

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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TO: Pesticide Board Members
FROM: Pesticide Enforcement
REGARDING: Direct Supervision

Introduction

In the commercial industry an individual must hold a Commercial Applicators license for two (2) years before he/she is able to attempt to receive the Commercial Certification license. The intent of this is to ensure that the Commercial Applicator receives training from an individual with the certification license and is prepared to take the test and has enough education/practice to apply an RUP responsibly. This two (2) year period is to serve as an apprenticeship for applying RUP's. Over the years, it appears that the oversight of RUP applications has become limited if any. Over the past few years enforcement staff has seen an increase in issues regarding Direct Supervision. Pesticide Enforcement is requesting that the Pesticide Board review Direct Supervision and provide an enforceable policy which will reduce/help prevent the number of issues that are occurring.

Current Issues

In many instances enforcement staff will find that the individual that holds a Commercial Applicators License is not aware that he/she is using a RUP. This is due to the lack of training/communication between the individual with the certification. There is concern that the RUP application will not be held at the appropriate level of concern and caution. In one case, a certification holder "lent" his license to a homeowner to purchase and apply an RUP. That RUP was applied incorrectly.

In many instances, there is no written instruction on how to apply an RUP. In order for written instructions to be held, the certified applicator will most likely need to see the area to be treated. In most instances this does not occur. Enforcement staff has seen this lead to the following:

- Not following the label directions
- Exposing children to pesticides by residue on toys
- Exposing consumers inside their home to pesticides intended for outdoor use
- Drift issues

Enforcement staff routinely sees companies with a limited number of individual holding Commercial/Private Certification licenses. In many instances this means that the certification holder is overseeing numerous individuals at one time making multiple RUP applications. There is concern on how quickly a certification holder will be able to assist multiple individuals at one time. There is also concern on how effective the certification holder can be as a supervisor. In many cases, the commercial applicator does not know who his "supervisor" is for the application and the certification holder does not know who he/she is supervising.

Conclusion

In conclusion, enforcement believes that in most situations an individual with a commercial license is being sent to make RUP applications with no direction, information or communication. This puts the applicator, consumer and environment at risk.