

Illinois Department of Agriculture Pesticide Regulatory Update

*Illinois Fertilizer & Chemical Association Annual
Convention & Trade Show
Peoria, IL – January 19, 2017*

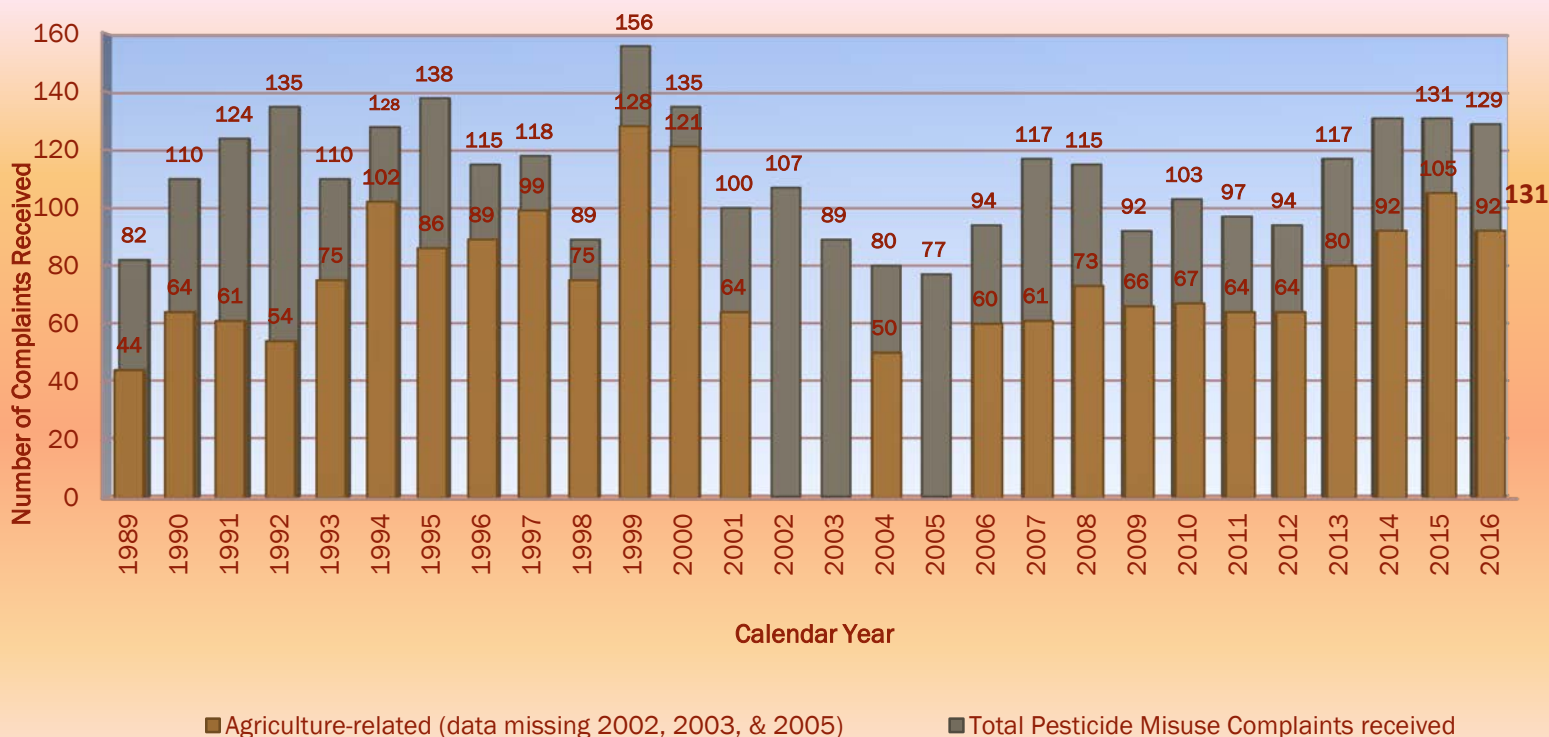
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- Pesticide Investigation Procedures & Misuse Process
- Worker Protection Standards & How They Apply to Ag Retailers

