



## Structural Pest Control & Pesticides Division

### Soil Fumigant Update

## Do You Use Soil Fumigants – If so EPA is Requiring New Safety Measures for You to Follow

#### What is occurring?

The United States Environmental Protection Agency (EPA) is requiring important new safety measures for some soil fumigant pesticides to increase protections for pesticide applicators, agricultural workers and bystanders – people who live, work, or otherwise spend time near fields that are fumigated.

#### Who is affected by this initiative?

Fumigant product registrants, private applicators, commercial applicators or public operators using or supervising the use of or handling soil fumigants the following soil fumigants are affected by these new safety measures:

- chloropicrin
- dazomet
- metam sodium/potassium
- methyl bromide

#### When does this go into effect?

EPA is implementing these new requirements in two phases. The first phase regarding product labeling and worker protection measures, among other things, went into effect December 31, 2010. The Phase II requirements described above go into effect on products shipped after December 1, 2012. If your soil fumigant label contains buffer zone tables – then Phase II requirements are in effect for your application.

#### What are the new changes for Phase II?

Fumigant products with the new labels (those labels with the fumigant training requirement and buffer zone tables) have the following new requirements:

- Buffer Zone around field to reduce risks of exposure to bystanders and posting of these areas at the usual point of entry to the buffer area. Consists of the “Do not walk” symbol, fumigant product information (active ingredient and product name), and contact information for the fumigator.
- Site Specific Fumigant Management Plans
- Emergency Preparedness and Response Requirements includes information sent to emergency responders in high fumigant use areas. Fumigators may choose to monitor buffer zone perimeters or provide emergency response information directly to neighbors.
- Registrants have developed safety information to be disseminated to handlers. EPA has also required fumigant registrants to develop and implement community outreach programs and information for first responders to ensure that information about fumigants and safety is available within communities where soil fumigation occurs.
- Certified applicators supervising the fumigant application must:
  - Compete on-line training and testing which consists of 4 modules and specific active ingredient modules (some are combination products) for each active the growers may use. This training may take between 8-12 hours to complete and it must be taken on-line. Applicators must also pass a comprehensive test which may be a more challenging format than what is normally used by State Lead Agencies (SLA) certification programs. Applicators must complete the on-line applicator training every three years.

- SLA's may opt for certifying their private applicators in a soil fumigant category. NCDA &CS does not have the authority (as currently written) in the NC Pesticide Law of 1971 to create a category of soil fumigation for private applicators. We are in the process of submitting proposed language to the Legislature for their consideration. A category will also need to be created and approved by the NC Pesticide Board for public and commercial applicators.
- A more convenient option is to allow certified applicators, (including commercial applicators and public operators) to take a test composed of questions covering the "NASDA Soil Fumigation, A National Pesticide Applicator Certification Study". NCDA&CS will compose a test of 50 questions from the NASDA approved bank of questions. There will be at least two versions of the exam, which will be in a format more widely used and consistent with a format used by SLA Certification Programs.

#### **Training options for NC Private Certified Applicators:**

- If a private applicator successfully completes the on line EPA approved Soil Fumigation training option, all requirements for training for the use of the soil fumigants will be met (except for the additional safety training for handlers assisting with the application). If the certificate of completion is presented to NCDA&CS – 2 hours of "V" core safety credit and 2 hours of "X" specialty credit will be awarded.
- For private applicators not having on-line access or those who wish for another option, NCDA&CS will provide in-person training sessions that will cover the material from the NASDA "Soil Fumigation Manual". The chapters will be covered in training modules and a test given after each module. These tests, like the on-line version will be open book and attendees will have a fumigant label available during the tests. A satisfactory score of greater than 70 must be achieved on each test. Upon completion of the course and passing of the tests attendees will be given a certificate to verify their completion of the course. There will also be 2 hours of "V" core safety credits and 2 hours of "X" specialty credits awarded.

#### **Training options for NC Commercial Applicators and Public Operators:**

- If a commercial applicator or public operator successfully completes the on line EPA approved Soil Fumigation training option, all requirements for training for the use of the soil fumigants will be met (except for the additional safety training for handlers assisting with the application). If the certificate of completion is presented to NCDA&CS – 2 hours of credit will be awarded in G L N O & D.
- Commercial applicators and public operators may also attend the in-person training in lieu of the on-line EPA approved training. They will also be awarded a certificate to show satisfactory completion of the Soil Fumigation training requirement. Recertification credits may be awarded depending on the details of the agenda for the training session.

#### **What happens if I don't comply?**

Failure to comply with this requirement is a violation of the North Carolina Pesticide Law of 1971 and may be subject to a penalty up to \$2,000 per violation. Each application made without meeting the label requirements constitutes a separate offense.

#### **Whom should I contact with questions?**

Please contact the NCDA&CS Structural Pest Control & Pesticides Division at (919) 733-3556.

#### **Where can I get more information?**

**Visit the following sites for additional information regarding this advisory:**

**EPA's Soil Fumigant Toolbox:** [http://www.epa.gov/opp00001/reregistration/soil\\_fumigants/](http://www.epa.gov/opp00001/reregistration/soil_fumigants/)

This web site provides training, outreach, and other resource materials for applicators and handlers, communities, state and local agencies, and others interested in understanding and implementing the current requirements for safe use of soil fumigants.