



The ESD Review

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ESD Pesticide Safety Trainer Courses postponed amid COVID-19 concerns; modified method of delivery currently in the works.

By: Yuma ESD Staff

In light of the current nationwide COVID-19 situation, and following CDC's recommendations, the Arizona Department of Agriculture has postponed any and all meetings or training sessions where more than 10 persons are expected to attend. This is the case with our Pesticide Safety Trainer (PST) courses.

If you registered for a March or April PST course in Yuma, you received a reimbursement and an email stating the courses have been postponed.

We will soon be announcing dates and locations for refresher courses in Yuma. These courses will take place in an outdoor setting and in small groups. Seating will be set up where no one is sitting within 6 feet of another attendee or an instructor.

Registrants will be asked to not attend if they are showing any COVID-19 symptoms. These include: fever, dry cough, shortness of breath or difficulty breathing, tiredness, aches, runny nose and sore throat. Out of an abundance of caution and for the safety of other attendees and PST course instructors, those showing obvious signs of illness will not be permitted to remain at the course site. We hope everyone understands.

As usual, training materials will be provided to every registrant. These training materials, which are approved by the EPA, include course handouts and a USB flash drive. The drive includes all PowerPoint presentations used during the course, a number of trainer resources (including EPA posters) as well as the AZDA/EPA approved Pesticide Safety Training Video for workers and handlers. Both English and Spanish versions of the video are included.

Dates for full PST courses have not yet been determined by ESD leadership but will be announced on our website as soon as they are available.

<https://agriculture.az.gov/trainingassistance/pesticide-safety-training/train-trainer-program>



COVID-19: Read about products making false claims and what ESD is doing to protect consumers. (See page 3)



Learn where to find CEU courses online through AZDA's website (see page 3)



New ESD Inspector currently in training

By: Yuma ESD Staff

Please help us welcome our new ESD inspector, Alexander Meraz. Alex will be specializing in the compliance of pesticide use and worker safety regulations. He is currently going through the Arizona Department of Agriculture, Environmental Services Division's Inspector Training Program and will be out in the field soon. Part of our training program includes instruction on all pesticide regulations, including the Worker Protection Standards and other industrial safety measures. The ESD Inspector Training Program includes a food safety awareness component, as inspectors must follow same precautions as workers when in food production and harvest sites.



Insp. Meraz is assigned to the Phoenix ESD office located at AZDA Headquarters, but his area of responsibility will include Maricopa and several other counties.

We want to thank Amigo Farms and Nature Fresh Farms for their invaluable assistance with our inspector training program.



Lupe Camarena with NFF provided Insp. Meraz with Food Safety training.



Juan Figueroa of Amigo Farms explains their inventory system during a mock inspection.

From the ESD Case Files....

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

By: Alex Bellotti & Art Aguirrebarrena, Yuma ESD

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. In addition to 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 notifying them of potential violations. The grower who hired this FLC also received a notice 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.

Aerial Drift Case.

In October of 2019, Complainant A reported to the Environmental Services Division that while raking a field, Aerial Applicator B, who was conducting an application on an adjacent field, sprayed both Complainant A and two of his co-workers. This investigation was assigned to State Inspector C. Inspector C interviewed the complainants and collected evidence. Applicator B told Inspector C that he indeed had accidentally sprayed the complainants; Applicator B provided a written statement. The investigation revealed that Aerial Applicator B was hired by Grower D to apply a herbicide on his field. During the application, Complainant A and his co-workers were working on land just south of the application site when they were sprayed by Applicator B. Applicator B was found responsible for failing to prevent drift.

COVID-19: Be an informed consumer when purchasing disinfectants



New VIRUS SHUT OUT Space Sanitization Card Neck Type About 1 Month Anti-Flu Tool

\$9.99
Free Shipping

Get it by **Thursday, Apr 9** from Rowland Heights, California

- New condition
- 30 day returns - Buyer pays return shipping

"Features: physical sterilization, safe and healthy, durable and efficient. Function: In addition to mite suppression, virus..."

[Read full description](#)
[See details](#)

By: Jack Peterson, ESD Assoc. Dir.

Everyone is concerned and taking precautions to deal with COVID-19. Besides social distancing we are supposed to wipe down hard surfaces and frequently wash our hands for 20 seconds.

We recently received information from the EPA about products that can make claims of disinfecting for the virus. [The EPA approved for this claim to be printed on the product's label].

Click on this link to see the list:

<https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>. This list is not based on actual data for this specific virus but similar viruses, this is why there is reason to believe these products will work. Make sure and check for the EPA Registration Number when purchasing a product and make sure it is on the EPA list. You should always read the labels as sometimes contact times may be for several minutes, not the 20 seconds it takes to spray it on and wipe it off.

