

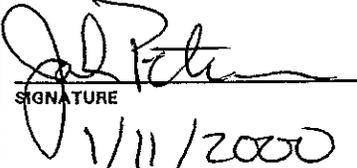
ARIZONA DEPARTMENT OF AGRICULTURE

SUBSTANTIVE POLICY STATEMENT

SP 00-02, Neutral Inspections

A.R.S. § 41-1091(B) Notice

This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona administrative procedure act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

ARIZONA DEPARTMENT OF AGRICULTURE <u>SUBSTANTIVE POLICY STATEMENT</u> Environmental Services Division NEUTRAL INSPECTIONS	<u>DIVISION/</u> <u>PROGRAM</u> <u>4</u>
	<u>POLICY</u> <u>SP 00-02</u>
	 SIGNATURE
	<u>1/11/2000</u> EFFECTIVE DATE

Supersedes Neutral Inspection Scheme, dated 07 1997

DESCRIPTION OF PRACTICE/PROCEDURE

A.R.S. § 3-364 declares that any public or private property may be inspected to determine compliance or noncompliance with any rule, order, or law dealing with agricultural chemical use. This substantive policy statement informs the general public of the department's current approach for scheduling inspections of agricultural chemical use.

A. The department will conduct the following neutral inspections to determine whether agricultural chemicals are being used as required by A.R.S. Title 3, Chapter 2, Article 6, and A.A.C. Title 3, Chapter 3, Article 3.

1. Dealer inspection. (See internal management policy P4-102, Inspection Procedures)

a. Inspections to monitor restricted use pesticides are conducted at each dealer establishment and scheduled according to the following criteria:

Establishment Class	Individual RUP Products Available for Sale or Distribution
I	More than 10
II	2 - 10*
III	Less than 2*

Class I Annual inspection.

Class II Bi-annual inspections.

*Class II Annual inspection if a dealer establishment sells methyl parathion or other agricultural insecticides that might be illegally used in urban settings.

Class III Inspection every 3-years.

*Class III Annual inspection, if a dealer establishment sells methyl parathion or other agricultural insecticides that might be illegally used in urban settings.

b. If a state or federal law has been violated, a follow-up inspection may be conducted within 60-90 days and may continue at regular intervals until no further violation is identified.

B. Worker Protection Inspection.

1. The Department will conduct a programmed inspection at each of the following establishments:

a. Pesticide Handler Employer.

Establishment Class	Number of Full-time Employees
I	More than 10
II	0 - 10

Class I Semi-annual inspection; pre-season where applicable and during peak season.

Class II Annual inspection.

b. Field Worker Employer.

Establishment Class	Number of Full-time Employees
I	More than 10
II	5 - 10
III	Less than 5

Class I Annual inspection

Class II Every 2-years

Class III Every 3-years

2. If an inspection reveals a violation of the pesticide worker protection standards, a follow-up inspection will be conducted within 30-days to assess progress in abatement of the hazard.

C. For cause inspections in excess of those based upon a cooperative agreement with the EPA are not subject to neutral inspection requirements.

DEFINITIONS

"For cause inspection" means an inspection conducted because the person to be inspected is known or suspected to have already committed a violation or is about to commit a violation.

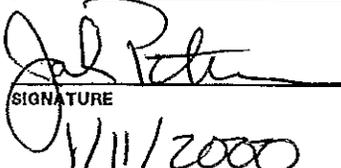
"Neutral inspection" is a term used between the Environmental Services Division (ESD) and the U.S. Environmental Protection Agency to identify a negotiated set of criteria by which the division will select individuals for pesticide related inspections to avoid the perception of favoritism or targeting. A copy of the Neutral Inspection document is on file in the office of the compliance program manager.

"Programmed inspections" is the number and type of inspections the department agrees to conduct on behalf of the Environmental Protection Agency under terms negotiated in an annual cooperative agreement.

"Routine inspection" means monitoring a pesticide application that is not requested by a custom applicator, grower, pest control advisor, or other interested party.

AUTHORITY

A.R.S. § 3-107, Organizational and administrative powers and duties of the director; A.R.S. § 3-363(12), Rules; A.R.S. § 3-364, Inspection powers; notice; A.R.S. § 41-1091, Substantive policy statements.

ARIZONA DEPARTMENT OF AGRICULTURE <u>INTERNAL MANAGEMENT POLICY</u> Environmental Services Division AGRICULTURAL PESTICIDE USE INSPECTIONS	<u>DIVISION/ PROGRAM</u> <u>4</u>
	<u>POLICY</u> <u>101</u>
	 <u>SIGNATURE</u>
	<u>1/11/2000</u> <u>EFFECTIVE DATE</u>

Supersedes SOP 98-01, revised 10-15-98

1. POLICY

The Environmental Services Division is authorized by law to enter any public or private property for the purpose of determining compliance or noncompliance with any rule or order adopted or issued by the department.

The department will establish procedures to conduct agriculture pesticide monitoring inspections, including pesticide applications, mixing and loading activities, and storage and disposal practices.

2. AUTHORITY

A.R.S. § 3-107 Organizational and administrative powers and duties of the director

A.R.S. § 3-364 Inspection powers; notice

A.R.S. § 3-3105(5) Powers and duties

A.R.S. § 3-3107 Inspection of places and practices of employment' employee initiation of investigation; violation; injunction; classification

A.R.S. § 41-1009 Inspections; applicability

A.A.C. Title 3, Chapter 3, Article 10, Agricultural Safety

3. RESPONSIBILITY

All ESD managers, supervisors, and inspectors shall be responsible for understanding and following this policy.

4. DEFINITIONS

"Monitoring equipment" means:

- a. Dye cards,
- b. Wind gauge,
- c. Flashlight,

- d. Binoculars,
- e. Emergency telephone numbers for the Arizona Department of Public Safety (Hazmat) and the Arizona Department of Environmental Quality,
- f. Camera and film,
- g. Sampling tools and supplies, and
- h. Clean safety equipment in good repair.

“Neutral inspection” is a term used between the Environmental Services Division (ESD) and the U.S. Environmental Protection Agency to identify a negotiated set of criteria by which the division will select individuals for pesticide related inspections to avoid the perception of favoritism or targeting. A copy of the Neutral Inspection document is on file in the office of the compliance manager. (See substantive policy statement, SP 00-02, Neutral Inspections)

“Pesticide management area” (PMA) is an area designated by the director with a history of concerns regarding pesticide applications. A PMA is usually an urban area that is adjacent to farmland.

“Requested inspection” means a request by a custom applicator, pest control advisor, grower, or other interested party to inspect a pesticide application in a sensitive area, a PMA, or in an area that involves the use of a pesticide under an experimental use permit.

“Routine inspection” means an inspection to monitor a pesticide application in which notice is not given to an employer or applicator before the time of actual entry onto the workplace. A routine inspection depends upon the following five factors:

1. The length of time since the last application,
2. The toxicity of material being applied,
3. The number of acres being treated,
4. The area of application, and
5. The record of previous violations.

“Sensitive area” means an area that is designated by the department and reviewed for annual update to reflect a location that is believed will generate a larger share of concerns and complaints.

“Site inspection” means a type of inspection that is usually done at times other than the peak of the spray season. A site inspection is sometimes called a facility/site inspection and addresses pre-operations, equipment (including a comparison of an aircraft “N” number with the equipment tag number assigned by the division), and mixing and loading operations.

“Use inspection” means monitoring a pesticide application in conjunction with the production of an agricultural commodity and includes reviewing the use of a pesticide including storing, handling, mixing, loading, and disposal.

“Worker protection inspection” means an inspection that involves reviewing the labeling and practices of employers/employees to ensure that users are in compliance with the product-specific worker protection requirements found on the labeling and the generic Worker Protection Standards (WPS) requirements referenced on the labeling.

