



COMPLIANCE ADVISORY Enforcement **Alert**

Making You Aware of Anticipated Enforcement Activities

Compliance and Enforcement

Issued: August 2012

2012-06

EPA Requires New Safety Measures for Soil Fumigant Pesticides

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 and certified pesticide applicators using, supervising or handling the use of the following soil fumigants are affected by these new safety measures:

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

What are you required to do?

EPA is requiring fumigant product registrants to develop and implement training programs for certified pesticide applicators using or supervising the use of soil fumigants so these applicators are better prepared to effectively manage fumigant operations. The registrants also must prepare and disseminate safety information and materials for fumigant handlers (those working under the supervision of the certified applicator in charge of fumigations). Providing safety information to other fumigant handlers will help them understand and adhere to practices that will protect them from risks of exposure. The materials must include information on work practices that can reduce exposure to fumigants, and thereby improve safety for workers and bystanders.

Soil fumigant product labels that have a pesticide applicator training requirement are due in the marketplace after December 1, 2012. After that date, applicators will have to meet the training requirements prior to use and complete this training every 3 years.

Pesticide applicators must contact the Pesticide Product Registrant listed on the product label and complete the training requirements prior to applying ANY soil fumigant. Verification of training must be provided to the NJDEP IMMEDIATELY upon request.

COMPLIANCE ADVISORY

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 2 requirements described above go into effect December 1, 2012.

What happens if I don't comply?

Failure to comply with this requirement is a violation of N.J.A.C. 7:30-10.2(a) and is subject to a maximum penalty of \$25,000. Each application made without meeting the training requirement constitutes an additional, separate and distinct offense.

Whom should I contact with questions?

Please contact the NJDEP Solid Waste & Pesticide Enforcement Program. For general or regulatory questions call Pesticide Compliance & Enforcement at **(609) 984-6568**; for questions regarding registration, call our Licensing Program at **(609) 984-6507**.

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/

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.

General NJDEP contact information: <http://www.nj.gov/cgi-bin/dep/contactdep.pl>

To comment on this advisory: <http://www.nj.gov/dep/enforcement/survey.html>

Please note this advisory is intended to be a summary explanation of an NJDEP or regulatory initiative. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the contact numbers listed above.