On the other hand, there are bad people out there who try to take advantage of others by using fear to make people believe in things that are untrue. Knowing this, the EPA also sent us information on a company that is making false claims relating to this with a whole lineup of products.

The products are under the name "Virus Shut Out". Commonsense would normally tell you that I can't attach a card to my shirt and be protected from viruses. But again, in times of crisis folks will reach for anything.

ESD inspectors are looking for these and other products that may be making false claims, as part of their normal inspection activities and will "stop sale" any of these found.



Kill 99% bacteria within 1 meter

Portable air protection card

Condition: New

QTY: - Select -

Bulk savings:

Buy 1	Buy 2	Buy 3
\$33.99/ea	\$32.29/ea	\$31.61/ea

Quantity: 1 | 4 or more for \$30.93/ea

7 available / 3 add

Unit price: US \$33.99/ea

[Buy It Now](#)
[Add to cart](#)

Notice how they tug at your hearts with the picture of a child, as who wouldn't do anything to protect children. Don't be fooled, stick to the EPA registered products.

Don't wait until the last minute to get CEU's!

By: Art Aguirrebarrena, Yuma ESD

The Arizona Department of Agriculture's Environmental Service Division (AZDA-ESD) issues a number of pesticide related permits, licenses, and certificates to those wishing to sell, deliver, recommend, handle, or apply pesticides, as well as to those who teach about pesticide safety. Individuals who hold an ESD permit or license are required to attend a certain amount of continuing education courses per year to make sure they are up to date with the knowledge required to perform their duties. The amount of Continuing Education Units (CEUs) required per year varies from license to license. The minimum amount, however, must be met to be able to renew each license (except for PGP). Those who hold Pesticide Safety Trainer certificates are required to attend a refresher course every three years, those 3 hours are converted into CEU's and will count towards the renewal of any ESD license that requires CEU's.

Online and in-class courses which offer CEUs are available to all AZDA-ESD license holders throughout the year.

These courses are provided by third party providers, The University of Arizona (U of A), and the Arizona Department of Agriculture.

Information regarding online and in-class courses are offered are available through several sources. Two of the most common are the Arizona Department of Agriculture and the University of Arizona. Licensees seeking information regarding online courses can visit AZDA's website at <https://agriculture.az.gov/pestspest-control/pesticide-use-providers-continuing-education>. You will find a list of AZDA approved on-line courses. AZDA also offers an annual CEU course where a total of 6 CEU's are available, 3 in the morning and 3 in the afternoon. This course is normally held every December in Maricopa, Safford and Yuma. You can also sign up for UA's email list to be notified when in-class courses are available through University of Arizona's different Cooperative Extensions by visiting www.extension.arizona.edu.

In many cases we receive calls in late December or early January from folks that failed to fulfill the CEU requirement and there is nothing that can be done to waive or extend the CEU requirement because the requirement is clearly written in the regulations. So please make sure you don't wait until the last minute to take CEU courses or you will risk having to retest and reapply for your license.

As always for more information or help with our website please call us. In Yuma, 928-344-7909 and in Phoenix call, 602-542-3579.



AZDA regulates the use of ALL pesticides

By: Jim Steelman, Phoenix ESD

Have you ever wondered who regulates the use of non-agriculture pesticides in Arizona? Laws and regulations regarding the production, registration, sales, recommendation and use of any pesticide in our state, falls under the jurisdiction of the Environmental Services Division of the Arizona Department of Agriculture. We are sharing with you the investigation of a case regarding the misuse of a non-ag pesticide to raise awareness of the importance of always reading the label before any pesticide is used.

In December of last year, ESD Inspectors responded to a call of a report of a pet poisoned by the complainant's neighbor. The complainant said she found several buckets of rat poison on her neighbor's property and was positive that her pet must have consumed some of the poison in late November.

ESD Inspectors went to the residence where the alleged misuse occurred and spoke to the complainant.

She showed inspectors the property and said it rained a lot recently and the rain must have washed one of the buckets near her property line. The first bucket was found near the south east corner of her property. She then told inspectors four other buckets were located on her neighbor's property.

Inspectors spoke to the property owner who is the respondent in this case, about the use of this product. He said did not use the rat poison but may have information on who could have used it.

During the investigation, inspectors spoke to the respondent's brother who said he placed one rat poison bucket in late January 2019.

Inspectors asked him about the other buckets found on his property and said those are from prior years. He told inspectors he places one bucket out each year before leaving for the summer months.

