

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD AND  
FORESTRY**

**PLANT INDUSTRY AND CONSUMER SERVICES DIVISION**

**INSPECTOR PROCEDURES**

**PESTICIDE PROGRAMS**

**OCTOBER 1, 2003**

# MEMORANDUM

From the desk of Bill R. Taylor  
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October 1, 2003

To: Pesticide and Horticulture Section

Cc: Sancho Dickinson  
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**Re: Inspector Manual**

Effective September 1, 2003, we are officially adopting this inspector procedure manual. At this time this manual consists of the following:

- Index
- Introduction
- Conduct of Employee
- Agricultural Inspector Procedures
- Section I – Complaint Investigations
- Section II – Compliance Matrix
- Section III – Inspection Procedures
- Section IV – Sampling Procedures
- Section V – Applicator Test Sessions
- Section VI – Emergency Pesticide Incident Response
- Section VII – New Inspector Training

**Pesticide Procedure Manual**

# **Oklahoma Dept. of Agriculture, Food and Forestry Plant Industry and Consumer Services Division**

## **INTRODUCTION**

### **Conduct of Employee**

#### **Agricultural Inspector Procedures**

##### **Section I – Complaint Investigation**

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##### **Section VI – Emergency Pesticide Incident Response**

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## **INTRODUCTION**

### **Purpose:**

The primary purpose of this Manual is to assist State inspectors who are involved in pesticides compliance and enforcement and may also be useful in orienting and training State inspectors and other staff. This Manual provides the necessary guidance, policies, authorities, and objectives for carrying out standard procedures. However, it does not (and obviously is not intended to) cover every possible situation that may be encountered. The Manual is simply a reference to aid in more efficient and effective pesticide compliance and enforcement monitoring.

The mission of the State staff is to assist the Oklahoma Dept. of Agriculture in protecting consumers, human health and the environment from unsafe and

ineffective pesticides, improper applications and minimum standard compliance by enforcing the Combined Pesticide Laws and Rules. A vigorous and fairly administered enforcement and compliance program will guarantee the success of this mission. Such an enforcement and compliance program is dependent on well-trained, qualified personnel who (1) conduct inspections and investigations that discover violations of the laws and regulations, (2) collect the evidence necessary to prosecute violators successfully and (3) perform inspections and investigations that assist homeowners, land owners and applicators in the safe use and disposal of pesticides.

## **RESERVATION**

*The policies and procedures set forth herein and the internal office procedures adopted pursuant hereto are intended solely for the guidance of Oklahoma Dept. of Agriculture personnel. Procedures and forms have been recommended, but equivalent procedures and forms may be substituted where appropriate. These policies and procedures are not intended to be relied upon to create a right or benefit (substantive or procedural) enforceable at law by a party to litigation with the Oklahoma Dept. of Agriculture. The Agency reserves the right to take any action that is alleged to be at variance with these policies and procedures or that is not in compliance with internal office procedures.*

## **DISCLAIMER**

This manual has been reviewed by the Legal Division, Oklahoma Dept. of Agriculture, and approved for publication. This guidance represents Oklahoma Dept. of Agriculture's recommended procedures for conducting inspections and investigations only. Failure on the part of any duly authorized agent of the Board to comply with its contents shall not be a defense in any enforcement action; nor shall failure to comply with this guidance constitute grounds for rendering the evidence obtained thereby inadmissible in a court of law. The mention of trade names or commercial products constitutes neither endorsement nor recommendation for use.

In order to help us update the Manual so that it remains a usable working tool, readers are encouraged to offer suggestions, amendments, and constructive criticism generated by their field experience and use of the Manual. Comment should be forwarded to Director, PICS Division, Oklahoma Dept. of Agriculture (ODA).

## **CONDUCT OF EMPLOYEE**

### **Standards of Professional Conduct:**

Through many years of inspection experience, ODA has developed procedures and requirements that ensure ethical action on the part of its inspectors. These ethics have been established to protect the individual, the Agency (ODA) and industry as well. Because inspectors act as officers of the Oklahoma government, they should perform their duties with the highest degree of honesty and integrity. In addition, they are expected to conduct themselves in a manner that will reflect favorably on themselves and the Agency. As such, the following rules of ethics should be observed at all times:

1. All investigations shall be conducted within the framework of the Oklahoma Constitution and the Oklahoma Agricultural Code and with due consideration for individual rights, regardless of race, sex, creed, or national origin.
2. The inspector shall uphold the Constitution, laws, and regulations of the United States and all governments therein and never be a party to their evasion.
3. Never use any information obtained confidentially in the performance of governmental duties as a means for making private profit.

4. Any act (or failure to act) that might be construed as being motivated by personal or private gain (conflict of interest) should be avoided.
5. Never discriminate by dispensing special favors or privileges to anyone, whether for remuneration or not; and never accept, for yourself or your family, favors or benefits under any circumstances.
6. Facts of an investigation are to be developed and reported completely, objectively, and accurately.
7. Make no promises of any kind; government employees cannot bind government enforcement.
8. The inspector shall continually attempt to improve professional knowledge and technical skill in the investigative field.

**Attire:**

Good public relations and practical common sense require appropriate dress for inspection activity. Protective clothing is required for many inspections. Coveralls or other clothing is available for this purpose. Inspectors should wear any safety equipment that may be customary in the facility being inspected.

**Industry, Public, and Consumer Relations:**

It is important to obtain the cooperation of and establish good working relations with the industry, the public, and consumers. The inspector should introduce himself/herself by name, title, and organization, present his/her credentials, and explain the purpose of the visit. The inspector should not speak of any product manufacturer or person in a derogatory manner. All information acquired in the course of an inspector's duties is to be used for official purposes only.

**Gifts, Favors, and Luncheons:**

An inspector shall not accept anything of value from the trade, public, or consumers for, or because of, any official act he/she has performed or will perform. An inspector may; however, accept food and refreshment of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting, or other meetings, or on inspection tours. This should not be interpreted to mean that the inspector might accept meals or refreshment when it is proper and feasible for him/her to pay for his/her own.

**Additional Requirements:**

Comply with all provisions of Merit System Rule 530:10-11-91.

Comply with all provisions of Oklahoma Dept. of Agriculture Employee Handbook (4/17/92)

DP 1,2,3 and any supplement.

# Agricultural Inspector Procedures

## **Definition:**

This is professional and technical work in the enforcement and administration of the Oklahoma Combined Pesticide Law and Rules and Federal Insecticide/Fungicide/Rodenticide Acts within the state.

An employee in this class independently investigates possible violations of state and federal pesticide statutes and conducts periodic inspections of pesticide producers, dealers, commercial applicators, non commercial applicators and private applicators for compliance with established manufacturing, registration, licensure, usage, storage, and disposal standards for pesticides. The employee also conducts random inspections for the presence of unregistered, cancelled or restricted use products in retail establishments offering pesticides for sale to the general public. Work is performed under the general supervision of the program administrator and is primarily reviewed through the submission of activity, inspection and investigation reports; however, the employee exercises independence and initiative in the performance of assigned responsibilities within established guidelines.

## **Basic Function:**

Implementation of the Oklahoma Combined Pesticide Law and rules promulgated there under.

## **Responsibilities:**

- Investigate pesticide incidents reported to the Oklahoma Department of Agriculture.
- Completion of the following types of inspections, investigations and monitoring: Use Inspections, Restricted Use Dealer Audits, Pesticide Applicator Facility Inspections, Marketplace Inspections, Producer Establishment Inspections, Experimental Use Inspections, Worker Protection Inspections, WPS Label Inspections, Pesticide Service Inspections, Complaint Investigations, Direct Supervision, Citation, Stop Sale, Stop Work, Stop Use, Removal and USDA Record keeping Inspections.
- Inspect licenses and records of all commercial, non-commercial and private applicators and also for proper pesticide applicator category certification.
- Inspect permits and records of all Restricted Use Pesticide Dealers selling restricted use pesticides.
- Inspect pesticide storage facilities of commercial, non-commercial and private applicators and dealers.
- Inspection for proper pesticide container and pesticide disposal methods in the state in accordance with label directions.
- Submit to the Supervisor daily activity reports and reports of inspection and investigation on a timely basis.
- Monitor commercial, non-commercial, and private applicator training programs.
- Monitor, surveillance and investigate compliance with the Combined Pesticide Law and Rules.
- Sample pesticides sold or used in this state to determine concentration or level of residue or contamination.
- Other duties as assigned.

Section I – Complaint Investigations

### **A. Consumer Initiated**

1. Any person claiming adverse effects from a pesticide application may file with the Department a written statement claiming that adverse effects have occurred, or any person with cause to believe that any provision of the state or federal pesticide law has been violated may file a written complaint with the Department.

a.) OVERVIEW OF PESTICIDE COMPLAINT INVESTIGATION PROCEDURES

- (1) The Oklahoma Dept of Agriculture is the lead agency in the state for the regulation of pesticides. Part of this regulatory responsibility is the investigation of complaints received by the Department of any incident alleging the possible misuse of a pesticide. Following the investigation, a report containing the information gathered is written.
- (2) An investigation report consists of facts and documentation gathered by the inspector during the course of the investigation, compiled into a standard report format, and signed and dated by the inspector.
- (3) The documentation gathered by the inspector during the course of a pesticide complaint investigation is the information or evidence that will be used to make a determination of whether or not violations exist.
- (4) An inspector collects this documentation to verify that each component of the investigation, and any resulting conclusions, were based on factual evidence. The documentation that is collected in the course of a pesticide complaint investigation can be used to prove or disprove allegations made by the parties involved with a particular incident.
- (5) The inspector must be very careful to be diligent in collection the different types of documentation, as well as making sure that all documentation collected is properly identified.

b.) REPORT CONTENT

- (1) The report should contain the following items:
  - i. The name of the person allegedly responsible for the application of the pesticide;
  - ii. The name of the owner or lessee of the land on which the application was made and the name of the owner or lessee of the land to which adverse effects are alleged to have occurred; and
  - iii. The facts of the violation set forth in detail signed by the complaining party.

(2) REQUIRED FORM

- i. The Department will provide a form to persons for use in filing a complaint. If one has not been filled out prior to the inspectors arrival, one should be filled out and given to the inspector at the time of the investigation.

c.) INSPECTOR'S OBLIGATION TO RESPOND

- (1) Upon receipt of a report, the inspector will respond in a timely manner by contacting the complainant to gather sufficient preliminary information to determine if an investigation can be conducted and to arrange for an interview and onsite inspection with the complainant.

d.) Response time for conducting investigations

- (1) Inspector within two days after receiving notification of a complaint will contact the complainant and schedule the inspection
- (2) Within seven days from the investigation, the inspector will turn in a report into the office for review.

e.) If complainant is anonymous or desires total anonymity

- (1) Accept the complaint and pursue as far as possible.
- (2) Whoever takes the anonymous complaint should ask complainant to call a designated reviewer and refer to the complaint number.
- (3) Explain to complainant that at some point his or her identity may have to be revealed.
- (4) Complainant will be notified prior to his or her identity being revealed to see if he or she wishes to pursue the claim.

f.) COMPLAINT CONFIDENTIALITY

- (1) If the complainant wishes his or her identity to be held in confidence throughout the investigation process, do so.