5. PROCEDURE

- A. An inspector shall use the following forms when conducting a use inspection:
- a. Use Inspection Form A (EXHIBIT 1) and Use Inspection Form E (EXHIBIT 2),
 - b. Monitor Request form (EXHIBIT 3),
 - c. Notice of Inspection (EXHIBIT 4),
 - d. Receipt for Samples (EXHIBIT 5),
 - e. Discrepancy Form (EXHIBIT 6), and
 - f. Official Report (EXHIBIT 7).
- B. Use inspections. The following use inspections may be initiated as an observation of an actual pesticide application or as an inspection following an application, and is usually selected using a neutral inspection. (See substantive policy statement SP 00-02, Neutral Inspections) or a routine inspection (See subsection (A)(3)):
1. Requested inspections. The inspector shall complete Use Inspection Form A (EXHIBIT 1) or Use Inspection Form E, (EXHIBIT 2) where applicable.
 - a. Pesticide management area. When an inspection is requested, the custom applicator is required to make every reasonable attempt to notify the department of an application in a pesticide management area for the department to arrange a monitor. (A.R.S. § 3-366) The custom applicator is encouraged, but not required, to notify the department within 24 hours of an application in a pesticide management area.
 - b. Sensitive area. Sensitive areas are designated by the department and reviewed annually to reflect the areas that are believed will generate a large share of concerns and complaints. The custom applicator is encouraged, but not required, to notify the department within 24 hours of an application. The department's decision to monitor a particular application is based on the availability of personnel.
 2. Site inspections. The inspector shall complete Use Inspection Form A (EXHIBIT 1) or Use Inspection Form E, (EXHIBIT 2) where applicable.
 - a. All site inspections are treated and recorded as a routine inspection. (See subsection (A)(3))
 - b. A site inspection is generally done at times other than the peak of the spray season and addresses pre-operations, equipment (including comparison of an aircraft "N" number with the equipment tag number assigned by the division), and mixing and loading operations.
 3. Worker protection inspections. An inspector must become and remain familiar with the Worker Inspection Guidance document issued by the EPA. Any inspector who believes he/she is not familiar with WPS use monitoring/inspection procedures shall notify his/her

supervisor so that additional training can be accomplished.

- a. When conducting a worker protection inspection, an inspector shall verify the inspection by observation and through verbal confirmation of workers and handlers that:
 - i. A decontamination site has been provided by the agricultural employer and the required decontamination supplies have been provided;
 - ii. The pesticide application has been noticed and posted in a central location;
 - iii. Restricted entry intervals (REI) are or were complied with;
 - iv. The label-required personal protective equipment (PPE) is in good condition,
 - v. Employees know how and when to use PPE,
 - vi. Respirators have been fit-tested and filters have been replaced as required,
 - vii. PPE is or has been worn as required, and
 - viii. Pesticide safety training and pesticide safety information was provided and emergency medical assistance information was or is provided.
5. If a monitor is requested for a pesticide application, using the appropriate monitoring equipment, an inspector shall:
 - a. Prepare a Monitor Request form, (EXHIBIT 3) for an aerial or ground pesticide application.
 - b. Obtain a copy of the applicable pesticide label and take the label to the application site for regulatory/enforcement purposes.
 - c. Immediately deliver or fax a copy of the completed Monitor Request form to the compliance manager.
 - d. Arrive at the application site at least 30 minutes before the expected time of the scheduled application.
 - i. If mixing and loading will occur near, or at the site, and if time permits, complete Use Inspection Form E (EXHIBIT 2) pertaining to pre-operations, mixing and loading operations, equipment, etc.
 - ii. Review a copy of the label for the pesticide that will be applied so that a non-compliant situation can be recognized as soon as it occurs, or prevented if it is about to occur.
 - iii. Survey the application site for the presence of workers or other persons in or around the proximity of the spray area.

- iv. Survey the adjacent area for any potential problem that might occur.
 - v. Place dye cards along residential areas, school yards, other crops, or potential hazard areas. Written permissions may be necessary to place cards on private property. If so, ask the landowner, or the landowner's agent to acknowledge permission on a Notice of Inspection form (EXHIBIT 4) in the blank area reserved for listing suspected violations.
 - vi. Use a wind gauge, if available, or estimate initial wind direction and speed. Record the results. During the pesticide application, regularly check the wind direction and speed for any changes.
 - vii. Establish an observation position that will allow any critical or hazardous area to be observed during the pesticide application. This observation may require the inspector to move to different locations during the application.
 - viii. Check for pesticide spills or leaks at the mixing/loading site and at the crop site to ensure environmental contamination is or was avoided.
 - ix. Check the label for posting requirements, REI, PPE, mixing/loading precautions, etc.
 - x. Check for compliance with buffer zone requirements.
 - xi. Upon completion of the application, retrieve dye cards and inspect for off-target drift of the pesticide.
- e. Take physical and/or documentary samples as necessary. If drift was observed visually or is evidenced by dye cards, take residue samples. Prepare an Official Report (EXHIBIT 4) and submit the sample to the state agricultural laboratory (SAL). Follow guidelines established in the Arizona Department of Agriculture Quality Assurance Project Plan.
 - f. Complete section G of the Use Inspection form. Record all applicable items as compliant, non-compliant, or not applicable. Comment on any non-compliant item in the "other action/remarks" section of the form. Use a separate sheet of paper, if necessary. A non-compliant item that was corrected or brought into compliance immediately must be marked as non-compliant, but noted on the inspection form in the remarks area that compliance was immediately accomplished.
 - g. Submit all forms to the ESD Phoenix office within 5 working days after monitoring the activity. Be sure that all information, i.e., names, addresses, and license/permit numbers are accurately recorded.
 - h. The compliance manager will review each inspection report for non-compliant items, compliance assistance, and evaluate for the necessity to file a compliant, if a compliant has not already been filed by the inspector performing the monitor.

ARIZONA DEPARTMENT OF AGRICULTURE
 ENVIRONMENTAL SERVICES DIVISION

MONITOR REQUEST

Applicator _____ CA# _____

Requested by _____ Date _____ Time _____

Scheduled Application Date _____ Time _____ Location _____

County _____

Crop/Site _____ Acres _____

Product	EPA Registration #	Rate/Dilution
		Total GPA:

Grower Name _____ PGP # _____

PCA Name _____ PCA # _____

Pilot Name _____ AAP # _____

Equipment: Fixed Wing ___ Helicopter ___ Ground ___ Tag # ___ // PMA ___ EUP ___ Sensitive ___

Other Information: _____

Received By _____ Date _____ Time _____

Assigned To _____ Date _____ Time _____

NOTE: Obtain copy of label(s) to be used; review it and take it with you to the monitor site to verify compliance with label requirements. FAX or hand-deliver a copy of this form to Supervisor immediately after request is received.

Arizona Department of Agriculture
Environmental Services Division
 1688 West Adams Street
 Phoenix, Arizona 85007

NOTICE OF INSPECTION RIGHTS
Disclosure Verification

Name of Individual _____

Title _____

Firm Name _____

Firm Address (Number, Street, City, State and Zip Code) _____

Reason For Inspection:

For the purpose of ascertaining compliance or noncompliance with any rules or orders adopted or issued under Title 3, Chapter 2, Article 3, A.R.S. 3-267 et seq. (Fertilizer Materials); Chapter 2, Article 6, A.R.S. 3-364 et seq. (Pesticide Control); Chapter 15, Article 1, A.R.S. 3-2605 et seq. (Commercial and Customer-Formula Feeds); or Title 3, Chapter 2, Article 2, A.R.S. 3-233 et seq. (Seeds)

For the purpose of ascertaining compliance or noncompliance with Agricultural Safety laws and Administrative Rules, pursuant to Title 3, Chapter 17, Article 1, A.R.S. 3-3107 et seq.

