

Texas Department of Agriculture Laws & Regulations

Perry Cervantes

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PERRY CERVANTES

TDA CELL

512-955-9336

Recent Issues/Conversations

- Next few slides

Endangered Species and EPA

- When registering a pesticide or reassessing the potential ecological risks from use of a currently registered pesticide, EPA evaluates extensive environmental fate and toxicity data to determine how a pesticide will move through and break down in the environment and whether potential exposure to the pesticide will result in adverse effects to wildlife and vegetation.

Endangered Species and EPA

- The result of an assessment to determine potential effects of a pesticide's registration to a listed species will result in one of two determinations:
- The pesticide's registered use will have "no effect" on the species or designated critical habitat,
- The pesticide's registered use "may affect" the species or designated critical habitat.

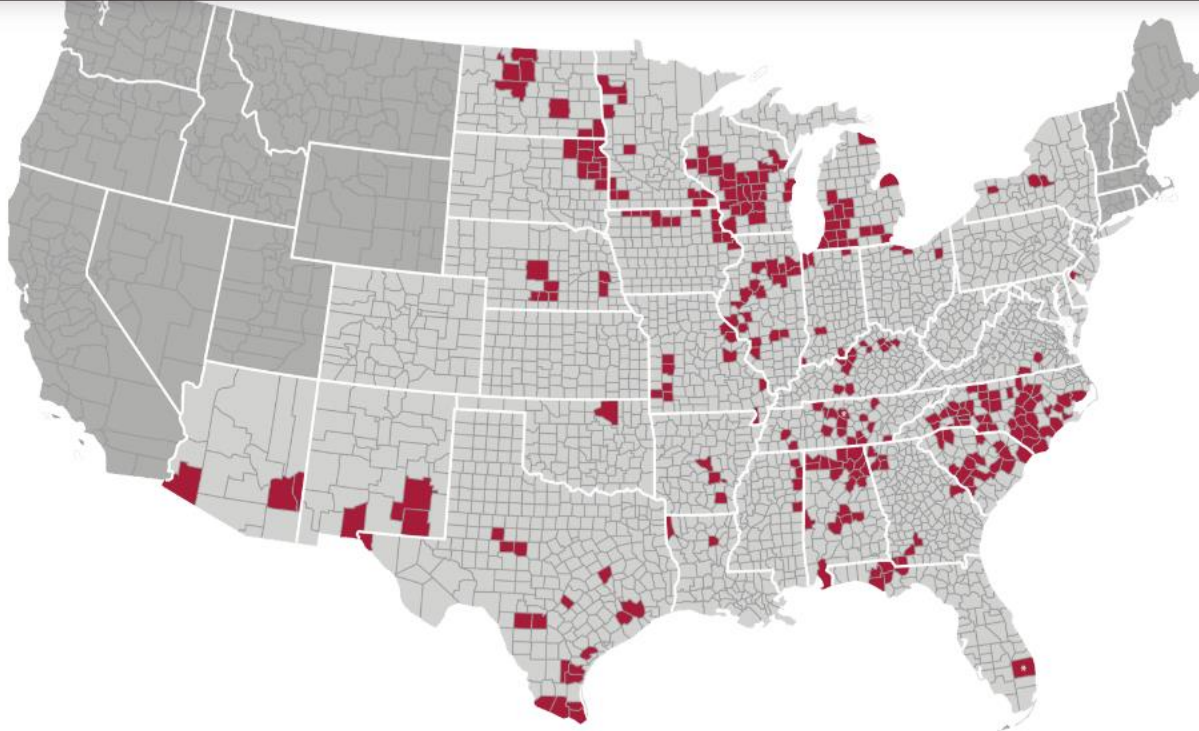
Endangered Species and EPA

- If EPA determines the pesticide "may affect" the species it refines its assessment to determine whether the pesticide's use:
- "may affect, but is **not likely** to adversely affect" the species or designated critical habitat; or
- "may affect and **is likely** to adversely affect" the species or designated critical habitat.

Endangered Species and EPA

- The list of endangered species is really being looked at when it comes to pesticides being used in those areas.
- Just a heads up for those producers with land in Endangered Species areas.

Endangered Species Map



To obtain Bulletins, consult [EPA.gov/Endangered-Species/Bulletins-Live-Two-View-Bulletins](https://www.epa.gov/Endangered-Species/Bulletins-Live-Two-View-Bulletins)

Endangered Species Map-All credit to Bayer Company for information provided about ESA maps and counties

Counties in Texas

Cameron

Coke

El Paso

Fort Bend

Harris

Hays

Hidalgo

Jim Wells

Kleberg

Medina

Mitchell

Nueces

Refugio

Robertson

Runnels

Starr

Uvalde

Willacy

EPA Pollinator Protection

- **Importance of Pollinators**
- Many types of plants, including fruit and vegetable crops, depend on animals for pollination. In addition to honey bees, many other types of animals pollinate crops and wildflowers, including:
 - Wild bees.
 - Ants.
 - Beetles.
 - Wasps.
 - Lizards.
 - Birds.
 - Bats.
 - Butterflies.



EPA Pollinator Protection-Not this one !!!



