



Arizona Department of Agriculture

1688 W. Adams Street, Phoenix, Arizona 85007
(602) 542-3575 FAX (602) 542-0466

Notice of Meeting and Agenda for the Golf Course Subcommittee of the Task Force on the Regulation of Structural Pest Management

The above subcommittee of the Task Force on the Regulation of Structural Pest Management (OPM Task Force) gives notice that it will hold a meeting open to the public on Tuesday, June 26, 2012 beginning at 2:00 p.m. in room 229 of the Arizona Department of Agriculture, 1688 W Adams Street, Phoenix. Members of the subcommittee will attend either in person or by telephone conference call.

The agenda for the meeting is as follows:

1. Roll Call – Jimmy Fox, Phil Hemminghaus, Carmella Ruggiero, and Robert L. Tolton, Jr. - Subcommittee Chairman
2. Approval of Minutes from June 18, 2012 Meeting
3. Discussion on feedback from other States with regard to how Golf Courses are regulated with regard to pesticide use, storage, disposal, & recordkeeping;
4. Discussion of what statutory changes may be needed to move the Golf Industry under the regulatory authority of the Environmental Services Division of the Department of Agriculture;
5. Discussion of what rule changes may be needed to move the Golf Industry under the regulatory authority of the Environmental Services Division of the Department of Agriculture.
6. Discussion of what impact this change will have on the Golf Course Industry, the OPM, & the Dept. of Ag. (i.e. agency resources, revenue impact, inspection scheme).
7. Review proposed of language that will move the Golf Course Industry under the regulatory authority of the Environmental Services Division of the Department of Agriculture.
8. Set Next Meeting Date and Topic Discussion
9. Adjourn

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Anna Villa at (602) 542-4315 (voice), or 1-800-367-3839 (TDD Relay). Requests should be made as early as possible to allow time to arrange the accommodation.

Dated this 22nd day of June, 2012

GC Subcommittee – 06-25-2012

How other States regulate pesticide use on Golf Courses

During the 06/18/2012 GC Subcommittee meeting, staff was asked to inquire about what other states are doing. Based on this request I sent the following questions to various States:

1. Does your respective agency regulate the application of general use pesticides on golf courses?
2. Does your respective agency regulate the application of restricted-use pesticides on golf courses?

If you answered yes to either or both questions, could you direct me to where I might find your agencies laws and rules where I might review your statutory and regulatory authority?

The follow are the States answered "yes" to both questions:

Office of Indiana State Chemists – Pesticides - David E. Scott (Pesticide Administrator)

Requirements beyond the label include

A person required to be certified or registered under this chapter may not:

(1) use or supervise the use of any pesticide; or

(2) make diagnostic inspections or reports to determine infestations of wood destroying pests;

unless the person complies with the certification or registration requirements under this chapter and any other requirements determined by the state chemist to be necessary to prevent unreasonable adverse effects on the environment.

As added by P.L.2-2008, SEC.7.

New York State Department of Environmental Conservation Division of Materials Management – Bureau of Pest Management – Anthony Lamanno (Compliance Section Chief)

Requirements beyond the label include

For the most part golf courses fall under our definition of the commercial application of pesticides, which requires commercial applicator certification. In some instances, there are golf courses that are owned by the person applying the pesticides, which makes the application a residential application of pesticides. Residential applications do not require certification for general use pesticides, but it is required for restricted use pesticides.

Oklahoma Department of Agriculture, Food and Forestry – Consumer Protection – Mike Vandeventer (Complaints Program Administrator)

Requirements beyond the label include

If a commercial company is making applications to a golf course they would need a commercial license in category 3a. Golf courses that apply general use pesticides to their own property are considered non-commercial and are not required to have a license but it is encouraged. If they are applying RUP they do need a license.

