

Insecticide, Fungicide, and Rodenticide Compliance Program

Table of Contents

Section I : Introduction
Section II : Assessment
Section III : Applicability
Section IV : Compliance

Section V : Supporting Documents
Section VI : Business License
Section VII : Applicators License
Section VIII : Regulatory References

I. Introduction

The first comprehensive Federal regulation of pesticides began with the Federal Environmental Pesticide Control Act of 1972. This law was substantially amended in 1975 by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This act created several programs to protect human health and the environment from harmful pesticides. The major directives include:

- Establishing a registration process for pesticides, pesticide products, manufacturers and formulators and commercial applicators.
- > Creating a classification system of prohibited, restricted, and general use pesticides.
- ➤ Developing child-resistant packaging standards and labeling specification for pesticide products.
- ➤ User protection standards assuring end users comply with label and applicator certification for restricted pesticides and special standards for agricultural workers.

II. Assessment

Drexel University currently has three campuses in the City of Philadelphia: University City Campus (3141 Chestnut Street), Center City Campus (245 N. 15th Street), and East Falls Campus (2900 Queen Lane). The following table indicates locations of pesticide applications throughout each campus:

Campus	Internal	Grounds	Athletic/Playing	Swimming	HVAC
		(lawn,	Fields	Pool	
		sidewalks,			
		etc.)			
University	OLC	FM/OLC	OLC	UNICCO	OLC
City					
Center City	OLC	NA	NA	NA	OLC
East Falls	OLC	OLC	NA	NA	OLC

Notes : OLC – outside licensed contractor.

FM – University Facilities Management Department.

The internal applications of pesticides on each campus are conducted on an as needed basis. The outside licensed contractor implements Integrated Pest Management (IPM) practices for each campus. IPM practices strive first in addressing means of pest control and then towards the prevention of infestation. Suggestions for control of the infestation are based on understandings of the pest in question. With knowledge of the pests and insects that pose risks to a building or activities, IPM seeks to avoid creating new problems while attempting to solve a single one. IPM strives towards avoiding and/or limiting the use of chemicals.

The grounds (sidewalk areas, etc.) applications of pesticides on the University City campus are conducted by the Facilities Management grounds crew. The Facilities Management grounds crew only applies Round-Up Pro, a general use pesticide, for hard

service weed control around buildings, pavements, etc. The Grounds Crew Manager has a Commercial Pesticide Applicators License.

The swimming pool located on the University City campus is treated with general use pesticides by the UNICCO Management Corporation.

III. Applicability

According to Title 7 Chapter 128 of the Pennsylvania Code Drexel University is deemed a commercial or public applicator and is required to be certified if one or more of the following criteria are met:

- 1. A person, whether or not he is a private applicator with respect to some uses, who applies or supervises the application of a pesticide on the property or premises of another, including an easement.
- 2. A person who applies or supervises the use of a restricted use pesticide on property owned by him or his employer when not applied for the purpose of producing an agricultural product.
- 3. A person who applies or supervises the application of a pesticide to the following locations or who is involved in the following types of applications:
 - a. Fumigation Includes a person who uses fumigants except a person who meets the definition of a private applicator.
 - b. Golf Courses Includes a person who uses pesticides in the establishment and maintenance of a golf course.
 - c. Public and Private parks Includes a person who uses a pesticide in a recreational or campground area of a public or private park.
 - d. Educational and Research Institutions Includes a person employed by a public or private educational and research facility that uses pesticides in its educational or research programs.
 - e. Playgrounds and Athletic Fields Includes a person who applies a pesticide to a public playground or an athletic field.
 - f. Apartment dwellings Includes an owner of an apartment building or an employee of an owner who applies a pesticide other than a disinfectant to an apartment structure of four or more units. Commercial certification is not required if the owner or employee resides in the apartment structure and applies general use pesticides to the unit in which he resides.
 - g. Schools Includes a person who uses a pesticide on school property, except for the use of disinfectants and sanitizers within the school building.
 - h. Swimming Pools Includes a person who uses a pesticide in the care and maintenance of swimming pools or water recreation facilities associated with public or private park, excluding lakes, ponds, rivers or streams.

Based on this criterion the Facilities Management Department and the UNICCO Management Corporation on the University City Campus are considered commercial or public applicators due to the following:

- ➤ The Facilities Management Department applies or supervises the application of a pesticide to the following locations or is involved in the following types of applications:
 - a. Public and Private parks Facilities Management Department uses a pesticide (Round-Up Pro) for hard service weed control in a recreational areas, an outdoor place of relaxation, play, or exercise, of a public or private park. As defined under in the Pennsylvania Code a park is a privately or publicly owned outdoor real estate which includes a recreational area for use by the public, including an area with restricted access.
 - b. Playgrounds and Athletic Fields Facilities Management Department applies a pesticide (Round-Up Pro) to the athletic/playing fields.
- ➤ The UNICCO Management Corporation applies or supervises the application of a pesticide to the following location or is involved in the following type of application:
 - a. Swimming Pool The UNICCO Management Corporation uses a pesticide in the care and maintenance of the swimming pool in the Daskalakis Athletic Center

The East Falls and Center City campuses utilize outside licensed contractors for pesticide applications, therefore, the requirements of Pennsylvania Code Title 7 Chapter 128 are not applicable. However, all outside pest control vendors must follow all applicable Federal, State and Local regulations concerning pesticide applications.