Pesticide Misuse Complaints

Formal Pesticide Misuse Complaints
Received & Investigated by the
Illinois Department of Agriculture



Misuse Case Process

- Department receives formal complaint
- Field representative assigned
- Site visit conducted
- Complainant and respondent interviewed
- Application records checked
- Possible samples collected & lab analysis
- Report submitted to headquarters office for review
- Enforcement determination

Enforcement Determination – Penalty Matrix

- Points assessed based on *Use and Violation Criteria*:
 - *Harm or Loss Incurred* – (1 to 6 points)
 - *Single Word of Product Involved* - (1 to 4 points)
 - *Degree of Responsibility* - (2 to 10 points)
 - *Violator's History for the previous three years* - (2 to 7 points)
 - *Violation Type (application vs. product oriented)* – (1 to 6 points)

Enforcement Determination – Penalty Matrix

- Penalty based on assessed points:
 - 6 or less - advisory letter
 - 7 to 13 - warning letter
 - 14 to 16 - \$750
 - 17 to 19 - \$1,000
 - 20 to 21 - \$2,500
 - 22 to 25 - \$5,000
 - 26 to 29 - \$7,500
 - 30 and above - \$10,000
- Administrative hearing required for monetary penalties

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Total Complaints Received	76	93	117	115	92	103	97	94	117	131	131	129
Cases Closed (no misuse determined)	63	49	65	68	57	62	51	52	72	64	47	51
Warning Letters Issued	41	23	42	32	34	36	42	40	35	63	48	59
Administrative Hearings	24	9	25	19	8	6	10	4	18	13	12	10
\$2,500 penalty	1	1	0	1	0	0	0	0	1	0	0	0
\$1,000 penalty	2	2	3	0	0	0	0	0	1	1	1	0
\$750 penalty	2	1	4	6	1	2	3	1	8	2	1	3
\$500 penalty	4	4	19	12	6	3	4	1	6	8	9	8
\$250 penalty	-	0	0	0	0	1	3	2	2	2	3	1
\$200 penalty	-	0	0	1	0	0	0	0	0	0	0	0
\$100 penalty	1	1	1	1	1	0	0	0	0	0	0	0





Worker Protection Standards

What is Worker Protection Standard (WPS)

- WPS originally published in 1992.
 - To reduce risks of illness or injury to agricultural workers and handlers from occupational exposure to pesticides.
- WPS latest revision in 2015
 - Revisions intended to strengthen existing elements to better protect workers and handlers
 - Reduce pesticide incidents and illnesses
 - Provide workplace protections comparable to other industries
 - Provisions effective 2017 and 2018

Major WPS Changes

Annual Training

- Annual mandatory training to inform workers and handlers about required protections afforded to them.
- Expanded from once every 5 years.
- Includes instruction to reduce take-home exposure and other safety topics
- No grace period to train workers (previously 5 days)
- Training records must be kept for 2 years

Annual Training (cont.)

- Qualifications for Trainers
 - Certified pesticide applicators **
 - Persons completing train-the-trainer course
 - State/Tribal/Federal approved trainers
- Effective 2017
- Expanded training content (effective 2018)
 - Worker 11 training items expanded to 23 items
 - Handler 13 training items expanded to 36 items

Annual Training (cont.)

- Individuals licensed by the Department as “applicators” are exempt from the annual training requirement.
- Certified crop advisers are exempt from the annual training requirement.
- Individuals licensed by the Department as “operators” would have to be subject to the annual training requirement if they are performing tasks associated with an agricultural “worker” or a pesticide “handler”.