VIOLATION SUSPECTED? Yes No (If yes, list: _____)

An authorized representative of this facility may accompany the investigator(s) during the inspection conducted on these premises, except during any confidential interview.

You have the right to copies of any original documents taken by the investigator(s) during the inspection, and if samples are collected during this inspection, you have the right to receive copies of any analyses performed on them, and to have a split or duplicate sample unless the split or duplication would prohibit an analysis from being conducted or render an analysis inconclusive.

Statements made by any person during this inspection may be included in the inspection report, and each person whose conversation is tape recorded during this inspection will be informed that the conversation is being tape recorded.

If you have questions regarding this inspection, you may contact Ken Davis, Compliance manager, at (602)542-0986.

You have the right to appeal a final decision of the Department of Agriculture if any administrative order is issued or other enforcement action is taken based on the results of this inspection. Administrative hearing rights are found in A.R.S. 41-1092 et seq., and rights relating to appeal of a final agency decision are found in A.R.S. 12-901 et seq.

If you have questions regarding your right to appeal an enforcement action taken by the Department based on the results of this inspection you may contact Department of Agriculture representative Jack Peterson, Associate Director, at (602)542-3575; Department of Agriculture Ombudsman, Nicole Waldron, at (602)542-0800; or the Office of Ombudsman-Citizens Aide, 3737 N. 7th Street, Suite #209, Phoenix, Arizona 85014; (602)277-7292.

Upon entry onto the premises for this inspection, the Department of Agriculture Investigator identified below presented photo identification indicating that he/she is a Department of Agriculture employee and reviewed with me the above Notice of Inspection Rights. I have read the disclosures above and am notified of my inspection and due process rights as listed above. I understand that while I have the right to decline to sign this form, the Department of Agriculture representative(s) may nevertheless proceed with the inspection.

 Signature of Regulated Person/Authorized on-site Representative Refused to Sign _____ Not Present at time of Inspection _____

 Signature of Investigator Date of Inspection: _____

Remarks:

THIS INSPECTION IS CONDUCTED:

For the purpose of ascertaining compliance or noncompliance with Agricultural Safety laws and Administrative Rules, pursuant to Title 3, Chapter 17, Article 1, A.R.S. 3-3107 et seq.

For the purpose of inspecting sites where pesticides are being used, to collect data on the use of pesticides, and to determine whether pesticides are being used in compliance with the Federal Insecticide, Fungicide, and Rodenticide Act and to determine compliance or noncompliance with Federal Worker Protection Standards.

Violation(s) Suspected:

DISCLOSURE:

An authorized representative of this facility may accompany the investigator(s) during the inspection conducted on these premises, except during any confidential interview.

You have the right to copies of any original documents taken by the investigator(s) during the inspection, and if samples are collected during this inspection, you have the right to receive copies of any analyses performed on them, and to have a split or duplicate sample unless the split or duplication would prohibit an analysis from being conducted or render an analysis inconclusive.

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Arizona Department of Agriculture
 Environmental Services Division
 1688 West Adams Street
 Phoenix, Arizona 85007

RECEIPT FOR SAMPLES

Name of Individual	Title
Firm Name	Firm Address (Number, Street, City, State and Zip Code)

The following samples were collected by the U.S. Environmental Protection Agency or its agent(s) and receipt is hereby acknowledged pursuant to Section 9.(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 g).

The following samples were collected by the Department of Agriculture and receipt is hereby acknowledged. The authorities to inspect and collect samples are cited in the NOTICE OF INSPECTION that accompanies this receipt.

SAMPLES COLLECTED (describe fully)

I have been advised that I have a right to receive a split or duplicate of any samples collected during this inspection, if the split or duplication of the samples would not prohibit an analysis from being conducted or render an analysis inconclusive.

I request a split or duplication of any samples collected during this inspection.

 Signature of regulated person or on-site representative

I waive my right to have a split or duplication of any samples collected during this inspection.

 Signature of regulated person or on-site representative

Split or Duplicate Samples Requested and Provided	Samples Purchased
Split or Duplicate Samples Waived	Samples Received Without Charge
Amount paid for sample(s): \$ _____	Samples are Borrowed and will be returned

Signature of Inspector/Investigator:	Date:
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Arizona Department of Agriculture
Environmental Services Division
Discrepancy List

Date: _____

The following discrepancies were noted during an inspection conducted on this date at: _____

Facility Name

List of Discrepancies:

List Received by: _____ Date: _____
Signature of Facility Contact

Inspector Signature: _____

ORIGINAL - ESD

YELLOW- FACILITY INSPECTED

PINK - INSPECTOR

DEPARTMENT OF AGRICULTURE

STATE AGRICULTURAL LABORATORY

2422 West Holly • Phoenix, Arizona 85009
 (602) 253-1920 • FAX (602) 253-2247

SUBMITTING AGENCY _____
SAMPLE # _____
COMPANY NUMBER _____
WD: _____

OFFICIAL REPORT

4/17/92

Brand Names/Sample Description: _____

Mfg. Agency _____	Collected At: _____
Street _____	_____
City, State, Zip: _____	_____

Contact Name & Phone No.: _____ EPA Reg. No. _____ EPA Est. No. _____
 Lot. No. _____ Lot Size: _____ Wt/Gal: _____

Describe Sampling Method & Sample Seal: _____

Passed Analyses: _____

Violative Analyses:	GUARANTEES		FOUND
	Minimum	Maximum	

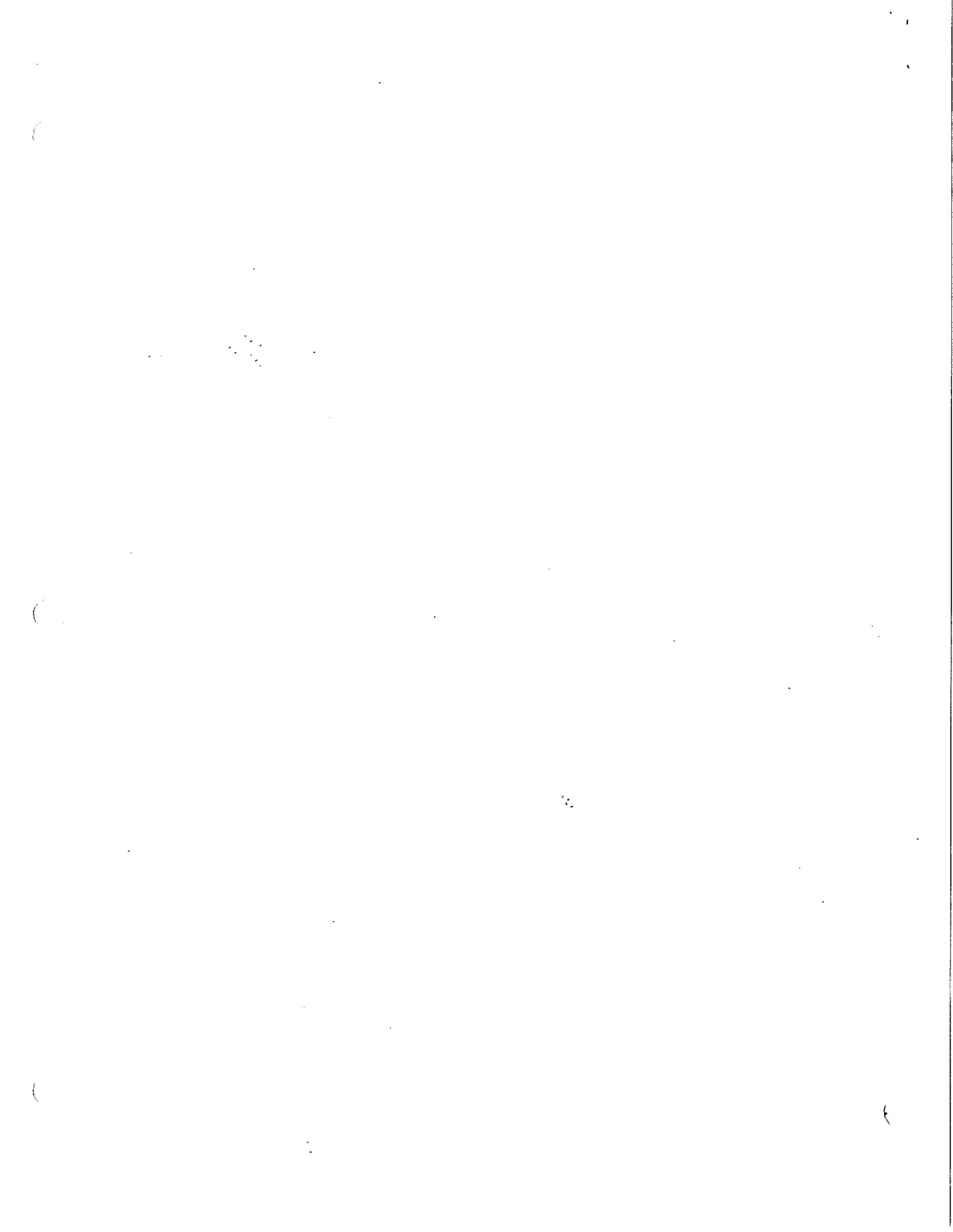
REMARKS: Request for portion of sample MUST be made within 30 calendar days of DATE REPORTED.