Colorado Department of Agriculture – Pesticides Program – John Scott (Pesticides Program Manager)

Requirements beyond the label include

1. *Colorado regulates all use of pesticides, whether the entity is or persons employed are licensed with CDA. We do not have any specific regulations for entities that use GUPs other than the label requirements.*
2. *Yes, an private or public entity that applies RUPs must have an individual licensed in the appropriate Qualified Supervisor (QS) category and the business must register as a Limited Commercial (private golf course) or Public Applicator business entity. This "registration" is essentially the same as Commercial Applicator business license; all of the same requirements apply to registered limited commercial and public applicators that apply to commercial applicators. In addition, once "registered", LCs and Public applicator's QS must be licensed in all categories they may make applications in. So even though they only wanted to apply an RUP in one licensure category, once they cross that line to require registration to apply an RUP, the licensure requirements apply to all categories they may make applications in.*

Virginia Department of Agriculture and Consumer Services – Office of Pesticide Services – Liza J. Fleeson (Program Manager)

Requirements beyond the label include

Applicators on golf courses are required to be certified as a "commercial applicator not for hire"...

Wisconsin Department of Agriculture, Trade, and Consumer Protection – Agrichemical Management Bureau – Jennifer Heaton-Amrhein (Chief of Pesticide, Feed and Fertilizer Programs Section)

Requirements beyond the label include

***Golf courses must provide information upon request about landscape applications (29.56 (6)) – this obviously requires recordkeeping as well.*

***Golf course must meet the requirements of the Advance Notice of Landscape Applications Registry (ATCP 29.56 (7) and (8))*

***We have requirements related to storing and transporting pesticides that would apply (29.40)*

Louisiana Department of Agriculture and Forestry – David Fields (Assistant Director)

Requirements beyond the label include

None

Minnesota Department of Agriculture – Pesticide & Fertilizer Management – John Peckham (Manager – Inspection & Enforcement Section)

Requirements beyond the label include

- (a) Application of a pesticide to the property of a golf course must be performed by:*
- (1) a structural pest control applicator; or*
 - (2) a commercial or noncommercial pesticide applicator with appropriate use certification.*

(b) Pesticides determined by the commissioner to be sanitizers and disinfectants are exempt from the requirements in paragraph (a).

All three licensing types require an applicator to take and pass a category appropriate exam as well as to recertify (educational requirement) annually or every three years dependent upon the license type.

While all of these states regulate both general use and restricted use pesticides on Golf Courses, the label is the law in almost every circumstance when it comes to general use pesticides.

The license requirement ranged from no licensure required for general use to licensure not-for-hire to full licensure.

Every State had some sort of record-keeping requirement for both restricted and general-use pesticides on golf courses.

GC Subcommittee
Draft Language 06-22-2012
Title 3, Chapter 3. Department of Agriculture
Environmental Services Division

"Certified applicator" means any individual who is certified by the department to use or supervise the use of any restricted use pesticide OR TO USE ANY PESTICIDES ON A GOLF COURSE.

"Commercial applicator" means a certified applicator (whether or not the applicator is a private applicator with respect to some uses) who uses or supervises the use of a restricted use pesticide for any purpose or on any property other than property owned or controlled by:

The applicator;

The applicator's employer; or

Another person, if the application is performed without compensation, other than trading of personal services between producers of agricultural commodities.

"Custom applicator" means any person, except a person regulated by the SPCC, who applies pesticides for hire or by aircraft.

"GOLF APPLICATOR" MEANS A CERTIFIED APPLICATOR WHO USES OR SUPERVISES THE USE OF A PESTICIDE FOR THE MAINTENANCE OF GOLF COURSE PROPERTY THAT IS OWNED OR CONTROLLED BY:
THE APPLICATOR; OR
THE APPLICATOR'S EMPLOYER.

"Private applicator" means a certified applicator who uses or supervises the use of a restricted use pesticide for producing an agricultural commodity on property owned or controlled by:

The applicator;

The applicator's employer; or

Another person, if the pesticide is applied without compensation, other than trading of personal services between producers of agricultural commodities.

"Regulated grower" means a person who acquires or purchases pesticides or contracts for the application of pesticides to agricultural commodities ~~or~~ onto an agricultural establishment, OR ONTO A GOLF COURSE, as a part of the person's normal course of employment or activity as an owner, lessee, sublessee, sharecropper, or manager of the land to which the pesticide is applied.