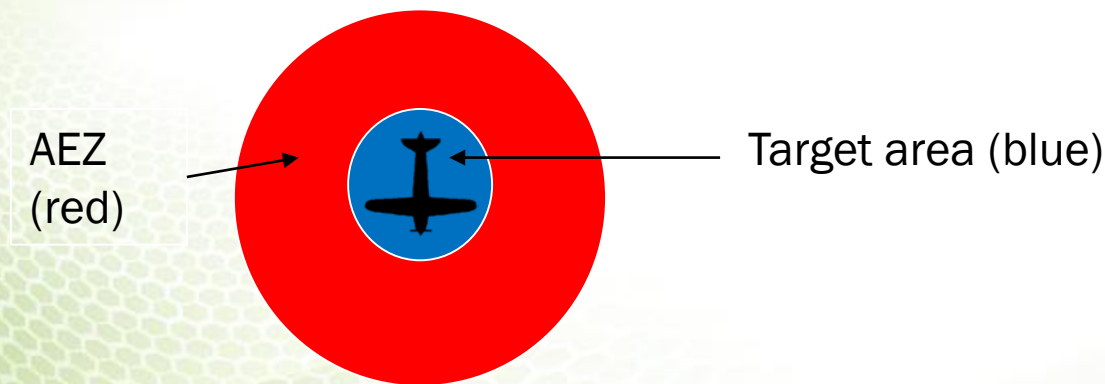
Minimum Age

- Established first time ever minimum age requirement
 - Anyone under 18 years old prohibited from being a pesticide handler or early entry worker.
- However, continues immediate family exemption
 - Expands definition to include: all in-laws, grandparents, grandchildren, aunts, uncles, nieces, nephews and first cousins.
- Effective 2017

Application Exclusion Zones

Application Exclusion Zone (AEZ):

- The WPS establishes AEZ distances in outdoor production of 25 or 100 feet around the application equipment based on application method
- Intended to protect workers and others from exposure during applications



Application Exclusion Zone

- **100 foot AEZ**

- Applied aerially, by air blast or with a spray quality smaller than medium
- Applied as a fumigant, smoke, mist or fog

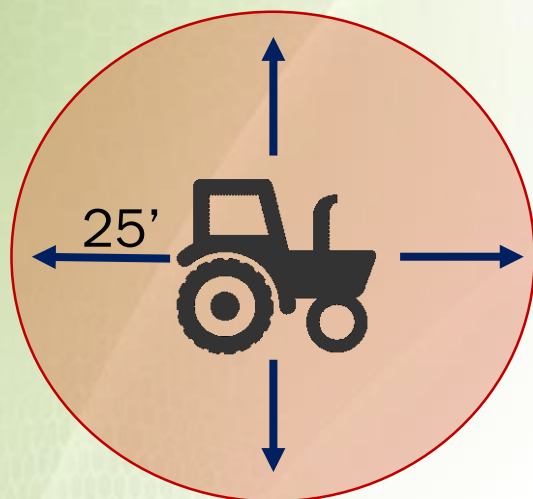
- **25 foot AEZ**

- Applied other than above & sprayed from a height of >12 inches from planting medium with spray quality of medium or larger

