

**§ 170.260**

**40 CFR Ch. I (7-1-08 Edition)**

at the nearest place of vehicular access.

(ii) The handler employer may permit handlers to use clean water from springs, streams, lakes, or other sources for decontamination at the remote work site, if such water is more accessible than the water located at the nearest place of vehicular access.

(4) *Decontamination supplies in treated areas.* The decontamination supplies shall not be in an area being treated with pesticides or in an area under a restricted-entry interval, unless:

(i) The decontamination supplies are in the area where the handler is performing handling activities;

(ii) The soap, single-use towels, and clean change of clothing are in enclosed containers; and

(iii) The water is running tap water or is enclosed in a container.

(d) *Emergency eyeflushing.* To provide for emergency eyeflushing, the handler employer shall assure that at least 1 pint of water is immediately available to each handler who is performing tasks for which the pesticide labeling requires protective eyewear. The eyeflush water shall be carried by the handler, or shall be on the vehicle or aircraft the handler is using, or shall be otherwise immediately accessible.

(e) *Decontamination after handling activities.* At the end of any exposure period, the handler employer shall provide at the site where handlers remove personal protective equipment, soap, clean towels, and a sufficient amount of water so that the handlers may wash thoroughly.

[57 FR 38151, Aug. 21, 1992, as amended at 61 FR 33213, June 26, 1996]

**§ 170.260 Emergency assistance.**

If there is reason to believe that a person who is or has been employed by an agricultural establishment or commercial pesticide handling establishment to perform pesticide handling tasks has been poisoned or injured by exposure to pesticides as a result of that employment, including, but not limited to, exposures from handling tasks or from application, splash, spill, drift, or pesticide residues, the handler employer shall:

(a) Make available to that person prompt transportation from the place

of employment or the handling site to an appropriate emergency medical facility.

(b) Provide to that person or to treating medical personnel, promptly upon request, any obtainable information on:

(1) Product name, EPA registration number, and active ingredients of any product to which that person might have been exposed.

(2) Antidote, first aid, and other medical information from the product labeling.

(3) The circumstances of handling of the pesticide.

(4) The circumstances of exposure of that person to the pesticide.

**PART 171—CERTIFICATION OF PESTICIDE APPLICATORS**

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AUTHORITY: 7 U.S.C. 136b and 136w.

SOURCE: 39 FR 36449, Oct. 9, 1974, unless otherwise noted.

**§ 171.1 General.**

This section deals with the certification of applicators of restricted use pesticides.

**§ 171.2 Definitions.**

(a) *General.* Terms used in this subpart shall have the meanings set forth for such terms in the Act. In addition, the following definitions are applicable

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to all aspects of the certification of pesticide applicator program in this part:

(1) The term *accident* means an unexpected, undesirable event, caused by the use or presence of a pesticide, that adversely affects man or the environment.

(2) The term *Act* means the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973), and other legislation supplementary thereto and amendatory thereof.

(3) The term *Administrator* means the Administrator of the Environmental Protection Agency, or any office or employee of the Agency to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(4) The term *Agency*, unless otherwise specified, means the United States Environmental Protection Agency.

(5) The term *agricultural commodity* means any plant, or part thereof, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by man or animals.

(6) The term *calibration of equipment* means measurement of dispersal or output of application equipment and adjustment of such equipment to control the rate of dispersal, and droplet or particle size of a pesticide dispersed by the equipment.

(7) The term *certification* means the recognition by a certifying agency that a person is competent and thus authorized to use or supervise the use of restricted use pesticides.

(8) The term *certified applicator* means any individual who is certified to use or supervise the use of any restricted use pesticides covered by his certification.

(9) The term *commercial applicator* means a certified applicator (whether or not he is a private applicator with respect to some uses) who uses or supervises the use of any pesticide which is classified for restricted use for any purpose or on any property other than as provided by the definition of "private applicator."

(10) The term *compatibility* means that property of a pesticide which permits its use with other chemicals without undesirable results being caused by the combination.

(11) The term *competent* means properly qualified to perform functions associated with pesticide application, the degree of capability required being directly related to the nature of the activity and the associated responsibility.