R3-3-201. Regulated Grower Permit; Fee

A. A regulated grower shall not order, purchase, take delivery of, use, or recommend the use of any pesticide for an agricultural purpose OR A GOLF COURSE without a valid regulated grower permit, issued by the Department.

B. A person applying for a regulated grower permit, initial or renewal, shall provide the following information on a form obtained from the Department:

1. Name, signature, and social security or employer's identification number of the applicant;

2. Date of the permit application;

3. Name, address, e-mail address, if applicable, and daytime telephone number of the company or farm where the applicant may be reached;

4. Permit renewal period; and

5. Sections, townships, ranges, and acres of the land where pesticides may be applied.

C. The applicant shall submit the completed application to the Department accompanied by a \$20 fee for each year or portion of the year during which the permit is valid.

D. A regulated grower permit is not transferable, expires on December 31, and is valid for one or two years depending on the renewal period selected by the applicant.

R3-3-202. Core Examination

A. In addition to other requirements prescribed by this Article, an individual seeking any of the following shall obtain a score of at least 75 percent on a written core examination administered by the Department:

1. Designation as a responsible individual;

2. An initial license as:

a. An agricultural aircraft pilot;

b. A custom applicator;

c. An agricultural pest control advisor; or

3. An initial certification as:
 - a. A private applicator; ~~or~~
 - b. A commercial applicator; ~~OR~~
 - C. A GOLF APPLICATOR.**
- B. The Department shall administer examinations by appointment at every Environmental Services Division office. The Department shall ensure that the examination tests the knowledge and understanding of the following subjects that are described in more detail at Appendix A, subsections (A) and (C):
 1. Pesticide use, safety, and toxicity;
 2. Pesticide labels and labeling;
 3. Pesticide terminology;
 4. Common causes of accidents;
 5. Necessity for protective equipment;
 6. Poisoning symptoms;
 7. Practical first aid; and
 8. Statutes and rules relating to the sale, application, and use of pesticides.
- C. An individual who fails the examination may retake the examination no more than three times in a 12-month period and shall not retake an examination until at least seven days have elapsed from the date of the last examination.

R3-3-205. Custom Applicator License; Examination; Fee; Renewal

- A. A person shall not act as a custom applicator without a valid custom applicator license issued by the Department.
- B. A person applying for a custom applicator license, initial or renewal, shall provide the following information on a form obtained from the Department:
 1. Name and signature of the applicant;
 2. Date of the license application;
 3. Name, physical address, mailing address, e-mail address, if applicable, and daytime telephone number of the business under subsection (C);
 4. Tax identification number of the business;
 5. License renewal period;
 6. Whether the application is for ground or air custom application, or both;
 7. Names and current certification numbers of the commercial applicators employed by the business, as prescribed in subsection (C)(1);
 8. Evidence of insurance coverage, showing the name of the insurance carrier, policy number, policy term, policy limits, and any applicable exclusions; and
 9. Whether the applicant has had a similar license revoked, suspended, or denied in this or any other jurisdiction during the last three years, and the nature of the violation.
- C. The Department shall not issue or renew a custom applicator license and an existing custom applicator license is invalid unless the applicant or license holder:
 1. Is a commercial applicator or employs at least one individual who is certified as a commercial applicator under R3-3-208;
 2. Maintains or the business that employs the applicator or license holder maintains public liability, drift, and property damage insurance coverage with an aggregate amount of at least \$300,000 during the licensing period. The applicant or license holder shall provide evidence of insurance coverage to the Department upon initial application, for each renewal, or upon request of the Department; and
 3. Files with the Department a copy of the commercial applicator's valid Federal Aviation Administration commercial agricultural aircraft operator's certificate, if using aircraft. If not already on file with the Department, an applicant or license holder shall submit a copy of the certificate with the completed application form.
- D. A custom applicator license holder may:
 1. Temporarily relinquish a custom applicator license if the custom applicator:
 - a. Advises the Department of termination of the insurance prescribed in subsection (C)(2), and the effective date of termination; and
 - b. Ceases to act as a custom applicator on the termination date.
 2. Reinstate the custom applicator license within the same licensing time period, without again paying the fee as prescribed in subsection (E), if the custom applicator:
 - a. Purchases insurance as prescribed in subsection (C)(2), and
 - b. Notifies the Department of the effective date of the insurance.
- E. The applicant shall submit the completed application to the Department, accompanied by a \$100 fee for each year, or portion of the year during which the license is valid.
- F. A custom applicator license is not transferable, expires on December 31, and is valid for one or two years, depending on the renewal period selected by the applicant.