S	Danger Poison	Danger	Warning	Caution	_____ Agency Signature/Date Reported
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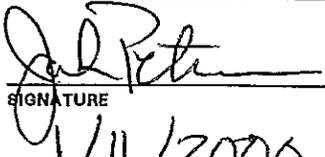
Collected By: _____	Date _____	Ambient <input type="checkbox"/> On Ice <input type="checkbox"/> Frozen <input type="checkbox"/>
Transferred By/Date _____	Transferred By/Date _____	Transferred By/Date _____
Transferred To/Date _____	Transferred To/Date _____	Transferred To/Date _____
Sent Via _____	Sent Via _____	Sent Via _____
Rec'd SAL By/Date _____	Sample Condition: _____	Seal Broken Unbroken None Condition: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
SAL Sample # _____	Prepared By/Date _____	Destroyed/Released _____

ANALYTE REQUESTED	Guarantee/MDL		FOUND						REPORTED
	Min	Max	Analysis	Init/Date	Analysis	Init/Date	Analysis	Init/Date	

Lab Supervisor/Date _____	QA Officer/Date _____	Assistant Director/Lab Manager/Date _____
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ARIZONA DEPARTMENT OF AGRICULTURE <u>INTERNAL MANAGEMENT POLICY</u> Environmental Services Division INSPECTION PROCEDURES	DIVISION/ PROGRAM 4
	POLICY 102
	
	SIGNATURE
	1/11/2000 EFFECTIVE DATE

Supersedes SOP 98-02, revised 10-15-98; SOP 98-03, effective 10-01-97;
SOP 98-04, revised 10-15-98; SOP 98-06, revised 10-15-98; SOP 98-05, revised 10-15-98

1. POLICY

The environmental services division is authorized by law to:

1. **Marketplace Inspections.** Enter any public or private property to determine compliance or noncompliance with any rule or order adopted or issued by the department;
2. **Worker Protection Inspections.** Inspect a place of employment, question an employee and investigate employment conditions or practices subject to the agricultural safety laws and rules;
3. **Dealer Inspections.** Determine if a dealer is properly permitted (or certified) and is maintaining records as required by law and rule; if a restricted-use pesticide (RUP) is sold and delivered only to certified applicators or other authorized persons; to determine the product registration status, proper storage and display, and product decomposition; to collect physical and/or documentary samples; to identify any labeling violations, including adulteration or misbranding; to identify products with detached labels or those products bearing labels that are altered, defaced or destroyed, wholly or in part; to compare the quantity of pesticides received by the dealer versus the quantity distributed or disposed or; and to ensure that the facility is complying with a stop sale order, use or removal order, pesticide cancellation, and cease and desist orders.
4. **Producer Establishment Inspections.** Determine if a producer is operating under a valid establishment number issued by the USEPA, to verify product labels and containers; to obtain pesticide samples for product guarantee analysis; to verify that valid/current EPA registration numbers and establishment numbers appear on pesticide labels; and to ensure that registrants and producers of agricultural pesticides are using EPA-accepted labels and maintaining accurate records.
5. **Certified Applicator Records.** Determine if a certified applicator is properly certified; that records are maintained; the applicator is applying RUPs only in areas for which certification has been issued and the records indicate that all applications have been made in compliance with all applicable laws and rules; the product registration status, proper storage and disposal; product decomposition; appropriate physical and documentary sample collecting; labeling violations,

including adulteration or misbranding; identification of altered, defaced or destroyed labels, wholly or in part; ensure that the facility is complying with a stop sale, use or removal order, pesticide cancellation, and cease and desist orders.

The department will establish inspection procedures:

1. **Marketplace Inspections.** To determine product registration status, license/permit status, proper storage and display, labeling violations, and product decomposition;
2. **Worker Protection Inspections.** To monitor agriculture pesticide applications and the collection of agricultural pesticide samples; verify labeling requirements; monitor pesticide applications, mixing and loading activities, and storage and disposal practices;
3. **Dealer Inspections.** To ensure that restricted-use pesticide records are maintained as required under FIFRA and state pesticide laws and administrative rules.
4. **Producer Establishment Inspections.** To establish standard procedures for conducting book and record inspections to ensure that pesticide records required by state and federal law are kept under the requirements of FIFRA and state pesticide laws and administrative rules.
5. **Certified Applicator Records.** To establish standard procedures for conducting book and record inspections to ensure that pesticide records required by state and federal law are kept under the requirements of FIFRA and state pesticide laws and administrative rules.

2. AUTHORITY

- A.R.S. § 3-107 Organizational and administrative powers and duties of the director
- A.R.S. § 3-267 Inspections; official samples; analysis; report
- A.R.S. § 3-364 Inspection powers; notice
- A.R.S. § 3-2605 Inspections; official samples; analysis; report
- A.R.S. § 3-3105(5) Powers and duties
- A.R.S. § 3-3107 Inspection of places and practices of employment; employee initiation of investigation; violation; injunction; classification
- A.R.S. § 41-1009 Inspections; applicability
- A.A.C. Title 3, Chapter 3, Article 10, Agricultural Safety

3. RESPONSIBILITY

All ESD managers, supervisors, and inspectors are responsible for understanding and following this policy.

4. DEFINITIONS

“Certified applicator records inspection” means a records inspection conducted on-site at a certified applicator’s (commercial or private) place of business.

“Dealer inspection” means an inspection conducted on-site at dealers who sells a restricted-use pesticide (RUP).

“Marketplace inspection” means an inspection conducted at the retail, distribution, wholesale, or user level to determine a product registration status, license/permit status, proper storage and display, labeling violations, product decomposition, and for collecting physical and/or documentary samples.

“Producer establishment inspection” means a records inspection conducted on-site at an establishment where pesticides or devices are produced and held for distribution or sale.

“Worker protection inspection” means an inspection that involves reviewing the labeling and practices of employers/employees to ensure that users are in compliance with the product-specific worker protection requirements found on the labeling, and the generic Worker Protection Standards (WPS) requirements referenced on the labeling.

