

Laws & Regulations Commercial/Noncommercial

In order to read the law it is important to understand the terms; therefore, to begin, study the Definitions listed in each section of the book (See 76.001 - pg. 5, 7.1- pg. 32, 125.002- pg. 71, 8.2 - pg. 81, 170.3 -pg. 93). Notice that Pesticide Laws (Chapter 76) go from page 5 to 31 and Texas Pesticide Regulations (Chapter 7) go from page 32 to 71 and many of the same topics are covered under both. It helps me to read the law and then the corresponding section under regulations whenever possible. You will find that many of the items are really common sense. Focus on those items throughout the manual that would make you as an individual be a better applicator and help you to obey the law. Know requirements for labels, license types, license renewal, record-keeping, supervision, public notification and posting, WPS, etc. Review the penalty and enforcement chapters carefully. Remember that these are example study questions only and there is much more in the Law than what you'll find here. When a statement is made, you should find the related paragraph in the Laws & Regs Manual and determine if the statement is true. If you have your own copy of the Laws & Regs study manual you may want to underline or highlight the correct answers and then look at the context they were in for a better understanding.

(page numbers may shift slightly in different printings)

Use the separate Label Practice Exercise to review types of information found on the label.

Chapter 76. Pesticide and Herbicide Regulations - Texas Pesticide Law

Anytime you think there is a discrepancy between laws and regs, between federal and state or between various state agencies follow the most stringent (the most restrictive) instructions.

1. Define active ingredient. **Pg. 1**
An ingredient intended for preventing, destroying, repelling or mitigating any pest, and any substance intended for use as a plant growth regulator, defoliant or desiccant.
2. When an active ingredient is a *desiccant*, what does the desiccant do to the plant tissue? **Pg. 1**
Artificially accelerates the drying of plant tissue.
3. Define Department. **Pg. 1**
Texas Department of Agriculture (TDA)
4. Define equipment. **Pg. 1**
5. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) is the federal law that regulates pesticides nationwide. State laws and regulations can be more restrictive (or more stringent) than this Act. **Pg. 2**
6. Define label. **Pg. 2**
The written, printed, or graphic matter on or attached to a pesticide or device or any of its containers or wrappers.

7. Define "Labeling". **Pg. 2**
8. Define land. **Pg. 2**
9. Define license use category. **Pg. 2** (see list on pgs 36-37 at §7.21 (a)(b))
10. What is a substance or mixture of substances intended to prevent, destroy, repel, or mitigate any pest, or any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant. **Pg. 2**
Pesticide
11. Explain the difference between a pesticide, an insecticide, and a herbicide. (common knowledge)
12. Explain the difference between a Restricted-Use Pesticide and a State-Limited-Use Pesticide and tell which classification is given by the U.S. Environmental Protection Agency. **Pg.3** (see definition pg. 33)
Restricted-use pesticide that can only be bought and used licensed applicators.
A state-limited-use pesticide is a pesticide or pesticide use on which additional restrictions are placed by the Texas Department of Agriculture
13. The Texas Natural Resource Conservation Commission (TNRCC) and the Texas Department of Agriculture (TDA) may each adopt rules related to water quality. Are these rules more stringent from one agency than the other? **Pg. 5**
14. Name the lead agency for pesticide regulation in Texas. **Pg. 5** (see cover published by the _____
_____) *Texas Department of Agriculture (TDA)*
15. What does TDA, TCEQ, TDH, TSPCB (SPCB) stand for? (Know these regulatory agencies and their acronyms)
Texas Department of Agriculture, Texas Commission on Environmental Quality, Texas Department of Health, Texas Structural Pest Control Board
16. Name the federal agency with jurisdiction over use and registration of pesticides is the U.S. **Pg. 5**
U.S. Environmental Protection Agency
17. Is it necessary for the *re-entry* requirements and *pre-harvest* intervals on labels to be consistent with federal regulations? **Pg. 5** (EPA = rule: TDA = enforcement)
18. The restricted-entry interval required by state or federal law or regulation may not be the same as the restricted-entry interval required on the label but which ever is longest must always be observed. **Pg. 8**