Dicamba issues

- **2020**

- 9 complaints of dicamba being sprayed on cotton and drifting
- Drift affected 5 properties (trees affected), 1 field of organic crops, 1 garden, 1 vineyard and 1 properties vegetation (non specific)=9 complaints

- **2021**

- 12 complaints of dicamba being sprayed on cotton and drifting
- Drift affected 7 vineyards, 2 gardens, 2 residential properties, 1 conventional cotton field=12 complaints

- **2022**

- 5 complaints of dicamba being sprayed on cotton and drifting
- 2 vineyards, 2 non-resistant cotton crops and 1 residential property=5 complaints

Today's Topics

Licensing

Continuing
Education
Units

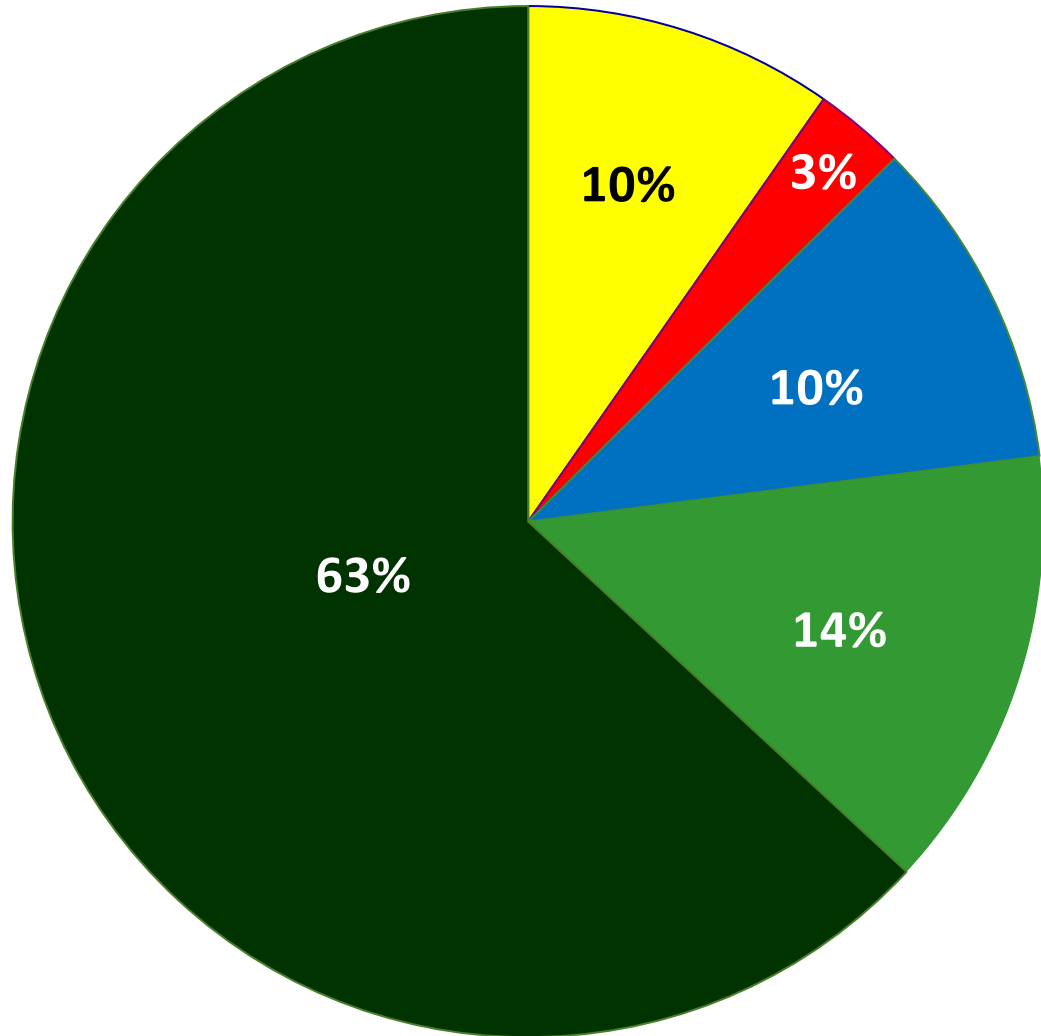
Recordkeeping

Complaints

Direct
Supervision

Pesticide Waste
Disposal

Ag Pesticide Applicators Currently Licensed:



45,206 Total Applicators

■ Commercial - 4,392

■ Noncommercial - 1,291

■ Noncommercial Political - 4,701

■ Certified Private - 6,291

■ Private - 28,531

Pesticide Applicator Change of Information



P.O. Box 12847 Austin, Texas 78711 • (877) 542-2474 • (512) 463-7476 •
Hearing impaired: (800) 735-2988 voice • www.TexasAgriculture.gov

COMMISSIONER SID MILLER

Texas Department Of Agriculture
Pesticide Applicator Change of Information

PA-406

SECTION A	1 VERIFICATION INFORMATION		
	Applicator Name		
	TDA Client No.	TDA License No.	

Please provide **ONLY** the information that has changed.

