category must demonstrate practical knowledge of application methods which will minimize or prevent hazards to humans, pets, and other domestic animals.
- Seed-treatment. Applicators shall demonstrate practical knowledge of types of seeds that require chemical protection against pests and factors such as seed coloration, carriers, and surface active agents which influence pesticide binding and may affect germination. They must demonstrate practical knowledge of hazards associated with handling, sorting and mixing, and misuse of treated seed such as introduction of treated seed into food and feed channels, as well as proper disposal of unused treated seeds.
- Aquatic pest control. Applicators shall demonstrate practical knowledge of the secondary effects which can be caused by improper application rates, incorrect formulations, and faulty application of restricted use pesticides used in this category. They shall demonstrate practical knowledge of various water use situations and the potential of downstream effects. Further, they must have practical knowledge concerning potential pesticide effects on plants, fish, birds, beneficial insects and other organisms which may be present in aquatic environments. These applicators shall demonstrate practical knowledge of the principles of limited area application.

- Right-of-way pest control. Applicators shall demonstrate practical knowledge of a wide variety of environments, since rights-of-way can traverse many different terrains, including waterways. They shall demonstrate practical knowledge of problems on runoff, drift, and excessive foliage destruction and ability to recognize target organisms. They shall also demonstrate practical knowledge of the nature of herbicides and the need for containment of these pesticides within the right-of-way area, and the impact of their application activities in the adjacent areas and communities.
- Industrial, institutional, structural and health related pest control. Applicators must demonstrate a practical knowledge of a wide variety of pests, including their life cycles, types of formulations appropriate for their control, and methods of application that avoid contamination of food, damage and contamination of habitat, and exposure of people and pets. Since human exposure, including babies, children, pregnant women, and elderly people, is frequently a potential problem, applicators must demonstrate practical knowledge of the specific factors which may lead to a hazardous condition, including continuous exposure in the various situations encountered in this category. Because health related pest control may involve outdoor applications, applicators must also demonstrate practical knowledge of environmental conditions, particularly related to this activity.
- Public health pest control. Applicators shall demonstrate practical knowledge of vector-disease transmission as it relates to and influences application programs. A wide variety of pests is involved, and it is essential that they be known and recognized, and appropriate life cycles and habitats be understood as a basis for control strategy. These applicators shall have practical knowledge of a great variety of environments ranging from streams to those conditions found in buildings. They should also have practical knowledge of the importance and employment of such non-chemical control methods as sanitation, waste disposal, and drainage.
- Regulatory pest control. Applicators shall demonstrate practical knowledge of regulated pests, applicable laws relating to quarantine and other regulation of pests, and the potential impact on the environment of restricted use pesticides used in suppression and eradication programs. They shall demonstrate knowledge of factors influencing introduction, spread, and population dynamics of relevant pests. Their knowledge shall extend beyond that required by their immediate duties, since their services are frequently required in other areas of the country where emergency measures are invoked to control regulated pests and where individual judgments must be made in new situations.
- Demonstration and research pest control. Persons demonstrating the safe and effective use of pesticides to other applicators and the public will be expected to meet comprehensive standards reflecting a broad spectrum of pesticide uses. Many different pest problems situations will be encountered in the course of activities associated with demonstration, and practical knowledge of problems, pests, and population levels occurring in each demonstration situation is required. Further, they should demonstrate an understanding of a pesticide-organism interactions and the importance of integrating pesticide use with other control methods. In general, it would be expected that applicators doing demonstration pest control work possess a practical knowledge of all of the standards detailed in 40 CFR 171.4(b). In addition, they shall meet the specific standards required for 40 CFR 171.4(c)(1) through (7) as may be applicable to their particular activity.

(NOTE: Persons conducting field research or method improvement work with restricted use pesticides should be expected to know the general standards. In addition, they shall be expected to know the specific standards required for the categories applicable to their particular activity, or alternatively, to meet the more inclusive requirements listed under "Demonstration.")

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**Appendix E:  
Entry Restricted Areas in Nurseries during Pesticide Applications  
(40 CFR 170.110(b), Table 1)**

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**Entry Restricted Areas in Nurseries during Pesticide Applications**  
**(40 CFR 170.110(b), Table 1)**

<b>A</b>	<b>B</b>
<b>During Application of a Pesticide:</b>	<b>Workers are Prohibited In:</b>
Applied: <ul style="list-style-type: none"><li>• aerially, or</li><li>• in an upward direction, or</li><li>• using a spray pressure greater than 150 psi.</li></ul>	Treated area plus 100 feet in all directions on the nursery
Applied as a: <ul style="list-style-type: none"><li>• fumigant, or</li><li>• smoke, or</li><li>• mist, or</li><li>• fog, or</li><li>• aerosol.</li></ul>	Treated area plus 100 feet in all directions on the nursery
Applied downward using: <ul style="list-style-type: none"><li>• a height of greater than 12 in from the planting medium, or</li><li>• a fine spray, or</li><li>• a spray pressure greater than 40 psi and less than 150 psi.</li></ul>	Treated area plus 25 feet in all directions on the nursery
Not as above but for which a respiratory protection device is required for application by the product labeling.	Treated area plus 25 feet in all directions on the nursery
Applied otherwise.	Treated area

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**Appendix F:  
Greenhouse Entry Restrictions Associated With Pesticide  
Applications (40 CFR 170.110(c), Table 2)**

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**Greenhouse Entry Restrictions Associated With Pesticide Applications  
(40 CFR 170.110(c), Table 2)**