19. Whenever there is a probable cause to believe that serious contamination of water has occurred are the Texas Natural Resource Conservation Commission (TNRCC) and the Texas Department of Agriculture (TDA) required to notify each other? **Pg. 5** *Yes*
20. The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) determines what information must be on all pesticide labels (including appropriate warnings, information, and symbols, etc.) **Pg. 11 / 34** (labeling and label requirements)
21. Summarize the types of information that must be on the pesticide label. **Pg. 6**
Name, active ingredient, directions for use, manufacturer info., batch numbers, warnings/cautionary statements
22. Will a label always have the signal word "CAUTION"? If not, what other signal words might be on the label? **Pg. 11/34** (words not listed = common knowledge)
No. WARNING or DANGER may be on the label.
23. Will the percentage of each active ingredient always be on the label? **Pg. 6**
Yes
24. Pesticides sold for application in Texas must be registered with the Texas Department of Agriculture. **Pg. 8**
Yes
25. When trying to meet a special local need (SLN), can the Texas Department of Agriculture register a pesticide for additional uses and methods of application not covered by federal registration but not inconsistent with federal law? **Pg. 10**
Yes
26. Review the requirements for a Dealers license. see **pg 11**
27. Name the categories of pesticide application that would fall under the direct jurisdiction of the Texas Structural Pest Control Board (SPCB) or the Texas Department of Health (TDH) rather than the Texas Department of Agriculture. **Pg. 14**
28. List three types of pesticide applicators who must comply with the **Texas Pesticide Law** (title on pg. 5) and **Pesticide and Herbicide Regulations** (start pg. 32). **Pg. 16**
Commercial, Non-commercial, private applicators
29. Under what conditions can a person use a restricted-use or state-limited-use pesticide or regulated herbicide in a regulated county? **Pg. 18**
Licensed Commercial, Non-commercial, private applicators; or those working under the direct supervision
30. Name three types of applicators that are licensed by TDA. **Pg. 18** (more depth 19-22)
Commercial, Non-commercial, private applicators
31. Name the type of applicator that can apply a restricted-use or state-limited-use pesticide as part of

a business for *hire* or *compensation* to the land of another person. **Pg. 20-21**

Commercial applicators

32. Is there any time when a licensed pesticide applicator may make applications of restricted-use or state-limited-use pesticides in categories in which the applicator is NOT certified? **Pg. 20**
Working under the direct supervision of an applicator certified in those categories.
33. A commercial applicator business must provide proof of financial responsibility of not less than \$ 100,000 for property damage per occurrence and \$ 100,000 for bodily injury per occurrence or a general aggregate at a minimum of \$ 200,000 per occurrence. **Pg. 21/45**
34. Explain how an agricultural employee can be classified as a private applicator. **(Pg 22 f)**
35. Explain what a certified private applicator can and can not do. **(Pg. 22 j)**
A certified private applicator may use but not supervise the use of restricted-use, regulated pesticides.
36. When do commercial, non-commercial, and private applicator licenses expire? **(pg 22 76.113a-b)**
Commercial & non-commercial licenses expire within one year.
Private applicator licenses expire every 5 year.
37. Can a late fee be charged before a license will be issued if a commercial or noncommercial applicator fails to obtain all required CEUs and/or re-license by the annual renewal date? **Pg. 22-23/44**
Yes. See fee schedule.
38. Commercial, non-commercial, and private applicators must maintain records of what types of applications? (NOTE: it is not the same for each one) **(pg 23 76.114a-b)**
Private applicators keep records on restricted-use, state-limited use, regulated pesticides.
Commercial/non-commercial keep records of all pesticide applications.
39. Is the following a true statement? "A person required by the Texas Herbicide Law to be licensed as a commercial applicator or a non-commercial applicator shall maintain records of *all* pesticide applications made regardless of the use classification of the pesticide applied." **Pg. 23**
yes.
40. Which agency can inspect all equipment used to spray restricted-use and state-limited-use regulated herbicides. **Pg. 23/49**
Texas Department of Agriculture
41. Is any type of applicator exempt from equipment inspection by the Texas Department of Agriculture. **Pg. 23**
42. What sort of equipment must display a decal? **(pg 23 76.115d)**
Registered equipment
43. List some of the enforcement actions that may be taken when the pesticide laws are violated. **Pg.**

23 (76.116.a)

Suspend, modify, or revoke a license, assess an administrative penalty, place on probation, reprimand, or a combination of these.

