



Welcome to AG-ASSIST, a WSDA-sponsored Listserv that is dedicated to chemigation, fertigation, irrigation practices, pesticide use, and related topics.

October 13, 2006

Chemigation and Fertigation Technical Assistance Program

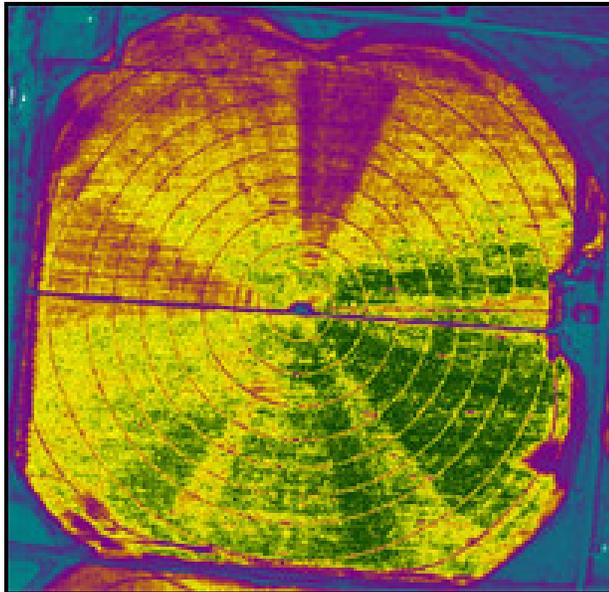
Welcome to the October 2006 Issue of AG-ASSIST-WSDA

Land Lease Agreements – Look Before You Sign

A lease agreement is a legal document that sets out the terms of a contract between a landlord and tenant. Although extensive consideration is given to the legal terms, capital contributions, and allocation of resources, often overlooked is an assessment of the land's suitability regarding intended management practices or of the irrigation system's infrastructure in support of those strategies. One such example is an assessment of field attributes and of irrigation system characteristics for suitability concerning chemigation applications.



This center pivot crosses an irrigation ditch. It is virtually impossible to retrofit the system for use in a chemigation or fertigation application. Use for such is a violation of federal and state laws and rules.



Infrared photograph of a center pivot system with a swing arm (corner catcher) that depicts extreme irregularity in application uniformity. Pink areas represent excessive water application, and deficit irrigation is illustrated by yellow areas.

In addition, field location relative to sensitive areas and drift potential attributable to climatic conditions and to field topography are becoming critical selection criteria, especially with regard to pesticide applications.

Irrigation system deficiencies that may include the absence of backflow devices could require a sometimes substantial monetary outlay on behalf of the lessee. In addition, poor distribution uniformity can result in excessive application rates and unnecessary pumping costs, deep percolation of nutrients or pesticides, increased disease pressure, surface runoff, yield decrease, and inconsistent quality. Irrigation system location (relative to sensitive areas), system integrity, and presence of surface water (as waters of the state)

can preclude chemigation or fertigation as a management practice, or require extensive and sometimes costly retrofitting to attain compliance.

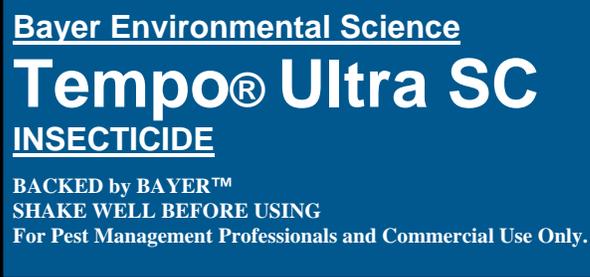
Prior to signing an agreement, lessees can request that a technical assistance inspection be performed to assess irrigation system compliance for chemigation or fertigation. Responsibility for or cost associated with the correction of deficiencies noted during the inspection are reflected in the terms of the lease or become preconditions of the lease agreement.

To have an irrigation system inspected for compliance with chemigation or fertigation laws or rules, please contact the Chemigation and Fertigation Technical Assistance Program.

“For Pest Management Professional and Commercial Use Only” – What Does It Mean?

The onset of fall color with seasonally cooler weather has spurred insects and spiders to find a warm place to spend the winter, which is oftentimes a house. As these creatures begin their instinctive exodus from fields to residences, homeowners are probably asking you for help.

As you read through labels to manage these or other pests, you may have noticed that a few product registrants are including the phrase “For use only by . . .” on their pesticide labels. A case in point is Tempo® SC that contains the statement “For Pest Management Professional and Commercial Use Only.” From a pesticide dealer’s or a buyer’s perspective, what does this mean?



In short, USEPA registers pesticide products either as General Use or as Restricted Use. Any other type of user restriction is essentially unenforceable, since neither FIFRA nor applicable regulations provide for label statements such as for “professional use,” “industrial use,” or “commercial use.” Nor do such enforcement provisions exist in Washington State pesticide law or rule.

It is the stance of USEPA that such statements are often used by registrants for marketing purposes ([USEPA Label Review Manual](#), Chapter 11, Section VI: Guidance for Wording Application Information), and such statements are vague and potentially misleading to customers.

