

DEP PESTICIDE INSPECTIONS

Of the varied inspections made by the Bureau, the two most common types are the Routine Business Inspection and the Pesticide Misuse Complaint Inspection.

A typical scenario for a Routine Business Inspection would be as follows:

1. Inspector would present Department of Environmental Protection credentials and explain the purpose of the inspection.
2. All required licenses would be checked, i.e. Business, applicator and operator licenses. Proof of liability insurance would also be requested.
3. Records would be inspected for all required information, which would include a listing of pesticides used by the business along with their corresponding EPA registration number. The business listing of the commercial pesticide applicators employed by the business responsible for the applications would also be requested and checked.
4. Any service vehicles present would also be inspected.
5. The applicator would be questioned about disposal of pesticide containers and procedures for handling and use/disposal of rinsate.
6. Safety equipment will be inspected. Remember you must make this equipment available to your applicators and train them in its proper use.
7. Records of application will be compared to labeling directions for the pesticides applied. Type of applications will be cross-referenced with the category of license held by responsible applicators to assure correct licensing. This review will take place either at the time of inspection or upon return to the Bureau.

At the end of the inspection the investigator will review with you any of the violations found and discuss applicability of the pesticide regulations to the specifics of the pesticide applicator's operation.

Upon return to the Bureau of Pesticide Control the inspection information is reviewed and report and file prepared. In violative situations the investigator completes a field record of the violation, which is then reviewed by the field supervisor and enforcement section supervisor. The file is then sent to the Bureau of Enforcement Services for review and processing.

Complaint Investigations:

When the Bureau investigates a complaint concerning a misuse of pesticides, the investigator will interview the complainant at the site of the alleged misuse. The pesticide application site is carefully observed and notations made for later discussion with the pesticide applicator. While at the site the investigator collects the appropriate samples based on these observations and statements made by the complainant. Written affidavits and other relevant documentation such as contracts/receipts for the pesticide application, medical records, etc. may also be collected. The investigator will then contact the pesticide applicator and thoroughly review all aspects of the alleged violative application. A copy of the record of application for the particular application under investigation will be obtained and discussed as part of the review. While the BPC investigator is at the business investigating a misuse complaint, a routine business inspection as previously described will also be done.

The information gathered during the investigation, i.e. statements from the complainant and applicator, records of application, sample results, on site observations made by the investigator and any other relevant documentation is compared by the investigator to the Federal/State registered label for the pesticide(s) applied to determine compliance with label directions. This information is also reviewed for compliance with pesticide regulations N.J.A.C. Title 7, Chapter 30. Technical information on the pesticide such as the Chemical Fact Sheet may be included. Clarification on proper use may be sought from the product registrant or federal Environmental Protection Agency. Additional expert consultation may be sought from the Department of Environmental Protection's Office of Science and Research or the Cooperative Extension Service of Rutgers University. The case is then reviewed by the field supervisor and the enforcement section supervisor before being processed by the Bureau of Enforcement Services. [John J. Pitonyak, Prin. Env. Spec.]