44. List actions that may result in a license being suspended, modified or revoked. **(Pg 23-24)**
Recommendation/application inconsistent with label, operate in negligent manner, fail to comply with regulatory agency order, neglected keeping records, fail to maintain financial responsibility, fraud, evading provisions of license requirements.
45. If an applicator's license is suspended list three types of pesticides he is NOT allowed to apply even under the direct supervision of another applicator. **(Page 24. f)**
46. Explain when an applicator is required to provide information to the fire chief. (Pg. 26)
If normally store products listed under FIFRA in an amount that exceeds 55 gal. or 500 lbs. within 1/4 mi. of a residential area for more than 72 hrs.
47. Note: pg.27 - 76.142.b. Read This !
48. For the purpose of inspection, when can a Texas Department of Agriculture representative enter a public or private premises to inspect application equipment, pesticide storage, disposal sites and land where pesticides have been applied or reported to have been exposed to pesticides. **Pg. 27**
At reasonable times
49. Can a producer harvest a crop if he has been issued a Stop Use, Stop Distribution or Removal Order by the Texas Department of Agriculture and the order has not been lifted **Pg. 27 - 76.153/68 - 7.61**
50. The **administrative penalties** for violations of Chapter 76 of the Texas Agricultural Code or rules or orders of the Texas Department of Agriculture for administration of these chapters may not exceed \$ 4,000 for all violations related to a single incident. **Pg. 28 76.1555.a**
51. The **civil penalty** shall not exceed \$ 25,000 for all violations related to a single incident. **Pg. 28 76.156.b**
52. Remember that a pesticide must be registered in the state to be used in the state and no person can use or cause to be used any pesticide contrary to its labeling or contrary to a rule of the Department limiting the use of the pesticide. (Review **pg 30-31** - offenses)

Chapter 7. Pesticide and Herbicide Regulations - Texas Pesticide Regulations

TDA has the authority to establish regulations as needed to support, clarify, and define the laws.

53. Define "volatility". **Pg. 32**/(why is this important pg 60)
The tendency of a substance to change from a liquid or a solid to a gaseous state.
54. EPA determines if a pesticide is a restricted-use pesticide. TDA determines if a pesticide is classified as state-limited-use. **Pg 32/45-46**

55. Review label requirements carefully. (pg. 34 /7.11)
56. Know the criteria required for obtaining a Special Local Needs registration.(pg.35 /7.13)
57. List the four items the department must determine before approving a Special Local Need (SLN),
Pg. 35
58. It is the responsibility of the licensee to give notice to the department of any change of address or employment of the licensee. How quickly should TDA be notified? **Pg. 36**
30 days.
59. The use categories under which a commercial or noncommercial applicator may be certified are based on the subject, method, or place of pesticide application. Look at the list and note examples of each. **Pg. 36-37**
60. Define “nurseryman”. **Pg 32**
A person who possesses a current Class 1, 2, 3, or 4 nursery and floral certificate issued by the dept.
61. Under the Texas Pesticide Regulations what special requirements must be satisfied, for a commercial applicator to be certified by the Texas Department of Agriculture in the *Ornamental Plant and Turf Pest Control* Subcategory. **Pg. 38** (7.21 (c)(2) (actually this is to satisfy the Texas Structural Pest Control Board Regs)
A person exempted from licensing requirements pursuant to the SPCB Act must be licensed with the dept. regardless of the use classification of the pesticide.
62. The Texas Department of Agriculture certifies commercial pesticide applicators in the *Ornamental and Turf Pest and Weed control* subcategories only if the applicator is a nurseryman or confines applications only to ornamental and turf plants at the production site. (must see Texas Structural Pest Control Board Regs)
63. In order to receive a commercial or non-commercial license the applicator must make a passing score on the general pesticide applicator examination, the laws and regulations examination, and one or more category exams. The fee for taking category exams is \$24.00 each. **Pg 39**
Currently no cost for non-commercial (govt. entity) applicants.
64. Individual exam scores for the commercial or non-commercial license are only good (valid) for 12 months. After this time, retesting will be required of anyone who does not complete licensing requirements. **Pg. 39**
65. Private applicators must be engaged in the production of an agricultural commodity, they may be an employee of an agricultural producer if the employer pays for all pesticide and equipment used. Private applicators are required to attend a training class and then has 5 years to pass the private

applicators exam. The applicant does not get a license until the exam has been passed. Retraining and retesting will be required if all requirements are not met within the 5 year period. **Pg. 39**

