

WS Directive

2.401 10/19/2009

PESTICIDE USE

1. PURPOSE

This directive will provide for the safe and effective storage, disposal, recordkeeping, and use of pesticides. It is also intended to mitigate releases of pesticides due to fire and non-fire events. This directive does not apply to sanitizers and disinfectants.

2. REPLACEMENT HIGHLIGHTS

This directive revises WS Directive 2.401 dated 01/02/08.

3. POLICY

Wildlife Services (WS) activities will be in compliance with applicable Federal, State, Tribal, and local laws and regulations pertaining to pesticides, including application, certification, storage, transportation, shipment, disposal, and supervision, or when recommending the use of restricted-use pesticides. Restricted use pesticides used or recommended by WS personnel must be registered by the U.S. Environmental Protection Agency (EPA) and the appropriate State regulatory agency.

WS personnel are responsible for all aspects of control operations involving WS restricted-use pesticides having label language which specifies "*for use only by USDA personnel... or persons under their direct supervision.*" While non-WS persons may be involved in various phases of operations using these pesticides, the actual application will be conducted only by WS certified applicators. Furthermore, pesticides displaying restriction-specific labels, and all derived chemical products, will not be transferred or otherwise released to non-authorized personnel per label restrictions. This restriction does not preclude or limit reimbursement to WS for any cost of materials or services provided involving these pesticides.

Pesticide use, storage, and disposal will conform to label instructions and other applicable regulations and laws. Before using any pesticide, WS personnel will be trained in its proper and safe use.

For field applications, where other decontamination equipment of sufficient quantity and type is not readily available; WS personnel must carry a decontamination kit containing at least one quart of water, coveralls, disposable towels, and soap.

WS personnel will not conduct operational activities on private property where other persons are known to be using the same or a similar pesticide(s) intended for control of the same target

species. WS equipment, materials, and warning signs will be promptly removed from the area if such use is discovered. WS will notify the property owner or manager of this action.

Material Safety Data Sheets (MSDS) and labels for each pesticide used by WS must be provided to all WS personnel and other potential users.

All pesticides, restricted-use or not, must be stored according to label directions in a locked or secured box, building, or vehicle when not in use. Warning signs or symbols required by Federal, State and Tribal laws and regulations must be displayed in the appropriate locations. Pesticides must be used in accordance with the WS' Standard for Storing Pesticides (See Attachment 1).

All unusable pesticides and by-products will be handled in a manner prescribed by the State Director (SD) and in accordance with EPA and State procedures and product labeling. SDs are responsible for establishing proper accounting and monitoring procedures for all pesticides used in their program.

4. RECORDKEEPING REQUIREMENTS

Minimum recordkeeping for Federally registered, restricted-use pesticides require that the following information be recorded within 30 days following the pesticide application and be kept on file for at least 2 years [Note: State pesticide regulatory agencies may require additional recordkeeping and enforce longer retention dates]:

- a. The brand or product name, and EPA registration number of the restricted-use pesticide that was applied;
- b. The total amount of restricted-use pesticide applied;
- c. The location of application, size of the area treated, and crop, commodity, stored product, or site to which a restricted-use pesticide was applied;
- d. The month, day, and year when restricted-use pesticide application occurred; and,
- e. The name and certification number of the certified applicator who applied or who supervised the application of restricted-use pesticide.

An inventory record will be maintained for pesticides in the Management Information System, Control Materials Inventory Tracking System (CMITS). Records will be evaluated by Headquarters staff with periodic spot checks by designated officials.

Any toxic or adverse human effect which occurs to WS personnel, cooperators, or the public involving use, storage, or disposal of any pesticide registered by USDA, APHIS is to be immediately reported to the SD and Director (as designated in Directive 1.101) with details recorded on WS Form 160 (2007) and WS Form 160A (2007). The forms serve to document the incident in sufficient detail to allow the Safety, Health and Environmental Protection Branch (SHEPB) to determine if further investigation is needed. The Operational Support Staff (OSS)

Director, or designee, will report the incident and submit specifics to the APHIS, Environmental Services Director, as appropriate. An adverse human effect is defined by EPA as an incident in which a person suffers an adverse physiological or behavioral effect (other than local damage to or irritation of the skin or eye of the type commonly associated with dermal or ocular exposure when the label provides adequate notice of such a hazard).