G. Examinations.

1. The Department shall administer examinations by appointment at every Environmental Services Division office. In addition to the core examination required in R3-3-202, an applicant shall demonstrate knowledge and understanding of the following by scoring at least 75 percent on the written examination administered by the Department:
 - a. Calibration of application equipment;
 - b. Aerial application procedures, if applicable; and
 - c. Ground application procedures, if applicable.
2. An individual who fails the examination may retake it no more than three times in a 12-month period and shall not retake an examination until at least seven days have elapsed from the date of the last examination.

H. Renewal; expired license.

1. An applicant may renew an expired license without retaking the written examinations in subsection (G) under the following conditions:
 - a. The applicant submits the completed application and fee within 30 days after the expiration date, and
 - b. The applicant does not provide any pesticide-related service after the date the license expired until the date the renewal is effective.
2. All other applicants for renewal shall retake the written examinations prescribed in subsection (G).

R3-3-208. Applicator Certification; Examination; Fee; Renewal

- ~~A. An individual shall not act as a private applicator or commercial applicator unless the individual is certified by the Department.~~
- ~~B. An individual applying for either commercial or private applicator certification shall provide the following information on a form obtained from the Department:~~
- ~~1. Name, social security number, and signature of the applicant;~~
 - ~~2. Date of the application;~~
 - ~~3. Address, e-mail address, if applicable, and daytime telephone number of the applicant;~~
 - ~~4. Name, physical address, mailing address, e-mail address, if applicable, and daytime telephone number of the applicant's employer, if applicable;~~
 - ~~5. Whether the application is for a commercial or private applicator certification;~~
 - ~~6. For commercial certification, the categories in which the applicant seeks to be certified;~~
 - ~~7. Whether the applicant has had a similar certification revoked, suspended, or denied in this or any other jurisdiction during the last three years, and the nature of the violation; and~~
 - ~~8. Certification renewal period.~~
- ~~C. Private applicator fumigation certification:~~
- ~~1. An individual seeking fumigation certification must first be certified as a private applicator or a commercial applicator;~~
 - ~~2. Fumigation certification allows a private applicator or a commercial applicator acting as a private applicator to use, apply, or supervise the use or application of a fumigant to an on-farm raw agricultural commodity or on-farm burrowing rodent problem.~~
 - ~~3. An applicant shall score at least 75 percent on a written fumigation examination administered by the Department;~~
 - ~~4. If the fumigation certification is renewed with the private applicator certification or the commercial applicator certification, the private applicator or commercial applicator shall:
 - ~~a. Retake and pass the written fumigation examination; or~~
 - ~~b. Submit evidence of completing the number of CEUs required under subsection (H)(4)(a); and~~
 - ~~c. Submit evidence of completing at least three additional CEUs per year, at least one of which shall be related to the use of fumigants to a raw agricultural commodity or on-farm burrowing rodent problem.~~~~
- ~~D. An applicant shall submit a completed application to the Department accompanied by a \$50 fee.~~
- ~~E. Applicator certification is not transferable, expires on December 31, and is:~~
- ~~1. Issued for one year as an initial certification;~~
 - ~~2. Renewed for one or two years, depending on the renewal period selected by the applicant; and~~
 - ~~3. Renewed for all categories of certification for the same renewal period.~~
- ~~F. Examinations. The Department shall administer examinations by appointment at every Environmental Services Division office. An applicant shall achieve a passing score of 75 percent in the applicable subject area:~~
- ~~1. Commercial applicator certification. In addition to the core examination required for an initial commercial applicator certification in R3-3-202, an applicant shall demonstrate knowledge and understanding of the subjects listed in Appendix A, subsection (A):~~
 - ~~2. Commercial certification categories:
 - ~~a. An individual may apply for commercial applicator certification in any of the following categories:
 - ~~i. Agricultural pest control;~~
 - ~~ii. Forest pest control;~~~~~~