5. PROCEDURE

A. General Information.

1. Marketplace Inspection.

- a. Marketplace establishments are inspected only once each fiscal year, unless a marketplace establishment has been in violation of state or federal law.
- b. Independently owned and operated franchise establishments are considered individual marketplace establishments.

2. Dealer Inspection. Access to the following records, identified in FIFRA and A.A.C. R3-3-310 and R3-3-401, are required to verify that RUPs are used as required:

- a. Inventory:
 - i. Purchase journal,
 - ii. Purchase requisitions,
 - iii. Vendor invoices,
 - iv. Inter-company transfers in,
 - v. Accounts payable ledger.
- b. Sales:

- i. Sales journal,
 - ii. Sales tickets,
 - iii. Delivery receipts,
 - iv. Inter-company transfers out,
 - v. Accounts payable ledger
- B. **Inspection Introduction.** Upon entering an establishment, the inspector shall locate the owner or the owner's representative. The inspector shall show his/her state identification credential and follow the procedures outlined in internal management policy P4-302, Department Inspections.
- C. **Notice of Inspection.** The inspector shall complete a Notice of Inspection form (EXHIBIT 1), obtain the signature of the owner or the owner's representative, and provide the owner or the owner's representative a copy of the Notice of Inspection form before leaving the premises.
 1. **Dealer Inspection.** An inspector shall, using the following criteria, select at least three RUP products and audit those products from their receipt by the dealer through their delivery to the end user:
 - a. Toxicity category,
 - b. Pesticide category, i.e., organophosphate, carbamate, etc,
 - c. Products likely to be ground-applied by a private applicator,
 - d. Frequency and volume of sales to the same individual of the individual's authorized representative,
 - e. Agricultural insecticides that may be used in an indoor urban setting, and
 - f. Seasonal products sold in other than usual and customary seasons.
- D. The inspector shall determine if:
 1. **Marketplace Inspection.**
 - a. **Pesticide Products:**
 - i. A pesticide has been registered with the EPA and the department;
 - ii. A pesticide is in the channels of trade in spite of a cancellation or Cease and Desist Order from either the EPA or the director;
 - iii. Any pesticide container is damaged; whether there is or has there been leakage that needs clean-up; and whether a pesticide is in child-resistant packaging;

- iv. Labels are properly attached, damaged, altered, defaced, or destroyed;
- v. A label bears the name and address of the manufacturer, registrant, or person for whom it is manufactured; whether a label bears the name, brand, or trademark under which the product is sold; and whether the net weight or measure of the contents is stated;
- vi. A label bears warning statements or symbols required by law and whether a label bears a statement of practical treatment and first aid in case of pesticide poisoning;
- vii. A pesticide is for agricultural use; whether a label bears an application restriction statement, a 40CFR170 reference statement, a product-type ID statement, a restricted entry interval statement, a notification to worker statement, a PPE statement, and if a pesticide is a toxicity category I or II, whether a label bears a Spanish warning statement.

b. Fertilizer Products:

- i. A manufacturer or distributor of the product holds a valid commercial fertilizer license issued by the department;
- ii. A product labeling bears information required under A.R.S. § 3-273;
- iii. If product is a specialty fertilizer, it is registered with the department;
- iv. A fertilizer is in the channels of trade in spite of a cancellation or Cease and Desist Order from the director.

c. Feed Products:

- i. A manufacturer or distributor of the product holds a valid commercial feed license issued by the department;
- ii. A commercial feed is in the channels of trade in spite of a cancellation or Cease and Desist Order from the director.

2. Worker Protection Inspection.

- a. A decontamination site has been provided by the agricultural employer and required decontamination supplies have been provided;
- b. A pesticide application has been noticed and posted in a central location;
- c. A label-required personal protective equipment (PPE) is in good condition, is or has been worn as required, respirators have been fit-tested and filters have been replaced as required, and employees know how and when to use PPE;
- d. Pesticide application records, including labels and MSDS's;

- e. Pesticide storage/disposal area;
 - f. Pesticide safety training and pesticide safety information and emergency medical assistance information is provided.
3. Dealer Inspection.
- a. A pesticide is registered with the Environmental Protection Agency (EPA) and the state;
 - b. A pesticide is in the channels of trade in spite of a cancellation or Cease and Desist Order from either the EPA or the state;
 - c. A pesticide container is damaged and if any leakage needs to be cleaned up;
 - d. Labels are properly attached, damaged, altered, defaced, or destroyed, wholly or in part;
 - e. A label bears the name and address of the manufacturer, registrant or person who manufactured the RUP; the name, brand or trademark under which the product is sold; and the net weight or measure of the contents of the container;
 - f. A label bears a warning statement or symbol or a statement of practical treatment or first aid in case of poisoning by the pesticide;
 - g. A pesticide for agricultural use bears an application restriction statement, 40CFR170 reference statement, product type ID statement, restricted entry interval statement, notification to worker statement, PPE statement, and if the pesticide is toxicity category I or II, a Spanish warning statement.
4. Producer Establishment Inspection.
- a. An application statement prohibits the application of the product in any way that will contact workers or other persons directly or through drift;
 - b. That a 40CFR170 reference statements are on the product label. (This statement requires users to comply with the WPS);
 - c. A label contains a product-type identification statement when the product contains an organophosphate, N-methyl carbamate, or is a fumigant;
 - d. Any product classified as toxicity category I or II contains the signal words "danger" and "warning" and the label contains Spanish warning statements;
 - e. A label contains a restricted entry statement;
 - f. A label contains pesticide application statements.
 - i. If a product is highly toxic for acute dermal toxicity or skin irritation

potentials, the label must required both oral and written warnings.

- ii. If the product is a fumigant that may be used in a greenhouse, a statement on the label requires users to notify workers by warning them orally and by posting warning signs outside all entrances to the greenhouse.
- g. A label contains PPE statement that specify the minimum requirements for PPE based on the acute toxicity of the end-use product.

5. Certificate Applicator Record Inspection.

- a. A pesticide is registered with the EPA and the state;
- b. A pesticide is in the channels of trade in spite of a cancellation or cease and desist order;
- c. A pesticide container is damaged and if there is or has been leakage that need to be cleaned up;
- d. Labels are properly attached, damaged, altered, defaced, or destroyed, wholly or in part;
- e. A label bears the name and address of the manufacturer, registrant or person who manufactured the pesticide; the name, brand, or trademark under which the product is sold; and the net weight or measure of the contents of the container;
- f. A label bears signal words, warning statements, symbols, or graphics required by law and if the label bears the toxicity category, a statement of practical treatment or first aid in case of poisoning by the pesticide;
- g. A pesticide for agricultural use bears an application restriction statement, 40CFR170 reference statement, product type ID statement, restricted entry interval statement, notification to worker statement, PPE statement, and if the pesticide is toxicity category I or II, a Spanish warning statement.