## 2. ACTIVITIES TO BE PERFORMED

a.) Initial phone contact

- (1) Obtain basic information sufficient to determine if an investigation is warranted.

- (2) Arrange for an appointment to interview and inspect site.
- (3) If human exposure within 24 hours.
- (4) Advise to seek medical attention if exhibiting symptoms.
- (5) If direct exposure has occurred, ask them to save clothing worn (preferably put clothing in a plastic bag).
- (6) Immediate response is for gathering documentation, and possibly determining what pesticide they may have been exposed to.
- (7) If non-human exposure – as soon as possible but no later than 48 hours.
- (8) Maintain log of all telephone conversations and other contacts with complainant.
- (9) Once appointment is set, be there at designated time and be on time.
- (10) If unforeseen circumstances arise that would prohibit appointment from being kept, notify the complainant as soon as possible.

b.) Conduct the interview and inspection.

- (1) Pre-inspection/interview routing.
- (2) Devise a list of questions.
- (3) Consider the type of complaint possibilities.
- (4) Assemble all required forms and equipment.
- (5) Present OSDA credentials and identify yourself.
- (6) Explain OSDA investigation procedures.
- (7) Complete investigation report.
- (8) Conduct interview to determine the relevant information of the incident. (The inspector should control the interview, but make every effort to not intimidate the complainant).
- (9) Use open ended questions.
- (10) Refrain from using leading questions.
- (11) Utilize the 7 W's (who, what, when, why, where, which, how).
- (12) Do not make judgments as to the complainant's concerns.
- (13) Sequence questions (general to specific).
- (14) Clarify areas of contradiction.
- (15) Determine the complainant's specific concerns.
- (16) Be ready to offer other sources to help address those concerns (county extension agent, toxicologist, hotlines, etc.).
- (17) Attempt to obtain a written statement.
- (18) Conduct inspection of affected area and obtain relevant information as required.
- (19) Ask the complainant if there are any questions regarding the investigation procedures.

4. Records

a.) Applicator

(1) CONTACTING THE RESPONDENT

- i. DEFINITION: The respondent is the person against whom the incident has been filed by the complainant or who may be responsible for an alleged violation. The respondent's identity may be easily identified or difficult to ascertain, depending on the facts of the incident.
- ii. INITIAL CONTACT: Initial contact with the respondent should be as soon as possible and no later than one week after contacting complainant.
  - The initial interview should be an unannounced visit if the respondent is within a reasonable distance.
  - Set an appointment if distance requires. Do not discuss specifics of allegation other than the complainant's name, unless complainant requests anonymity.
  - Request that the actual applicator, if other than respondent, be available for interview.

## (2) PREPARATION TO CONDUCT INTERVIEW AND FACILITY INSPECTION

### i. FORMS AND

## (3) INTERVIEW

- i. The interview must be conducted in person by the inspector (preferably by the inspector assigned to the case, but if distance makes this impractical, then an inspector in the area should be requested to obtain required information. An exception would be for out of state applicators or dealers who are not within a reasonable distance of the inspector.)
  - Identify yourself by name and agency to respondent
  - Present official OSDA and /or EPA credentials.
  - Present the proper completed notice of inspection to a responsible individual such as the owner, agent or person in charge. Make every attempt to interview the person who actually made the application.
  - Explain that you are contacting him or her because he or she has been identified by the complainant as the person who was responsible for the application in question. Unless complainant has requested

anonymity, tell respondent the complaint's name present notice of inspection on initial visit.

- Inform the respondent that you are conducting this investigation to enforce state and federal pesticide laws and regulations.
- Inform the respondent that you are conducting a fact-finding investigation and want to hear his/her version of what happened.
- Inform the respondent that it will become necessary during the course of this investigation to gain access into areas under his control (business locale, farm, ranch, etc.) and possible to take samples and review records.
- In order that alleged damages may be assessed, the complainant shall permit OSDA inspector and the respondent to observe within reasonable hours, the land or non-target organism alleged to have been adversely affected.
- Inspect the application site with the respondent.
- Offer to accompany the respondent to the incident site – in separate vehicles
- Discuss preliminary findings to get respondents response to allegations.
- Request respondent to make hand-drawn map to show application pattern of site treated.
- Inform the respondent that it may become necessary to contact him/her at a later time for further information
- Indicate that respondent may submit additional information by contacting you.

#### (4) UNCOOPERATIVE RESPONDENT

- i. If respondent refuses to proceed with the interview and/or denies you access to areas OSDA is authorized to inspect, refer to the Oklahoma Pesticide Applicators Law.
- ii. Right of entry to application site to inspect or sample is in the OSDA rules.
- iii. If suspected treated area is in plain view and accessible, it is not necessary to

- obtain permission to enter to inspect or collect residue samples as a rule.
- iv. If farm operator/owner is present at the application site, request permission to sample, etc.
  - v. If respondent continues to deny access, call your supervisor first. Document the respondent's refusal with a follow-up letter, sent by certified mail.
  - vi. Note: do not enter into any argument or discussion with an uncooperative individual.

#### (5) SAMPLE QUESTIONS

- i. Follow appropriate interview techniques when asking these questions.
- ii. Identifying information
- iii. What is your full name?
- iv. Your home address and phone number?
- v. Identify the person who actually made the application and the responsible licensee, if an unlicensed applicator made a RUP or SLN pesticide application.
- vi. Applicator's association with the employer (i.e., partner, co-worker, worker only, etc.)
- vii. Did you make the application to the designated property?
- viii. Were you doing work in the incident area at the time/date in question?
- ix. What was the application pattern and starting point?
- x. Did you make an application to the site in question (verify site)?
- xi. Where were you making applications prior to and after the time of the incident (if applicable)?
- xii. Do you have any knowledge of the facts surrounding the incident allegations?
- xiii. Do you have any knowledge of any other possible source of the incident allegations?
- xiv. What happened?
- xv. Under whose recommendation or suggestion did you make the application/action?
- xvi. Did you know the pesticide was moving from the application target site? If no, why not?
- xvii. Could you have prevented the effects noted? If no, why not?

- xviii. Did you do anything to remedy and alleviate the situation?
- xix. Have you contacted the complainant about this incident?
- xx. Has the complainant contacted you about this incident?
- xxi. Is the incident correct as presented by the complainant, specifically were situated, wind speed/wind direction, conditions present (rain, person in field treated, wrong pesticide used, etc.)
- xxii. Pesticide used?
- xxiii. Did you follow all label instructions during the application?
- xxiv. If some of the incident allegations are incorrect, what are the differences?
- xxv. At whose directions were you using it?
- xxvi. If some of the incident allegations are incorrect, what are the differences?
- xxvii. At whose directions were you using it?
- xxviii. Who purchased the pesticide used? (if restricted use or special local need pesticide, obtain the person's license number)>
- xxix. What pesticide equipment was used?
- xxx. When was this equipment last inspected?
- xxxi. How was pesticide applied?
- xxxii. If application is very recent and equipment is available, what condition is it in?
- xxxiii. Was there an anti-drift or other spray adjuvant used? Which one?
- xxxiv. Were buffer zones used?
- xxxv. What type of formulation was used? Wettable powders, dusts, emulsifiable concentrates, granules, etc.?
- xxxvi. What type of nozzles were used? Is the equipment used authorized by the label? How were the nozzles positioned and oriented?
- xxxvii. Were fertilizers used? Were insecticides added?

## **(6) HOW TO DOCUMENT**

- i. Review and/or obtain applicator records.
- ii. Application records may include flight logs, work orders, computer print-out, maps,

- iii. Inspection of application records should include the date of suspected application and the period prior to the suspected application (usually a minimum of one week).
- iv. Copies of applicator records concerning the suspected application must be obtained. Be sure that all records of the application are obtained. If unable to obtain photocopies of application records, then photos of the records should be taken.
- v. If the application records have not yet been completed for the suspected application at the time of inspection by inspector, make note of when the records were completed.
- vi. Notice of inspection and request for records must be presented in person to the responsible person in charge.
- vii. Obtain actual label from empty container of pesticide used to make the suspected application, if possible. If actual label not available, follow the procedures in the order listed below.
- viii. Obtain photos of the empty container of pesticide used to make the suspected application, if the container is not empty.
- ix. Obtain label from another container with the same lot number if available at the applicator or from the dealer where the pesticide was purchased.
- x. Contact the farm operator if he furnished the pesticide to obtain a copy of the label.
- xi. Obtain file or specimen label if all attempts to obtain the original label fail.
- xii. Review label at time of initial inspection, if possible, to determine if any violations are apparent and document your findings.
- xiii. Follow-up inspection may be required after review of label by inspector to answer additional questions.
- xiv. Where and how was weather information obtained (temperature, wind speed and humidity)?
- xv. Obtain written statement from respondent showing material facts, if possible.
- xvi. Inspection of applicator equipment
- xvii. Check for proper decal number
- xviii. Check equipment requirements, which may be specified on suspected pesticide

label, photos should be taken to document nozzle type, nozzle orientation and other label specific requirements as well as equipment condition. Check condition of equipment such as hoses, boom, pump, etc.

xix. Complete other appropriate reports.

**(7) PESTICIDE DEALER INSPECTION FOR ELIMINATION OF OTHER SOURCES**

- i. Inspection of dealer records may be necessary in order to determine source or distribution of pesticides to persons in the area surrounding the incident site.

**(8) BEFORE THE INTERVIEW**

- i. Determine the time period for which the records would be inspected relative to the incident.
- ii. Determine which pesticides are suspected to be involved in the incident.
- iii. If specific applicators are suspected, check records for sales to those persons/companies.

**(9) UNCOOPERATIVE PESTICIDE DEALER**

- i. If dealer refuses to proceed with the interview and/or denies you access to areas OSDA is authorized to inspect, show the dealer the section of the Pesticide law that authorizes access.
- ii. If dealer continues to deny access, call your supervisor first. Document the dealer's refusal with a follow up letter sent by certified mail
- iii. Note: do not enter into any argument or discussion with an uncooperative individual.

**(10) SAMPLE QUESTIONS**

- i. Follow appropriate interview techniques when asking these questions
  - Have you sold a specific product to any one in the incident area

- Do you know of any applicators who have applied a suspected pesticide in the incident area

## (11) HOW TO DOCUMENT

- i. Review and/or obtain dealer records.
- ii. Dealer records may include sales invoices, monthly sales reports, computer printouts, and any other distribution records.
- iii. Inspection of dealer records should include an extended period prior to the suspected application. Copies of dealer records concerning sales to persons suspected of applying pesticides in the incident area must be obtained (be sure that all records of sales or distribution are obtained).

### **B. ODA Initiated**

ODA initiated complaints are complaints logged into the department that are the result of actual observations, results of sampling or inspection, performed by agents of the State Board of Agriculture, documenting violations of the Combined Pesticide Law and Rules.

#### 1. For UNLICENSED OPERATORS:

- a.) Send a “Stop Work order” (form letter) with a copy to the Inspector.
- b.) The complaint/inquiry should be logged in as “Unlicensed – name if known” and taken care of by the office unless it becomes necessary for an inspection. Inspections should be made if the complaint alleges a structural pest job performed, yard sprayed, etc.

