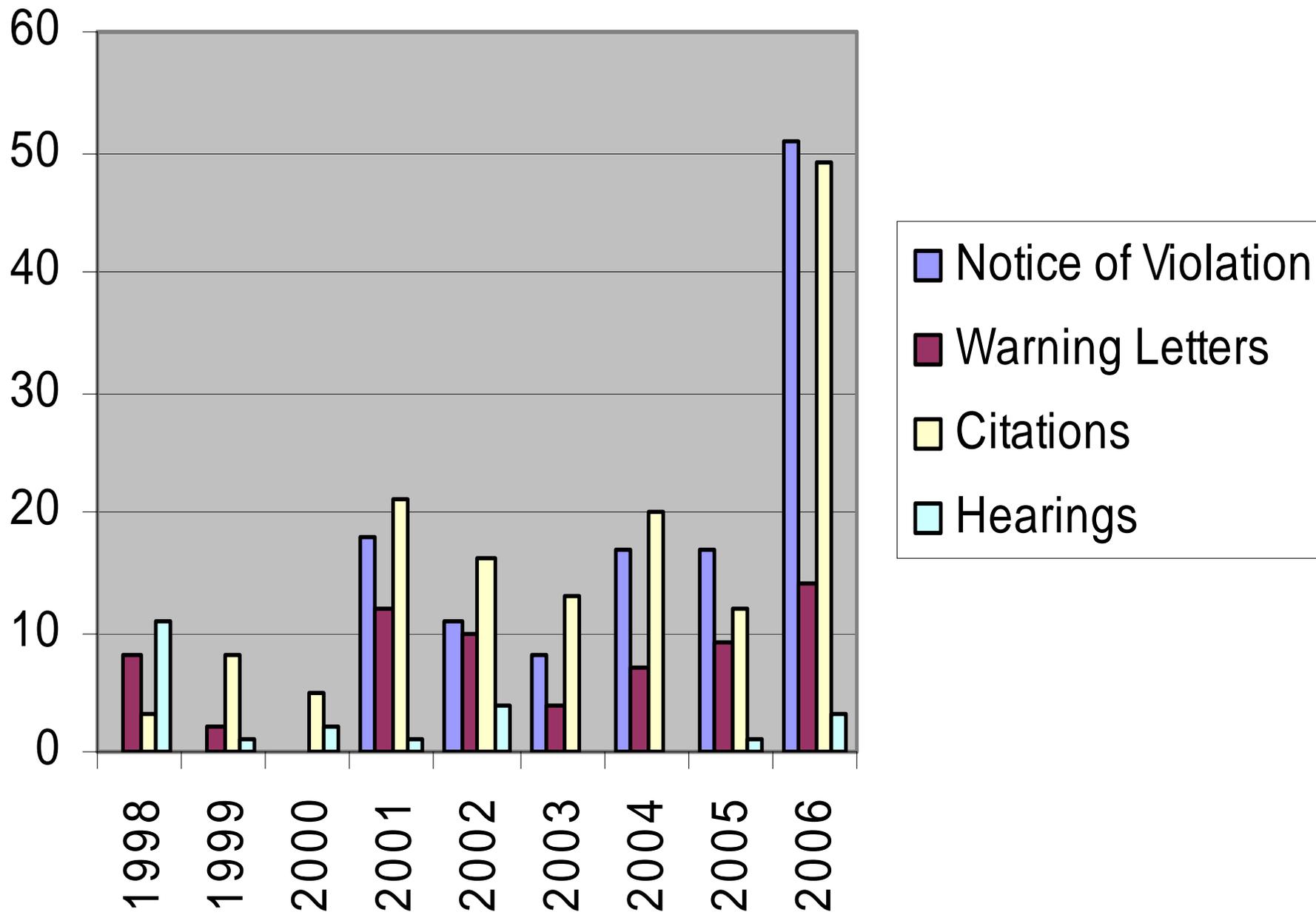


Utah Department of Agriculture & Food

- Plant Industries
- Pesticide Enforcement Program
- Utah Pesticide Control Act
- FIFRA





FY2005

Enforcement Action

- Notice of Violation 17
- Warning Letters 9
- Citations 12 \$50-\$500
- Hearing 1 \$3000