SECTION B	1 NEW PHYSICAL ADDRESS				
	Address		County		
	City	State	Zip		
	Directions to Physical Location if address above is difficult to find				
	2 NEW MAILING ADDRESS <input type="checkbox"/> Same as Physical Address				
	Address				
	City	State	Zip		
	3 NEW CONTACT INFORMATION				
	Primary Phone		Secondary Phone (optional)	Fax (optional)	
	E-mail Address				

Important Note I understand that my email address is required for the Texas Department of Agriculture to keep me informed of critical information, including licensing and regulatory updates; renewal invoices; and other important communications. Failure to provide an email address may result in my not receiving time-sensitive information that could affect my compliance with state regulations, thereby, resulting in monetary penalties.

This form can be emailed to license.inquiry@TexasAgriculture.gov or faxed to 800-909-8534.

Pesticide Applicator Change of Information

Page 2 of 2

Applicator Name _____

SECTION C	1 COMMERCIAL/NONCOMMERCIAL/ NONCOMMERCIAL POLITICAL SUBDIVISION ONLY			
	Employer Name		Primary Phone () -	
	2 NEW EMPLOYER'S PHYSICAL ADDRESS			
	Address			
	City	State	Zip	
	3 NEW EMPLOYER'S MAILING ADDRESS <input type="checkbox"/> Same as Physical Address			
	Address			
	City	State	Zip	
	SECTION D	1 NEW RESIDENT AGENT - OUT-OF-STATE APPLICATORS ONLY		
		Who do you wish to designate as resident agent? <input type="checkbox"/> The Texas Secretary of State <input type="checkbox"/> Other (list below)		
New Resident Agent Name				
New Resident Agent Address				
City		Zip	Business Phone () -	
SECTION E	1 SIGNATURE			
	By submitting changes to licensing information, the person submitting the changes certifies that he or she is authorized to make such changes on behalf of the licensee and that all information provided is true and correct to the best of the person's knowledge. Any misrepresentation or false statement made by the licensee or the licensee's authorized representative in connection with such changes, whether intentional or not, may result in denial, revocation, or non-renewal of any affected license and/or assessment of monetary administrative penalties.			
	Applicant Name (print)		Title	
	Applicant Signature		Date / / month day year	

Please submit any changes within **30** days

Licensing

Ag Pest License Types

Private-\$100/5 years

Commercial-\$200/Year

Noncommercial-\$140/Year

Noncommercial Political-
\$75/Year



License needed for
buying
and
applying
RUP, SLU
AND RH pesticides



STATE LIMITED USE PESTICIDES

2,4-D AMINE 4 Herbicide

For selective control of many broadcast weeds in certain crops, including, cereal grains (wheat, barley, millet, oats and rye), corn (field corn, popcorn and sweet corn), fallow land and crop stubble, rice, sorghum (grain and forage sorghum), soybeans (pre-plant burndown application only); forests; rangeland and established grass pastures, including Conservation Reserve Program (CRP) acres; non-cropland; grasses grown for seed or sod, ornamental turf; and aquatic areas.

ACTIVE INGREDIENT:	
Dimethylamine salt of 2,4-dichlorophenoxyacetic acid*	46.8%
OTHER INGREDIENTS	53.2%
TOTAL	100.0%
*Equivalent to 38.9% of 2,4-dichlorophenoxyacetic acid or 3.8 lb./gal. Isomer specific by ADAC Method. EPA Reg. No. 42750-19 EPA Est. No. 42750-MO-001	
KEEP OUT OF REACH OF CHILDREN DANGER – PELIGRO	
Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand this label, find someone to explain it to you in detail.)	
FIRST AID	
IF IN EYES:	<ul style="list-style-type: none"> Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice.
IF SWALLOWED:	<ul style="list-style-type: none"> Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by the poison control center or doctor. Do not give anything by mouth to an unconscious person.
IF ON SKIN OR CLOTHING:	<ul style="list-style-type: none"> Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

Manufactured by:
ALBAUGH, INC.
1525 NE 36th Street
Ankeny, Iowa 50021

(a) State-Limited-Use Pesticides Defined by Active Ingredient.

(1) Except as provided by paragraphs (3) - (4) of this subsection and because of their high potential to cause adverse effects to non-target sites a pesticide product containing an active ingredient in the following list is classified as a state-limited-use pesticide and subject to the restrictions listed in paragraph (5) of this subsection, as well as all other provisions of law generally applicable to state-limited-use pesticides.

- (A) 2,4-Dichlorophenoxyacetic acid (2,4-D); including acid, amine, choline, ester and salt formulations;
- (B) 2,4-Dichlorophenoxy butyric acid (2,4-DB);
- (C) 2,4-Dichlorophenoxy propionic acid (2,4-DP);
- (D) 2-Methyl-4-Chlorophenoxyacetic acid (MCPA);
- (E) 3,6-Dichloro-o-anisic acid (dicamba); including dimethylamine salt (DMA), sodium salt, diglycoamine salt (DGA), isopropylamine salts (IPA), N, N-Bis-(3-aminopropyl) methylamine (BAPMA), and potassium salt;

STATE LIMITED USE PESTICIDES



(F) 3,4-Dichloropropionanilide (propanil);

(G) 5-bromo-3-sec-butyl-6-methyluracil (bromacil);

(H) 2,4-bis(isopropylamino)-6-methoxy-s-triazine (prometon);

(I) 3,7-dichloro-8-quinolinecarboxylic acid (quinclorac);

(J) Sodium fluoroacetate (Compound 1080); and

(K) Sodium cyanide (M44).