66. One full hour of actual approved instruction is required in order to receive one hour CEU credit. **Pg 40**
67. Review the types of activities that qualify for recertification credits. **Pg. 40 -**
68. Can a private independent *applicator* business provided CEU courses? **Pg. 40 §7.24(e)(2)**
No, must be non-applicator business.
69. Commercial and noncommercial applicators must acquire a minimum of 5 continuing education credits every year. (These 5 credits must include one (1) credit in two of the following categories: laws and regulations, integrated pest management and drift minimization) **Pg. 42**
70. Sponsors of CEU activities should distribute a completion certificate at the time of the activity to the applicators who have successfully completed the activity. The completion certificate should indicate 1) the sponsor, 2) the date, 3) the county, 4) the name of the activity, 5) the amount and type of credit earned, and 6) the TDA course number. **Pg 41**
71. Commercial and noncommercial applicators (who have licensed *before* September 1 of a year) must obtain five (5) continuing education credits by December 31 in order to re-license the following year. (If the license was obtained *after* the Sept. 1 date, the applicator does not have to renew until the next year) **Pg. 42 §7.24(t)**
72. Private applicators must obtain 15 CEUs including 2 hours of laws and regulations and 2 hours of integrated pest management prior to the last day of February of the year their license expires (a private applicator license is good for 5 years). **Pg 42**
73. The herbicide 2,4-dichlorophenoxyacetic acid (2,4-D) is regulated by the Texas Pesticide Regulations. (List another regulated herbicide) **Pg. 44 - 45**
MCPA, Dicamba
74. Will all pesticide labels have “state-limited-use” stamped on the label? **Pg. 44/32**
No. The state may place additional restrictions (state-limited use) if the pesticide presents unreasonable risk to man or environment even when used as directed.
75. If there is a discrepancy between supervision requirements between federal laws or regulations, state laws or regulations, or the pesticide label, which should you (the applicator) follow? **Pg. 45 §7.31 (a)**
The supervision requirement that requires the greatest degree of supervision shall apply.
76. Which licensed applicators may supervise the use of restricted-use and state-limited-use pesticides in Texas? **Pg. 45**
Commercial, non-commercial, or private may supervise; certified applicators may not supervise.

77. A licensed commercial or noncommercial applicator *may* supervise non-licensed applicators making application of restricted-use pesticides **ONLY** in categories in which the licensed applicator is certified. **Pg. 45**
78. Commercial applicators that supervise non-licensed applicators applying restricted-use or state-limited-use pesticides are not required to be physically present but they must always be available to the non-licensed applicator when and if needed. **Pg. 45** (see pg 46 §7.31 (g))
79. Is the licensed applicator responsible for any actions of a person working under the licensee's direct supervision. **Pg. 45** (see also pg 96 - 170.9.c compare pg 26 76.142.b for a similar but slightly different situation)
Yes.
80. List three of the duties that *working* (for the purposes of supervision) with a restricted-use or state limited-use pesticide may include. **Pg. 45**
Transporting, mixing, storing, handling, applying, disposing
81. Licensed private applicators and noncommercial applicators directly supervising non-licensed applicators must assure that persons under their supervision are knowledgeable of laws, regulations, and label requirements for any restricted-use or state-limited-use pesticide being applied. Study through this section on Supervision 7.31 carefully. **Pg. 45 - 46**
82. List some ways that licensed applicators may verify that persons working under their supervision are knowledgeable of label requirements and any rules and regulations governing the use of a particular pesticide. **Pg. 45 - 46 e&f**
Review the label, then have individual(s) sign & date a copy of the label or form prescribed by the department.
83. Licensed applicators employed by *political subdivisions* or *cemeteries* must train nonlicensed employees that they supervise on an annual basis - see **pg 46 7.31.f**
5 CEUs or laws & regs pertaining to the pesticide use.
84. How many years must commercial and noncommercial applicators keep records of all pesticide applications after the date of application. **Pg. 46 / 23**
Two years.
85. All commercial/noncommercial applicators must keep records of all pesticide applications for at least two years. **Pg. 46 / 23**
86. List the types of information required on pesticide application records of commercial and noncommercial applicators. **Pg. 47-48 - §7.33 Records of application** See the example TAEX record keeping form. You may develop your own form but **all** of the required information must be there.