Incidents and/or accidents resulting from the use of pesticides must be immediately reported to the appropriate supervisor and to the WS Safety and Health Council. The WS Safety and Health Council is responsible to investigate and/or coordinate the investigation of any incident or accident related to the use of pesticides. A complete documented investigation must be performed by a competent person for any significant accident. A significant accident is defined as a death of any person, or a three-day (or more) lost time accident of an employee. The council will report any findings and recommendations to the WS Management Team in order to prevent a reoccurrence of such an incident.

Additionally, WS personnel are required to report to the SD, any knowledge of adverse incidents involving APHIS registered products. An adverse incident has occurred if a person or nontarget organism is exposed to and/or has an adverse effect from a pesticide.

5. REFERENCES

Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), as amended.

Food, Agriculture, Conservation, and Trade Act of 1990 (FACT Act).

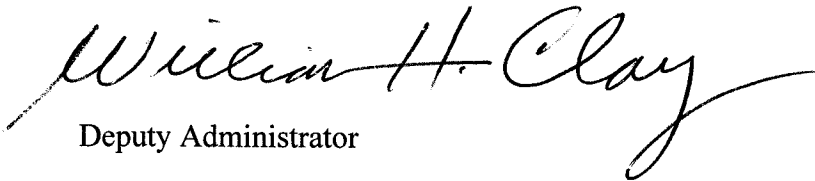
National Environmental Policy Act (Public Law 91-190, 42 U.S.C 4321 et seq.).

40 CFR Part 153.75 - Toxic or Adverse Effect Incident Reports, (a)(1)(i) through(iii).

Federal Register Vol. 58, No. 67 p. 19014.

National Fire Protection Association (NFPA) 434, Code for the Storage of Pesticides. NFPA 30B, Flammable and Combustible Liquid Code.

NFPA 30B, *Storage of Aerosol Products*.

A handwritten signature in cursive script that reads "William H. Clay". The signature is written in black ink and is positioned above the printed name of the Deputy Administrator.

Deputy Administrator

ATTACHMENT 1

STANDARD FOR STORING PESTICIDES WILDLIFE SERVICES

INTRODUCTION

The purpose of this Standard is to provide information for safe worksites for employees and safe storage of pesticides, identify appropriate waste disposal methods, and define an adequate pesticide inventory and its contents.

DEFINITIONS

This Standard defines typical nomenclature involved in safely storing pesticides. These terms are important in understanding the applicability and scope of this Standard.

Material Safety Data Sheet (MSDS). A document that is produced by the manufacturer that describes the pesticide content and specifications, hazardous properties, disposal and safety information.

Pesticide Container. Any drum, bag, box, bottle, carton, jar, pressurized container, or other closed vessel containing a pesticide, or pesticide residue, having an attached product label and used as the pesticide's primary container.

Pesticide Inventory. A written record containing the following information for each pesticide being stored, regardless of quantity:

- Name of pesticide;
- EPA registration number;
- Quantity transferred, used, disposed of; and
- Beginning and ending balance.

Pesticide Storage Cabinet/Box. A WS-approved storage cabinet or box used for the sole purpose of storing pesticide containers.

Pesticide Storage Site. A storage site for general and restricted-use pesticides approved by WS for long-term storage such as a central storage/distribution facility or residential site or temporary storage of pesticides such as at a residence or in a vehicle overnight. Storage areas can be categorized as:

- **Incidental storage sites.** Incidental storage sites are areas which contain less than 500 total pounds (lbs.) of solid or liquid pesticide with each pesticide not exceeding the incidental total for any one pesticide (Table 1). Even though incidental storage provides for exceptionally small quantities of pesticides, general storage requirements regarding security must still be implemented.

- **Small quantity storage sites.** These sites are defined as areas that exceed the requirements of an incidental storage site, but not exceeding 1000 total pounds of solid or liquid pesticide and not exceeding the small storage total for any one pesticide (Table 1). Even though small storage sites hold small quantities of pesticides, general storage requirements regarding security must still be implemented.
- **Large quantity storage sites.** These sites are defined as bulk storage areas that contain over 1000 total pounds of solid or liquid material.

Pesticide Weight. The weight of pesticide is determined as the weight of active pesticide ingredients and does not include the weight of capsules, containers, etc.