IV. Compliance

Drexel University, a commercial or public applicator of pesticides, will comply with all applicable requirements set forth by Pennsylvania Code Title 7 Part V Chapter 128. The chapter's key compliance requirements are outlined in the following paragraphs.

Pesticide Application Business - Licensing Requirements

Drexel University currently retains the Pesticide Application Business License as required by the Commonwealth of Pennsylvania and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). The license numbers is as follows:

Pesticide Application Business License Number - BU2174

In effort to maintain compliance with the licensing requirements the Facilities Management Department's Grounds Manager will:

1. Renew the business license with the specified period unless operations change and the license is no longer needed. The business license expires annually on December 31. Upon receiving the new license the Grounds Manager will forward a copy to the University Department of Safety and Health.

- 2. Prominently display on every vehicle involved in the pesticide application phase the license number assigned by the Pennsylvania Department of Agriculture. The number shall be in figures at least 3 inches high and shall be located on both sides of the vehicle at a readily visible location.
- 3. Notify the Pennsylvania Department of Agriculture in writing within 15 days of a change in information in its application for licensing, or if it is no longer engaged in the application of pesticides.
- 4. Apply pesticides only when a certified applicator is physically present at the application site unless all application personnel on site are registered technicians.

Pesticide Application Businesses – Work Assignments

Drexel University will not permit an individual to make a pesticide application in an applicator category in which the individual has not been certified as an applicator or trained and registered as a technician.

<u>Pesticide Application Business – Recordkeeping</u>

Drexel University shall keep for every applications of a pesticide a record containing the following information:

- 1. The date of application. For a pesticide requiring a reentry time, the date of application shall include the hour completed.
- 2. The address and location of the application site.
- 3. The brand name and formulation of the pesticide used.
- 4. The amount of every pesticide used.
- 5. The dosage or rate of every pesticide used.
- 6. The name and the certificate or technician's registration number, whichever is applicable, of each person making or supervising the application.
- 7. The EPA product registration number.

Drexel University shall maintain these records for a minimum of 3 years. These records shall be made immediately available to the Department of Agriculture upon request or to medical personnel in the event of an emergency.

Commercial and Public Applications – Requirements for Certification

The Facilities Management Department's Grounds Manager currently retains the Commercial Pesticide License as required by the Commonwealth of Pennsylvania and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). The license numbers is as follows:

Commercial Pesticide License Number – 872584

<u>Commercial and Public Applications – Recertification</u>

At intervals of 3 years, the Facilities Management Department's Grounds Manager shall provide evidence of having received current update training in technology relating to pesticides in the specific categories in which he or she is certified to maintain certification.

Recertification credits will be given on the basis of attendance at meetings or other appropriate training approved by the Department of Agriculture. A person is required to meet the credit requirements in the "Pennsylvania State Plan for Certification of Pesticide Applicators." This plan has been filed with and approved by the EPA in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act.

Records of training will be maintained by the Department of Agriculture and a yearly statement will be sent to each certified commercial or public applicator describing credits obtained and credits due to meet recertification standards.

If certification expires in the triennial year in which recertification credits are due, recertification shall require completion of delinquent recertification credits. Once the certification expires, no further use of pesticides as allowed by the certification shall be permitted. Failure to complete delinquent recertification credits within 1 year from the triennial certification expiration date will require the applicator to re-take the determination of competence examination.

Reporting of Pesticide Accidents

Drexel University Department of Safety and Health will report any significant pesticide accident or incident to the Pennsylvania Department of Agriculture and any other regulatory agency as required.

The term "significant pesticide accident or incident" means an accident or incident involving pesticides which creates a danger to human beings or results in damage to plant or animal life.

Handling, Transportation, Storage, Use and Disposal of Pesticides

In effort to ensure a safe and healthy work environment for employees of Drexel University, the following handling, transportation, storage, use and disposal requirements must be followed:

- 1. A person may not use, handle, transport, store, display or distribute a pesticide in a manner that endangers man or his environment or contaminate food, feed, feed supplements, medications, fertilizers, seed or other products that may be handled, transported, stored, displayed, or distributed with the pesticides.
- 2. A person may not use, or cause to be used, a pesticide inconsistent with its labeling. A pesticide label containing an advisory instruction concerning the use of the pesticide being an environmental hazard shall be considered by the Secretary as a further restriction on the pesticide's use.

