

*"When you have eaten and are satisfied, praise the Lord for the good land he has given you."  
Deuteronomy 8:10*

A Quarterly Insight into the Environmental Services Division

# The ESD Review

## Topics in this edition >>>

- ☞ ESD's Annual Recertification Course, a total success.
- ☞ Is your pesticide storage area in compliance with regulations?
- ☞ From the Case Files.
- ☞ Shelly Letcher retires from AZDA after nearly 18 years of service.
- ☞ ESD's Ag in Schools Program: SMS Farms Report Card.
- ☞ ESD's Ernie Lugo receives AZDA's Employee of the Year Award.
- ☞ Featured ESD Inspection: Market Place Inspections.

## ESD's Annual Recertification Course, a Total Success.

*By: Ernie Lugo, Yuma ESD*

For nearly 30 years, the Environmental Services Division has been offering licensees the opportunity to obtain up to 6 continuing education units (CEU) at their Annual Recertification Course. The course is divided into 2 sessions, morning and afternoon, each good for 3 CEU's. Jack Peterson and inspectors from AZDA headquarters and the Yuma office travel to 3 locations in Arizona where licensees can attend these courses which are free of charge. This year we invited our tribal partners to present at all three locations. Inspectors and other representatives from the Ak-Chin Indian Community, the Gila River Indian Community, the Cocopah Indian Tribe, the Quechan Indian Tribe and the Inter Tribal Council of Arizona, spoke about and reviewed the different rules and regulations regarding the use of pesticides on Indian land. Other topics were: "Buffer Zones" related to schools and medical facilities, "Legal Review", a review of pesticide related laws and regulations, "Irrigation Water Treatment", "Understanding the Product Label", "Permitted Products for use on Hemp", and other topics. As usual the course review was a game of "Jeopardy" where all those in attendance get to participate in groups – these reviews are always a lot of fun and enjoyed by all. ESD has recently formed a partnership with the Yuma Area Ag Council related to training; they provided refreshments at all locations. Approximately 275 licensees took advantage of this free course this year. We look forward to seeing everyone next year!



Attendees at ESD's recertification course in Safford.



ESD Jeopardy's winning team in Maricopa.



U of A's Jenny Weber presenting to the Yuma group.



The group in Maricopa was the largest of the 3.



What are Marketplace Inspections? (See page 4)



ESD's Ernie Lugo receives AZDA's Employee of the Year Award. (see page 4)

# Is your pesticide storage area in compliance with regulations?

By: **Ernie Lugo, Yuma ESD**

Having a safe, clean, secured and organized pesticide storage location is not only the law, it is the right thing to do. Like with any other chemical you use, store and dispose of, due care and precautionary measures must be taken when storing pesticides. Section R3-3-308 of the Arizona Administrative Code requires that pesticides or non-triple rinsed pesticide containers be stored in a secure and well ventilated storage location. This means that you must designate an area where pesticides are stored and you must make sure it is well ventilated to prevent container rupture or other unwanted reactions that extreme temperatures may cause. Ventilation will also prevent the collection of fumes which may cause illness or injury to those gaining access to this room.



AAC R3-3-308 also requires that pesticide containers are not leaking and are closed when not in use. If a container breaks and you must transfer the contents to a different container, this container now becomes a service container and you must label it according to AAC R3-3-308 (C). All pesticide storage locations must remain locked when not in use and a “DANGER, pesticide storage area” sign must be posted conspicuously at the entrance to warn others that pesticides are stored inside.

## **R3-3-308. Pesticide Containers and Pesticides; Storage and Disposal**

- A.** Each person storing pesticides or non-triple rinsed pesticide containers shall:
1. Provide a secure, well-ventilated storage location;
  2. Verify that the containers are nonleaking and closed if not in use; and
  3. Conspicuously post a sign at the entrance to the storage area warning others that pesticides are stored inside.

If you have questions about this topic or would like a non-enforcement compliance assistance site visit to check your pesticide storage location, you may call (602) 542-0901 in Phoenix or (928) 344-7909 in Yuma.