Ready Supply. A quantity of pesticide kept on-hand sufficient to complete an identified project, concurrent projects, or to conduct up to a week of work. However, when an employee is required to travel an extensive distance to pickup the pesticide from a central storage/distribution facility, or when there are other extenuating circumstances, the supervisor can extend the ready supply rule to a longer period.

Restricted-Use Pesticide. Pesticides classified as restricted use under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) in 40 CFR, Part 152.175 and can only be used by applicators certified to use them.

Secondary Containment. Any container or device that prevents a release of pesticide material into the environment when the primary pesticide container fails.

Worksite. For the purpose of this Standard, a worksite is defined as an office, warehouse, residence, or other ground location from which employees base their work. Restrictions on pesticide storage at residential sites apply (see **Residential Storage Sites** below).

GENERAL STORAGE REQUIREMENTS

The following are general requirements that apply to all pesticide storage sites. All pesticides must be stored:

1. In full compliance with EPA and appropriate State pesticide label requirements.
2. In closed containers, at WS-approved worksites.
3. So that only employees approved by the State Director (SD), Field Station Leader, Project Leader, or their designee, will have access to pesticides.
4. Separate from food and personal contact items such as clothing, linens, furniture, animal feeds and animal health products.
5. To minimize contact with moisture, excessive heat or freeze/thaw cycles, or other environmental conditions that affects the container integrity or product stability.
6. Away from open-flame devices such as cutting and welding torches and furnaces without an evaluation to ensure these sources will not ignite any pesticides. A "burn permit" may be required.

7. To prevent theft. Unattended pesticides must be locked at all times to prevent theft or unauthorized use. Pesticides must not be left in motel rooms or other unsecured locations. **Immediately notify the supervisor if a theft or loss occurs.**
8. With a current, up-to-date, pesticide inventory, available to emergency responders, auditors, and other authorized persons.
9. In a manner that segregates any incompatible pesticides.
10. In a manner to prevent run-off or leaching into the environment, paying particular attention to waterways, such as, streams, drinking water protection zones, well heads, lakes, rivers, and other waters.

In each office or warehouse where pesticides are stored, a current Occupant Emergency Plan (GSA Form 3415) must be in place.

Banned or unapproved pesticides will not be used or stored at any WS facility. Refer to the section Waste Disposal for appropriate disposal procedures.

Pesticide Containers. All pesticide containers having pesticides or residue will be:

- Properly labeled (legible FIFRA label on the outside of the container). Labels must not be removed from original container.
- Free from rust and leaks.
- Stored appropriately in an approved pesticide cabinet/box or at an officially designated central storage/distribution facility.

Pesticide Cabinets and Boxes. WS approved pesticide cabinets and boxes must be:

- Made of metal, hard high-density plastic or another non-combustible material of substantial construction to minimize the risk of vandalism.
- Fire and weather resistant with sturdy hinges, locks and hasps.
- Clearly labeled to depict the hazard such as “Danger – Poison” with a skull and cross bones, as appropriate.
- Stored, if applicable, where adequate fire extinguisher or spill containment and collection materials (items used to clean-up a spill, i.e. sealable plastic containers, rags, paper towels, broom, dust pan, etc.) are readily available.
- Dedicated to pesticide storage only.

Central Storage/Distribution Facilities. These facilities are generally located at State, District, or Field Offices, and/or their affiliated warehouse buildings. These sites can be designated as incidental, small-, or large-quantity storage sites. The primary function of a Central Storage or Distribution Facilities is for the distribution or transfer of smaller amounts or “ready supply” of pesticides to WS employees for their use. Access to pesticides should be limited to one or two designated persons who are responsible for distribution, inventory, recordkeeping, and disposal under FIFRA, and when applicable, under the Resource Conservation and Recovery Act (RCRA). In addition to the general storage requirements, the following requirements apply:

Incidental Storage Sites. Storage sites meeting the definition of incidental storage, will meet all general storage requirements.