- iii. ~~Seed treatment;~~
- iv. ~~Aquatic pest control;~~
- v. ~~Right-of-way pest control;~~
- vi. ~~Public health pest control;~~
- vii. ~~Regulatory pest control; or~~
- viii. ~~Demonstration and research pest control.~~
- b. ~~An applicant shall demonstrate practical knowledge of the certification category subjects listed for the category in Appendix A, subsection (B).~~
- 3. ~~Private applicator certification. An applicant shall demonstrate knowledge and understanding of the subjects listed in Appendix A, subsection (C).~~
- 4. ~~An individual who fails an examination may retake it no more than three times in a 12-month period, and shall not retake an examination until at least seven days have elapsed from the date of the last examination.~~
- G. ~~Renewal; expired license.~~
 - 1. ~~An applicant may renew an expired license without retaking the written examinations under the following conditions:~~
 - a. ~~The applicant complies with the CEU requirements in subsection (H)(4);~~
 - b. ~~The applicant submits a completed application and fee within 30 days after the expiration date; and~~
 - c. ~~The applicant does not provide any pesticide-related service from the date the license expired until the date the renewal is effective.~~
 - 2. ~~All other applicants for renewal shall retake the written examinations prescribed in subsections (F) or (C) and (F).~~
- H. ~~Renewal.~~
 - 1. ~~The continuing education requirements in subsection (H)(4) are not applicable to an individual who passes the certification examination prescribed in subsections (C) or (F) or (C) and (F), and who applies for private applicator certification between October 1 and December 31 of the test year.~~
 - 2. ~~An applicant for renewal of an applicator certification shall select a one or two-year renewal period.~~
 - 3. ~~An applicant shall submit the completed application accompanied by a \$50 fee for each year or portion of the year during which the certification is valid.~~
 - 4. ~~CEU requirements.~~
 - a. ~~The Department shall not renew a private applicator certification unless, prior to the expiration of the current certification, the applicator completes three CEUs for each year for which certification is sought or retakes and passes the written examinations prescribed in subsection (F)(3) or subsections (C) and (F)(3).~~
 - b. ~~The Department shall not renew a commercial applicator certification unless, before expiration of the current certification, the applicator completes six CEUs for each year of the renewal period or retakes and passes the written examinations prescribed in subsections (F)(1) and (2).~~
 - c. ~~An applicator shall complete CEU credit from January 1 through December 31. CEU credits earned in a year that are in excess of the requirements do not carry forward for use in future years.~~
 - d. ~~To obtain credit, the applicant shall provide the Department with documentation of completion of the CEU course.~~

R3-3-208. Applicator Certification; Examination; Fee; Renewal

- A. An individual shall not act as a private applicator, **GOLF APPLICATOR**, or commercial applicator unless the individual is certified by the Department.
- B. Application. An individual applying for either commercial or private applicator certification shall pay a \$50 fee and submit a completed application to the Department containing the following information on a form obtained from the Department:
 - 1. The applicant's name, address, e-mail address if applicable, daytime telephone number, Social Security number, and signature;
 - 2. Date of the application;
 - 3. Name, physical address, mailing address, e-mail address, if applicable, and daytime telephone number of the applicant's employer, if applicable;
 - 4. Whether the application is for a commercial, **GOLF**, or private applicator certification;
 - 5. If applicable, an indication the applicant seeks private applicator fumigation certification;
 - 6. For commercial certification, the categories in which the applicant seeks to be certified;
 - 7. Whether the applicant has had a similar certification revoked, suspended, or denied in this or any other jurisdiction during the last three years, and the nature of the violation; and
 - 8. Certification renewal period.
- C. Private applicator fumigation certification.
 - 1. Fumigation certification requires certification as a private applicator, **GOLF APPLICATOR**, or a commercial applicator.