E. Cease and Desist Order.

- 1. If an inspector encounters a damaged pesticide container, including a back-pack sprayer or other application equipment that allow a pesticide to spill or leak outside its container, or a pesticide container that does not have a label, or a label has been altered, defaced, or destroyed wholly or in part, the inspector shall follow the procedures specified in internal management policy P4-103, Cease and Desist Order for Pesticides.
- 2. If appropriate, remain on site to:
 - a. Ensure that the spilled or leaking pesticide is cleaned pursuant to label directions,
 - b. Ensure that cleaning equipment and/or material is disposed of pursuant to label directions, and

- c. Learn the owner's intention and method of disposing of the damaged container.
- F. Samples.
1. If a sample is taken, the inspector must document the sample on the Official Report (EXHIBIT 2) and the Inspection Form B document. (EXHIBIT 3)
 2. If the owner or owner's representative requests a receipt, complete the Receipt for Sample form (EXHIBIT 4) and give the owner or the owner's representative the original copy.
- G. Inspection Form. The inspector shall record the following inspection results in appropriate section of the Inspection Form document.
1. If a violation is found or suspected, check the "N" box.
 - a. Complete the Discrepancy List (EXHIBIT 5),
 - b. Obtain the signature of the owner's or the owner's representative, and
 - c. Give the owner or the owner's representative the original copy of the document.
 2. If no violation is found or suspected, check the "Y" box, indicating that the item is in compliance. If an item was not inspected for whatever reason, or the box is not appropriate to the inspection, make an entry in the "N/A" box.
 3. **Marketplace Inspection.** In the products/labels inspected area, insert the number that was physically inspected in each category (feed, fertilizer, or pesticide). **Do not estimate!** If you enter an establishment and recognize all labels of a category as being in compliance (based on your experience from previous marketplace inspections) write the word "scanned" in the category field rather than inserting a number. The word "scanned" will be sufficient to indicate that an inspection was performed but no actual physical inspection of the product/label was necessary.
- H. Upon conclusion of the inspection:
1. Conduct an exit interview with the owner or the owner's representative to inform him/her of the findings.
 2. Obtain the signature of the owner or the owner's representative on the Inspection Form document.
 3. Advise the owner or the owner's representative that his/her signature acknowledges the inspection and that the information recorded on the Inspection Form has been explained.
 4. Provide the owner or the owner's representative with the white copy of the Inspection Form document and the original copy of the Discrepancy List, if applicable, prior to departure.
- I. Suspected Violations. Use the Marketplace Documentary Supplement (EXHIBIT 6) to record any suspected licensing or registration violation.

1. Brand names must be recorded exactly as they appear on the product label. A guarantee may be part of a fertilizer brand name but does not constitute a brand name.
2. If there is no lot number, use the "batch" number. If there is no lot number and no batch number write "none" in the Lot Number space.
3. Record the quantity of units in the lot/batch. For example, if there are 25 units of the product enter the number "25." Determine from the owner or the owner's representative, in addition to the units on display for sale, how many more units of the same lot/batch is on hand elsewhere in storage.
4. Record the size of the units. For example, if the units are 7 ounce bottles, write "7 oz. Bottles;" if the units are in 2-gallon jugs, write "2 gallon jugs;" if the units are in 50-pound bags write "50 lb bags," etc.
5. If more than one manufacturer or distributor name appears on the label of a specialty fertilizer, identify both names and their representative addresses.

J. Upon return to the office, the inspector shall:

1. If no violation is found, examine Inspection Form to ensure that all areas are completed and no "fields" are left blank. Separate the Inspection Form and the Notice of Inspection forms. No later than 5 working days after the inspection, forward forms and worksheets used in the inspection to the compliance manager.
2. If a violation is found or suspected:
 - a. Phoenix inspectors. Within 2 working days after the inspection, hand-carry the Documentary Worksheet to the license/registration section and search the appropriate records to verify the violation. If a violation is verified, obtain the assistance of appropriate license/registration personnel to confirm the violation. Obtain their signature or initial and date of the verification on the Documentary Worksheet.
 - b. Satellite office inspectors. Within 2 working days after the inspection, fax the Documentary Worksheet to the compliance manager. The compliance manager will assign an inspector to perform the verification and confirmation.
3. If suspected a violation is not verified or confirmed the inspector shall.
 - a. Change the "N" to "Y" on Inspection Form B and initial the change to indicate that a suspected violation was later found to be in compliance.
 - b. Notify the owner or the owner's representative by telephone or mail that the suspected violation was not confirmed and that no enforcement action is intended. Submit the inspection forms to the compliance manager within 5 working days after the date on which verification and confirmation was made.
4. If a suspected violation is verified and confirmed:
 - a. The compliance manager will review the information and recommend to the associate

director whether a Notice of Violation (NOV) (EXHIBIT 7) or a complaint be issued.

- b. If a complaint is issued, the case assignment will be forwarded to the appropriate inspector/investigator. The inspector/investigator shall
 - i. Prepare appropriate documentaries and indicate the documentary sample number, the number assigned to the Cease and Desist Order (if one is issued), the case or NOV number, and the violation;
 - ii. On the white copy of Inspection Form B, in the *For ESD Use Only* section, record the assigned complaint or NOV number in the "Number" field, the date the complaint was filed or Notice of Violation issued in the "Complaint Initiated" field, and all related "documentary" sample numbers in the "Sample Numbers" field; and
 - iii. Within 5 working days after receipt of the assignment, forward the following documents to the compliance manager: The white copy of the completed Inspection Form B stapled to the front of the Notice of Inspection; the pink and goldenrod copies of all Cease and Desist Orders; and the white copies of all Documentaries related to the incident.
- c. **Worker Protection Inspection.**
 - i. Within 5 days of the date of inspection, complete and mail a notice of investigatory proceedings to the owner or the owner's representative. The notice shall provide the respondent 10 days to respond and include the last possible date by which the department may issue a citation or advisory notice. (A.R.S. § 3-3107(C))
 - ii. A citation or a notice of de minimis violation shall not be issued after the expiration of 6 months after the date of the inspection. (A.R.S. § 3-3111(B))

K. Closing the Case.

1. The inspector may finalize the case after 10 days, if the owner or the owner's representative did not respond to the Notice of Violation. (This 10-day period provides the recipient an opportunity to file an action.)
 - a. During this 10-day period, the inspector shall obtain any compliant history from the appropriate secretary/administrative assistant in the Phoenix office for reference and inclusion, as an exhibit, in the final investigation report.
 - b. If prior violations have occurred, the inspector must also obtain and include a copy of any letter of warning, consent agreement, etc.
2. No later than 30-days after receipt of the assignment, the inspector shall submit the final report, containing all the information and documents relating to the case to the compliance manager for review. Do not wait longer than 10-days for a written response and do not wait for a violator to apply for licensure or to register a product. If these events occur you will

be notified and can include the information in your report.

3. Worker Protection Inspection.

- a. If the investigation is not complete, the inspector shall report the case status report to the compliance manager, giving a brief summary of the work accomplished and the reason the investigation is not yet complete.
- b. The inspector shall provide an anticipated date by which the case will be completed and the final report submitted.

Arizona Department of Agriculture
 Environmental Services Division
 1688 West Adams Street
 Phoenix, Arizona 85007

NOTICE OF INSPECTION RIGHTS
 Disclosure Verification

Name of Individual	Title
Firm Name	Firm Address (Number, Street, City, State and Zip Code)

Reason For Inspection:

For the purpose of ascertaining compliance or noncompliance with any rules or orders adopted or issued under Title 3, Chapter 2, Article 3, A.R.S. 3-267 et seq. (Fertilizer Materials); Chapter 2, Article 6, A.R.S. 3-364 et seq. (Pesticide Control); Chapter 15, Article 1, A.R.S. 3-2605 et seq. (Commercial and Customer-Formula Feeds); or Title 3, Chapter 2, Article 2, A..R.S. 3-233 et seq. (Seeds)

For the purpose of ascertaining compliance or noncompliance with Agricultural Safety laws and Administrative Rules, pursuant to Title 3, Chapter 17, Article 1, A.R.S. 3-3107 et seq.

VIOLATION SUSPECTED? Yes No (If yes, list: _____)

An authorized representative of this facility may accompany the investigator(s) during the inspection conducted on these premises, except during any confidential interview.

You have the right to copies of any original documents taken by the investigator(s) during the inspection, and if samples are collected during this inspection, you have the right to receive copies of any analyses performed on them, and to have a split or duplicate sample unless the split or duplication would prohibit an analysis from being conducted or render an analysis inconclusive.