## From the ESD Case Files....

*In this section of our newsletter, we will share with you brief descriptions of cases and their outcomes.*

By: **Art Aguirrebarrena, Yuma ESD**

### **Aerial Drift Case.**

In June of 2019, ESD Inspector A responded to a call-in complaint alleging drift. Inspector A met with multiple complainants, all of whom claimed to have observed evidence of herbicide damage to trees in and around their area. The investigation revealed the use of herbicides which have volatile chemical properties applied during times of the year when the temperature routinely exceeded the maximum temperatures allowed by the label. The result, the product traveled long distances, thus affecting areas where it was not intended to be applied. Inspector A determined Pest Control Adviser B failed to complete the Form 1080 properly, but all PCA directions were followed by Aerial Applicator C. Analysis of residue samples collected at the various complainants' residences detected the active ingredients of the herbicides that were applied in some of the sampled locations. As a result of the investigation, Pest Control Adviser B and Aerial Applicator C were found to be responsible of failing to prevent pesticides from coming into contact with non-treated areas and were cited. Both have the right to appeal the decision.

### **Worker Protection Standard Case.**

In December of 2019, an ESD inspector conducted a routine Worker Protection Standard (WPS) inspection of a harvest crew in Yuma. The harvester, a Farm Labor Contractor (FLC) based out of California, claimed it was their first season harvesting in Arizona. The inspector found that none of the agricultural workers had received pesticide safety training from an Arizona certified instructor. He also found other violations regarding required postings including failing to display pesticide safety information and information on the nearest operating emergency medical facility. As well as failing to display or have available the AZDA's Pesticide Hotline and a list of grower's central posting locations. The FLC told the inspector they were not aware of Arizona regulations and claimed because he was in compliance with California he thought there would be no problem. The inspector provided a WPS "How to Comply" manual as well as a letter of violation. The grower who hired this FLC will also receive a notice of violation as Arizona laws requires growers and shippers who hire FLC's to make sure they are in compliance with Arizona laws. This case will be referred to the Office of the Associate Director of the Environmental Services Division for review and final disposition.

# Shelly Letcher retires after 17 years of service with ESD.



By: Jack Peterson, ESD Assoc. Dir.

Shelly Letcher retired on November 15, 2019. Shelly was with the AZDA for 17.5 years, all of which she served in different capacities within the Environmental Services Division.

She started her career with the licensing section where she excelled due to natural curiosity in understanding the laws. Because of her interest in understanding the laws, she applied for and became a pesticide control inspector.

This was her calling as she loved doing investigations and figuring things out. She was an inspector and also supervised the compliance section for several years.

For the past 3 plus years she was the program specialist. In this role, she was able to help inspectors and our customers better understand the requirements or the procedures in ESD.

She was still the happiest when she was assigned to do investigations of more complex situations. This past year there were several pesticide producing establishment inspections she did and you could hardly get her to stop talking when she was in the middle of a case write-up, she was so excited.

In addition to the other responsibilities as the program specialist and also did our data tracking for our monthly metrics, our EPA reports and for our annual report.

On November 16, Shelly hopped into a moving truck and drove to Gatesville, Texas where she plans on spending her retirement. She has family and friends there and wanted to be closer to them.

Thank you Shelly, for your many years of service to the ag community and the state of Arizona! Enjoy your retirement!



## AZDA-ESD showcase "Ag in Schools Program" at Somerton Middle School.

By: Yuma ESD Staff

SMS Jr. Farmers, Ag Teachers, program sponsors and Yuma ESD staff held an open house on December 17<sup>th</sup> to showcase their Ag lab and talk about what the program has to offer. In attendance were AZDA Associate Director, Jack Peterson, Somerton City Manager, Ian McGaughey, Nature Fresh Farms General Manager, Mike Pasquinelli and his staff.

The event was covered by local media including a reporter for TV stations KYMA Channel 11 and KSWT Channel 13 as well as a newspaper reporter for the Yuma Sun and Spanish newspaper, Bajo el Sol.

City Manager Ian McGaughey told the TV stations that the City of Somerton was glad to provide water for irrigation from their municipal water system for our program because it is important to promote farming and careers in agriculture. He said ESD's Ag in Schools is a great program and they are happy to be able to be part of it.

Jack Peterson spoke about the purpose of the program and explained that students learn better by doing; that hands-on, combined with classroom learning has historically been a more effective method of education. Peterson thanked program sponsors, especially Nature Fresh Farms, the Yuma Area Ag Council and the City of Somerton for their support.