Total violations 39

Fines collected \$2,700

FY2006

Enforcement Action

■ Notice of Violation	51	
■ Warning Letters	14	
■ Citations	49	\$50-\$500
■ Hearing	3	\$10,150

Total violations	117
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Fines collected	\$17000
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So Far in FY2007

- Cases with violations 19
- Warning Letters 1
- Citations 20

Total violations 38

Fines assessed \$2700

Utah Pesticide Control Act

Unlawful Acts

Examples

R68-7-10 Transportation, Storage, & Disposal of Pesticides & Pesticide Containers

- No person shall transport, store, or dispose of any pesticide or pesticide containers in such a manner as to cause injury to humans, vegetation, crops, livestock, wildlife or beneficial insects, or to pollute any waterway in a manner harmful to any wildlife therein.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

— DANGER —

Convulsive poison! Fatal if swallowed. Do not breathe dust. This bait may cause an allergic reaction; wear rubber gloves and long-sleeved adequate protection clothing when handling. Do not get in eyes, on skin or on clothing. Wash arms, hands, and face with Germicidal soap and water after using and before eating or accepting anything by mouth or smoking. All spilled bait must be cleaned up immediately. Keep away from humans, domestic animal, pets and foodstuffs.

ENVIRONMENTAL HAZARDS

This product is toxic to fish, birds and other wildlife. Do not allow bait to be exposed on soil surface. For terrestrial uses, do not apply directly to water, or to areas where surface water is present or in intertidal areas below the mean high water mark. Do not contaminate water by cleaning of equipment or disposal of wastes.

ENDANGERED SPECIES RESTRICTIONS

NOTICE: The killing of a member of an endangered species during strychnine baiting operations may result in a fine under the Endangered Species Act. Before baiting, the user is advised to contact the Regional U.S. Fish and Wildlife Service (Endangered Species Specialist) or the local Fish and Game Office for specific information on endangered species. Strychnine baits should not be used in the geographic ranges of the following species except under programs and procedures approved by the U.S. EPA: San Joaquin kit fox, Aleutian Canada goose, Morro Bay kangaroo rat, Salt Marsh Harvest mouse, gray wolf, and grizzly bear.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal. **STORAGE:** Store only in original container, in a dry place inaccessible to children and pets, under lock and key in a posted storage area.

PESTICIDE DISPOSAL: Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spilled bait, or rinsate in a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste Representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL: Completely empty bag by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application equipment. Then dispose of bags in a sanitary landfill or by incineration if allowed by State and local authorities.

NOTICE: Seller makes no warranty, expressed or implied, concerning the use of this product, other than indicated on the label. Buyer assumes all risk of use and/or handling of this material when such use and/or handling is contrary to label instructions.

20613

NOTICE: RESTRICTED USE PESTICIDE

(DUE TO NEED FOR SPECIALIZED TRAINING TO ENSURE PROPER USE)

For retail sale to and use only by certified applicators or person under their direct supervision, and only for those uses covered by the certified applicator's certification.

FORT DODGE



GOPHER BAIT

ACTIVE INGREDIENT:

Strychnine Alkaloid CAS #57249	0.50%
OTHER INGREDIENTS	99.50%
TOTAL	100.00%



KEEP OUT OF REACH OF CHILDREN
DANGER - POISON



STATEMENT OF PRACTICAL TREATMENT:

IF SWALLOWED: CALL A PHYSICIAN OR POISON CONTROL CENTER IMMEDIATELY. If less than ten (10) minutes have passed since the poison was taken, give 1 to 2 glasses of water and induce vomiting by touching back of throat with finger. Repeat until vomit fluid is clear. Have patient lie down in quiet, darkened room and keep him warm and quiet. Do not induce vomiting or give anything by mouth to an unconscious person.

IF INHALED: Remove victim to fresh air. Apply artificial respiration if indicated.

IF ON SKIN: Remove contaminated clothing and wash affected areas with soap and water.

IF IN EYES: Flush eyes with plenty of water. Get medical attention if irritation persists.