REGULATED HERBICIDES

Regulated Herbicides (Regulated Counties 54 in Texas)

(A) 2,4-dichlorophenoxyacetic acid (2,4-D); including acid, amine, choline, ester and salt formulations;

(B) 2-methyl-4-chlorophenoxyacetic acid (MCPA);

(C) 3,6-dichloro-o-anisic acid (dicamba); including dimethylamine salt (DMA), sodium salt, diglycoamine salt (DGA), isopropylamine salts (IPA), N, N-Bis-(3-aminopropyl) methylamine (BAPMA), and potassium salt; and

(D) 3,7-dichloro-8-quinolinecarboxylic acid (quinclorac).

REGULATED HERBICIDES

Regulated Herbicides (Regulated Counties 54 in Texas)

The following counties shall be subject to the provisions of the Act, Subchapter G, unless specifically excepted by provisions of §7.53 of this title (relating to County Special Provisions): Aransas, Austin, Bailey, Baylor, Brazoria, Brazos, Briscoe, Burleson, Childress, Cochran, Collin, Collingsworth, Culberson, Dallas, Dawson, Deaf Smith, Delta, Dickens, Donley, El Paso, Falls, Foard, Fort Bend, Gaines, Galveston, Hall, Harris, Hardeman, Haskell, Hudspeth, Hunt, Jackson, King, Knox, Lamar, Lamb, Loving, McLennan, Martin, Matagorda, Midland, Milam, Moore, Motley, Parmer, Refugio, Robertson, Rockwall, Runnels, San Patricio, Waller, Ward, Wharton and Wilbarger.

Commercial Applicator

Operates a business or is employed by a business that applies restricted-use or state-limited-use pesticides to the property of another person for hire or compensation.



Commercial

1. Submit Application for Commercial Pesticide Applicator License (PA-401)
2. Submit \$200 fee
3. Take General Standards exam (\$64) + at least 1 category exam (\$64 each) and pass with grade $\geq 70\%$
4. Submit Pesticide Applicator Business Registration form (PAB-300)
5. Recertify every year (\$200 fee + 5 CEUs)

Non Commercial Political/Non Commercial Applicator

Non Commercial Political works for a company (like a school) but does not charge for it, part of their job.

Non Commercial-Applicator , for example, someone on a private golf course, grain warehouse or landscaper.

Categories



1. Agricultural Pest Control

A. Field Crop Pest Control

B. Fruit, Nut and Vegetable Pest Control

C. Pasture and Rangeland

D. Vertebrate Pest Control

E. Farm Commodity Pest Control

F. Animal Health

Categories



1.G. Citrus Pest Control

H. Livestock Protection Collar

I. M-44

2.Forest Pest Control

3.Lawn and Ornamental Pest Control

A. Landscape Maintenance

B. Nursery Plant Production

4.Seed Treatments

5.Vegetation Management

6.Aquatic Pest Control

7.Demonstration and Research

8.Regulatory Pest Control

9.Aerial Application

11. Soil Fumigation

12. Public Health Pest Control

Private Applicator

Uses or supervises the use of restricted-use (RUP) or state-limited-use (SLU) pesticides or regulated herbicides to produce an **agricultural commodity** on:

- Personally owned property
- Property owned by the person`s employer
- Property under the person`s general control
- Property of another person if applied without compensation



Pesticide Applicator Change of Classification



P.O. Box 12076 Austin, Texas 78711 • (877) 542-2474 • (512) 463-7476 •
Hearing impaired: (800) 735-2988 voice • (800) 735-2989 (TTY)
www.TexasAgriculture.gov

Texas Department of Agriculture
Application for Pesticide Applicator License
Change of Classification

PA-407

COMMISSIONER SID MILLER

SECTION A	1 VERIFICATION INFORMATION		TDA USE ONLY	
	<input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms. <input type="checkbox"/> _____	First Name	M. I.	Remittance No.
	Last Name			Batch No.
Social Security No. _____				

SECTION B	1 CURRENT LICENSE TYPE		
	<input type="checkbox"/> Commercial No. _____	<input type="checkbox"/> Noncommercial No. _____	<input type="checkbox"/> Noncommercial Political Subdivision No. _____
	2 CHANGE TO LICENSE TYPE		
	<input type="checkbox"/> Commercial	<input type="checkbox"/> Noncommercial	<input type="checkbox"/> Noncommercial Political Subdivision
	3 FEE TABLE		
	Commercial to Noncommercial	No Fee Required	
	Commercial to Noncommercial Political Subdivision	No Fee Required	
Noncommercial to Commercial	\$60		
Noncommercial Political Subdivision to Commercial	\$125		
Noncommercial Political Subdivision to Noncommercial	\$65		
Noncommercial to Noncommercial Political Subdivision	No Fee Required		

Please provide **ONLY** the information that has changed.