2. Fumigation certification allows a private applicator, **GOLF APPLICATOR**, or a commercial applicator acting as a private applicator to use, apply, or supervise the use or application of a fumigant to an on-farm raw agricultural commodity or on-farm OR GOLF COURSE burrowing rodent problem.
- D. Examinations. The Department shall administer examinations by appointment at every Environmental Services Division office. An applicant shall achieve a passing score of 75 percent in the applicable subject area in order to receive initial certification.
 1. Commercial applicator certification (PUC). In addition to the core examination required by R3-3-202, an applicant shall demonstrate knowledge and understanding of the subjects listed in Appendix A, subsection (B) for each commercial certification category sought.
 2. Commercial certification categories. An individual may apply for commercial applicator certification in any of the following categories:
 - a. Agricultural pest control;
 - b. Forest pest control;
 - c. Seed-treatment;
 - d. Aquatic pest control;
 - e. Right-of-way pest control;
 - f. Public health pest control;
 - g. Regulatory pest control: M-44 or rodent, if a government employee;
 - h. Demonstration and research pest control; or
 - I. ORNAMENTAL AND TURF PEST CONTROL.**
 3. Private applicator (PUP) AND **GOLF APPLICATOR (PUG)** certification (PUP). An applicant shall demonstrate knowledge and understanding of the core examination subjects listed in R3-3-202.
 4. Fumigation certification. An applicant seeking private applicator fumigation certification shall also pass a separate fumigation examination.
 5. An individual who fails an examination may retake it no more than three times in a 12-month period, and shall not retake an examination until at least seven days have elapsed from the date of the last examination.
- E. Applicator certification is not transferable, expires on December 31, and is:
 1. Issued for the remainder of the calendar year as an initial certification;
 2. Renewed for one or two years, depending on the renewal period selected by the applicant; and
 3. Renewed for all categories of certification for the same renewal period.
- F. Renewal.
 1. An applicant for renewal of an applicator certification shall select a one or two-year renewal period.
 2. An applicant shall submit the completed application accompanied by a \$50 fee for a one-year renewal or \$100 for a two-year renewal.
 3. CEU requirements.
 - a. The Department shall not renew a private applicator **OR GOLF APPLICATOR** certification unless, prior to the expiration of the current certification, the applicator completes three CEUs for each year of the renewal period.
 - b. The Department shall not renew a commercial applicator certification unless, prior to expiration of the current certification, the applicator completes six CEUs for each year of the renewal period.
 - c. The Department shall not renew a fumigation certification unless, prior to the expiration of the current certification, the applicant qualifies to renew the applicant's private or commercial applicator certification under this subsection and completes three additional CEUs per year of the renewal period.
 - d. An applicator shall complete CEU credit while the current certification period is in effect. CEU credits earned in excess of the requirements do not carry forward for use in subsequent renewals.
 - e. To obtain credit, the applicant shall provide the Department with documentation of completion of the CEU course.
 - f. The CEU requirements are not applicable to an individual renewing an initial certification issued between October 1 and December 31.
 4. Examination exception. An applicator who fails to complete the CEUs required for renewal may renew a certification, prior to expiration, for one year by submitting the completed application accompanied by a \$50 fee and retaking and passing the applicable certification examination prescribed in this Section.
- G. Renewal; expired certification.
 1. An applicant may renew an expired certification without retaking the written examinations provided the applicant:
 - a. Has satisfied the CEU requirements,
 - b. Submits a completed application and fee within 30 days after the expiration date, and
 - c. Does not provide any pesticide-related service from the date the certification expired until the date the renewal is effective.
 2. All other applicants for renewal shall complete the requirements for initial certification, including retaking and passing the written examinations prescribed in this Section.