(12) The term *common exposure route* means a likely way (oral, dermal, respiratory) by which a pesticide may reach and/or enter an organism.

(13) The term *environment* means water, air, land, and all plants and man and other animals living therein, and the interrelationships which exist among them.

(14) The term *forest* means a concentration of trees and related vegetation in non-urban areas sparsely inhabited by and infrequently used by humans; characterized by natural terrain and drainage patterns.

(15) The term *hazard* means a probability that a given pesticide will have an adverse effect on man or the environment in a given situation, the relative likelihood of danger or ill effect being dependent on a number of interrelated factors present at any given time.

(16) The term *host* means any plant or animal on or in which another lives for nourishment, development, or protection.

(17) The term *non-target organism* means a plant or animal other than the one against which the pesticide is applied.

(18) The term *ornamental* means trees, shrubs, and other plantings in and around habitations generally, but not necessarily located in urban and suburban areas, including residences, parks, streets, retail outlets, industrial and institutional buildings.

(19) The term *practical knowledge* means the possession of pertinent facts and comprehension together with the ability to use them in dealing with specific problems and situations.

(20) The term *private applicator* means a certified applicator who uses or supervises the use of any pesticide which

is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by him or his employer or (if applied without compensation other than trading of personal services between producers of agricultural commodities) on the property of another person.

(21) The term *protective equipment* means clothing or any other materials or devices that shield against unintended exposure to pesticides.

(22) The term *regulated pest* means a specific organism considered by a State or Federal agency to be a pest requiring regulatory restrictions, regulations, or control procedures in order to protect the host, man and/or his environment.

(23) The term *restricted use pesticide* means a pesticide that is classified for restricted use under the provisions of section 3(d)(1)(C) of the Act.

(24) The term *standard* means the measure of knowledge and ability which must be demonstrated as a requirement for certification.

(25) The term *State* means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa.

(26) The term *susceptibility* means the degree to which an organism is affected by a pesticide at a particular level of exposure.

(27) The term *toxicity* means the property of a pesticide to cause any adverse physiological effects.

(28) The term *under the direct supervision of* means the act or process whereby the application of a pesticide is made by a competent person acting under the instructions and control of a certified applicator who is responsible for the actions of that person and who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is applied.

(b) *Limited*. The following definitions apply only to dealers, dealerships and transactions in States or on Indian Reservations where EPA conducts a Federal Pesticide Applicator Certification Program.

(1) The term *restricted use pesticide retail dealer* means any person who makes available for use any restricted use pes-

ticide, or who offers to make available for use any such pesticide.

(2) The term *make available for use* means to distribute, sell, ship, deliver for shipment, or receive and (having so received) deliver, to any person. However, the term excludes transactions solely between persons who are pesticide producers, registrants, wholesalers, or retail sellers, acting only in those capacities.

(3) The term *dealership* means any site owned or operated by a restricted use pesticide retail dealer where any restricted use pesticide is made available for use, or where the dealer offers to make available for use any such pesticide.

(4) The term *uncertified person* means any person who is not holding a currently valid certification document indicating that he is certified under section 4 of FIFRA in the category of the restricted use pesticide made available for use.

(5) The term *principal place of business* means the principal location, either residence or office, in the State in which an individual, partnership, or corporation applies pesticides.

[39 FR 36449, Oct. 9, 1974, as amended at 48 FR 53974, Nov. 1983]

### § 171.3 Categorization of commercial applicators of pesticides.

(a) *Procedure*. Categories of applicators (other than private) using or supervising the use of restricted use pesticides are identified below. State systems of applicator identification shall adopt these categories as needed, along with such appropriate subcategories as are necessary to meet the particular requirements of the State.

(b) *Categories*—(1) *Agricultural pest control*—(i) *Plant*. This category includes commercial applicators using or supervising the use of restricted use pesticides in production of agricultural crops, including without limiting the foregoing, tobacco, peanuts, cotton, feed grains, soybeans and forage; vegetables; small fruits; tree fruits and nuts; as well as on grasslands and non-crop agricultural lands.

(ii) *Animal*. This category includes commercial applicators using or supervising the use of restricted use pesticides on animals, including without