SECTION C	1 COMMERCIAL/NONCOMMERCIAL/NONCOMMERCIAL POLITICAL SUBDIVISION ONLY		
	Employer Name		Primary Phone () -
	2 EMPLOYER'S PHYSICAL ADDRESS		
	Address		
	City	State	Zip
	3 EMPLOYER'S MAILING ADDRESS <input type="checkbox"/> Same as Physical Address		
	Address		
City	State	Zip	

Pesticide Applicator License Change of Classification

Page 2 of 2

Applicator Name _____

SECTION D	1 COMMERCIAL APPLICATORS ONLY
	Have you been convicted of any felony in the last five years? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide your date of birth / / month day year Also attach a signed and dated statement providing full information about any felony crime for which you were convicted, including the date of the conviction, the state and county where convicted, the sentence and terms of probation, if any, and a brief explanation of the circumstances of the crime and completion of any sentence or probation. State whether you are on parole or a registered sex offender.

SECTION E	1 PAYMENT
	Please use fee table on front page or page 1 of this application to calculate applicable fees. REGISTRATION IS NOT VALID UNTIL APPROVED BY TDA.
	Method of Payment (payable to Texas Department of Agriculture) <input type="checkbox"/> Check # _____ <input type="checkbox"/> Cashier's Check # _____ <input type="checkbox"/> Money Order # _____
	Amount remitted \$ _____ TDA USE ONLY Receipt No. _____ Date Receipt Issued _____

SECTION F	1 SIGNATURE
	By submitting changes to licensing information, the person submitting the changes certifies that he or she is authorized to make such changes on behalf of the licensee and that all information provided is true and correct. Any misrepresentation or false statement made by the licensee or the licensee's authorized representative in connection with such changes, whether intentional or not, may result in denial, revocation, or non-renewal of any affected license and/or assessment of monetary administrative penalties.
	Applicant Name _____ Title _____ Applicant Signature _____ Date / / month day year

SECTION G	1 CHECKLIST
	Please use this checklist to ensure you are sending all of the necessary information and documents. <input type="checkbox"/> Pesticide Applicator License Change of Classification <input type="checkbox"/> Fee (see instructions for assistance with calculating the correct fee.) Please note that an incomplete application may result in processing delays.

Flying to El Paso





Continuing Education Units



CEU Exemptions **AND 2021/2022 EXTENSION:** COVID-19

AGRICULTURE LICENSES ONLY!!

- Applicators with licenses expiring through 12-31-2022 may renew their license before CEU requirements met
 - CEUs must be made up for each licensing period, not exempt
- **For Licenses expiring in 2021 AND 2022, WE ARE EXTENDING THE EXEMPTION:**
 - Commercial, Noncommercial, & Noncommercial Political applicators may take online or correspondence courses for 2-3 years consecutively **NOW DUE TO THE EXTENSION**
 - Private Applicators may take **all their 15 CEUs** thru online or correspondence courses

THIS, KIDS...

IS WHY YOU DON'T TEXT AND DRIVE





Record Keeping

Record Keeping Requirements:

- Commercial and noncommercial applicators must maintain records of all pesticide applications - this includes general use products
- Private applicators must maintain records of all regulated herbicides, state-limited-use pesticides, and restricted-use pesticide applications
- All records must be maintained for 2 years

Record Keeping Form

Texas Department of Agriculture Pesticide Applicator Record

TDA Q527
7/15



COMMISSIONER SID MILLER

Business/Applicator Name _____ Address _____

Application Date	Time Started	Name of the person for whom the application was made	Location of Land Treated		Site Treated	Wind Direction	Wind Velocity	Air Temp
Product Trade Name		EPA Registration Number	Target Pest	Rate of Product Per Unit	Method or Type of Equipment Used To Make Application	FAA "N" Number for Aerial Application Equipment:		
Is Application Applied in Regulated County: <input type="checkbox"/> Yes <input type="checkbox"/> No				Regulated Herbicide Permit Number:				
Licensed Applicator's Name and License Number			Non-licensed Applicator's Name Working Under Licensee		Total Acres or Volume of Area Treated	Total Volume of Spray Mix, Dust, Granules or Other Materials Applied Per Unit		
Documentation used to verify training of non-licensed applicator (Mark Applicable Box)								
<input type="checkbox"/> Direct Supervisor Affidavit <input type="checkbox"/> WPS Handler Card <input type="checkbox"/> Signed & Dated Label								

Record Keeping

- Date of application
- Time application was started
- Name of person or entity for whom the application was made
- Name and license number of the applicator responsible for the application and, if different, the name of the person actually making the application
- Total acres or volume of area treated (e.g., acre, square feet, number of head, etc.)



Record Keeping



- Site treated (name of crop)

Record Keeping

- Location of land where application was made stated in a manner that that would *permit inspection* by an authorized party
 - FSA #1234 plus map showing farm location
 - 123 County Road, Anytown, TX 78123
 - At the SW corner of intersection FM 1604 and Milam Rd, Anytown, TX 78123

Record Keeping

- Application method or type of equipment used to make the application



Record Keeping

- Wind direction
- velocity (except for those applications made indoors or otherwise within a structure)
- Air temperature



Record Keeping

for each pesticide applied:

- Product name
- Product EPA registration number
- Rate of product per unit

2,4-D AMINE 4 Herbicide

For selective control of many broadcast weeds in certain crops, including, cereal grains (wheat, barley, millet, oats and rye), corn (field corn, popcorn and sweet corn), fallow land and crop stubble, rice, sorghum (grain and forage sorghum), soybeans (pre-plant burndown application only); forests; rangeland and established grass pastures, including Conservation Reserve Program (CRP) acres; non-cropland; grasses grown for seed or sod, ornamental turf; and aquatic areas.