#### 2. For IMPROPERLY OR UNMARKED VEHICLES:

- a.) If the company is licensed commercially, ask applicator-licensing personnel to send a form letter to the company. If the company does not respond, issue a “STOP WORK ORDER” for that specific vehicle. If you do not know who owns the vehicle, give the tag number to program administrator and he/she will request information from the Tax Commission asking for the owner’s name and address. If at that time you discover the company is licensed, refer to 2a above. If the company is not licensed, see #1 above.

#### 3. For Inspections and Inspector Observations where violations are observed, refer to the appropriate part in Section I, A.:

### **Section III – Inspection Procedures**

## USE INSPECTIONS

Use inspections encompass a wide variety of pesticide use circumstances and inspection sites. They are conducted at the discretion of the office or the inspector. Many areas of pesticide compliance are involved, however, the primary focus is the use of the pesticide product in compliance with the label directions.

Inspection sites include, but are not limited to the following areas of pesticide use:

- Any on site application
- Complaint investigations
- Other routine or directed inspections

Use inspections can be initiated at either the site of the application or the applicator's place of business.

### **1. Conducting the Inspection**

- a. Inspector should present credentials to the most responsible person at location of inspection.
- b. Inspector should obtain the relevant information necessary to complete the Use Inspection Checklist form (PICS-174) used by ODA.
- c. The checklist form is self-explanatory and should be completed in its entirety as much as possible.
- d. A remarks section is available for comments or extenuating circumstances that may need explaining to the reviewer.
- e. Samples taken in conjunction with the inspection are listed in the appropriate section on the form.

### **2. Samples**

- a. The collection of official samples is an important part of this inspection. Official samples may be used as evidence that pesticides were used at the proper dilution rate and applied to a labeled site. Samples should always be obtained when the inspection involves an on site application being performed in the presence of the inspector. Samples should always be collected if misuse is suspected.

### **3. Discussion with the applicator**

- a. The inspector should discuss proper pesticide use with the applicator. Topics should include 1) the importance of following label directions 2) the need to use pesticides safely, and 3) the need to protect human health and the environment by

observing all label precautions during the phases of use, including mixing, application, storage, and disposal.

## **MARKETPLACE INSPECTIONS**

Marketplace inspections are conducted with the following objectives:

- To detect and obtain samples of any unregistered or misbranded pesticides being marketed
- To review advertising material, accompanying literature, and other labeling to determine whether any false or misleading claims are being made for the product
- To follow-up on recalls, stop sales, suspensions, and cancellations
- To obtain samples of products subject to deterioration
- To determine whether supplementary section 18 and 24(c) labeling has been provided by the manufacturer

### **1. Conducting the Inspection**

- a. Inspector should present credentials to the most responsible person at location of inspection.
- b. Explain the purpose of the inspection.
- c. Review labels and any supplemental labeling.
- d. Check each product for state registration with current registration handbook or Kelly registration system (if available)
- e. Products found which are not registered are recorded on form PI-24 and sent to office to cross check. (some products may be registered and have not made it to inspector reference material yet)
- f. Complete form PICS-172.
- g. Samples may be obtained at Inspector discretion, or in conjunction with assigned sampling.
- h. Many times a marketplace inspection is performed with other inspectional activities

## **RESTRICTED USE PESTICIDES DEALER INSPECTIONS (RUP)**

Restricted Use Pesticide inspections are performed at licensed dealers with the following objectives:

- To ensure records required in the Oklahoma Combined Pesticides Laws are being maintained
- Confirm dealer license is current
- To verify RUP'S are being sold to properly licensed or permitted applicators

- To detect and obtain samples and labels of any unregistered or misbranded pesticides being marketed
- Inspection of unlicensed dealer outlets to ensure RUP'S not being offered for sale

### **1. Conducting the Inspection**

- a. Inspector should present credentials to the most responsible person at location of inspection.
- b. Explain purpose of the inspection.
- c. Review records pertaining to RUP sales.
- d. Obtain information to contact individual end users of RUP
- e. Review labels and any supplemental labeling
- f. Check for state registration
- g. Complete form PICS-171
- h. Unregistered products are recorded on form PI-24 and sent to office
- i. Obtain samples if necessary
- j. Do marketplace inspection, WPS label inspection in conjunction with RUP inspection. Complete Facility and Use inspections if applicable.
- k. Contact end user, obtained by records check, and verify use of RUP. Complete use inspection checklist (PICS-174) for the end user.

## **PESTICIDE APPLICATOR FACILITY INSPECTION**

1. Pesticide Applicator Facility Inspections (PAF) are conducted at licensed applicator locations or unlicensed locations of pesticide applicators. They are conducted at the discretion of the office or the inspector. Many areas of pesticide compliance are involved, however the primary focus of the inspection should be the following:

- Proper handling and storage of pesticide products
- Proper registration of all pesticide products on hand
- Environmental and human safety
- Application records properly maintained
- Proper certification of the applicator(s)
- Proper licensing of the facility

### **1. Conducting the Inspection**

- a. Inspector should present credentials to the most responsible person at location of inspection.
- b. Explain purpose of the inspection.
- c. Complete inspection form PICS-020.
- d. Check application records for completeness as required by Oklahoma Combined Pesticide Laws

## WORKER PROTECTION

Worker Protection Inspections are to ensure compliance with the Worker Protection Standards (WPS) issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for agriculture pesticides. The purpose of the WPS is to reduce risks of illness or injury resulting from worker pesticide exposure in agricultural production. The scope of the regulation includes not only workers performing hand labor operations in farm fields treated with pesticides, but also workers in forests, nurseries, and greenhouses, and employees who handle (mix, load, apply, etc.) pesticides in these locations.

The inspection covers the following eight major compliance areas covered by the WPS:

1. Notification and Posting of Pesticide Application
2. Application and Entry Restrictions
3. Personal Protective Equipment (PPE) and Pesticide Handling Equipment
4. Pesticide Safety Training
5. Pesticide Safety Information
6. Decontamination Supplies for Handlers and Workers
7. Emergency Assistance Procedures
8. Retaliation

### **1. Conducting the inspection**

- a. Inspector should present credentials to the most responsible person at the location of inspection.
- b. Explain the purpose of the inspection and issue a Notice of Inspection as needed
- c. Complete any other inspections that apply (Facility, Use, WPS Label) This will aid in collecting information necessary to complete the WPS Inspection
- d. Review of agriculture use product labeling (as stated above)
- e. Interview a worker to confirm training and compliance
- f. Collect physical and/or documentary samples (including photographs) Issue a sample receipt as needed
- g. Complete inspection checklist HH-1

## WPS LABEL INSPECTION

WPS label inspections are a review of agriculture labeled pesticides to ensure worker protection standards are included on the label. The inspection is similar to marketplace inspections, however, the emphasis of WPS label inspections are to verify WPS requirements are being stated on the label. Every agriculture labeled product must have a statement referring to the following:

- Applicator Restrictions Statements
- 40 CFR part 170 reference statement
- Product-type identification statement

- State Restrictions (if any)
- Spanish warning statements for products classified toxicity I or II
- Restricted entry statement
- Notification to worker statement
- Personal protective equipment (PPE) statement

## **2. Conducting the inspection**

- h.** Inspector should present credentials to the most responsible person at location of inspection.
- i.** Explain the purpose of the inspection.
- j.** Review of agriculture use product labeling (as stated above).
- k.** Complete inspection checklist PICS-173. Four products per form can be listed.
- l.** Check product for state registration. If product not found in state registration material complete form PI-24 and forward to office.
- m.** Complete any other inspections that apply (marketplace, use, WPIC etc.)

## **PRODUCER ESTABLISHMENT INSPECTION**

Producer Establishment Inspections are conducted at the producer level to insure industry compliance with product registration, formulation, packaging, and labeling requirements before the products are distributed to the channel of trade. Inspection should focus on the following:

- Label inspection of any pesticides or devices packaged, labeled, and released for distribution by producer
- Inspection of all required records
- Secure samples of products produced by manufacturer

### **1. Conducting the Inspection**

- a.** Inspector should present credentials to the most responsible person at location of inspection
- b.** Complete and present Notice of Inspection
- c.** Complete Establishment Inspection Narrative Report in conjunction with records check ( see example for completing narrative form)

Establishment Inspection Narrative Report

Date of Visit \_\_\_\_\_ Estab. Registration No. \_\_\_\_\_ Inspector's Signature \_\_\_\_\_

Person(s) Interviewed: \_\_\_\_\_ Title \_\_\_\_\_ Phone \_\_\_\_\_  
\_\_\_\_\_ Phone \_\_\_\_\_

Establishment Name & Address: \_\_\_\_\_ Names & Titles of Principal Officers \_\_\_\_\_

Phone Number \_\_\_\_\_

*This side of the form should be self explanatory. Call if you have questions....*

Does the Firm Perform on Products?  yes  no

Are Retain Samples Kept Per Batch?  yes  no Held \_\_\_\_\_

Are Batch Codes Used?  yes  no If yes, explain code \_\_\_\_\_

Does the Firm Private Label for Others?  yes  no

Are Manufacturing Agreements in Place?  yes  no

Did Inspector Look At Manufacturing Agreement?  yes  no

Is Another Firm Private Labeling for This Firm?  yes  no  
If yes, Who \_\_\_\_\_

Does Firm Distribute Products Produced Elsewhere?  yes  no

Does Firm Maintain Complaint File?  yes  no

Are Complaints Reported to US EPA?  yes  no

Is Legal Counsel Retained?  yes  no

Are Guarantees Given and Received?  yes  no

Are Production Records Maintained?  yes  no including:

Product Name  yes  no EPA Reg. No.  yes  no

Batch Code  yes  no Amount Per Batch  yes  no

Are Shipping Records Maintained?  yes

Do Shipping Records Include: "

Quantity  yes  no

Date Shipped  yes  no

Does Firm Export Pesticides?  yes  no If yes, is

in Compliance with Export Regulations?  yes  no

Does Firm Export Pesticides?  yes  no If yes, are

These Products in Compliance with FIFRA?  yes  no

Are Disposal Records Maintained?  yes  no

Identify Types and Amounts of Wastes or Containers Held for Disposal and Type of Disposal Practice Used: \_\_\_\_\_

*Study Chapter 8 in EPA Inspector Manual for the background on this series of questions.*

Establishment Inspection Narrative Report - Page 2 Inspector's Initials \_\_\_\_\_

This section is to be filled in only when the products are not available for sampling at the producer

EPA Reg. No. of Pesticides Registered	Prod	PLA	Sample No.	D/P	CRP	LR	Consignee	Address	Date Ship.	Invoice No.
XXXXXXXXXXXXXXXXXXXX	Y/N	Y/N	XXXXXXXXXX	Y/N	Y/N	Y/N	XXXXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXXXX	XXXXXX	XXXXXXXXXX
1)										
2)										
3)										
4)										
5)										
6)										
7)										
8)										
9)										
10)										
11)										
12)										
13)										
14)										
15)										
16)										

Is the product a device or a pesticide?

An official sample can be taken only from those products that are packaged, labeled, and ready for sale. IF YOU ARE ABLE TO SECURE A SAMPLE, PLACE THE NEXT SAMPLE NUMBER IN YOUR SEQUENCE HERE.