87. The record of application requirement, “total volume of spray mix, dust, granules, or other materials applied per unit” means “total combined volume of pesticide(s), carrier and or additives applied per unit”. (Spray mix = combined volume) **Pg. 47-48(7.33b5D)**
88. If several applications are being made from a single load of pesticide spray mix to sites in close proximity, a single beginning time may be given for all applications. However, the applicator must record each application in order and include the location and the person for whom the application was made. **Pg. 48 (Review 7.33c carefully)**
89. The record of each pesticide application shall be kept current and be maintained at the applicator’s place of business as designated on the applicator’s application/renewal for the pesticide applicators license. **Pg. 48(7.33 d)/23(76.114 a-d)**
90. Any licensee must make records of pesticide applications available for inspection to the Texas Department of Agriculture upon request. **Pg. 48**
91. Look over the Example Pesticide Record Keeping form. One of the most common items to overlook is to record wind speed and direction and this can easily be done with a hand held wind meter and reference to the sun and shadows. **Pg. 48**
92. Is there any condition that would allow an applicator to dispose of, discard or store any pesticide or pesticide container in a manner that may cause or result in injury to humans, vegetation, crops, livestock, wildlife, pollinating insects or pollution of any water supply or water way? **Pg. 48 (7.34.a)**
No.
93. Pesticide containers, concentrates, spray mixes, pesticides, and pesticide rinsates should be disposed of in accordance with the label instructions and in accordance with the Texas Solid Waste Disposal Act, Texas Health and Safety Code. **Pg.48(7.34.e)**
94. The applicator, the owner of the pesticide, and/or the person in control of the mixing site shall be jointly and severally liable for proper storage and disposal of pesticide containers and contents. **Pg. 48 (7.34.f)** see also pg. 27 - 76.142
95. When application equipment is registered with TDA because it is used in the commercial application of restricted-use or state-limited-use pesticides or regulated herbicides, how is it identified? **Pg. 49/23 (pg 23 in §76.115)**
License decal attached in conspicuous place.
96. Under the Texas Pesticide Regulations, the term equipment includes ground, aquatic or aerial equipment employing motorized, mechanical or pressurized power to apply a regulated pesticide. **Pg. 49 (see page 5 definitions)**

97. The department may require a decal to be placed on all commercial (for compensation) application equipment used to apply restricted use and state limited use pesticide or regulated herbicide. **Pg. 49-50**
98. Is a commercial licensee required to notify the Texas Department of Agriculture of any equipment ownership changes. **Pg. 59**
Notification shall be given to the department of any equipment ownership changes and the license decal must be removed before giving up possession of the equipment.
99. If a Texas Department of Agriculture inspector finds commercial application equipment that is unsafe or fails to provide proper application, can the department require that needed repairs or adjustments be made to the equipment before it is allowed to be used. **Pg. 49**
Yes.
100. Is there any situation when an applicator may legally continue using equipment after the equipment has failed a department inspection for safe and proper application? **Pg. 49**
Needed adjustments or repairs must be made before use.
101. When a person trains agricultural workers or pesticide handlers on pesticide safety in Texas under the Worker Protection Standard an EPA training verification card must be issued to each trainee and the roster of the training must be kept for 5 years. **Pg. 49/109/117**
102. Name two types of ground applications that are NOT exempt from the notification of adjacent residents requirements of the Texas Pesticide Regulations. **Pg. 50**
airblast, mist-blowing equipment.
103. When pesticide applications are made with aerial, airblast or mistblowing equipment, persons in charge of day care centers, schools, hospitals or nursing homes and persons who reside or work in a building within 1/4 mile of field on which pesticides may be applied may request prior notification. **Pg. 50**
104. How can notification of adjoining neighbors required by the farm operator be accomplished? **Pg. 51**
WPS flag, written notification, in person, telephone
105. Is it acceptable to use the EPA Worker Protection Standards (WPS) flag/sign as a sign for posting a field to provide prior notification to adjacent residents ? **Pg. 51** see the photo of sign on page 50 and comment pg. 50 §7.36.c
WPS flag, written notification, in person, telephone
106. Review the paragraph on Forbidden Pesticide Practices. **Pg. 54 7.38**

NOTE: §7.39 and §7.40 (pg. 55 - 60) are covered in a separate manual and not on this Exam - - -

