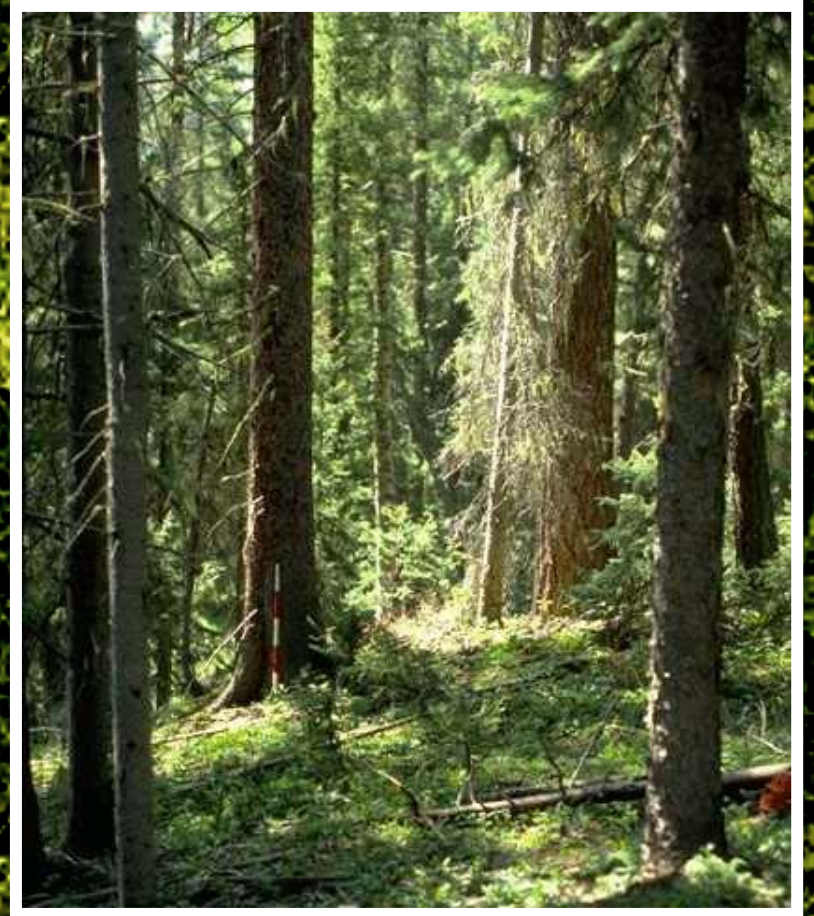


Arboriculture 101

Spring 2010

**A Review of
Pertinent Statutes
and Regulations
for Certified
Commercial
Supervisors and
Arborists**



This topic is presented for informational and discussion purposes only. The opinions expressed may not reflect the current policies and interpretations of law of the Department of Environmental Protection. The listener is advised to read the pertinent Connecticut General Statute and related Regulations of Connecticut State Agencies for accuracy. Also, be advised to keep up to date regarding any changes to federal or state laws.

Any questions may be directed to the Department of Environmental Protection, Waste Bureau, Pesticides Program, 79 Elm Street, Hartford, CT 06106. Visit the DEP on the web at www.ct.gov/dep.

The arborist exam

- Written part
- Practical-Tree ID and Oral part
- Check the sections of the law that are listed in the *Information for applicants* booklet.

So you want to spray trees?



UGA5110045



Why you need to know about using pesticides for the care of trees...

“Sec 22a-54. Pesticide applicators...(h) The commissioner shall prescribe standards for certification of arborists, as defined in subsection (a) of section 23-61a, with respect to the application of pesticides. The standards shall provide that in order to be certified, an individual shall be competent with respect to the use and handling of the pesticide or class of pesticides covered by such individual’s application...”

Understanding the lingo...

Definitions:

- **Pesticide**
- **Restricted-use** pesticide
- **“Certified”** applicator
- **“Commercial”** applicator

Bear in mind:

- **“Shall”** means a mandatory requirement
- The **five-meter-rule** for pesticide applications
- Know the limits of your specific category

Connecticut General Statutes

Chapter 451-includes the arborist statutes

What is “arboriculture” ?

“Sec 23-61a. Definitions...(a) As used in sections 23-61a to 23-61f, inclusive, “**arboriculture**” means any work done for hire to improve the condition of fruit, shade or ornamental trees by feeding or fertilizing, or by pruning, trimming, bracing, treating cavities or other methods of improving tree conditions, or protecting trees from damage from insects or diseases or curing these conditions by spraying or any other method;...”

The arborist is...



“..one who is qualified to perform arboriculture and is licensed by the Commissioner of Environmental Protection as provided in section 23-61b...”

The General Statutes simply state that
it is unlawful to practice arboriculture
without a license

“Sec. 23-61b. Licensing for arboriculture...(a) **No person shall advertise, solicit or contract to do arboriculture within this state at any time without a license** issued in accordance with the provisions of this section, except that any person may improve or protect any tree on his own premises or on the property of his employer...”