Inspectors reviewed the product label and saw it requires the use of tamper proof rodent bait stations for safety reasons. During the interview of the respondent's brother, he told inspectors he uses the rat bait bucket because it appears to be sturdier. He said he just cuts holes in the rat bucket and places it securely near his fifth wheel trailer. Inspectors informed both the respondent and his brother that deviating from label instructions is a violation of Arizona and federal laws and that the case would be referred to the Office of the Associate Director for ESD for review and disposition. The respondent's brother told inspectors he would follow the label in the future. In consultation with the Arizona Attorney General's Office, the ESD Associate Director found the respondent responsible for this violation and imposed a \$400.00 administrative fine. In this case the respondent was also sued by the complainant in small claims court.

Note from Associate Director Jack Peterson:

"To go beyond the facts of this case, mouse and rat baits have been under a great deal of scrutiny with the EPA due to secondary poisonings.

The EPA, as a way to curb their use by homeowners, such as in this situation, required they only be sold in 8 pound or larger containers. The purpose of the large size container was that only Pest Control Professionals and agriculture operators would purchase them. They would be the only ones with the need for this much material. However, as you can see in this case the guy put this out every spring when he left AZ and went back home. He weighted it down with bricks. He bought it at a big box store. Unfortunately this product did get misused by someone that the solution was intended to keep from using it. Unfortunately the process failed. So please use these products with caution and keep spreading the word to always read and follow label directions."



Grower/Shipper Responsibilities When Hiring Labor Contractors

By: Alex Bellotti, Yuma ESD

During produce months in Arizona, we see an abundance of farm labor contractors (FLC). Many are migratory companies that follow the produce seasons between Salinas, California and Yuma. A few are based in Arizona and stay here year-round, finding other work to perform during the spring, summer and fall. We inspect labor contractor crews to ensure they are in compliance with WPS just as we would inspect a grower. When we find violations during an inspection of labor contractors, a case is generated for non-compliance with the Worker Protection Standards or WPS.

As the company or farm who hires them, growers and/or shippers are also held responsible for any violations we find while inspecting a labor contractor on one of their fields. Hired FLC are considered an extension of those who hire them. Therefore they must ensure the FLC they hire complies with WPS.

A grower or shipper should get proof of pesticide safety training for workers from the labor contractor they hire. This is the most common issue we run into when conducting an inspection; employees who have not received pesticide safety training.

Sometimes, FLC's based in California will assume they are in compliance with Arizona pesticide safety requirements because their employees have received California pesticide safety training. Arizona and California do not have the same requirements for pesticide safety training and each state's trainings are not recognized by the other.

When we as inspectors happen upon this situation, we treat those employees as "Untrained Workers". This inevitably leads to a case being opened against the labor contractor for failing to provide Arizona-specific pesticide safety training to their employees and the grower or shipper (whoever hired the labor contractor).

Other requirements a grower/shipper should ensure are in compliance are the labor contractor's decontamination supplies and required postings. Decontamination supplies required by WPS during harvesting/thinning/weeding activities include, water in enough quantity for the size of the crew; one gallon per worker, water should be of adequate temperature and quality; no more than 500 PPM of Total Dissolved Solids (TDS) or impurities, soap for the hand wash station in enough quantity for the size of the crew and single use towels for the hand wash station in enough quantity for the size of the crew.

Required postings to comply with WPS include the EPA Pesticide Safety poster. It should be placed in view of the hand wash station and have emergency medical facility information and the AZDA Pesticide Hotline number written in their proper spots, a "Grower List" showing the physical address for the different grower's central posting locations (No P.O. Boxes!) and if the labor contractor sends their workers to other cities, they must also list the emergency medical providers in those other cities. This can be added as a separate attachment. Often times we find this attachment in the foreman's binder, which is perfectly acceptable.

One of the least heard from, but extremely important, requirements is ensuring a crew is not sent in to work in a field that is still under Restricted Entry Interval or REI.

A REI is the amount of time people not wearing adequate PPE must stay out of a field after it has been treated with a pesticide. Restricted Entry Intervals can range from as low as four hours to several days. All Ag-Use pesticides have a REI listed on the label. Even if the pesticide label calls for 0 hours REI, a minimum of four hours must be observed before any unprotected employee enters the field.

This requirement is one of the most closely observed by labor contractors, growers and shippers. Nobody wants to send a crew in to work a field and have everybody become ill due to pesticide exposure.

Most agricultural employers take their compliance measures and employee safety seriously. But accidents can and do happen. Communication between the grower/shipper and labor contractors is essential to help prevent any accidents of this nature from happening.

The key here is "due diligence", if a grower or shipper who hires an FLC has a system of in-house inspections and it is documented, this will show the department that they are doing their part in making sure FLC's are in compliance. The AZDA understands employers cannot be with the FLC every hour of everyday, but they are responsible for them and checking on them will go a long way during an investigation of a violation(s).