

ENVIRONMENTAL QUALITY EVALUATION'S RESPONSIBILITY

IN NURSERY PESTICIDE APPLICATIONS

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Legal responsibility for a pesticide application lies with the applicator himself, or his immediate supervisor. They are ultimately responsible to read and understand the pesticide label and to use the pesticide according to label instructions. If they fail to do so, it is a violation of the law and could result in civil or even criminal penalties.

Today there are so many regulations and procedures connected with applying pesticides that it is difficult to use them without breaking the rules. For example, today there are two (2) different classifications of pesticides; pesticides are classified for either general use or restricted use. Not only does the U. S. Environmental Protection Agency classify pesticides but each State may also classify pesticides for restricted use. Today there are different types of pesticide applicators - certified applicators, private applicators, commercial applicators, public operators, etc. There are even categories and sub-categories of applicators who use restricted use pesticides; Forest Pest Control category, Aquatic Pest Control Category, Rights-of-Way Pest Control category, etc. There are lists of cancelled and suspended pesticides; Experimental Use Permits; Registrations for Special Local Needs; Rebuttable Presumption against Registration; and Environmental Statements. There are regulations and Recommended Procedures for Storage, Transportation, and Disposal of Pesticides. How is the nurseryman expected to know all the implications of the rules. He isn't, and unless he is an expert on pesticide laws, the wise nurseryman will seek guidance and assistance in his selection and use of them. This is where we can help. It is our responsibility to help interested nurserymen and others become informed and stay abreast of pesticide matters to avoid problems.

How do problems develop? Surely if you use a pesticide illegally no one will know. The EPA and State inspectors aren't standing behind every tree watching and waiting to jump out and say, "uh ha, you're under arrest!" It doesn't work that way. Let me give you a hypothetical situation of how a problem develops:

A certain nursery has large supply of anthraquinone. The nurseryman has used this product for several years as a bird repellent. He has found it to be extremely effective, quite safe and most economical. Then he discovers the chemical is not registered for this use. What should he do? He could use up his existing stocks and save the nursery the cost of the

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chemical. This would also save him the trouble of finding a suitable disposal site, and save the nursery the expense of disposal. Besides, as far as the nurseryman is concerned, a substitute, if there is one, is not effective or as safe. What would you do? What would you do if there were no substitutes? If you think for a minute, there would be no questions. For it is conceivable that a pesticide accident such as a fire or spill, resulting in injury, could occur on the nursery. This would probably bring in EPA or State officials. They would probably take affidavits. And if an employee has an ax to grind, where do you think you would stand in a court of law?

It is also conceivable that an employee, who has been exposed on the nursery, could become ill or poisoned from a remote or other unknown source. What will be the doctor's diagnosis? I know. "Probable Pesticide Poisoning." Would the employee have a case against the nursery if the nursery were negligent? Where do you think the nursery would stand in a court of law?

It is conceivable that some day the applicator, or his family, could associate just about any future health problems with the "yellow stuff" they had on the nursery, And, if in the meantime, should the chemical be demonstrated to possess chronic toxicological properties,- What will the applicator say? I know what he will say, "My boss lied to me. He told me it was safe." Where do you think the nursery would stand in a court of law?

Remote? About as remote as hundreds of hypothetical situations you can imagine. About as remote as all the claims today - right or wrong - by Vietnam veterans who were exposed to Agent Orange. Therefore, the decision to "misuse" this chemical under any circumstance would be a mistake; it is illegal and the risks are too great. In the long run, you would not save the nursery any money; you would jeopardize the health of your employees; and you would make yourself and your employer criminally liable.

If we in Environmental Quality Evaluation can help you and other people avoid problems like this, we are doing our job. How well we do it depends a lot on you and how you use our service. Anyone with a pesticide question (What is registered? When to use it? How much to use? Where to use it?) can call us on the telephone. We may not be able to answer a question immediately, but we know where to find the answer, and we will.

It is our responsibility to examine for correctness, PRIOR TO APPLICATION, any proposed use of a pesticide we receive on our Pesticide Use Proposal forms. With this service we do a complete technical label review and can expose improper uses, thereby avoiding problems before they develop. You are familiar with this activity. It is part of our obligations in Title IV and CM-4 programs.

We also develop special publications that help you select and use properly registered pesticides. Our first publication was the Nursery Pesticide Handbook. It was developed especially for you, the nurseryman. We have since published the Herbicide Handbook and more recently, the Pesticide Guide for Shade and Ornamental Trees.

We publish a Pesticide Quarterly Newsletter. The purpose of this publication is to help the pesticide user keep abreast of significant regulatory changes and developments affecting the **use** and availability of pesticides. The Newsletter is written in simple language to eliminate legalese and bureaucratic jargon that is usually found in the Federal Register and other official documents and communications.

Finally, we are able to help by participating in Meetings such as this, I will be happy to attempt to answer any questions during the rest of my time allocation.