Is the listed product currently available on site as packaged, labeled, and ready for sale?

Has the listed product been produced at the facility during the calendar year?

The products reported in the company's last annual production report are listed here by EPA Reg. No. and trade name. LIST ANY OTHER PRODUCTS THAT ARE PRODUCED AT THE FACILITY.

Establishment Inspection Narrative Report - Page 2 Inspector's Initials \_\_\_\_\_

This section is to be filled in only when the products are not available for sampling at the producer

EPA Reg. No. of Pesticides Registered	PLA Prod	RFS	Sample No.	D/P	CRP	LR	Consignee	Address	Date	Invoice No.
XXXXXXXXXXXXXXXXXXXX	Y/N	Y/N	XXXXXXXXXX	XXX	Y/N	Y/N	XXXXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXXXX	XXXXXX	XXXXXXXXXX
1)										
2)										
3)										
4)										
5)										
6)										
7)										
8)										
9)										
10)										
11)										
12)										
13)										
14)										
15)										
16)										
17)										
18)										
19)										

THIS SECTION IS COMPLETED ONLY WHEN THE PRODUCTS ARE NOT AVAILABLE FOR SAMPLING AT THE FACILITY.

The CONSIGNEE is the person or business to whom the product is shipped.

Label Review:

7) Did you perform a word for word comparison with the registered label? \_\_\_\_\_

8) \_\_\_\_\_

9) If the registered label has not been supplied to you by this office, secure a label copy from the producer so the comparison can be made at the central office. \_\_\_\_\_

10) \_\_\_\_\_

Does the product conform with the Child Resistant Packaging regulations?  
 If the product has directions for residential use AND the product has a signal word of Warning, or Danger AND the product is not labeled as RUP, it should be in child resistant packaging.  
 If the product does not meet all those criteria the Child Resistant Packaging regulation is Not Applicable. (Write in NA). \_\_\_\_\_

11) \_\_\_\_\_

12) \_\_\_\_\_

13) \_\_\_\_\_

14) \_\_\_\_\_

15) \_\_\_\_\_

16) \_\_\_\_\_

17) \_\_\_\_\_

18) \_\_\_\_\_

19) \_\_\_\_\_

- d. Complete receipt for samples form for samples taken (physical or documentary). If physical sample is not obtained, as a minimum, a documentary sample of the label(s) should be secured. All physical samples will be of the final ready for shipment product
- e. Determine if procedures for disposal and storage of pesticides, pesticide containers, and pesticide related wastes are being followed
- f. Complete related state forms where appropriate
- g. Check products for state and federal registration
- h. Owner operator will be given completed copies of Notice of Inspection and receipt for sample forms

**USDA RECORDS INSPECTION**

USDA Records inspections are conducted to verify permitted private applicators are keeping required records of RUP applications. The names of private applicators' purchasing RUP's are collected during Restricted Use Dealer Inspections.

**1. Planning the Inspection**

- a. Contact the applicator in accordance with ODA procedures.
- b. Identify yourself and your purpose.

- c. Confirm the identity of the individual you are to inspect, as well as all those individuals with which you contact and have conversations or correspondence.
- d. If RUP's were purchased by the applicator, the inspector will need to do further investigation and meet the applicator to account for those RUP's. Note: occasionally an applicator has purchased RUP's that were then applied by a commercial applicator. In this case, the applicator is not required to keep records of the RUP use.
  - 1) Face to Face Contact – The inspector is making the initial contact in person and is face to face with the qualified applicator, the inspector is to complete the inspection as directed by standard inspection procedures.
  - 2) Documentation – carefully document all procedures, conversations, and circumstances completely and thoroughly.
    - Dates and times of when the inspector made contacts (in chronological order)
    - Who the inspector contacted and talked with, whether or not any messages were left and with whom (with an individual, answering machine, etc.)
    - Detailed content of all contacts and conversations

## 2. Inspection of Applicator Records

- a. Follow the step by step instructions listed on the back of the form for completing the inspection form.
- b. Interview the applicator to account for all questions on the inspection form. Do not leave any questions blank. Enter a “0” (zero) when applicable or “—“ (dash mark) when there is not an answer for that specific blank.
- c. Only inspect records of Restricted Use Pesticide (RUP) applications made in the last 2 years.
- d. Only inspect records from applications made by certified private applicator or an individual making applications under the supervision of that certified applicators license.
- e. Only inspect RUP application records, NOT general use pesticide application records. An applicator may choose to make a record of general use applications, which is acceptable. These general use records are not to be recorded on the inspection form.
- f. ONLY inspect records of applications made by certified applicators, NOT commercial applicators.
- g. If a mistake is made and the wrong answer/number written in any of the boxes on the inspection form, mark through the mistake, write the correction clearly next to the mistake in that same box, and initial next to the correction. Do NOT write the correct answer directly over the original, incorrect answer in the box.

### 3. Inspection checklist Form

- a. Top white copy- Route to OKC office
- b. 2<sup>nd</sup>, yellow copy – Leave with the applicator, once the inspection has been completed, before leaving the site.
- c. 3<sup>rd</sup>, blue copy – retained by the office

### Non – Compliance Cases

#### a. Failure to Maintain Records

- If the applicator has applied RUP's in the past 2 years and no records are available, or the applicator does not have all the records of their RUP applications available from the past 2 years, as measured from the date of inspection.

#### b. Denied Access

- Denied access is defined as an incident in which a certified private applicator refuses to provide restricted use pesticide application record information to a Federal/State inspector within a reasonable time frame.
- Inspectors Must:
  1. Have personal oral communication with the certified private applicator selected;
  2. Present credentials orally or physically; and
  3. Must chronologically document all actions and events.
- Guidelines for determining denied access:
  - If the certified applicator is not cooperative over the telephone and the inspector does not have an opportunity to present credentials orally and state the purpose, send certified letter and/or conduct a cold call inspection. If certified letter not accepted, send regular mail, or alternate form of delivery.
  - If no oral communication takes place, send certified letter, attempt personal contact, and document all efforts.
  - If the private applicator's records are not maintained by the private applicator, but by the farm office, allow reasonable arrangements to meet the private applicator where the records can be reviewed.
  - In a denied access case, once the inspector determines there is non – compliance, the inspection form needs to be completed and forwarded to OKC office with documentation of non – compliance attached.
- Denied Access Documentation
  - Need full, complete, and detailed documentation as outlined for all inspections
  - Complete the inspection form as much as possible
  - Write “Non-compliance” across the top of the inspection form and forward to OKC office with documentation attached

#### 4. Follow-up Inspections

- a. Follow-up inspections will be assigned from the OKC office and will be done on applicators that were not in compliance.

## **I. Experimental Use Permit Inspections**

Experimental Use Permits are issued to companies for purposes of conducting research and accumulating data to support full registration of the product. An inspection of an Experimental Use Permit is normally done at the time of application with the following objectives:

- Whether the terms and conditions of the permit are being met
- If the terms and conditions of the permit are adequate to avoid unreasonable adverse effects to the environment

### **A. Conducting the Inspection**

1. Become familiar with the EUP accepted label prior to the inspection. Take the EUP label with you during the inspection.
2. Schedule the inspection with the participant (the person who supervises the use of the experimental product—usually a technical rep from the company) or the cooperator (the person on whose land the work is being performed).
3. Upon arrival at the site present your credentials to the participant/cooperator. Issue a Notice of Inspection.
4. Work through the questions on the form, “Experimental Use Permit Checklist”. Typically, the participants will have all the information asked for on the checklist. They have primary responsibility for conducting the work, compiling the data and forwarding the results to the permittee, the company to whom EPA issued the permit.  
A cooperator may not have all the information requested on the checklist. Collect as much information as you can. Attach a PI-44 Investigation report for additional comments.
5. Physical samples should not be taken unless otherwise instructed by the office.
6. Complete a Use inspection in conjunction with this inspection.

## **J. Pesticide Service Inspections**

Pesticide Service Inspection is an inspection available to consumers or applicators. It normally is a request by either party for ODA opinion concerning a pesticide activity. It gives the party requesting the inspection from the consumer end a chance to have an inspection without filing a formal complaint. Complete form PICS-175 in relation to the inspection. The completed form is filed in the office for future reference to the property. Complete other inspection forms as appropriate.

## **K. Other Inspections**

Occasionally EPA directs ODA to perform other directed or special inspections. If you become involved with one of these inspections it is important that you present your EPA credentials and complete the appropriate EPA forms. (Notice of Inspection and Receipt for Samples)

#### Section IV – **Sampling Procedures**

Regardless of the type of sample, a chain of custody must be established with each sample taken.

Samples must remain in the control of the inspector taking the sample until the samples are either delivered or shipped to the laboratory, or delivered to another inspector for delivery to the laboratory. Samples must be delivered or shipped to the laboratory within seventy-two (72) hours of their being taken.

#### **A. Concentrate Sampling**

1. Concentrate samples may be obtained from manufacturers, wholesale and retail businesses or the end user for the purpose of compliance of the stated analysis on the manufacturer label. Samples should be obtained from unopened containers in most situations. Exceptions would be in the case of the end user of a product that is using an opened container in the mixing of a product to perform a treatment for a consumer. In this case the end user becomes the guarantor. This situation will be clearly noted on the sample form and an accompanying tank mix sample should be taken.
2. All pesticides concentrates will be agitated (shaken) before the sample is extracted if physically possible. Do not attempt to agitate large drums, barrels, etc. Note on sample form if the product is not agitated before sampling.
3. Small sized homeowner use type products should be purchased. Due to low concentrations of the active ingredient in these products the whole container should be turned in to the lab.
4. If the need arises to sample from more than one container of the exact same product make sure the lot numbers are the same. If not of the same lot, a separate sample and sample number will be used. Do not mix lots.
5. Extraction of the concentrate will be made using plastic pipettes into the 2-ounce glass jars using the black lids provided. The lid is then sealed with EPA tape to assure integrity and hand delivered or mailed to ODAFF lab. If sample must be kept by the inspector overnight, keep in a secure and cool location. Inspectors using commercial transport must seal the samples with the “EPA method” in order to protect integrity and prevent spillage in case of breakage.
6. Sample size - Normally 1 to 2 ounces is a sufficient amount of pesticide concentrate for the lab. Do not take more than this because of disposal expense. However there are exceptions. If the active ingredient is below 5.0% the lab will need at least 4 ounces (two of the small glass jars). If the active ingredient is below 1.0% the lab will need at least 8 ounces (four of the small glass jars). Dry or granular-Many times these type samples are taken in

association with fertilizer weed and feed products. Therefore, they must be taken in the official method for fertilizer samples-10 probes from 10 different bags using a fertilizer 36-inch probe, which is inserted at the corner of bag-slot down-and pushed to the diagonal corner of the bag. The probe is then turned slot side up and removed with a cylinder of product in the slot. The product is placed in the brown glass sample jars, properly sealed and delivered to lab. If a granular product is sampled which is a straight pesticide the amount needed will depend on the concentration of the active ingredient. The amounts stated above also apply to granular. There is no official method of sampling. However, the inspector should be diligent to obtain a representative sample and not mix lots.