Mike Pasquinelli explained that other program goals are to teach students about food production and to introduce them to careers in agriculture because we need new generations to operate and manage our farms.

SMS Farms' ag teacher, Francisco Vasquez said he feels lucky to be part of such great program. He said that as a science teacher opportunities such as these, where students get to see how nature works and how applying Ag related scientific methods to farming is very important and should be available to all students particularly in our region where agriculture is the main industry. Vasquez said he and the school are very grateful to Nature Fresh Farms who is the main sponsor for Ag in Schools at the Somerton Middle School. He said Pasquinelli and his staff have been the key to the success of this program as they have taken on the task of creating a field from fallow land, develop an overhead irrigation system as well as participate in classroom teaching. He also said he has noticed a difference in some students who have a better sense of how important is to be responsible when you are given a task such as they are given here and the life of plants depend on them.

This program continues to be a success and we hope other schools chose to implement it on their campuses.



Jack Peterson during KSWT News interview.



TV news reported, Arianna Shell participated in harvest of radish.



SMS Jr. Farmers during radish harvest.



# ESD's Ernie Lugo receives AZDA's Employee of the Year Award

By: Jack Peterson, Associate Director

On December 2<sup>nd</sup>, during the Annual Arizona Agribusiness Roundtable, Arizona Department of Agriculture's Director Mark Killian and Gilbert Davidson who was attending on Governor Doug Ducey's behalf, gave ESD Inspector Ernie Lugo the AZDA's Employee of the Year award.

Director Killian told those in attendance about Ernie's accomplishments at the department. He explained how Ernie started the ESD's Newsletter of which three editions have been published. Our newsletter, "The ESD Review", said Dir. Killian, provides useful information to our regulated community.

He also spoke about Ernie's involvement in the implementation of ESD's Ag in Schools Program at the Somerton Middle School. The purpose of this program is to bring a realistic farming experience to Jr. high school age students by acting as a liaison between a grower and a school. Ernie developed a lesson plan that includes, industrial safety, food safety, soil preparation, seeds and germination, irrigation, harvesting and other important topics.

Another project that Ernie was involved with was the development and production of a pesticide safety video that was filmed in Arizona so that AZ Ag Workers can relate to it during the training. Ernie was a member of a committee that made this video and obtained federal approval from the Environmental Protection Agency so that it can be used by certified pesticide safety trainers nationwide.



Ernie isn't just an inspector, he's sees agriculture as a whole and wants the department to be part of that, not only in our primary regulatory role, but that of an advocate and educator to help make everyone's job easier.

Now having said that, Ernie is ESD's best investigator. His prior law enforcement experience has helped him be able to ask hard questions that you or I may feel uncomfortable doing and yet when he does, those questioned realize it is done with respect and fulfilling the crucial role of an investigator.

Ernie said, "It's been an awesome 5 years and an honor to have been given the opportunity to serve the Ag industry and the citizens of the great State of Arizona. I hope to be around for many more."

CONGRATULATIONS, Ernie and keep up the good work!

## Featured ESD Inspection: Marketplace Inspections

By: Art Aguirrebarrena

Throughout the year, Arizona Department of Agriculture - Environmental Services Division (ESD) compliance inspectors, conduct a variety of state and federal inspections. One of these inspections is the Marketplace Inspection (MPI). An MPI is a routine state inspection that is conducted at the retail or wholesale establishments. The purpose of an MPI is to ensure that products are safe that they are of the quality claimed by the label, and are compliance rules and regulations related to the product.

Products checked during Marketplace Inspections are feed, both commercial and pet food, seeds (agricultural/vegetable/flower), fertilizer - both specialty and commercial, and pesticides - both agricultural and non-agricultural of general and restricted use.

When conducting a marketplace inspection product registration status, labeling, composition, proper storage and display are reviewed including manufacture and seller licensing status. If a violation is discovered, action is taken depending on the product being inspected and the severity of the violation. All violations are recorded onto an ESD Marketplace Documentary Supplement Form. A copy of the form is provided to the Arizona Department of Agriculture Licensing office for further review. AZDA Licensing will then verify whether or not a violation has occurred. Once verified a Cease and Desist order is sent out to both the registrant and retailer. A Notice of Violation is also sent out to the registrant.



Photographs taken during an MPI at a dollar chain retail store in Maricopa County.