Arborist regulations



Arborist regulations

Sec. 23-61a-3. Licenses.

“(b) For each organization there shall be at least one licensed person actively engaged in supervisory duties for each ten unlicensed personnel actively engaged in arboriculture.”

Arborist regulations

Sec. 23-61a-3. Licenses.

“(c) No licensee shall be designated to be licensed on behalf of more than one organization engaged in arboriculture at any time.”

Chapter 441- the Pesticide Control Act

...and related regulations

There are two classifications for commercial pesticide applicators...

- Supervisory (the supervisor)
- Operational (the operator)

What classification is the arborist?

Supervisor (Arborist)

- Duties
- Records
- Written instructions



What are the DUTIES of the supervisory (*arborist*) pesticide applicator?

- Makes decisions about pesticide use
- Keeps records of pesticide use and supervision
- May perform commercial pesticide applications
- Supervises operator (on site or with written instructions)
- Submits annual pesticide-use summary

What RECORDS must a Supervisory pesticide applicator keep?

- ✓ He/she must keep records for each application of a pesticide. The record includes five points:
 1. Names and certification numbers of supervisor and operator(s)
 2. Kind and amount of pesticide used
 3. Date and place of application
 4. Pest treated for **Who? What? When? Where? Why?**
 5. Crop or site treated

Also must submit annual summary to DEP

If WRITTEN INSTRUCTIONS to operators are used, what points need to be included?

- ✓ Written instructions include five points...
 1. Certified supervisor's name and certification number, operator's name and certification number
 2. Pest to be controlled
 3. Pesticide to be used
 4. Directions for use of the pesticide
 5. Be available if and when needed

who? what? when? where? why? how?

Under “written instructions,” directions
for use means...

- Place to use the pesticide
- Directions for dilution-rate to mix at, rate to use at
- Site or crop to treat
- Method of application to employ

The OPERATOR licensed pesticide applicator works under the supervision of the Supervisor (arborist)

✓ Operator Duties...

- Only works under supervision, with the supervisor at the site of pesticide application or by written instructions
- Can read a pesticide label, and follow written instructions provided by supervisor
- Assists with or may perform pesticide applications. (A hose dragger, traffic flagger or helping to mix pesticides are examples.)

What are the three main requirements for pesticide application businesses?

1. Business registration
2. Business records
3. Notification

1. What is the BUSINESS REGISTRATION?

- ✓ Certificate of registration
- ✓ At least one supervisor in each pesticide category (Arborist)
- ✓ 1-year, renewable registration (Sept 1-Aug 31)
- ✓ Report changes to DEP in writing within 30 days
- ✓ “B” number (assigned Business Number)



2. What RECORDS need to be maintained by the pesticide application business?

- ✓ Keep the five point pesticide application record for five years.
- ✓ Must have names and EPA Reg. Numbers of pesticides used by business on file.
- ✓ Must maintain names and certification numbers of all commercial applicators employed.

3. BUSINESS NOTIFICATION

...as easy as A,B,C...

What types of notification must be made to

A. customers

B. abutters

C. the general public...

concerning pesticide applications?

Notification Requirements

- A. Potential Customer information
- B. Notice to persons (abutter) listed on the Pre-Notification Registry
- C. Posting

A. What information must be supplied to a Potential CUSTOMER?

- ✓ This information must be given before entering into an agreement to apply pesticides to a customer's property.
 1. Provide information describing what the pre-notification registry is.
 2. Provide pesticide label information to the potential customer.

B. What is Connecticut's PRE-NOTIFICATION REGISTRY?

- ✓ The *official list*
- ✓ An abutter is on the official list or may become a pre-notification abutter mid-year.
- ✓ 24 hour notice

Continued...

B. How do you provide PRE-NOTIFICATION to an abutter?

- ✓ Make two attempts by any means.
- ✓ Place a notice on their door if all attempts fail and you must do the pesticide application.
- ✓ Keep a record of your notification attempts.

C. How do you POST a pesticide application?

- ✓ The pesticide posting sign has specified requirements.
- ✓ The applicator posts the sign
- ✓ 12” to 48” high, 2 to 5 feet from the road entrance/sidewalk
- ✓ Located at points of entry and every 150 feet of road frontage.

Regulations of Connecticut State Agencies...

pertaining to the use of pesticides by
arborists

Pertinent pesticide regulations

22a-65-1 discarding of pesticides and containers

22a-66-2 pesticides not registered and use prohibited-DDT, Chlordane

pesticides CT registered, but only for specific uses--Lindane

Pertinent pesticide regulations

22a-66-3

Must have check valve or anti-siphoning device on filler hose.

Must cover filler hoses when not in use.

Must not draw water from water leading into a potable water supply.

Pertinent pesticide regulations

22a-66-5 provides details of the following:

- ✓ Supervisory responsibilities
- ✓ Operator responsibilities
- ✓ Written instructions to operators

22a-66a-1 Requirements for posting

22a-66a-2 Pre-notification details³⁴

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