7. If you have questions please call the lab.

#### B. Tank mix samples

1. Tank mix formulations should be obtained from applicators that are performing or starting to perform an application of pesticides in order to determine if label stated concentrations for the intended use are being met.
2. A tank mix may be sampled at anytime during the application. If you do not observe the actual mixing and agitation of the tank mix you must assume the licensed applicator has followed label directions for the product. It is applicator responsibility to properly load, mix, agitate and apply the product as per label directions before using.
3. Tank mix samples are normally obtained by having the applicator fill the large brown jars from the device on the end of the hose in which he is making the application. It is also proper to obtain a tank mix sample by dipping the jar into the tank or by opening a petcock valve (if present).
4. A legible current label must be with the applicator during each application. Use the label to verify the applicators stated rate (amount of concentrate in amount of water) and target pest. This must comply with the label statements. Make sure all safety and environmental requirements stated on the label are being met.
5. The person making the application must have a service tech permit unless a certified applicator is on site or be a certified applicator. Verify this while on site by asking to see the actual card and cross checking with the person's photo identification.
6. Complete sample form. Place EPA seal tape over lid to protect integrity of the sample and deliver or mail to lab. If inspector must ship samples to lab by commercial transport the sample must be seal by EPA method to prevent tampering and to contain product in case of breakage. If sample held overnight store in secure cool location.

#### C. Residue samples

## 1. Swab samples

- a.) Swab samples are taken to verify absence or presence of pesticides in relation to complaints by the public or suspected pesticide misapplications.
- b.) A “swab” consists of a minimum of two cotton balls or cotton pads. The first step is to always provide a “check sample”. The check sample consists of the cotton material thoroughly soaked (not dripping) with isopropyl alcohol, which is placed in glass sample jar. The purpose of the check sample is for the lab to check for impurities. The check sample will be given a separate sample number.
- c.) Once the sample site or sites are determined, use the disposable paper template. The template measures 10cm x 10cm which needs to be reported on the sample form. If the template is not used due to inaccessibility or an unlevelled surface area, the swabbed area must be measured and reported on the sample form.
- d.) With disposable gloves take a minimum of two cotton balls or pads and soak with alcohol. Squeeze excess alcohol out. In the measured area or template wipe across the area in one direction. With another two soaked pads or balls wipe in the opposite direction. The pads or balls will be placed in glass sample jar. If another sample is to be collected you must change gloves to protect the integrity of the sample.
- e.) Be as specific as possible on the sample form in telling the lab what to check for. If you do not know the specific product have an OC/OP scan ran for suspected insecticides or a herbicide scan ran for suspected herbicides.
- f.) Materials such as carpet, rags etc. can be placed in the foil sample bags.
- g.) Sample container will be sealed with EPA seal tape and delivered to the lab as soon as possible. Many times these type samples are health related and take a priority to your other duties and should be hand delivered to the lab. If health is not an issue and commercial transport is used then the sample must be sealed using the EPA method to prevent tampering and protection in case of breakage.

## 2. Tissue Residue Samples

- a.) In certain situations tissue residue samples need to be taken. In these cases we are normally dealing with plant material. Take a composite tissue sample from alleged affected plant materials. A foil bag is normally enough. Do not send in branches or sticks. If you have questions concerning what the lab can run and how much material is needed please contact the lab. Store in container with polar packs. Do not ice.

## 3. Water Residue Samples

- a.) Routine and Complaint Water Sampling.
  - (1) Surface Water
    - i. The sample should represent the water that is leaving the property or that of a pond.

- ii. The sample should be taken from midstream if possible.
- iii. Avoid any oily film or debris in the stream or pond, unless the oily film is what you need to sample.
- iv. The sample is taken from the stream, river, or pond by dipping the container in the water.
  - If the stream is too shallow, then use a smaller container to fill the sample container.
- v. Avoid contamination of the sample.
  - If you have to stand in the stream, stand down stream.
- vi. Safety:
  - Wear appropriate disposable gloves.
  - Don't wade into streams or ponds without waders.
- vii. Form:
  - PICS-2.
- viii. Sample Container:
  - 1 Quart amber glass jar.
- ix. Type Sample:
  - Pollution (P).
- x. Amount:
  - One -1 qt amber jar for OC/OP scan.
  - One -1 qt amber jar for specific pesticide.
  - One -1 qt amber jar for NO<sub>3</sub>-N and Total P.
- xi. Pesticides:
  - As determined by the complaint, what the facility is using or objectives of a specific project.
- xii. Before Sampling:
  - Label the container and the lid with the sample number and date.
  - Rinse jar with stream or pond water.
  - The rinse water is discarded downstream or on the bank of the pond or stream.
- xiii. Sampling:
  - Dip the container(s) in the stream and fill to the top.
  - While the container is under water place the Teflon lined lid on the container.
  - This is to eliminate any air space where chemicals can vaporize prior to analysis.
  - If the stream is too shallow to immerse the container, use a separate clean container to fill the sample container.
- xiv. Shipping Samples:
  - If samples are going to be shipped seal in plastic bags according to the EPA method.
  - Store samples in an ice chest with "polar pack" type coolant until shipped or delivered to lab.

- Do Not Ice unless project manager instructs otherwise.
  - Place samples in Styrofoam mailers if they are going to be shipped to the lab.
- xv. Delivered Samples:
- Samples delivered to the lab will be taken to the pesticide section and logged in.

(2) Groundwater

- i. When sampling a well that is associated with a complaint:
- Form:
    - A. PICS-2
      - 1. Complete while purging the well. See next page.
  - Type Sample:
    - A. Pollution (P)
  - Sample Container:
    - A. 1 Quart amber glass jar
  - Amount:
    - A. Two - 1 qt amber jars if doing an OC/OP scan and a specific pesticide.
    - B. One - 1 qt amber jars for doing an OC/OP scan
    - C. One - 1 qt amber jar for doing a specific pesticide.
    - D. One - 1 qt amber jar for NO<sub>3</sub>-N and Total-P
  - Pesticides:
    - A. OC/OP Scan / Specific pesticide as determined by the complaint.
  - Purge Well:
    - A. 15 minutes
    - B. Rinse jar with well water before filling for the sample (unless it is a prepared spike sample.)
  - Before Sampling:
    - A. Label the container and the lid with the sample number and date.
    - B. Rinse jar with well water before taking sample (unless it is a prepared spike sample)
  - Sampling:
    - A. Fill the container with water from the faucet nearest the well.
    - B. Do not use a water hose unless there is no other way of getting a sample.
    - C. Place the correct lid on the container and seal by the EPA Method.
  - Shipping Samples:
    - A. Store samples in an ice chest with “polar pack” type coolant until shipped or delivered to lab.

B. Do Not Ice unless project manager instructs otherwise.

C. Place samples in Styrofoam mailers if they are going to be shipped to the lab.

- Delivered Samples:

A. Samples delivered to the lab will be taken to the pesticide section and logged in.

(3) Specific Water Well Sampling Project

i. The following information:

- Form:

A. PICS-2

B. Complete while purging the well.

- Type Sample:

A. Pollution (P)

- Amount:

A. Two (2) 1 qt amber jars,

B. Four (4) 1-qt amber jars if taking duplicate samples.

- Pesticides:

A. As determined by Objectives of Project.

- Purge Well:

A. 15 minutes

B. Rinse jar with well water before filling for the sample (unless it is a prepared spike sample.)

- Sampling:

A. Fill the container with water from the faucet nearest the well.

B. Do not use a water hose unless there is no other way of getting a sample.

C. Place the correct lid on the container and seal by the EPA Method .

- Shipping Samples:

A. Store samples in an ice chest with “polar pack” type coolant until shipped or delivered to lab.

B. Do Not Ice unless project manager instructs otherwise.

C. Place samples in Styrofoam mailers if they are going to be shipped to the lab.

- Delivered Samples:

A. Samples delivered to the lab will be taken to the pesticide section and logged in.

(4) Quality Control Samples:

i. Duplicate Samples:

- An extra jar of water taken at the same time the sample is taken.

- It will have a separate sample number from the sample.
- The number of duplicates is equal to Ten percent (10%) of the total number of wells, or as directed by project administrator.
- ii. Field Blanks:
  - An amber quart jar of de-ionized water taken to the well, opened while sampling the well and closed when complete.
  - The field blank is returned to the lab with the other samples.
  - The total number of field blanks is equal to Ten percent (10%) of the total number of wells, or as directed by project administrator.
- iii. Spike Samples:
  - An amber quart jar with a specific amount of a known pesticide that is taken to the field and filled with water from the well and returned with the samples to the lab.
  - The total number of spike samples is equal to Ten percent (10%) of the total number of wells, or as directed by project administrator.

(5) Chain of Custody:

- i. Complete and sign all chain of custody forms when transferring samples to shippers or lab personnel.
- ii. This will include the forms when receiving spike or blank samples.

4. Soil Residue Samples

- a.) The decision to obtain a soil residue sample will many times depend on the situation and the length of time since the application or misapplication has occurred.
- b.) The object of soil sampling is to prove or disprove an application has taken place, or in the case of termiticide treatment, to determine if the proper amount has been applied.
- c.) With the exception of termiticide soil sampling, a protocol has not been established. This is because of the variables involved in dealing with contamination and spills. When involved in these situations the inspector should use his professional judgment to secure samples. The sample or samples should be representative of the situation at hand and should be taken as composites in a defined area. The area sampled should be defined clearly on the sample form and inspection forms. In addition, any other information such as depth sampled, type of sample tool involved, or other pertinent information should be included. All sample tools must be cleaned before and in between unlike samples.

5. Structural Pest (post construction) sampling protocol. OSDA residue sampling strategy will include no less than two (2) composite samples from a critical area (i.e., outer foundation wall, inner foundation wall, foundation pier or pipes and conduits, (stub-outs)) for consideration.

- (1) Remove the top one-half inch of soil and any debris and vegetation as necessary to yield a reasonably clean sample.
  - (2) Use a soil core extractor with an approximate inside diameter of one inch to obtain all soil cores where feasible. When conditions exist that make it unfeasible to use the extractor (such as, in the crawlspace or other cramped areas), a small hand spade may be used with the same procedures. Samples should not be taken in areas where prejudicial conditions beyond the control of the operator exist (e.g. below drains or faucets and obviously disturbed areas).
  - (3) Individual soil core samples should be taken using a standard sampling procedure. A composite sample consists of eight (8) individual one inch diameter cores taken to a depth of six (6) inches or to the top of the footing, no more than two (2) inches from the adjacent construction element that have been combined together. Two (2) individual cores should be taken from each side of the structure (with the understanding that there will be four (4) general sides of each structure). For the foundation pier samples, pull one core from each side of a minimum of two piers to obtain the required eight (8) cores. For pipe samples, obtain one core from each side of a minimum of two (2) pipes per sample for the required (8) cores.
  - (4) Each composite sample should consist of at least enough material to fill one-half of one (1) quart and placed in a one quart brown jar or aluminum foil bag and remain in this container until reaching the laboratory. All samples should be shipped to a central laboratory within seventy-two (72) hours, and maintained at a reasonably stable temperature, not to exceed seventy-five (75) degrees Fahrenheit until shipment to the laboratory. Placing the samples in a cooler with blue ice or an equivalent, and then placing the sample in the inspector's office can easily accomplish this. Do not allow the sample to be left in a vehicle for an extended period of time, unless in a cooler with the temperature stabilized.
  - (5) The chain of custody should be maintained on all samples. A document signed by all persons responsible for the integrity of the samples should accompany the sample to the laboratory. Lab personnel should also sign this document when the sample arrives at the residue laboratory. This document should be maintained as part of the case file.
  - (6) Soil core composite samples should be obtained within six (6) months of the treatment date.
- b.) Area where the composite sample was taken must be noted on the accompanying sample report.
  - c.) It should be noted on the sample form if the sample is complaint related.
  - d.) The sample report form is completed.
  - e.) The sample may be shipped by mail, freight or hand delivered by the inspector or another designated inspector to the laboratory. If the sample leaves the inspector's custody the sample must be sealed using the EPA method.

f.) Official samples are for regulatory purposes only and are not to be split or given to the general public. Split samples are only permitted for analytical and internal quality assurance in accordance with laboratory procedure. (revised 10-29-07)

6. Structural Pest (pre-construction) sampling protocol

a.) Sampling procedure for sampling vertical barriers.