Thus, since the product registration process does not consider customer status, such qualifying proprietary statements are not likely to be enforceable under FIFRA.

Pesticide Dealers – Which Products Require a Record for a Pesticide Sale?

Pesticide dealers must keep a sales record on the distribution of any pesticide, except on those labeled only for home and garden use ([WAC 16-228-1300](#)). However, some products labeled for home and garden use may also be registered for commercial, industrial, or agricultural sites, thereby requiring the dealer to keep a record of the sale.

It may not always be clear for which “home and garden” products that a record of sale must be completed and maintained. One guideline is the presence of the Worker Protection Standard (WPS) box in the Directions for Use section of a label. Most pesticide uses in the production of an agricultural commodity are subject to the Worker Protection Standard. However, not all pesticide uses in agricultural production are covered by WPS. ([Link for pesticide uses not covered by WPS](#). The 2005 WPS How to Comply Manual is available from the [USEPA](#) website. The manual is also available in an Abode Reader format from the [AG-ASSIST-WSDA](#) webpage.)

Directions for Use
It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Read all Directions for Use carefully before applying.
Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your state or tribe, consult the agency responsible for pesticide regulation.
Agricultural Use Requirements
Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.
Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 4 hours.
PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil or water, is:
<ul style="list-style-type: none"> • Coveralls • Waterproof gloves • Socks and chemical-resistant footwear

Thus, the next step is to access Washington State University's label database: PICOL (Pesticide Information Center On-Line). The database differentiates “intended users” as home, commercial, or both. A sales record must be completed for products with either a “commercial” or a “both” designation. An example follows.

1. Access PICOL by clicking on the link <http://cru66.cahe.wsu.edu/LabelTolerance.html>.
2. Click on [Labels Database](#).

ext.wsu.edu/pnn. Information in the PICOL label database is updated daily.' The 'Tolerance Database' column states: 'This database contains information on tolerances relevant to agricultural commodities in the Pacific Northwest. PICOL tolerance information is updated monthly. Please advise Catherine Daniels (cdaniels@tricity.wsu.edu) of any errors in either database.'"/>

Pesticide Information Center On-Line

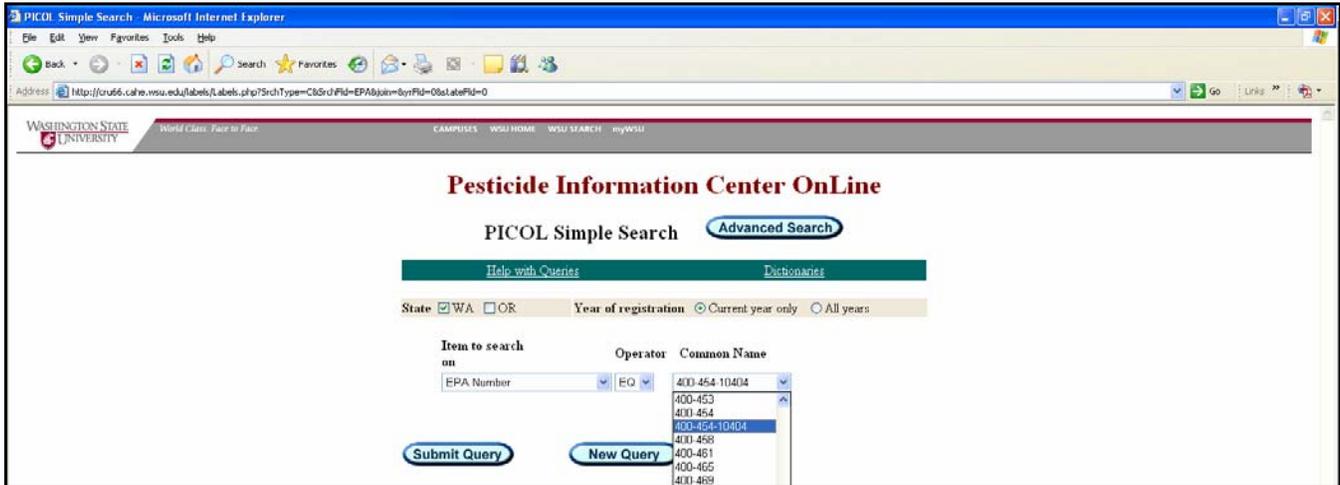
Welcome to Washington State University's Label and Tolerance Databases. These databases are operated by WSU with funding from the Washington State Department of Agriculture, the Oregon Department of Agriculture, Oregon State University, and WSU. *This web site requires version IE 4+ or Netscape 4+.*

[Labels Database](#) [Tolerance Database](#)