107. Is a permit required to spray a regulated herbicide in counties regulated by the Texas Pesticide Regulation? **Pg. 60**
Yes
108. Does TDA have to come to the site and inspect the area to be sprayed and the surrounding area before issuing a spray permit. **Pg. 60**
109. Under the Texas Pesticide Regulations, what agency can issue individual or blanket permits to allow application of a regulated herbicide. **Pg. 60** (*Not clear - remember these are TDA Regs so TDA is implied*)
110. When does a herbicide spray permit expire? **Pg. 60 a-1**
180 days or when the area is treated (whichever comes first).
111. Do applications of regulated herbicides by brush, mop, wick, basal treatment or injection methods require individual permits? **Pg. 60 a-2**
These applications are exempt from the requirements of obtaining a permit.
112. Are applications of regulated herbicides in regulated counties by airplanes and helicopters, mistblowers and airblast sprayers, or boom sprayers exempt from the permit requirements. **Pg. 60** (the exemptions are listed - none of these are included)
No.
113. Under the Texas pesticide regulations, no person shall spray herbicides when the wind exceeds 10 miles per hour (MPH). **Pg. 60**
114. Is the use of turbine or blower-type ground application equipment for regulated herbicides prohibited **Pg. 60**
Yes
115. The Texas Pesticide Regulations should be consulted to determine if any special provisions might apply to a specific regulated county. **Pg. 60-68**

NOTE: page 61 to 68 §7.53 Special provisions for specific Counties - know that this is here and that you can look up the specific regulations for your County but you will not be tested on this County specific information.

116. List 8 reasons for the issuance of a *Stop Use, Stop Distribution or Removal Order*? **Pg. 68 - 69**
Pesticide: not registered with EPA and/or TDA; no legible label; in unsafe container; restricted-use, but distributed by unlicensed dealer; restricted pesticide applied by unlicensed person or one working under supervision of unlicensed individual; prohibited or cancelled pesticide; pesticide in violation of FIFRA
117. Could a person who is using a pesticide product that is not currently registered with EPA and/or the department be issued A *Stop Use Order* ? **Pg. 68, 27**
Yes

118. Is it a violation of the Texas Pesticide Regulation to make recommendations that cause a person to use a pesticide in a manner inconsistent with the label, such as failure to observe pre-harvest intervals? **Pg. 70**
Yes.
119. Can pesticides legally be applied at application intervals that are either less often or more often than specified on label? **Pg. 70**
Can apply less often, unless the label specifically prohibits deviation.
120. Is there any situation when only one (1) pound per acre of active ingredient can be legally applied if the label for a pesticide product states, "use three (3) pounds of active ingredient per acre" if the applicator knows that only one (1) pound of active ingredient per acre will kill the target pest? **Pg. 70**
Can apply less, unless the label specifically prohibits deviation.
121. If a pesticide is labeled for use on a specific insect, can it be legally used to kill that insect on any crop even if the crop is not listed on the label. **Pg. 70**
122. Use inconsistent with the label directions includes failure to observe reentry intervals, preharvest intervals, grazing restrictions, or worker protection requirements along with the items listed on **page 70**. Be sure to review 70 carefully

NOTE:

The Texas Right to Know Law

Chapter 125 including pages 71 to 92

TDA enforces this law which applies to larger farming operations and does not include it on the basic Laws and Regs Exam.

Part 170 - Federal Worker protection Standard pg 93 -125

Read this entire section and underline each time you see Agricultural Employer or Handler Employer to see his responsibilities.

123. Does the Worker Protection Standard govern both employers of farm workers and noncommercial or commercial applicators who employ handlers on agricultural establishments. **Pg. 93(scope)/95(170.7)**
The standard is designed to reduce the risk of illness or injury resulting from workers' and handlers' occupational exposures to pesticides used in the production of agricultural plants on farms or in nurseries, greenhouses, and forests.
124. The _____ is the primary person responsible for knowing or having access to the trade and common chemical name of the pesticide, the product label and other safety requirements and for promptly making such information available to workers, persons alleging pesticide exposure and to treating medical personnel upon request. (Did you do as instructed under Part 170?)
Handler employer