Statements made by any person during this inspection may be included in the inspection report, and each person whose conversation tape recorded during this inspection will be informed that the conversation is being tape recorded.

If you have questions regarding this inspection, you may contact Ken Davis, Compliance manager, at (602)542-0986.

You have the right to appeal a final decision of the Department of Agriculture if any administrative order is issued or other enforcement action is taken based on the results of this inspection. Administrative hearing rights are found in A.R.S. 41-1092 et seq., and rights relating to appeal of a final agency decision are found in A.R.S. 12-901 et seq.

If you have questions regarding your right to appeal an enforcement action taken by the Department based on the results of this inspection you may contact Department of Agriculture representative Jack Peterson, Associate Director, at (602)542-3575; Department of Agriculture Ombudsman, Nicole Waldron, at (602)542-0800; or the Office of Ombudsman-Citizens Aide, 3737 N. 7th Steet, Suite #209, Phoenix, Arizona 85014; (602)277-7292.

Upon entry onto the premises for this inspection, the Department of Agriculture Investigator identified below presented photo identification indicating that he/she is a Department of Agriculture employee and reviewed with me the above Notice of Inspection Rights. I have read the disclosures above and am notified of my inspection and due process rights as listed above. I understand that while I have the right to decline to sign this form, the Department of Agriculture representative(s) may nevertheless proceed with the inspection.

 Signature of Regulated Person/Authorized on-site Representative

Refused to Sign Not Present at time of Inspection

 Signature of Investigator

Date of Inspection: _____

Remarks:

WHITE - ESD

YELLOW - REGULATED PERSON

PINK - INSPECTOR

HIS INSPECTION IS CONDUCTED:

For the purpose of ascertaining compliance or noncompliance with Agricultural Safety laws and Administrative Rules, pursuant to Title 3, Chapter 17, Article 1, A.R.S. 3-3107 et seq.

For the purpose of inspecting sites where pesticides are being used, to collect data on the use of pesticides, and to determine whether pesticides are being used in compliance with the Federal Insecticide, Fungicide, and Rodenticide Act and to determine compliance or noncompliance with Federal Worker Protection Standards.

Violation(s) Suspected:

DISCLOSURE:

An authorized representative of this facility may accompany the investigator(s) during the inspection conducted on these premises, except during any confidential interview.

You have the right to copies of any original documents taken by the investigator(s) during the inspection, and if samples are collected during this inspection, you have the right to receive copies of any analyses performed on them; and to have a split or duplicate sample unless the split or duplication would prohibit an analysis from being conducted or render an analysis inconclusive.

Statements made by any person during this inspection may be included in the inspection report, and each person whose conversation is recorded during this inspection will be informed that the conversation is being tape recorded.

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Upon entry onto the premises for this inspection, the Department of Agriculture Investigator identified him/herself by presenting photo identification indicating that he/she is a Department of Agriculture employee and reviewed with me the above Notice of Inspection Rights. I have read the disclosures above and am notified of my inspection and due process rights as listed above. I understand that while I have the right to decline to sign this form, the Department of Agriculture representative(s) may nevertheless proceed with the inspection. My acknowledgment appears on the obverse of this form.

DEPARTMENT OF AGRICULTURE

STATE AGRICULTURAL LABORATORY

2422 West Holly • Phoenix, Arizona 85009
(602) 253-1920 • FAX (602) 253-2247

SUBMITTING AGENCY _____
SAMPLE # _____
COMPANY NUMBER _____
WD: _____

OFFICIAL REPORT

4/17/92

Brand Names/Sample Description: _____			
Mfg. Agency _____	Collected At: _____		
Street _____	_____		
City, State, Zip: _____	_____		
Contact Name & Phone No.: _____	EPA Reg. No. _____	EPA Est. No. _____	
Lot. No. _____	Lot Size: _____	Wt/Gal: _____	
Describe Sampling Method & Sample Seal: _____			
Passed Analyses: _____			
Violative Analyses:	GUARANTEES		FOUND
	Minimum	Maximum	

REMARKS: Request for portion of sample MUST be made within 30 calendar days of DATE REPORTED.

5	Danger Poison	Danger	Warning	Caution	_____
					Agency Signature/Date Reported

Collected By:	Date	Ambient <input type="checkbox"/>	On Ice <input type="checkbox"/>	Frozen <input type="checkbox"/>	
Transferred By/Date	Transferred By/Date	Transferred By/Date			
Transferred To/Date	Transferred To/Date	Transferred To/Date			
Sent Via	Sent Via	Sent Via			
Rec'd SAL By/Date	Sample Condition:	Seal Condition: <input type="checkbox"/>	Broken <input type="checkbox"/>	Unbroken <input type="checkbox"/>	None <input type="checkbox"/>
SAL Sample #	Prepared By/Date	Destroyed/Released			

ANALYTE REQUESTED	Guarantee/MDL		FOUND				REPORTED		
	Min	Max	Analysis	Init/Date	Analysis	Init/Date		Analysis	Init/Date

Lab Supervisor/Date	QA Officer/Date	Assistant Director/Lab Manager/Date
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ARIZONA DEPARTMENT OF AGRICULTURE
 ENVIRONMENTAL SERVICES DIVISION
 1688 WEST ADAMS, PHOENIX, ARIZONA 85007
 (602)542-0986

NO: B

EXHIBIT 3

Reinspection - See No. _____ or Connect to:

DATE	TIME START:	TIME STOP:	Compliance Assistance: Yes No Section(s):
NAME OF FIRM/COMPANY (include store number)		NAME OF INTERVIEWEE	
STREET ADDRESS		TITLE	
CITY/STATE/ZIP		PERMIT/LICENSE/CERTIFICATION/EST#	
NUMBER OF PRODUCTS/LABELS INSPECTED: _____ SEED FEED FERTILIZER PESTICIDE		NUMBER OF SAMPLES COLLECTED: P _____ D _____ SEED P D FEED P D FERTILIZER P D PESTICIDE	

SAMPLE NUMBER(S):

IN COMPLIANCE				A. MARKETPLACE	IN COMPLIANCE				D. CERTIFIED APPLICATOR (CAR) <input type="checkbox"/> Commercial <input type="checkbox"/> Private
#	Y	N	NA		#	Y	N	NA	
1				PESTICIDES STATE/EPA REGISTERED	1				APPLICATOR CERTIFIED
2				SPECIALTY FERTILIZER REGISTERED	2				CERTIFIED IN PROPER CATEGORY
3				COMMERCIAL FERTILIZER LICENSE	3				STORAGE/DISPOSAL COMPLIANCE
4				COMMERCIAL FEED LICENSE	4				APPLICATION RECORDS KEPT 2 YEARS
5				LABEL/LABELING IN COMPLIANCE	5				REQUIRED INFORMATION ON RECORDS
6				COMPLIANCE WITH C&D, STOP SALE, ETC	6				PESTICIDE DISPOSITION RECORDS (CAR)
7				COMPLIANCE WITH EXPIRATION DATE	7				CONTAINERS/LABELS UNDAMAGED
8				PESTICIDE SPILL/LEAKAGE COMPLIANCE	8				RUPS APPROPRIATE FOR FARM OPS (PAR)
9				SEED DEALER/LABELER LICENSED					NOTE: ATTACH INVENTORY OF RUPS IN PRIVATE APPLICATOR STORAGE

IN COMPLIANCE				B. PRODUCER ESTABLISHMENT ESTABLISHMENT NO. VALID: YES NO
#	Y	N	NA	
1				PESTICIDE(S) REGISTERED
2				WPS LABEL REQUIREMENTS MET
3				LABEL/LABELING MEET EPA STANDARDS
4				RECORDS ACCURATELY MAINTAINED
5				PESTICIDE STORAGE/DISPOSAL
6				CONTAINER DISPOSAL/RECYCLING
7				PESTICIDE WASTE CONTROLLED
8				COMPLYING WITH C&D, STOP SALE, ETC
9				SUSPENSION / CANCELLATION ORDERS