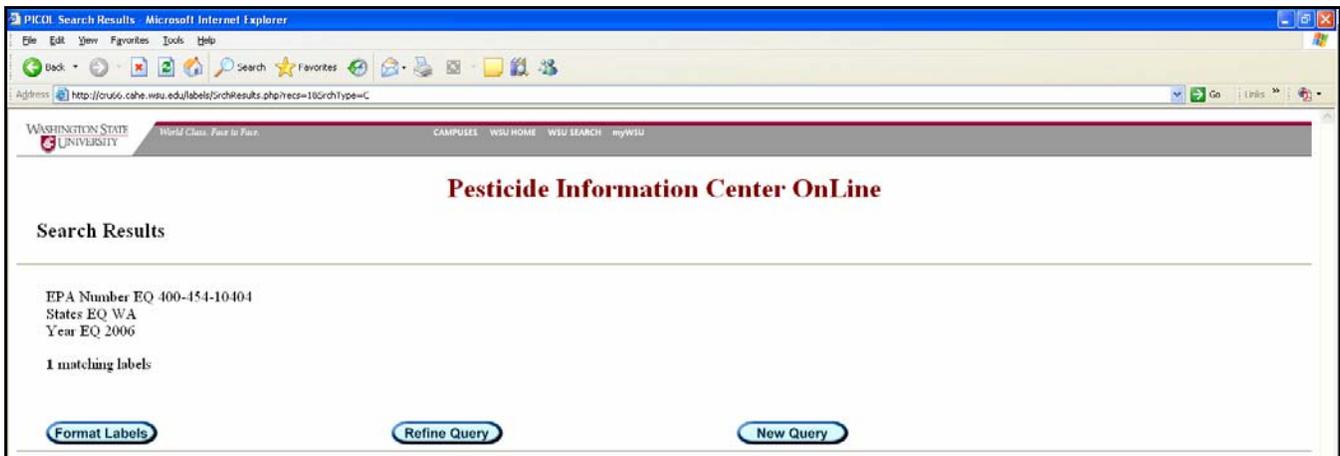
This database contains information on Oregon and Washington pesticide labels*, 24(c)'s, and federal supplemental labels. It does not contain any information on Section 18's and EUP's. Section 18 information may be found on the PNN Web site at ext.wsu.edu/pnn. Information in the PICOL label database is updated daily.

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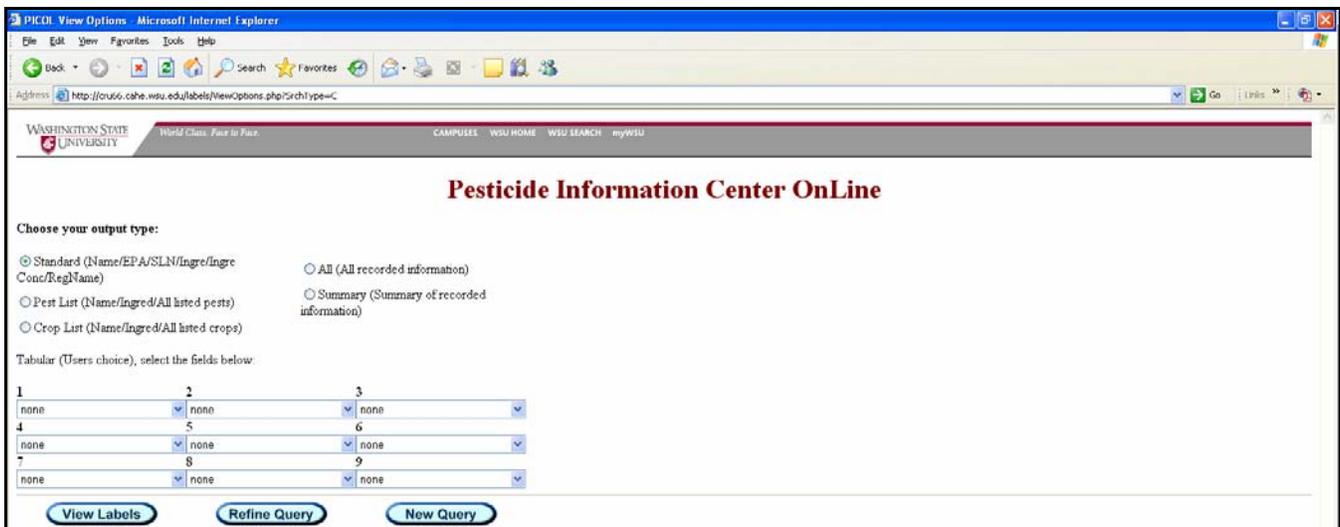
3. Select “EPA Number” from the drop down list, Item to search. In this example, EPA registration number 400-454-10404 was selected from the Common Name list. Then click on **Submit Query**.



4. When the following screen appears, click on **Format Labels**.



5. Once the following screen appears, click the radio button “All (All recorded information)” and then on **View Labels**. The search will default to both commercial and home products.



6. The product is Lesco Revere 4000 Flowable Turf Fungicide. Because the search returned “BOTH” (that is, commercial and home) as the intended user, a record of its sale is necessary. A record of sale is not necessary if only “HOME” was reported on the intended user line.

The following search routine will provide a complete listing of pesticides for which a sales record must be kept. The search will return a list of 8,976 products (as of October 13, 2006).

Archival issues along with supplemental materials can be accessed in an Adobe Reader (*.pdf) format at <<http://agr.wa.gov/PestFert/ChemFert/agassistwsda/default.htm>>.

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