125. Review the definitions of Owner, Handler employer, Worker, and Handler. **Pages 94 - 95**
126. The period between an application of a pesticide and the time when people may enter the field without wearing personal protective equipment and/or clothing required by the label is called the the Restricted-entry interval **Pg. 95/103**
127. If a pesticide of any kind has a *restricted entry interval* of 48 hours printed on the label will this REI change due to climate without this being on the label? **Pg. 95 define**
No.
128. Who is the person ultimately responsible for compliance with requirements governing worker reentry into treated fields? **Pg. 95/98/100**
Agricultural employer
129. Can an agricultural employer or supervisor direct an agricultural worker to perform pesticide-handling tasks. **Pg. 95/98/100**
No.
130. Review the list of exceptions to the Worker Protection Standard. **Pg. 96-97 /170.103**
131. Can a employer order an employee (who has been trained as a worker under the WPS) to engage in an activity that may involve substantial contact with a pesticide? **Pg. 94/98/ (see pg 98 170.110.a/b)**
Only appropriately trained & equipped handlers may enter the area.
132. The Worker Protection Standard requires that before a commercial applicator applies pesticides to an agricultural employer's establishment, the applicator and/or the agricultural employer must communicate the following to each other so that employees do not enter restricted areas: A commercial applicator must inform the grower about 1) the location and description of the treated area, 2) time and date of application, 3) product name, EPA registration number and active ingredient(s), 4) restricted entry interval, 5) any posting and oral notification requirements and 6) any other safety information from the label. Also, the agricultural employer (grower) must inform the commercial applicator about 1) the specific location and description of treated areas in his/her establishment and 2) restrictions about entering those areas, if the commercial applicator will have his employees entering those areas or walking within 1/4 mile of them during the REI or application. **Pg. 109 (170.124) 116 (170.224)**
133. WHO is responsible for assuring that direct spray or drift does not contact persons not wearing appropriate personal protective equipment. **Pg. 115 (170.210a - two individuals)**
Handler employer and handler(s)
134. Under the Worker Protection Standard, are commercial applicators required to present safety training to noncertified pesticide handlers who can read labels? **Pg. 117 (170.230)**
Yes.

135. Are the employers of handlers covered by the Worker Protection Standard required both to provide personal protective equipment specified on the pesticide label or in the Standards and to assure that the equipment is used. **Pg. (170.240)**
Yes
136. Are the NIOSH classifications for respirators found on the pesticide label mandatory for cartridge selection. **Pg.**
Yes
137. Is it the responsibility of the handler employer or the handler (the employee) to assure that personal protective equipment is cleaned properly? **Pg. 122 (170.240 (f))**
handler employer
138. Are the employers of pesticide handlers required to furnish each of the following: clean water for washing the entire body and emergency eye flushing, soap and single use towels, and a clean change of clothing such as coveralls at decontamination site(s)? **Pg. 124 (112 - 113 - worker)**
Yes
139. Remember the **LABEL** is the **LAW** even though Right-of-Way is not covered by WPS specifically, if a pesticide is used with WPS labeling requirements, those requirements **MUST** be followed. Any person applying pesticides to an urban right-of-way must be licensed with the department (or working under the direct supervision of a TDA licensed applicator) regardless of the use classification of the pesticide. (§7.21 (c)(2))

If you have questions about the Texas Pesticide Laws and Regulations contact the:

TEXAS DEPARTMENT OF AGRICULTURE
 P.O. BOX 12847
 AUSTIN, TEXAS 78711

or call 1-800-TELL-TDA (1-800-835-5832) or contact the TDA Inspector in your area.

Chapter 76. Texas Pesticide and Herbicide Law

Chapter 7. Texas Pesticide Regulations Texas Administrative Code - CHAPTER 7 PESTICIDES for Laws and Regs see < <http://www.agr.state.tx.us/pesticide/> > then select

**Pesticide Law or
 Pesticide Regulations**

Chapter 125. Texas Right to Know Law - TDA enforces this law and regulations relative to larger farm operations but it is not included on the LAWS and REGS Exam. see:

< <http://www.capitol.state.tx.us/statutes/ag/ag0012500toc.html> >

Chapter 8. Texas Right to Know Regulations see:

< [http://info.sos.state.tx.us/pub/plsql/readtac\\$ext.ViewTAC?tac_view=4&ti=4&pt=1&ch=8&rl=Y](http://info.sos.state.tx.us/pub/plsql/readtac$ext.ViewTAC?tac_view=4&ti=4&pt=1&ch=8&rl=Y) >

40 CFR Part 170. Worker Protection Standard

< http://www.agr.state.tx.us/pesticide/brochures/pes_brochure.htm > then scroll down and select Worker Protection Standard go to < http://ipmwww.ncsu.edu/safety/epawps_intro.html > for complete How to Comply Manual

If you have questions or comments please contact m-ketchersid@tamu.edu or 979-845-6531