Manufactured by:

ALBAUGH, INC.
1525 NE 36th Street
Ankeny, Iowa 50021

ACTIVE INGREDIENT:	
Dimethylamine salt of 2,4-dichlorophenoxyacetic acid*	46.8%
OTHER INGREDIENTS	53.2%
TOTAL	100.0%
*Equivalent to 28.0% of 2,4-dichlorophenoxyacetic acid or 3.8 lb./gal. Isomer specific by AOAC Method.	
EPA Reg. No. 42750-19	EPA Est. No. 42750-MO-001
KEEP OUT OF REACH OF CHILDREN DANGER – PELIGRO	
Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand this label, find someone to explain it to you in detail.)	
FIRST AID	
IF IN EYES:	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15-20 minutes. • Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice.
IF SWALLOWED:	<ul style="list-style-type: none"> • Call a poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by the poison control center or doctor. • Do not give anything by mouth to an unconscious person.
IF ON SKIN OR CLOTHING:	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15-20 minutes. • Call a poison control center or doctor for treatment advice.

Record Keeping for each pesticide applied:

- Total volume of spray mix, dust, granules, or other materials applied per unit

- The name of the pest for which the product was used



Record Keeping

- The FAA "N" number for aerial application equipment



Record Keeping

- The spray permit number for regulated herbicides applied in a regulated county
- Documentation to verify training of persons working under the supervision of a licensed pesticide applicator

1/15
TDA Q820

Texas Department of Agriculture
Commissioner Sid Miller
Regulated Herbicide Spray Permit

TDA Use Only:	Type of Permit:
Region: _____	<input type="checkbox"/> Individual <input type="checkbox"/> Blanket
County(s): _____	Permit Number: _____
	Date Issued: _____

Person applying for permit: _____
Name Phone

Rev. 9/15
TDA Q570A

TEXAS DEPARTMENT OF AGRICULTURE
Commissioner Sid Miller
P O Box 12847, Austin, Texas 78711 800-835-5832
For the hearing impaired: (800) 735-2988(voice) or (800) 735-2989(TDD/TT)
Internet address: <http://www.texasagriculture.gov>

DIRECT SUPERVISION AFFIDAVIT

1. This is an affidavit made by _____ and _____ on _____ date
unlicensed applicator licensed applicator

Record Keeping

Direct Supervision Training

Training for unlicensed pesticide applicators may be documented by one of the following:

1. Direct Supervision Affidavit
2. Signed and Dated label
3. Worker Protection Standard Handler Training

Maintain method of training for 2 years

IF YOU'RE GONNA SCREW UP



**AT LEAST MAKE THEM WONDER
HOW YOU DID IT.**





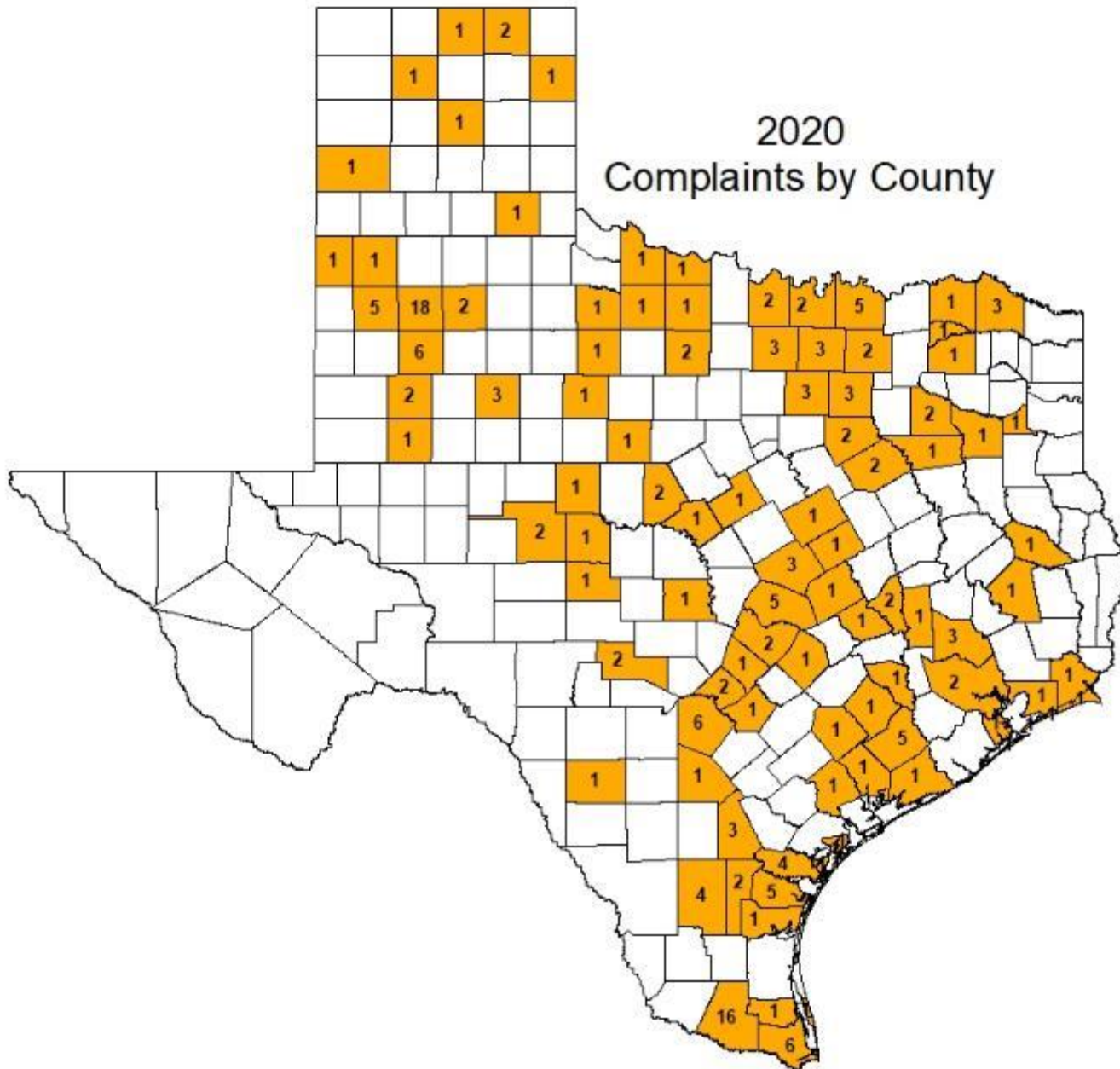


Complaints

Pesticide Complaints in Texas

- TDA's responsibility to investigate complaints of alleged pesticide misuse
- Enforcement actions may include:
 - Warnings
 - Fines
 - Suspending or revoking applicator license
 - Rereferral to other appropriate agency for further action
- Complainants do not receive compensation in TDA investigations

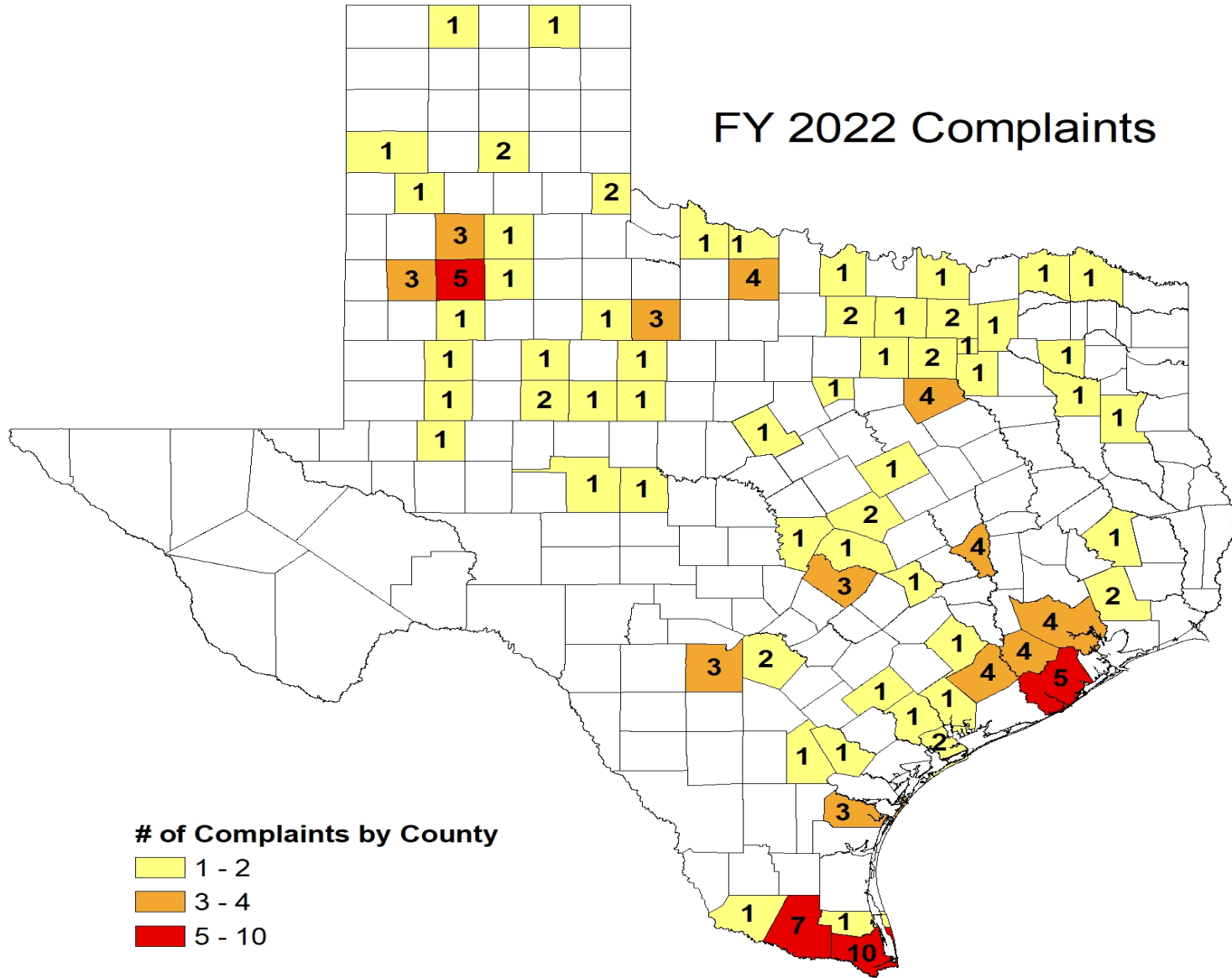
2020 Fiscal Year



- 201 Ag Complaints
- TDA has:
 - 27 Agricultural Inspectors
 - 15 Structural Inspectors
 - 254 Counties in Texas
- They also conduct thousands of routine inspections on applicators, dealers, and businesses every year