(1) ODA residue sampling strategy will include one (1) composite sample, separated into two (2) distinct portions, from a critical area (i.e. outer foundation wall, inner foundation wall, foundation pier or pipes and conduits (stub-outs) for consideration.

i. Use a soil core extractor with an approximate inside diameter of one inch to obtain all soil cores where feasible. When conditions exist that make it unfeasible to use the extractor (such as, in the crawlspace or other cramped areas), a small hand spade may be used with the same procedures. Samples should not be taken in areas where prejudicial conditions beyond the control of the operator exist (e.g. below drains or faucets and obviously disturbed areas).

ii. Individual soil core samples should be taken using a standard sampling procedure. A composite sample consists of ten (10) individual one inch diameter cores taken to a depth equal to the depth of footing or length of sample probe; whichever is less, no more than two (2) inches from the adjacent construction element, separated into two (2) distinct portions. The first portion consists of that portion of the sample probe from 0 to 2 inches. The second portion consists of that portion of the sample probe from 2.1 inches to the depth of footing or sample probe length; whichever is less. Two (2) individual cores should be taken from each side of the structure [with the understanding that there will be four (4) general sides of each structure] and one (1) individual soil core sample should be taken from the area adjacent to a minimum of two (2) stub-outs. If the footing or substrate is less than six (6) inches deep, probe to the footing and/or substrate and note the approximate depth on the sample form. After each probe, carefully fill the hole in with the surrounding sand. Identify each portion of the composite sample and record on the sample form.

iii. Collection of the samples should be accomplished in the following manner:

- Take 10 (ten) individual 1 inch cores to a depth of 2 inches, within 2 inches of the inside stem-wall and stub-outs. If rod holes are visible in the fill, collect your core sample from midway between the rod holes. Place in a sample bag and label accordingly.

- Collect the 2nd sample by probing the fill from the same 10 holes used to collect the 1st sample. Each probe should extend from the bottom of the core hole used to collect sample 1, 2.1 inches, to the depth of footing or to the substrate or probe length whichever is less. Place in sample bag and label accordingly.

2) Optional procedure for sampling vertical barriers will consist of 10 (ten) individual 1 inch cores to a depth of 6 (six) inches taken in the same locations as described above. (revised 7-10-06)

b.) Sampling procedure for sampling horizontal barriers.

(1) ODA residue sampling strategy will include no less than one (1) composite sample from a critical area (i.e., open slab area) for consideration.

- i. Use a soil core extractor with an approximate inside diameter of one inch to obtain all soil cores where feasible. When conditions exist that make it unfeasible to use the extractor (such as, in the crawlspace or other cramped areas), a small hand spade may be used with the same procedures. Samples should not be taken in areas where prejudicial conditions beyond the control of the operator exist (e.g. below drains or faucets and obviously disturbed areas).
- ii. Sample the treated fill area for horizontal barrier after the treatment has been completed. When sampling the open slab area on pre-construction treatments, obtain the cores in a random pattern to a depth of two (2) inches. Obtain a minimum of twenty-four (24) individual soil cores to yield a suitable volume of soil for each sample. Stay at least one (1) foot away from the stem wall and stub-outs.
- iii. Follow the steps and procedures outlined above in post construction sampling (i.e., 4, a.), (4), (5)&(6) and 4., b.), c.), d.), e.) & f.).

## 7. Air Residue Sampling

- a.) Remove the unit from the box and place it on a stable surface open to the area to be sampled. Plug in the unit.

- b.) Remove foam from PVF cell holder and replace it with the PVF cell.
- c.) Remove both caps from the PVF cell and keep them for later use.
- d.) Plug in the black hose into the top of the PVF cell and connect the clear hose to the pump unit.
- e.) Using the screwdriver provided, remove the cover from the device and turn the unit on by sliding the on switch upwards. DO NOT adjust the flow of the device; the lab has set it. If the unit does not start immediately running when you turn it on, push the start/hold button.
- f.) Replace the cover and tighten the screw.
- g.) Leave the unit for at least 4 hours (240 minutes), but 24 hours is desirable if it is possible.
- h.) Return to the unit. If the unit has stopped running, don't be alarmed. Remove the cover again. If the unit has not stopped, push the start/hold button to stop the unit. Never turn off the unit until you have recorded the time. Record the time on the display. Turn off the unit.
- i.) Take the PVF cell out of the holder and disconnect it from the black hose. Use the caps that were removed and recap the PVF cell.
- j.) Disconnect the hose from the unit and replace the cover.
- k.) Place all of the unit's parts back into the case. Don't forget the plug and foam piece that fits into the PVF holder.
- l.) Take the PVF cell and place it into a plastic bag. Seal and label the bag with the proper EPA label.
- m.) Return the unit and PVF cell(s) by hand to the lab for analysis.

































## Section VI – Emergency Pesticide Incident Response

### **A. PLANT INDUSTRY & CONSUMER SERVICE DIVISION STANDARD OPERATING PROCEDURES**

#### 1. EMERGENCY RESPONSE

##### a.) Spills / Releases

- (1) When a pesticide or fertilizer spill has occurred the responsible party is required to notify the Department of Agriculture within 24 hours by phone. This notification is usually made through the Department of Environmental Quality; however, the Department of Agriculture has an emergency response phone number (405-203-5180) for direct notification.

##### b.) OBJECTIVE

- (1) The Department's main objective is to minimize human exposure and limit the environmental impact.
- (2) When the initial notification is received an assessment of the incident needs to be made. If human exposure is involved they should be directed to seek immediate medical attention. The Poison Control number (1-800-222-1222) may be helpful. Next the spill/release needs to be contained as much as possible to limit the environmental impact. The Department of Environmental Quality (1-800-522-0206), the Department of Transportation or the County Commissioner may be helpful in containing the spill.
- (3) The inspector assigned the emergency response needs to upon arrival further assesses the situation and follow the appropriate procedures as follows.

#### 2. Health Related Incident

- a.) SUGGESTED CHECKLIST FOR POTENTIAL HUMAN-EXPOSURE RELATED COMPLAINTS:

##### (1) DEFINITION

- i. Any possible incident where human exposure is alleged or maybe a possibility.

## **(2) TIMELINESS**

- i. Human exposure incidents are a top priority and should be investigated immediately, in no case more than 24 hours after the incident or notification.

## **(3) MEDICAL ATTENTION**

- i. Advise any potential victims of exposure to seek immediate medical attention.

## **(4) EXAMPLES OF SYMPTOMS**

- i. Pesticide or fertilizer exposure can cause a variety of symptoms, all of which can be attributed to other causes as well. This list is provided to remind you not to overlook any type of symptom during the investigation.
- ii. Abdominal pain, numbness, fingernail loss, burning, tearing eyes, skin flush, hair loss, chest tightness, skin rash, jaundice, constricted pupils, spitting blood. Joint swelling, nose – stuffy or running, cough, diarrhea, urination pain, nausea, fainting, wheezing, fever, blurred, faulty vision, sinus pain, gas, chest pain, skin pale, headache, chills, sore muscles, joint pain, convulsions, tints (ringing in ears), leg pain, cramps, loss of hearing dizziness vomiting, nose bleed, fatigue, unusual.
- iii. Do not consider this a checklist of symptoms that necessarily leads to the conclusion that pesticide or fertilizer exposure has occurred.

## **(5) QUESTIONS FOR COMPLAINANT**

- i. Complete all investigation forms and always obtain and document the following for each potentially exposed person if known:
  - Affected person's age, weight, and height;
  - Physical condition of affected person prior to incident;
  - Manner exposed (dermal, oral, respiratory) with details;
  - How exposed (by plane, in fields, in yard, etc.) in detail: name, address, phone number and license number of applicator involved;

- Name of pesticide(s) fertilizer exposed to;
- Exact location of incident;
- Date and time of incident;
- Names, addresses, and phone numbers of others having ;personal knowledge of the occurrence or incident (witnesses);
- Physical symptoms and their duration, as observed by inspector (take photos) and/or as observed by victim and/or other witnesses;
- Name, address, and phone number of the crew leader, farm operator and/or supervisor;
- Crops grown in the field where the incident occurred and in surrounding fields;
- Description of the plane, ground rig or other equipment used for application, including any special markings.;
- Description of weather (temperature, wind speed & direction, etc.);
- The distance from edge of field where application was made to where exposed person was located at time of incident, if Ag-related;
- How and when complainant became aware of the application/exposure;
- What clothing were you wearing at time of incident? Have you laundered it yet? Would you allow us to take it for testing?  
Was it worn at any other time?;
- Prior to the onset of the present symptoms, have you used or been exposed to any pesticide other than the complaint? When? Where? What chemical?;
- Did you or any one else use any insect or weed killers recently at the incident location? Which ones?;
- Has your home recently been sprayed for insects?;
- Do you know names of others at the site with you? Where were they located? ;
- What did the other people do?;
- Did you or others seek medical treatment? Where? From whom?;

- Will you agree to release medical records to ODA? (Get medical release signatures).;
- How would you describe your health before this incident?;
- Would you object to our taking photographs of the affected body parts?;
- What jobs have you done in the past week/two weeks/month?;

**(6) QUESTIONS FOR PROPERTY MANAGER AND/OR OWNERS WHERE INCIDENT OCCURRED**

- i. Name of product recommended and;
- ii. Name of person who recommended the product;
- iii. Who purchased the product;
- iv. Describe when and how you learned that people may have been exposed;
- v. Describe what action you took at that time;
- vi. Crops grown in the field when the incident occurred and in surrounding fields. If ag-related.

**(7) QUESTIONS FOR APPLICATORS/OWNERS**

- i. NOTE: interview the actual person involved in incident, as well as the responsible licensed applicator/owner.
  - Date of application/incident was made;
  - Time the application/incident began and ended;
  - Describe what precautions were taken to determine if workers or other people were in the area;
  - Describe weather conditions at the time;
  - Describe plane, ground rig, or other equipment used for application;
  - Did you see anyone (standing, walking, driving, and working) along the edge of the field while you were spraying?
  - Identify the distance from the edge of the field where application was made to the location where subject was located at time of incident;

- What crops were grown in the field when the incident occurred and in surrounding fields?