Small-Quantity Storage Sites. In addition to the general storage requirements, small-quantity storage sites will provide a locked pesticide storage cabinet, or, if appropriate, flammable liquid storage cabinet constructed of noncombustible materials if the pesticide is flammable or combustible in a dedicated room that is appropriately ventilated. In addition:

1. Smoking is prohibited in all storage areas containing pesticides and "No Smoking" signs will be conspicuously posted at all entrances to storage areas.
2. A fire extinguisher and spill kit (if applicable) must be located within 30 feet of the storage area.
3. If pesticide transfer operations will be performed, e.g., from one container to another container, personal protective equipment and the availability of an emergency eyewash system (permanent or portable) or a shower should be available, dependent on the nature of the potential exposure.
4. The most recent pesticide inventory, MSDS, and emergency response information or contact phone numbers will be maintained and readily available on-site.
5. All storage lockers will be signed with the appropriate "State-approved" sign.
6. All pesticide-containing compressed gas cylinders must be located in a secured outdoor, covered area.
7. Accumulation of combustible materials or trash in pesticide storage area is prohibited.
8. All containers must be in secondary containment to prevent pesticide spills into the environment. Examples of secondary containment for liquids include polyethylene-lined tubs, dikes, curbing, and double-walled tanks, and for non-liquids, a pesticide storage cabinet or box, as defined below.

Large-Quantity Storage Sites. In addition to the general requirements and small-quantity storage site, large-quantity storage sites shall not be located in basements or buildings of combustible materials. In addition, the following characteristics will apply to all large-quantity storage sites.

1. Pesticide spills must be able to be contained within the inside of the facility or directed to an exterior holding tank. The spill capacity shall be equal to the largest pesticide container capacity plus 10%.
2. Building floors must be constructed and maintained to contain spills and prevent emergency conditions in adjoining occupied areas or buildings. Floor drains must be plugged.
3. The building must be illuminated to allow identification of pesticide container labeling.
4. All exterior, large-quantity storage areas will have appropriate hazard identification. Generally, NFPA 704, *Standard Systems for the Identification of the Hazardous of Materials for Emergency Responders* (the diamond system) will be used. In addition, a State-approved sign, or a placard that reads PESTICIDES in black 2 inch letters on a white background shall be posted.
5. Storage of incompatible materials shall not be within 25 feet of affected pesticide unless protected by 1-hour fire-rated material.

6. The building will be equipped with automatic fire detection and suppression systems. (**Caution:** The selection of an extinguishing agent(s) must be carefully considered such that the chemical properties of the pesticide and extinguishing agent are examined to ensure compatibility. Some pesticides have chemical properties that pose escalated fire risk. For example, if an aluminum phosphide fumigant contacts water, it produces phosphine gas, a highly flammable gas that self-ignites at 100° C. In this case, water-based sprinkler systems should not be used. Perhaps, a better choice would be an ABC Multi-purpose or non-ozone depleting fire extinguishing agent. **Note:** Halon-based extinguishing agents should not be used.)
7. A written risk assessment should be conducted to determine an appropriate storage facility location. Some factors to consider include:
 - The capacity for effective and safe evacuation
 - Nearby human populations
 - Unique or high-value environmental resources nearby
 - In the case of fire, could human exposures be prevented or adjacent property and environmental assets be protected
 - Chemical properties
 - Mixed product storage
 - Smoke and liquid runoff
 - Emergency response capabilities

Residential Storage Sites. When it is necessary for authorized employees to store small quantities of pesticides at their residences, the storage area at a residential location is classified as a worksite, and all the aforementioned general storage, pesticide container, pesticide cabinet, and inventory requirements apply. In addition, the following will apply:

1. Storage and storage area must be authorized by the SD in writing.
2. Storage will be inside an approved, locked pesticide storage cabinet or box.
3. Pesticides must be inaccessible to family members and visitors at all times.
4. Pesticides will not be stored inside of residences. An attached garage is not considered inside the residence.
5. If an employee's residence is located at a community dwelling such as an apartment complex or condominium, an approved alternative site must be obtained.
6. A fire extinguisher will be maintained in close proximity to the storage site/area.

TRANSPORTATION OF PESTICIDES AND OVERNIGHT STORAGE IN A VEHICLE

A "ready supply" of pesticides may be transported or stored overnight onboard Government- owned vehicles and enclosed trailers, or personal vehicles authorized for "Official Use" by the SD. However, the following will apply:

1. All pesticides, except for large quantities of bagged grain baits, must be in an approved, locked storage box kept inside the vehicle, or in a locked storage box kept in a substantial locked tool box (or equivalent) that is permanently attached to the vehicle. Large quantities of bagged grain baits may be transported outside a pesticide storage box, but may not be left unattended. Overnight storage of bagged grain bait