- **No AEZ**

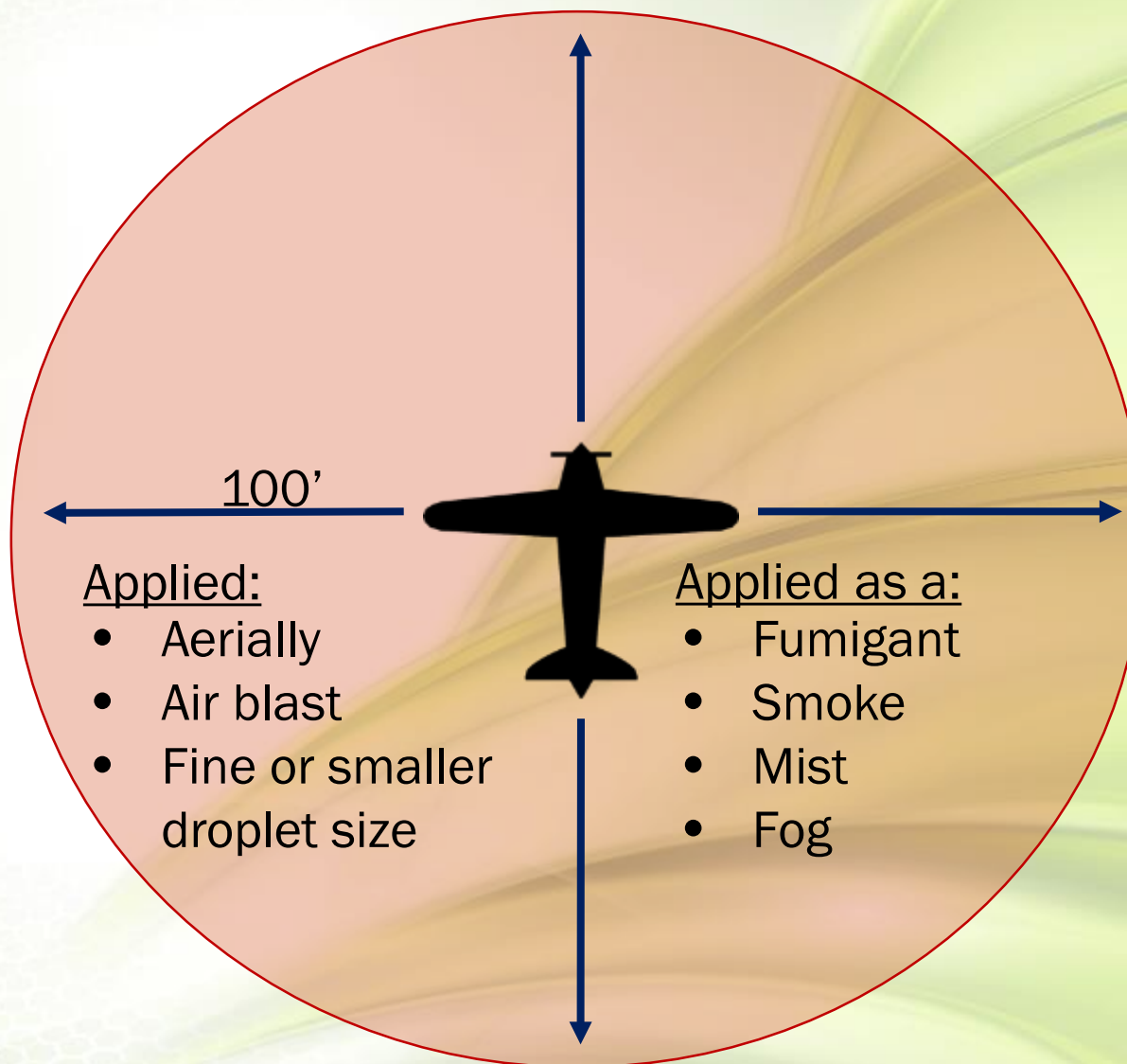
- Applied otherwise

AEZs in Outdoor Areas



Applied:

- Medium or larger droplet size
- >12" off ground



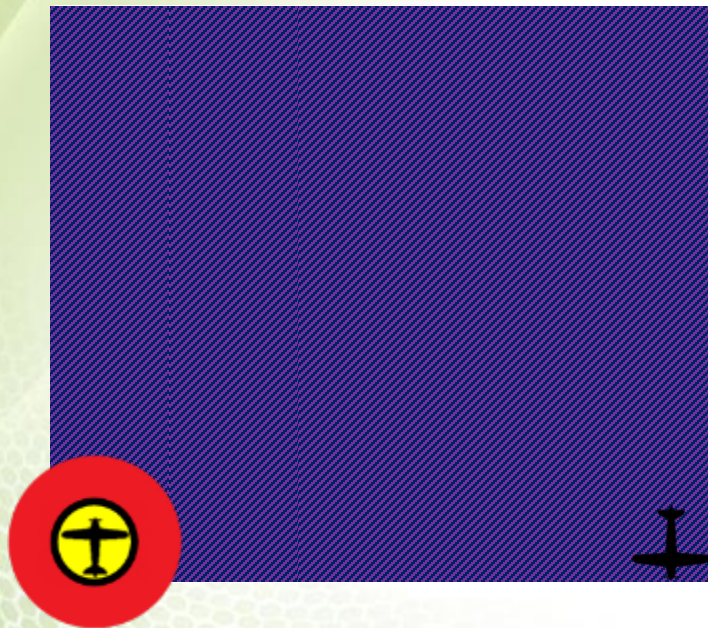
Applied:

- Aerially
- Air blast
- Fine or smaller droplet size

Applied as a:

- Fumigant
- Smoke
- Mist
- Fog

Application Exclusion Zone



When the application is concluded, the AEZ no longer exists.