### **(8) QUESTIONS FOR PHYSICIAN**

- i. Note: may need release from patient.
- ii. Describe your findings in layman's terms;
- iii. Were the person's symptoms related to or consistent with pesticide/fertilizer exposure?
- iv. Were any tests performed (blood, swab, etc.) that positively identified a pesticide?

### **(9) EVIDENCE**

- i. Residue samples from:
  - Soil (affected, treated and surrounding areas);
  - Foliage (affected, treated and surrounding areas);
  - Unlaundered garment worn at time of incident;
  - Swabs from outside of windows or surfaces where residues may appear;
- ii. Statements from appropriate witnesses;
- iii. Copies of all appropriate and relevant applicator/owner records considered;
- iv. Copies of weather records and information (request mesonet data);
- v. Good quality photographs of any visual effect of exposure such as skin rash, blisters, stains, etc.;
- vi. Photographs of incident area.

### **3. ANIMAL RELATED**

#### **a.) DEFINITION**

- (1) Any incident where animals are alleged to have been affected (including fish, and livestock).

#### **b.) JURISDICTION**

- (1) If it is apparent there are jurisdictional issues contact the office to notify that agency.

#### **c.) SPECIFIC INSTRUCTIONS**

(1) In addition to completing the narrative investigation form, address the following:

- i. Source of exposure;
- ii. Direct application;
- iii. Drift;
- iv. Contaminated feed;
- v. Accidental;
- vi. Did animal enter treated area after application?;
- vii. Contact the form operator, owner of land, or person in control of treated area to determine responsibility for animals being adversely affected.;
- viii. Condition of animals;
- ix. Prior to incident (include copy of veterinarian's exam report);
- x. After incident according to your observation;
- xi. After incident according to veterinarian (include veterinarian's exam report);
- xii. Sample results from diagnostic lab;
- xiii. Description of animals affected;
- xiv. Weight ;
- xv. Age;
- xvi. Number affected;

**d.) EVIDENCE REQUIRED**

(1) Take photos of:

- i. Treated area;
- ii. Area where animals exposed;
- iii. Affected animals;

(2) NOTE: take close-ups to indicate if symptoms are visible.

(3) Take residue samples of small animals. (Example: bees, fish, or small birds) only if animal has not begun to decompose.

- i. NOTE: only a veterinarian should take residue/tissue samples of large animals to be tested at the diagnostic laboratory.

**e.) RESPONDENT CONTACT**

(1) Contact applicator/owner suspected to have caused the adverse affects.

- (2) Inform respondent of the alleged incident against him/her.
- (3) Try to obtain a signed statement.
- (4) Determine if respondent furnished the pesticide, or furnished a label of the pesticide/fertilizer used, or provided written requirements to the farm operator for restricted-use pesticides.

**f.) SAMPLE QUESTIONS FOR THE COMPLAINANT**

- (1) How was the animal exposed?
- (2) Did you or anyone else witness the application/incident?
- (3) Could your animals have entered the treated area? If so, how?
- (4) Were you notified what pesticide/fertilizer was to be applied and furnished with a copy of the label?
- (5) In animal exposure resulted from animal drinking water in the treated area, was field irrigated prior to or after application?
- (6) Was a veterinarian contacted? Did veterinarian give you a diagnosis?

**g.) SAMPLE QUESTIONS FOR THE RESPONDENT**

- (1) Did you see any animals in or around the treated area, at the time of application? If yes, did you stop the application/incident?
- (2) What do you think happened?
- (3) What pesticide/fertilizer was applied?

**4. Pollution**

**a.) CONTAMINATION OF WATER BY FERTILIZERS OR PESTICIDES**

**b.) DEFINITION**

- (1) Any incident involving a water source.

**c.) JURISDICTION**

- (1) If contamination poses an immediate threat to human health or the environment, call the OSDA office to contact the appropriate agency.

**d.) SPECIFIC INSTRUCTIONS**

- (1) Complete narrative investigation forms and address the following:
  - i. Party responsible for alleged contamination.

- ii. Possible source (s) of contamination: drift, run-off, leaching in soil, accidental release, or other.
- iii. What water source is used for: livestock, recreation, fishing, drinking, and/or irrigation.

**e.) EVIDENCE REQUIRED**

- (1) Statements from eyewitness, neighbors, and applicators.
- (2) Take photographs, if applicable.
- (3) Residue samples from;
  - i. Fish,
  - ii. Small birds,
  - iii. Water,
  - iv. Sediment,
  - v. Affected site,
  - vi. Unaffected areas (for comparison),
  - vii. If evidence is not available, explain why in narrative.

**f.) SAMPLE QUESTIONS FOR COMPLAINANT**

- (1) What specific areas does this water source supply?
- (2) Has this water been used at any locations other than the suspected site?
- (3) Is there any possibility of the alleged contamination affecting nearby public water systems?
- (4) Have you mixed pesticides/fertilizers in the area near the well?
- (5) Was any equipment used to transport water that was previously used for pesticides/fertilizers?
- (6) Has anyone other than you used water from alleged contaminated site? If so, for what purpose?

**g.) RESPONDENT CONTACT**

- (1) Contact person suspected to have caused pesticide/fertilizer contamination.
- (2) Inform respondent of the alleged incident against him/her.
- (3) Give respondent the opportunity to respond in writing to the allegations.
- (4) Determine if respondent furnished the pesticide, did respondent furnish a label or provide written requirement to the farm operator for restricted use or state local use pesticides.

## **5. CONTAMINATION OF SOIL BY FERTILIZERS OR PESTICIDES**

### **a.) DEFINITION**

- (1) Any incident involving soil.

### **b.) JURISDICTION**

- (1) If contamination poses an immediate threat to human health or the environment, call the OSDA office to contact the appropriate agency.

### **c.) SPECIFIC INSTRUCTIONS**

- (1) Complete narrative investigation forms and address the following:
  - i. Party responsible for alleged contamination.
  - ii. Possible source (s) of contamination: drift, run-off, leaching in soil, accidental release, or other.
  - iii. What is field/site used for, i.e. crops, pasture, recreation, etc.

### **d.) EVIDENCE REQUIRED**

- (1) Statements from eyewitness, neighbors, and applicators.
- (2) Take photographs, if applicable.
- (3) Residue samples from;
  - i. Affected site,
  - ii. Unaffected areas (for comparison),
- (4) If evidence is not available, explain why in narrative.

### **e.) SAMPLE QUESTIONS FOR COMPLAINANT**

- (1) What is this area used for?
- (2) Has this soil been used at any locations other than this site?
- (3) Is there any possibility of the alleged contamination affecting nearby public water systems?
- (4) Have you mixed pesticides/fertilizers in the area?

### **f.) RESPONDENT CONTACT**

- (1) Contact person suspected to have caused pesticide/fertilizer contamination.

- (2) Inform respondent of the alleged incident against him/her.
- (3) Give respondent the opportunity to respond in writing to the allegations.

g.) Determine if respondent furnished the pesticide/fertilizer, did respondent furnish a label of the pesticide/fertilizer used, or provide written requirement to the operator for restricted use or state local use pesticides.

## 6. PUBLIC AREAS AND RIGHTS-OF-WAY

### **a.) DEFINITION**

(1) Any incident regarding alleged effects to a area involved in common transport, areas of public access (parks or public trails), or utility right-of-way.

### **b.) SPECIFIC INSTRUCTIONS**

(1) In addition to completing the narrative investigation report, address the following:

i. Determine who maintains the right-of-way or public area:

- State,
- County,
- City,
- Private owner,
- Commercial applicator,
- Utility company,

ii. Type of right-of-way or public area:

- Railroad,
- Highway,
- Waterway,
- Airport,
- Utilities,
- Pipelines,
- Drain ways,
- Public path or trail,
- Park.

**iii. SOURCE OF ADVERSE EFFECTS**

- Determine the source of pesticide/fertilizer effects:
  - ⇒ Off target deposition,
  - ⇒ Run-off or leaching,
  - ⇒ Tree root extending into treated area.

### **c.) EVIDENCE REQUIRED**

(1) Take photos of:

- i. Affected site and adjacent non-affected site.
- ii. Close-up photos should be used to indicate typical characteristic symptoms relative to the pesticide/fertilizer used.

(2) Obtain samples from affected and treated areas:

- i. Soil,
- ii. Vegetation,
- iii. Spray tank, if applicable,
- iv. Formulation, if applicable.

(3) Obtain a copy of easement rights, if an issue.

(4) Hand-drawn or computer generated map.

(5) NOTE: if evidence is unavailable, explain why.

### **d.) AFFIDAVITS/STATEMENTS**

(1) Interview and obtain signed statements from:

- i. Eyewitnesses,
- ii. Applicator of suspected source of pesticide/fertilizer.

(2) NOTE: if they do not wish to provide a signed statement, record their statements on a separate narrative.

### **e.) SAMPLE QUESTIONS FOR COMPLAINANT**

- (1) Has this problem occurred before? If so, when, and who was the applicator?
- (2) Did you witness this application/incident?

### **f.) SAMPLE QUESTIONS FOR RESPONDENT/APPLICATOR/OWNER**

- (1) Tell me in your own words what happened.

## **7. DISPOSAL**

### **a.) DEFINITION**

- (1) Any incident involving a pesticide/fertilizer, its containers, or other material contaminated with pesticides/fertilizer that has or will be discarded.

### **b.) JURISDICTION**

- (1) If it is apparent there are jurisdictional issues contact the office to notify that agency.

### **c.) SPECIFIC INSTRUCTIONS**

- (1) In addition to completing the narrative investigation form, address the following:
  - i. Notify and coordinate with other agencies that may be involved.
  - ii. Did disposer violate label instructions for disposal?
  - iii. Does location of disposal pose other hazards? If so, describe.
  - iv. Identify owner or person owning the lease of disposal site.
  - v. Obtain information on the types of pesticide/fertilizer waste at the site. (Containers and/or product may be considered waste).
  - vi. Create a map including the name and location of the site and any waterways, wells,

etc., which could be contaminated.

- vii. Make notes of drainage patterns, other relevant environmental conditions, surrounding land uses, vegetation and any evidence of suspected contamination.
- viii. Note potential risks to humans, involving access or use of site.
- ix. Take precautions to avoid risks to yourself.

#### **d.) EVIDENCE REQUIRED**

(1) Take photos of:

- i. Affected areas ,
- ii. Unaffected areas,
- iii. Pesticide/fertilizer containers,
- iv. Pesticide/fertilizer labels,
- v. Alleged dump site,

(2) Follow-up site inspections should be documented to show if measures are taken to comply.

(3) Take samples of:

- i. Area where pesticide/fertilizer was allegedly disposed (water, soil, vegetation).
- ii. Unaffected areas for comparison.

#### **e.) QUESTIONS FOR COMPLAINANT**

(1) Did you see someone dump the pesticides/fertilizers or containers?

(2) Who do you think dumped the pesticide/fertilizer?

(3) Can you identify any crops in the area to which the suspected pesticide/fertilizer may have been applied?