NOTICE TO PHYSICIAN

A. Administer 100% OXYGEN by positive pressure to provide as much pulmonary gas exchange as possible, despite seizures.

B. Administer ANTICONVULSIVE DRUGS intravenously to control convulsions.

NOTICE: It may be difficult or impossible to stop the seizure activity without stopping respiration. Be prepared to maintain pulmonary ventilation mechanically. Tracheotomy may be necessary if seizures are prolonged.

See side panel for additional precautionary statements.

FORT DODGE CHEMICAL, INC.

P.O. Box 2021, Lompoc, CA 93438
(805) 736-0065

EPA ESTABLISHMENT NO. 322-CA-01
EPA REGISTRATION NO. 322-1

NET WT.

25 LBS.

FOR USE IN SUBSOIL ONLY

DIRECTIONS FOR USE

— POCKET GOPHERS —

USE RESTRICTIONS: It is a violation of Federal law to use this product in a manner inconsistent with its labeling. For use to control pocket gopher (*Thomomys* spp. and *Geomys* spp.). This product may be applied by use of a tractor-operated mechanical burrow builder or by use of a manually-operated Gopher Bait Dispenser application device. For subterranean applications only. Not to be used for food or feed uses.

USE SITE: All subsoil terrestrial food crops, terrestrial non-food crops, and forestry areas.

RATE: One to three lbs. per acre used twice a year, with minimum intervals between applications of four months.

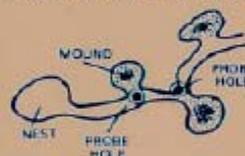
GOPHER BAIT DISPENSER

LOADING OR UNLOADING EQUIPMENT: Turn hand probe unit upside down to attach or remove bait bottle. Bait bottle screws into dispenser.

LOCATING RUNWAYS: Use probe end of loaded unit to locate a gopher's natural runway as indicated below.

Probe about 6" to 8" from the mound on the side of the horseshoe-shaped depression and 8" to 10" below soil. Resistance on probe will decrease when runway is entered.

APPLICATION DIRECTIONS: Lift handle to deposit bait in each active runway. Remove probe and cover hole with soil or sod. Do not permit soil to cover bait. Pick up or bury any spilled bait immediately. Depending upon pocket gopher population levels, one pound of bait will treat one to eight acres.



BURROW BUILDER: A burrow builder constructs an artificial underground tunnel and automatically places bait in a single operation. A cutter disc opens the way for a subsoiler shank. At the bottom of the shank is a pointed tube or "torpedo" the torpedo creates the artificial burrow. Bait is dropped in preset quantities through an outlet in the rear underside of the torpedo. Close-set rubber tires behind the subsoiler shank close the cut above the burrow.

Consult manufacturer's directions for the specific equipment to be used. Adjust the torpedo to the depth of natural pocket gopher runways. Make sure that soil is damp enough to hold a formed tunnel. Cut artificial burrows at 20 to 25 foot intervals, intersecting the natural gopher runways. Pick up or bury any spilled bait.



Treatment indicated by lines.

Bad Storage = Dead Horse



R68-7-11 Unlawful Acts

- Any person who has committed any of the following acts is in violation of the Utah Pesticide Control Act or rules promulgated there under and is subject to penalties



1) Made false or fraudulent claims through any media misrepresenting the effect of pesticides or methods to be utilized

Example #1

Residential & Commercial

- Aeration
- Lawn Care Weekly & Bi-weekly Services
- Shrub & Hedge Trimming
- Small Tree Pruning

FERTILIZER & WEED CONTROL

Spider & Insect Barrier Controlling these Pests

- Ants
- Common Spiders
- Hobo Spiders
- Earwigs
- Silver Fish
- Cockroaches
- Termites



Serving Tooele, Grantsville,
Stansbury Park, Erda & Lake Point

Our Products are Different:

- *Listed with FDA as safe for human consumption
- *Listed with EPA as environmentally friendly

What to expect after your home is serviced:

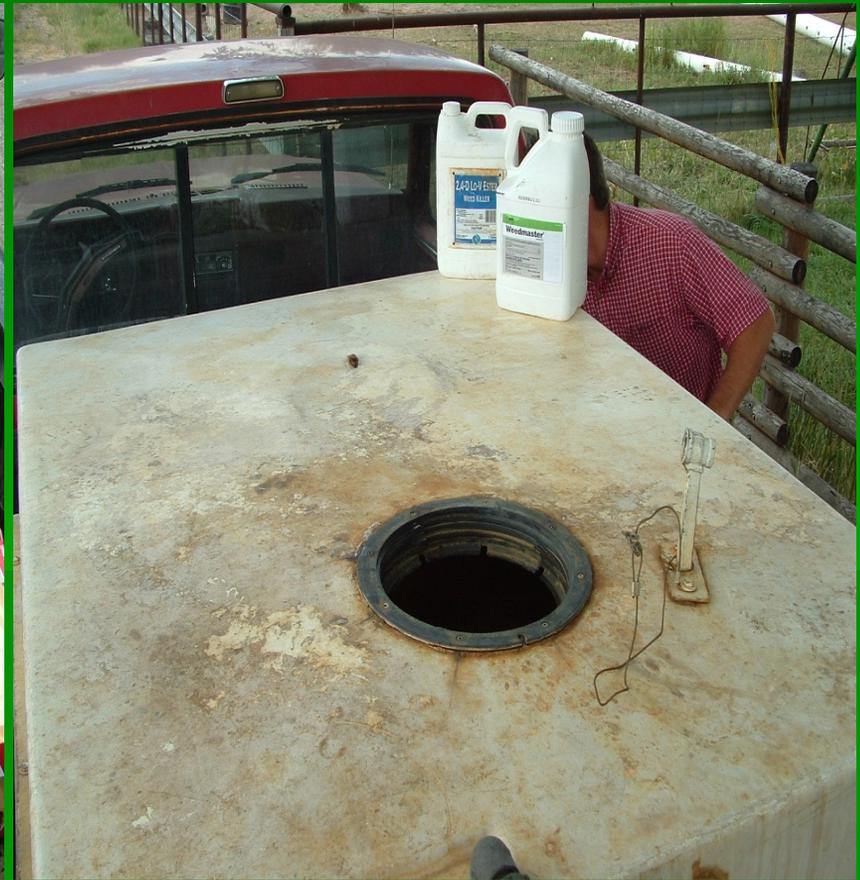
- *The scent of our product is what kills the insects, bugs, spiders, and scorpions
 - *The scent is carried through your walls and under counter spaces. Hidden pests may appear as they try to seek refuge from the scent
-

2) Applied known ineffective or improper pesticides

- Lawn service company applied a herbicide to trees and shrubs, instead of an insecticide
- At least 27 properties damaged



3) Operated in a faulty, careless or negligent manner



4) Neglected or, after notice, refused to comply with the provisions of the Act, these rules or of any lawful order of the department

- EPA now calls for a re-inspection of applicators who were found in violation within 12 months of the original inspection

5) Refused or neglected to keep & maintain records required by these rules or to make reports when and as required

- Commercial applicators must record all applications
- Non-commercial & Private applicators must record RUP applications

3336 Fungicide

$$\frac{18 \text{ oz}}{100 \text{ ga}} = \frac{5.4 \text{ oz}}{3 \text{ ga}} = \frac{1.08 \text{ tablespoons}}{3 \text{ ga}}$$

Friday February 10 - Fumigated (1 canister ea. in #2, #3, #4)

Friday February 17 - Fumigated (1 canister ea. in #2, #3, #4)

Tuesday February 21 - Sprayed Avid, 3336
(9 gallons over all 4 greenhouses)

Thursday March 16 - Sprayed AVID, 3336 (9 gallons treated all houses)

Thursday April 6 - Sprayed Avid, 3336
(treated all 4 houses w/ 9 gallons)

Friday April 7 - Sprayed Avid, 3336
(treated all 4 houses w/ 9 gallons).

(treatment administered over 2 days)

Records required to be kept:

- Name & address of property owner
- Location of treatment (if different)
- Month, day, & year of treatment
- Brand name of pesticide
- EPA registration number
- Rate applied per unit area
- Total amount of pesticide used

Records continued....