HOW MANY IN 2021 WERE AERIAL COMPLAINTS?

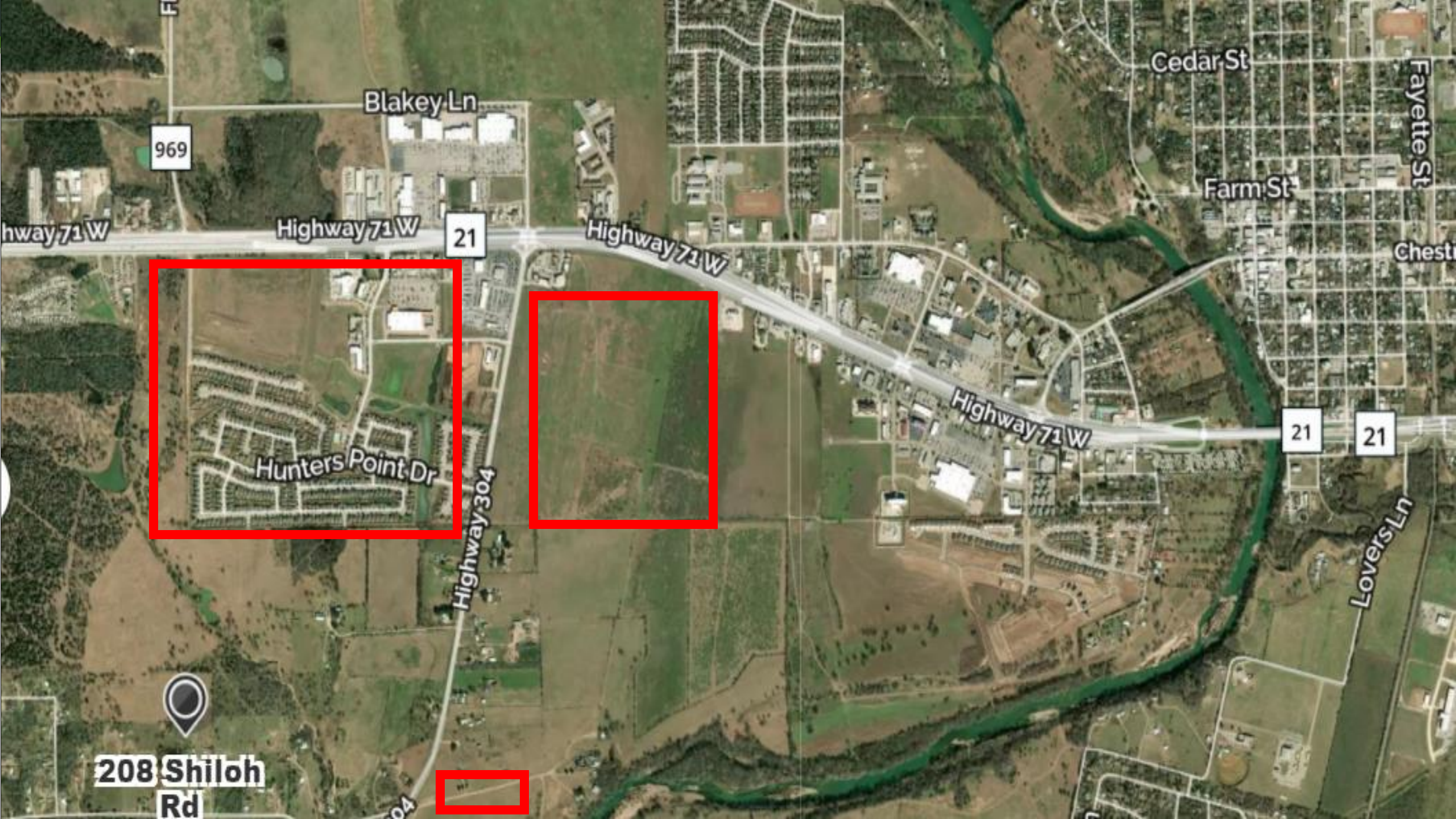
- 27 of 193
- About 15%
- Aerial Complaints 2020
- 24 of 201 complaints (About 12%)



2022
135 complaints



Reasons complaints were low-
Drought has caused less spraying
as crops fail and inputs have
gotten more expensive



969

Blakey Ln

Cedar St

Fayette St

Farm St

Chest

hwy 71 W

Highway 71 W

21

Highway 71 W

Hunters Point Dr

Highway 304

Highway 71 W

21

21

Lovers Ln



208 Shiloh Rd