## **f.) QUESTIONS FOR OPERATOR**

- (1) How do you dispose of unused pesticide/fertilizer mixtures or empty containers?
- (2) What agreement did you have with commercial applicator concerning disposal of empty containers, mixes or rinsate?
- (3) Who supplies the pesticides/fertilizer?
- (4) Do you have a sales receipt for the pesticide/fertilizer?
- (5) Do you have any pesticide/fertilizer containers in your possession similar to product involved in the incident?
- (6) Are you a certified or licensed applicator? If so, where did you purchase your pesticides/fertilizer?
- (7) Do you know who disposed of the pesticides/fertilizer and/or containers involved in the complaint?

## **g.) QUESTIONS FOR RESPONDENT**

- (1) Do you routinely dispose of pesticides/fertilizer and rinsates left over from an application and containers? If so, how? Where?
- (2) Do you keep any records of disposal of pesticide/fertilizer containers?
- (3) What type of agreement do you have with operators concerning disposal of pesticide containers?
- (4) Who furnishes pesticides used for your application?
- (5) Do you have any empty pesticide/fertilizer containers at your facility? If so, how are they stored and how long have containers been on-site?
- (6) Do you know who disposed of the pesticides/fertilizer and/or containers involved in the complaint?

## Section VII – New Inspector Training

### 1. *ORIENTATION*

#### A. Agriculture Personnel Orientation

1. Employee Handbook Updated material
2. Divisions of Agriculture
3. Office of Personnel management
4. Oklahoma Merit Protection Commission
5. OSDA Policies
6. Employee Benefits

#### B. PICS Division Personnel Orientation

1. Performed by Field Program Manager
2. Introduction of Office and Lab Personnel
3. Responsibilities of each individual in office and lab explained.
4. Obtain Pesticide Procedures Manual
5. Obtain Structural Pest Control Field Manual
6. Assignment of Supplies and Equipment
  - a. List of supplies and equipment – Attachment A
  - b. List of reference books – Attachment B
  - c. Pesticide Applicator study manuals – Attachment C
  - d. List of Inspection and Investigative Forms – Attachment D
  - e. List of Office and Field Personnel phone numbers – Attachment E
7. Have photograph taken for Agriculture I.D. card, EPA credentials and obtain USDA Federal Pesticide Record Keeping Program Credentials.
8. PICS Divisions Policies

### 2. *TRAINING IN OFFICE*

#### A. Review Pesticide Applicator Law.

1. Read Manual.
2. View Videos
  - a. Termite Treatment
  - b. Pre-Treats
  - c. Crawl Space Treatment
  - d. Fumigation

#### B. Review Pesticide Law

#### C. Review Pesticide Procedure Manual

#### D. Review Structural Pest Control Field Manual

#### E. Study “Applying Pesticides Correctly” manual for Core Exam.

### 3. *ELECTRONIC EQUIPMENT TRAINING*

#### A. Computer

1. Install programs and forms on computer
- B. Digital Camera
- C. Telephone

#### 4. *FIELD TRAINING*

- A. Performed with Field Program Manager and/or qualified Field Inspector in new Field Inspectors assigned area.
  1. Complaint investigations
  2. Inspection Procedures
    - a. Use
    - b. Marketplace
    - c. RUP Dealer
    - d. Pesticide Applicator Facility
    - e. Worker Protection
    - f. WPS Label
    - g. Producer Establishment
    - h. USDA Record-keeping
    - i. Experimental Use
    - j. Sample Reports
    - k. Pesticide Service
  3. Sampling Procedures
    - a. Concentrate
    - b. Tank Mix
    - c. Residue
    - d. Documentary
  4. Practical Examinations
    - a. General Pest
    - b. Structural pest
    - c. Fumigation
    - d. Food Processing
  5. Emergency Pesticide Incident Response
  6. Inspection and Investigative Reports
    - a. Pre-Designed Reports
    - b. Written Summary Reports
    - c. Affidavits and Statements
    - d. Photographs and Attachments
  7. Routine Applicator Monitoring
  8. Disposal/Handling of used sampling equipment
  9. Miscellaneous
    - a. How to write/fill-out/complete:
      1. Daily Reports
      2. Expense/Travel Claim Reports
      3. Travel Log
      4. Time Cards
    - b. How to introduce yourself at place of business
    - c. Telephone Etiquette

#### 5. *OFFICE TRAINING*

1. Spend one day with each Program Manager on writing Inspection and Investigative Reports.
  - a. Mike Vandeventer
  - b. Jim Igleheart
  - c. Ken House

6. *TAKE PESTICIDE APPLICATOR EXAMS*

1. Core Exam – “Applying Pesticide Correctly”
2. Private Applicator Exam
3. General Pest Control
4. Structural Pest Control
5. Fumigation
6. Food Processing
7. Agriculture Plant
8. Right-of-Way
9. Ornamental and Turf Pest Control
10. Aerial
11. Public Health pest Control
12. Agriculture Animal
13. Seed Treatment
14. Aquatic Pest Control
15. Forest Pest Control
16. Regulatory Pest Control
17. Demonstration and Research Pest Control
18. Bird and Predatory Animal Control
19. Pressure Facility Timber Treating
20. Ground Line Utility Pole Timber Treating
21. Construction Industry Timber Treating
22. Home Owner Timber Treating
23. Sewer Root Control

7. NEW INSPECTOR TRAINING SCHEDULE – ATTACHMENT F

## ATTACHMENT A

# LIST OF SUPPLIES AND EQUIPMENT CHECKLIST

### 1. *VEHICLE*

#### **A. Travel Log**

- B. Fuelman Cards (Employee and Vehicle Cards)
- C. Fuelman Locations List
- D. Policies on servicing and repair of vehicle
- E. Tool Box or Cover

### 2. *ELECTRONIC EQUIPMENT*

#### **A. Computer and Printer with instruction manuals**

- 1. Carrying Case
- 2. Extras:
  - a. Battery for Computer
  - b. Black and Colored ink
  - c. 3 ½ floppy Diskettes and CD ROM Disk
- 3. Cigarette lighter (AC) adapter
- 4. Power Strip
- 5. Ream of White paper

#### **B. Digital Camera**

- 1. DC adapter
- 2. Adobe photo Deluxe CD Software ( 2-CD's)
- 3. Extra AA's batteries
- 4. San Disk-Flash Path-Floppy Disk adapter

#### **C. Telephone**

- 1. Cigarette Lighter (AC) Adapter Charger
- 2. DC adapter charger
- 3. Regular phone Credit Card

### 3. *SUPPLIES AND EQUIPMENT*

- 1. Respirator
  - a. Extra filters
- 2. Latex gloves
- 3. Chemical gloves
- 4. Leather gloves for crawling houses
- 5. Rubber boots or covers
- 6. Safety glasses
- 7. Safety hard hat
- 8. Coveralls
- 9. Flash lights and extra batteries
- 10. Long metal probe
- 11. Standard screw drivers
- 12. Elbow pads
- 13. Knee pads
- 14. Binoculars
- 15. Wind meter
- 16. Soil Sample Probe
- 17. Fertilizer Probe -- 24" Open-slotted sampling tube

18. Fire Extinguisher for vehicle
  19. First Aid Kit for vehicle
  20. Sampling supplies
    - a. amber jars and lids
    - b. aluminum foil bags
    - c. mailing bags (long clear plastic)
    - d. 1 oz. Sample jar and suction tube
    - e. needles
    - f. plastic tubing
    - g. 10 ml vacuum tubes
    - h. EPA tape
    - i. Styrofoam mailing container
    - j. Patch tape
    - k. Nylon Reinforced tape
  21. One gallon of water
  22. Soap
  23. Towels or Paper towels
  24. Measuring Wheel
  25. Yard stick
  26. Caulking
  27. Eye Wash
  28. Funnel
  29. Hammer
  30. Pliers
  31. 4 x 4 squares
  32. Alcohol swabs
  33. Alcohol
  34. Pocket knife
  35. Calculator
  36. Stop watch
4. *OFFICE SUPPLIES*
1. Storage Containers
  2. Black ink pens
  3. Sharpie pens
  4. Clip Boards
  5. Notebook and paper
  6. Paper clips
  7. Stapler and staples
  8. Colored pencils
  9. Transparent Tape
  10. Manila Folders
  11. Calendar
  12. Post-It Note pads
  13. Notebook for travel log and fuelman cards

## **ATTACHMENT B**

### **LIST OF REFERENCE BOOKS**

#### **USDA Federal Pesticide Recordkeeping Program**

Licensed Pesticide Applicator List

Weeds of North Central States

Weeds of the West

Ball Field Guide to Diseases of Greenhouse Ornamentals

Eastern Forest Insects

Major Horticulture and Household Insects of Oklahoma

Pest of Landscape Trees and Shrubs

Manual of Woody Landscape Plants

Know It and Grow It

Insects that Feed on Trees and Shrubs

Diseases of Trees and Shrubs

Herbicide Injury Symptoms and Diagnosis

## **ATTACHMENT C**

### **PESTICIDE APPLICATOR STUDY MANUALS**

Core Exam – “Applying Pesticide Correctly”  
Private Applicator Exam  
General Pest Control  
Structural Pest Control  
Fumigation  
Food Processing  
Agriculture Plant  
Right-of-Way  
Ornamental and Turf Pest Control  
Aerial  
Public Health pest Control  
Agriculture Animal  
Seed Treatment  
Aquatic Pest Control  
Forest Pest Control  
Regulatory Pest Control  
Demonstration and Research Pest Control  
Bird and Predatory Animal Control  
Pressure Facility Timber Treating  
Ground Line Utility Pole Timber Treating  
Construction Industry Timber Treating  
Home Owner Timber Treating  
Sewer Root Control

## ATTACHMENT D

### INSPECTIONS AND INVESTIGATIVE FORMS

<u>Number of Form</u>	<u>Name of Form</u>
<b>PICS 1</b>	<b>Complaint Statement</b>
PICS 2	Sample Report
<b>PICS 20 Inspection</b>	<b>Pesticide Applicator Facility</b>
PICS 24	Pesticide Label Inspection
PICS 44	Investigation Report
PICS 51	Drift Complaint
PICS 95	Wood Infestation Report Inspection/ Termite Treatment Inspection
PICS 95PT	Pre-Treat Inspection
PICS 171	Restricted Use Pesticide Records Inspection List
PICS 172	Market Place Inspection
PICS 173	Worker Protection Checklist
PICS 175	Pesticide Service Inspection

# **ATTACHMENT F**

## **NEW FIELD INSPECTOR TRAINING SCHEDULE**

### **DAY 1 & 2**

PICS Division Personnel Orientation

### **DAY 3 & 4**

**Electronic Equipment Training**

### **DAY 5**

**Training in Office**

### **WEEK 1**

**Start Field Training – Field Program Manager**

### **WEEK 2**

**Field Training – Field Program Manager or Qualified Field Inspector**

### **WEEK 3**

**Office Training -- Program Managers**

**Study for and take Applicator Exams**

### **WEEK 4**

**Agriculture Personnel Orientation**

**Continue reviewing Laws and study manuals**

### **WEEK 5 & 6**

**Field Training – Field Program Manager or Qualified Field Inspector**