IN COMPLIANCE				C. DEALER (RUP)
#	Y	N	NA	
1				SELLER PERMIT CURRENT / VALID
2				COMPLYING WITH RECORDS RETENTION
3				ACCURATE SALES/DELIVERY RECORDS
4				RUPS TO CERTIFIED APPLICATORS ONLY
5				RUP AUDIT SHOWS COMPLIANCE
6				PESTICIDES STORED PROPERLY
7				LABELS / LABELING IN COMPLIANCE

INSPECTOR COMMENTS

INSPECTOR COMMENTS

FOR ESD USE ONLY

COMPLAINT NO. _____ DATE _____

NONCOMPLIANT ITEMS MUST BE CORRECTED WITHIN _____ DAYS OF INSPECTION. NOTIFY ESD IN WRITING OF CORRECTIVE ACTION AND DATE OF CORRECTIONS. FAILURE TO CORRECT NONCOMPLIANT ITEMS MAY RESULT IN ADDITIONAL ENFORCEMENT ACTION.

The undersigned hereby acknowledges verbal and written NOTICE OF INSPECTION RIGHTS. (Signature refused Not Present)

INVESTIGATOR SIGNATURE

ACKNOWLEDGMENT (Signature)

Arizona Department of Agriculture
 Environmental Services Division
 1688 West Adams Street
 Phoenix, Arizona 85007

RECEIPT FOR SAMPLES

Name of Individual	Title
Firm Name	Firm Address (Number, Street, City, State and Zip Code)

The following samples were collected by the U.S. Environmental Protection Agency or its agent(s) and receipt is hereby acknowledged pursuant to Section 9.(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 g).

The following samples were collected by the Department of Agriculture and receipt is hereby acknowledged. The authorities to inspect and collect samples are cited in the NOTICE OF INSPECTION that accompanies this receipt.

SAMPLES COLLECTED (describe fully)

I have been advised that I have a right to receive a split or duplicate of any samples collected during this inspection, if the split or duplication of the samples would not prohibit an analysis from being conducted or render an analysis inconclusive.

I request a split or duplication of any samples collected during this inspection.

 Signature of regulated person or on-site representative

I waive my right to have a split or duplication of any samples collected during this inspection.

 Signature of regulated person or on-site representative

Split or Duplicate Samples Requested and Provided	Samples Purchased
Split or Duplicate Samples Waived	Samples Received Without Charge
Amount paid for sample(s): \$ _____	Samples are Borrowed and will be returned

Signature of Inspector/Investigator:		Date:
--------------------------------------	--	-------

Arizona Department of Agriculture
Environmental Services Division
Discrepancy List

Date: _____

The following discrepancies were noted during an inspection conducted on this date at: _____

Facility Name

List of Discrepancies:

List Received by: _____ Date: _____
Signature of Facility Contact

Inspector Signature: _____

Environmental Services Division
Market Place Documentary Supplement

Supplement to: B _____

Physical	Documentary
<p>Collected At: _____ Street _____ City, State, Zip _____</p>	<p>Collected By: _____ Date: _____ Verified By: _____ Date: _____ Investigator Assigned: _____</p>
<p>1. NAME: (Labeler - Dealer - Manufacturer)* Street _____ City, State, Zip _____ Crop Year: _____ Origin: _____ Test Date: _____ Lot. No. _____ Lot Size: _____ Weight/Gal: _____ Treated? _____ Chemical Used: _____ Names & Rates Noxious Weed Seeds: _____ Case/File No. _____ NOV No. _____</p>	<p>Kind-Kind & Variety-Brand/Trade Name: _____ EPA Reg. No: _____ Est. No. _____ Suspected Violation: _____ Confirmed by: _____ Certified? _____ Certification No. _____ Pure Seed % _____ Other Crop % _____ Inert Matter % _____ Weed Seed % _____ Germination % _____ Hard Seed % _____ Germination & Hard Seed % _____ C&D No. _____ Sample No: _____</p>
<p>2. NAME: (Labeler - Dealer - Manufacturer)* Street _____ City, State, Zip _____ Crop Year: _____ Origin: _____ Test Date: _____ Lot. No. _____ Lot Size: _____ Weight/Gal: _____ Treated? _____ Chemical Used: _____ Names & Rates Noxious Weed Seeds: _____ Case/File No. _____ NOV No. _____</p>	<p>Kind-Kind & Variety-Brand/Trade Name: _____ EPA Reg. No: _____ Est. No. _____ Suspected Violation: _____ Confirmed by: _____ Certified? _____ Certification No. _____ Pure Seed % _____ Other Crop % _____ Inert Matter % _____ Weed Seed % _____ Germination % _____ Hard Seed % _____ Germination & Hard Seed % _____ C&D No. _____ Sample No: _____</p>
<p>3. NAME: (Labeler - Dealer - Manufacturer)* Street _____ City, State, Zip _____ Crop Year: _____ Origin: _____ Test Date: _____ Lot. No. _____ Lot Size: _____ Weight/Gal: _____ Treated? _____ Chemical Used: _____ Names & Rates Noxious Weed Seeds: _____ Case/File No. _____ NOV No. _____</p>	<p>Kind-Kind & Variety-Brand/Trade Name: _____ EPA Reg. No: _____ Est. No. _____ Suspected Violation: _____ Confirmed by: _____ Certified? _____ Certification No. _____ Pure Seed % _____ Other Crop % _____ Inert Matter % _____ Weed Seed % _____ Germination % _____ Hard Seed % _____ Germination & Hard Seed % _____ C&D No. _____ Sample No: _____</p>
<p>4. NAME: (Labeler - Dealer - Manufacturer)* Street _____ City, State, Zip _____ Crop Year: _____ Origin: _____ Test Date: _____ Lot. No. _____ Lot Size: _____ Weight/Gal: _____ Treated? _____ Chemical Used: _____ Names & Rates Noxious Weed Seeds: _____ Case/File No. _____ NOV No. _____</p>	<p>Kind-Kind & Variety-Brand/Trade Name: _____ EPA Reg. No: _____ Est. No. _____ Suspected Violation: _____ Confirmed by: _____ Certified? _____ Certification No. _____ Pure Seed % _____ Other Crop % _____ Inert Matter % _____ Weed Seed % _____ Germination % _____ Hard Seed % _____ Germination & Hard Seed % _____ C&D No. _____ Sample No: _____</p>

Legend: * Record name(s) of each manufacturer and/or distributor that appears on the label of specialty fertilizer materials. Use reverse if necessary.

White - ESD
ESD 703/2-99

Yellow - Inspector

Pink - Seller/Dealer

EXAMPLE

Date:

Name of Respondent

Address

City, State, Zip

NOTICE OF VIOLATION

On (Date) the division notified you by letter that it was looking into possible violations of pesticide container disposal laws. We have concluded our investigation and are discontinuing any further action in this incident, subject to the following notice.

A.A.C. R3-3-301.A. states, No person shall use . . . a pesticide in a manner . . . inconsistent with the product label Pesticide container disposal constitutes a use of a pesticide. The empty Banvel container found by Department inspectors, being used by your crews to mark a field , was used in a manner inconsistent with the product label. The label states, with regard to container disposal, After triple rinsing offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill

This letter is to warn you that any future incident in which you or agents of (Respondent Name) are found to have used a pesticide in a manner inconsistent with its label may subject you and/or your business to sanctions by the Department including civil penalties up to \$500 per violation.

Sincerely,

Kenneth W. Davis
Compliance Manager

c: file