- Purpose of application
- Name, address, & license number of applicator
- Records must be recorded within 24 hours of the application
- Records shall be kept for a period of two years and shall be available for inspection

6) Made false or fraudulent records, invoices, or reports

- Termite applicator records states that 95 gallons of Termidor was applied at a house that measures 132 linear feet
- $(132/10)4=52.8$ gal
- Supervisor applied and then wrote another applicators name down



7) Engaged in the business of applying a pesticide for hire or compensation on the lands of another without having a valid commercial applicators license

Licenses

YEAR: 2006

STATE OF UTAH
DEPARTMENT OF AGRICULTURE AND FOOD

License: 4001
No: 14243

AS A COMMERCIAL PESTICIDE APPLICATOR
LICENSE

JOHN DOE JR

Approved For: 3 Ornamental & Turf
7 Structural
12 Vertebrate
13 Fumigation/Stored Commodities
15 Wood Destroying Organisms



PEST CONTROL KILLER
1234 S MAIN ST
KEARNS UT 84120

Expiration: 12/31/2006

8) Used, or supervised the use of, a pesticide which is restricted to use by "certified applicators" without having qualified as a certified applicator

9) Used fraud or misrepresentation in making application for, or renewal of, a registration, license, permit or certification

2005 workshop

- Person caught writing other peoples names down on the role and collecting CEU's for people not in attendance
- Fraud in the renewal of certification

10) Refused or neglected to comply with any limitations or restrictions on or in a duly issued license or permit

- Most cases consist of the applicator not having the correct category for a certain pesticide use.

11) Used or caused to be used any pesticide in a manner inconsistent with its labeling or rules of the department if those rules further restrict the uses provided on the labeling

Label violations:

- Personal Protective Equipment
- Storage
- Mixing Procedures
- Application Procedures
- Worker Protection Standards
- Weather Specifications
- Target Pest and Site Specifications
- Environmental Hazards

Personal Protective Equipment



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STORAGE AND DISPOSAL

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STORAGE: Store only in original container, in a dry place inaccessible to children and pets, under lock and key in a posted storage area.

Storage



Target pest & site specifications



Worker Protection Standards



12) Aided or abetted a licensed or an unlicensed person to evade the provisions of the Act; conspired with such a licensed or an unlicensed person to evade the provisions of the Act; or allowed one's license or permit to be used by another

Example:

- Non-commercial applicator allowed an unlicensed person to use his license to buy restricted use pesticides
- This lead to the death of 2 horses
- Our investigation turned up 6 unlawful acts for 3 separate individuals

13) Impersonated any federal, state, county, or other government official

14) Distributed any pesticide labeled for restricted use to any person unless such a person or his agent has a valid license, or permit to use, supervise the use, or distribute restricted use pesticides

RUP Dealers are required to record the following

- Name & address of the purchaser
- Brand name of the RUP purchased
- EPA Registration #
- Month, day, and year of purchase
- Quantity purchased
- Signature, license #, and category of purchaser

15) Applied pesticides onto any land without the consent of the owner or person in possession thereof; except, for governmental agencies which must abate a public health problem

Neighbor Disputes



16) For a commercial or non-commercial applicator to apply a termiticide at less than label rate



17) For an employer of a commercial or non-commercial applicator to allow an employee to apply pesticide before that individual has successfully completed the prescribed pesticide certification procedures

18) For a pesticide applicator not to have his/her current license in his/her immediate possession at all times when making a pesticide application

Year: 2006

**STATE OF UTAH
DEPARTMENT OF AGRICULTURE
AND FOOD**

LICENSE

AS A COMMERCIAL PESTICIDE APPLICATOR

JOHN DOE JR

PEST CONTROL KILLER

1234 S MAIN ST

KEARNS UT 84120

License: 4001

No: 14243

Expiration: 12/31/2006

3 Ornamental & Turf
7 Structural
12 Vertebrate
13 Fumigation/Stored
Commodities
15 Wood Destroying
Organisms

19) To allow, through negligence, an application of pesticide to run off, or drift from the target area to cause plant, animal, human or property damage



Questions?

Contact Information

- pa@utah.gov, • \ ã – (801) 538-2222 JGH
pa@utah.gov, • \ ã@utah.gov

- Clark Burgess* cburgess@utah.gov

- Local Compliance Specialist