- 3. An application of a pesticide may not be made where weather conditions are such that it can be expected that the pesticide will move off of the proposed application site.
- 4. A person may not dispose of, store or receive for disposal or store a pesticide, pesticide container or pesticide container residue in a manner that does one or more of the following:
 - a. Is inconsistent with its label or labeling.
 - b. Causes or allows the open dumping of pesticides or pesticide containers. Open burning by the owner of small quantities of combustible containers that do not exceed 50 pounds is exempt if the pesticide residue does not contain organic mercury, chlorates, lead, cadmium or arsenic compounds and the Commonwealth of Pennsylvania or local regulations permit the burning. When the burning takes place, regard shall be given to wind direction in relation to the protection of crops, animals and people from pesticide vapors created through burning.
 - c. Causes or allows dumping of pesticides in a stream, river, pond, sewer or lake, except in conformance with permits issued jointly by the Department of Environmental Protection and the Fish and Boat Commission, or other Commonwealth agencies having jurisdiction regarding water pollution.
 - d. Violates an applicable State or Federal pollution control standard.
- 5. A person shall dispose and store pesticides, pesticide containers and pesticide container residue in accordance with acts and regulations administered by the EPA and the Department of Environmental Protection.
- 6. A person may not directly apply pesticides to the property of another without first obtaining permission of the owner, or occupant having care, custody or control of the property to do so, except in the case of easements or right-of-ways or when done under the direction of a governmental entity to protect the health and welfare of the public.
- 7. A person may not use a pesticide in a manner which results in unwanted residues on the property of another, except in the case of easements or right-of-ways or when done under the direction of a governmental entity to protect the health and welfare of the public.
- 8. A person may not apply a pesticide unless it has been registered by the Department of Agriculture or it is under the provisions of an experimental use permit or research conducted under an exemption from an experimental use permit.
- 9. A person may not store, transport or otherwise possess a pesticide in a service container unless the service container is legibly marked to indicate the name and percentage of active ingredients and is accompanied by a readily available copy of the registered label that represents the pesticide contained therein. The following exceptions apply:
 - a. Service containers containing pesticide end-use dilutions when the containers are used as application devices.
 - b. Service containers containing pesticide end-use dilutions which are required by other regulations to have pesticide label information accompany them.

- c. Service containers containing pesticide end-use dilutions when the containers are used as nurse tanks (with a capacity greater than 55 gallons) in the production of an agriculture commodity.
 10. A person may not place or keep a pesticide in a container which has been labeled for
- food or drink.

V.	Supporting	Documents
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FIFRA Compliance Program

Compliance Summary Form

The following information summarizes the key requirements established by the PA Code Title 7 Chapter 128 that need to be implemented in order to comply with the Federal, State and Local pesticide regulations.

Compliance Requirement		UNICCO	OLC
Pesticide Application Business License	R	R	R
2. Pesticide Application Business License -	R	NR	R
Vehicle Labeling 2. Postigida Application Pusings Liganse	R	R	R
3. Pesticide Application Business License - Certified Applicator Direct Supervision only	K	K	K
4. Pesticide Application Business License -	R	R	R
Recordkeeping 5. Commercial/Public Application – Certified	R	R	R
Application License	K	K	K
6. Pesticide Application Technicians – Registration	R	NR*	R
7. Pesticide Application Technicians – Training	R	NR*	R
8. Pesticide Application Technicians – Recordkeeping	R	NR*	R

Notes:

- 1. * compliance is not required if and only if the certified applicator performs the application of the pesticide. The training and recordkeeping requirement are not required if there are no registered technicians.
- 2. FM Facilities Management Department
- 3. OLC Outside Licensed Contractor

FIFRA Compliance Program

Implementation Information Sheet

- 1. Pesticide Application Business License must be acquired prior to conducting any type of pesticide application.
- 2. Pesticide Application Business License must be renewed every year on December 31st.
- 3. Application Vehicles must display the business license number.
- 4. A certified applicator must be physically present during all application unless all application personnel on site are registered technicians.
- 5. A list of the categories of the Business License must be provided to keep with the compliance program.
- 6. Records of all applications must be maintained as per PA Code Title 7 Chapter 128 Subchapter 128.35.
- 7. A certified applicator license must be acquired prior to applying any type of pesticide. The person applying for the application license must follow all requirements in subchapter 128.41, 128.43 and 128.44.
- 8. A list of the applicator categories must be provided to keep with the compliance program.
- 9. The certified applicator must be recertified every 3 years. Recertification requires the applicator to receive updated training in technology relating to pesticides in the specific categories in which he or she is certified. The applicator must follow all requirement set forth in subchapter 128.45.
- 10. All application technicians must be registered with the Department of Agriculture if and only if the certified applicator is not physically present during the application. Physically present means within eye sight. Provide a list of employees who are application technicians.
- 11. The certified applicator must develop a training program as outlined in subchapter 128.51. All training documentation must be sent to keep on file.
- 12. All spills of pesticides are considered major spill events. In the event of a spill immediately implement the major spill procedures outlined in HMERP. The University Department will determine if the spill event deems notification to the proper authority.
- 13. All pesticides must handle, transport, store, use and dispose in accordance with subchapter 128.103 and the guidelines established by the University Department of Safety and Health.
- 14. All outside contractors must provide copies of insurance, business license, applicator licenses and registered technician's licenses prior to performing any work on campus. Outside contractors must practice IPM.

VI. Business License

VII. Applicators License

VIII. Regulatory References