A	B	C	D
When a Pesticide is Applied:	Workers are Prohibited in:	Until:	After the Expiration of Time in Column C Until the Restricted Entry Interval Expires, the Entry-Restricted Area is:
(1) As a fumigant	Entire greenhouse plus any adjacent structure that cannot be sealed off from the treated area	The ventilation criteria of 40 CFR 170.110(c)(3) are met	No entry restrictions after criteria in column C are met
(2) As a smoke, mist, fog, or aerosol	Entire enclosed area	The ventilation criteria of 40 CFR 170.110(c)(3) are met	Entire enclosed area is the treated area
(3) Not in 1 or 2 above, and for which a respiratory protection device is required for application by the product labeling	Entire enclosed area	The ventilation criteria of 40 CFR 170.110(c)(3) are met	Treated area
(4) Not in 1, 2, or 3 above, and: <ul style="list-style-type: none"><li>• from a height of greater than 12 in. from the planting medium, or</li><li>• as a fine spray, or</li><li>• using a spray pressure greater than 40 psi</li></ul>	Treated area plus 25 feet in all directions in the enclosed area	Application is complete	Treated area
(5) Otherwise	Treated area	Application is complete	Treated area

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**Appendix G:  
User Satisfaction Questionnaire and Comment Form**

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**User Satisfaction Survey**  
(OMB Approval No. 1860.01)  
Expires 9/30/2001

We would like to know if this Audit Protocol provides you with useful information. This information will be used by EPA to measure the success of this tool in providing compliance assistance and to determine future applications and needs for regulatory checklists and auditing materials.

1. Please indicate which Protocol(s) this survey applies to:

Title: \_\_\_\_\_

EPA Document Number: \_\_\_\_\_

2. Overall, did you find the Protocol helpful for conducting audits:

Yes \_\_\_\_ No \_\_\_\_

If not, what areas of the document are difficult to understand?

3. How would you rate the usefulness of the Protocol(s) for conducting compliance audits on a scale of 1-5?

1 = not useful or effective, 3 = somewhat useful/effective, 5 = very useful/effective

Low	Medium	High	
1	2	3	4
1	2	3	4
1	2	3	4
1	2	3	5

Introduction Section  
Key Compliance Requirements  
Key Terms and Definitions  
Checklist

4. What actions do you intend to take as a result of using the protocol and/or conducting the audit? Please check all that apply.

- Contact a regulatory agency
- Contact a compliance assistance provider (e.g., trade association, state agency, EPA)
- Contact a vendor
- Disclose violations discovered during the audit under EPA's audit Policy
- Disclose violations discovered under EPA's Small Business Policy
- Obtain a permit or certification
- Change the handling of a waste, emission or pollutant
- Change a process or practice
- Purchase new process equipment
- Install emission control equipment (e.g., scrubbers, wastewater treatment)
- Install waste treatment system (control technique)
- Implement or improve pollution prevention practices (e.g., source reduction, recycling)
- Improve organizational auditing program
- Institute an Environmental Management System
- Improve the existing Environmental Management System (e.g., improve training, clarify standard operating procedures, etc.)
- Other \_\_\_\_\_

5. What, if any, environmental improvements will result from the actions to be taken (check all that apply)?

- reduced emissions
- waste reduction
- reduced risk to human health and the environment due to better management practices
- reduced quantity and toxicity of raw materials
- water conservation
- energy conservation
- conserved raw materials
- conservation of habitat or other environmental stewardship practice: \_\_\_\_\_
- other: \_\_\_\_\_
- no environmental improvements are likely to result from the use of this document

6. How did you hear about this document?

- trade association
- state technical assistance provider
- EPA internet homepage or website
- document catalog
- co-worker or business associate
- EPA, state, or local regulator
- other (please specify) \_\_\_\_\_

7. In order to understand your response, we would like to know what function you perform with respect to environmental compliance and the size of your organization.

<input type="checkbox"/> <u>Company Personnel</u> <input type="checkbox"/> Environmental Auditor <input type="checkbox"/> Corporate Level <input type="checkbox"/> Plant-level <input type="checkbox"/> Legal <input type="checkbox"/> Environmental Manager <input type="checkbox"/> Operator - (e.g., Pollution Control Equipment <input type="checkbox"/> Other: _____ _____	<input type="checkbox"/> <u>Trade Association</u> <input type="checkbox"/> National <input type="checkbox"/> Regional <input type="checkbox"/> Local <input type="checkbox"/> Manager <input type="checkbox"/> Information Specialist	<input type="checkbox"/> <u>Compliance Assistance Provider</u> <input type="checkbox"/> EPA <input type="checkbox"/> State <input type="checkbox"/> State Small Business Assistance <input type="checkbox"/> Local <input type="checkbox"/> Other _____
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<input type="checkbox"/> <u>Regulatory Personnel</u> <input type="checkbox"/> State <input type="checkbox"/> Local <input type="checkbox"/> EPA	<input type="checkbox"/> <u>Vendor/Consultant</u> <input type="checkbox"/> Environmental Auditor <input type="checkbox"/> Environmental Engineer/Scientist <input type="checkbox"/> Attorney
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8. How many employees are located at your facility (including full-time contractors)?

- 0 - 9
- 10 - 49
- 50 - 100
- 101-500
- More than 500

**Optional (Please Print)**

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Title: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_

Zip code: \_\_\_\_\_

Organization Name: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_ E-mail: \_\_\_\_\_

Please return all pages (1 thru 3) of this survey by folding pages 1 and 2 into page 3 and using the preprinted, pre-stamped address on the reverse side of page 3. If you have accessed this document electronically from one of EPA's web sites, simply e-mail this questionnaire to:  
[satterfield.richard@epa.gov](mailto:satterfield.richard@epa.gov).

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