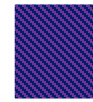
Field



AEZ



Spray Area



Treated Area (REI
Area)

Application Exclusion Zone

Two New Protections During Applications in Outdoor Production

Ag Employer's AEZ responsibilities:

- During an application, the agricultural employer must keep workers and other persons out of the treated area and AEZ that is WITHIN the boundary of the establishment owner's property
 - The protection is limited to the boundaries of the ag establishment.
 - Effective 2017

Application Exclusion Zone

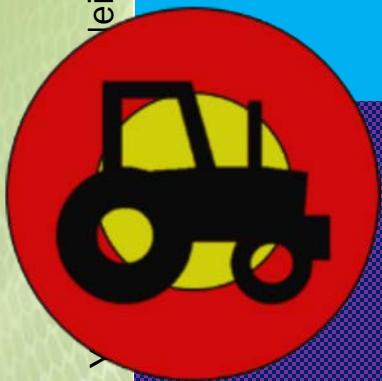
Pesticide Handler's AEZ responsibilities:

- Handlers must immediately *suspend a pesticide application* if any worker or other person (other than handler) is in AEZ
 - The protection is not limited to the boundaries of the ag establishment.
 - Effective 2018

Application Exclusion Zone

AEZs on Field Borders

Once the application is finished
The AFD no longer exists, the
Yes, they agreed to move
neighbourhood in the AFD! the application?



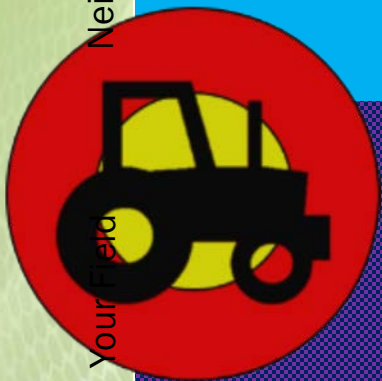
Application Exclusion Zone

AEZs on Field Borders

WIND

When application is finished

Yes, the wind is blowing away from the workers and I can ensure that my application will not contact the workers in the other field.



Respirators

- When using a pesticide that requires respiratory protection THE EMPLOYER is responsible for providing the following (at no cost) before an employee uses a respirator required by the label:
 - Appropriate respirator
 - Medical evaluation
 - Respirator fit test
 - Respirator use and maintenance training
- OSHA's Respiratory Protection Standard
- Effective 2017



Respirators

Medical Evaluation

- Medical evaluation required before you use respirator and before conducting the fit test
- Medical history questionnaire
- Possible follow-up visit
- Repeat evaluation if there is a change in the conditions of use or your health status

Respirators

Fit Testing

- Fit tests must be performed before use of the respirator and at least annually thereafter.
- Fit tests must be repeated if:
 - The respirator changes
 - There are changes to the size and/or shape of employee's face
- Fit test may be conducted by the employer

Respirators

Respirator Use and Maintenance Training

- Employees must be trained in the use of the respirators annually
- Training must be repeated if they demonstrate a lack of knowledge
- Employer must maintain records for 2 years



Information Exchange

- Commercial Pesticide Handling Establishments and their employees are included in WPS
 - Even when some tasks take place somewhere other than the treatment site (mixing, loading, etc.)
- The commercial pesticide handler must provide certain information to the ag establishment where a pesticide application has been or will be performed
 - Location and description of treatment area
 - Date, start and estimated end time
 - Product name, EPA Reg. number and active ingredients
 - REI for product
 - Any posting requirements for product used

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Questions.....

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