APPENDIX A
TESTING CATEGORIES

A. Commercial Applicator Certification, 40 CFR 171.4(b)(i)-(viii).

1. Label & labeling comprehension.
 - a. The general format and terminology of pesticide labels and labeling;
 - b. The understanding of instructions, warnings, terms, symbols, and other information commonly appearing on pesticide labels;
 - c. Classification of the product, general or restricted; and
 - d. Necessity for use consistent with the label.
2. Safety. Factors including:
 - a. Pesticide toxicity and hazard to man and common exposure routes;
 - b. Common types and causes of pesticide accidents;
 - c. Precautions necessary to guard against injury to applicators and other individuals in or near treated areas;
 - d. Need for and use of protective clothing and equipment;
 - e. Symptoms of pesticide poisoning;
 - f. First aid and other procedures to be followed in case of a pesticide accident; and
 - g. Proper identification, storage, transport, handling, mixing procedures and disposal methods for pesticides and used pesticide containers, including precautions to be taken to prevent children from having access to pesticides and pesticide containers.
3. Environment. The potential environmental consequences of the use and misuse of pesticides as may be influenced by such factors as:
 - a. Weather and other climatic conditions;
 - b. Types of terrain, soil or other substrate;
 - c. Presence of fish, wildlife and other non-target organisms; and
 - d. Drainage patterns.
4. Pests. Factors such as:
 - a. Common features of pest organisms and characteristics of damage needed for pest recognition;
 - b. Recognition of relevant pests; and
 - c. Pest development and biology as it may be relevant to problem identification and control.
5. Pesticides. Factors such as:
 - a. Types of pesticides;
 - b. Types of formulations;
 - c. Compatibility, synergism, persistence and animal and plant toxicity of the formulations;
 - d. Hazards and residues associated with use;
 - e. Factors which influence effectiveness or lead to such problems as resistance to pesticides; and
 - f. Dilution procedures.
6. Equipment. Factors including:
 - a. Types of equipment and advantages and limitations of each type; and
 - b. Uses, maintenance and calibration.
7. Application techniques. Factors including:
 - a. Methods of procedure used to apply various formulations of pesticides, solutions, and gases, together with a knowledge of which technique of application to use in a given situation;
 - b. Relationship of discharge and placement of pesticides to proper use, unnecessary use, and misuse; and
 - c. Prevention of drift and pesticide loss into the environment.
8. Laws and regulations. Applicable State and Federal laws and regulations.

B. Commercial Certification Categories, 40 CFR 171.4(c)(1) through (6) and (8) through (10).

1. Agricultural pest control.
 - a. Plant. Applicators must demonstrate practical knowledge of crops grown and the specific pests of those crops on which they may be using restricted use pesticides. The importance of such competency is amplified by the extensive areas involved, the quantities of pesticides needed, and the ultimate use of many commodities as food and feed. Practical knowledge is required concerning soil and water problems, pre-harvest intervals, re-entry intervals, phytotoxicity, and potential for environmental contamination, non-target injury and community problems resulting from the use of restricted use pesticides in agricultural areas.
 - b. Animal. Applicators applying pesticides directly to animals must demonstrate practical knowledge of such animals and their associated pests. A practical knowledge is also required concerning specific pesticide toxicity and residue potential, since host animals will frequently be used for food. Further, the

- applicator must know the relative hazards associated with such factors as formulation, application techniques, age of animals, stress and extent of treatment.
2. Forest pest control. Applicators shall demonstrate practical knowledge of types of forests, forest nurseries, and seed production in this state and the pests involved. They shall possess practical knowledge of the cyclic occurrence of certain pests and specific population dynamics as a basis for programming pesticide applications. A practical knowledge is required of the relative biotic agents and their vulnerability to the pesticides to be applied. Because forest stands may be large and frequently include natural aquatic habitats and harbor wildlife, the consequences of pesticide use may be difficult to assess. The applicator must therefore demonstrate practical knowledge of control methods which will minimize the possibility of secondary problems such as unintended effects on wildlife. Proper use of specialized equipment must be demonstrated, especially as it may relate to meteorological factors and adjacent land use.
 3. Seed-treatment. Applicators shall demonstrate practical knowledge of types of seeds that require chemical protection against pests and factors such as seed coloration, carriers, and surface active agents which influence pesticide binding and may affect germination. They must demonstrate practical knowledge of hazards associated with handling, sorting and mixing, and misuse of treated seed such as introduction of treated seed into food and feed channels, as well as proper disposal of unused treated seeds.
 4. Aquatic pest control. Applicators shall demonstrate practical knowledge of the secondary effects which can be caused by improper application rates, incorrect formulations, and faulty application of restricted use pesticides used in this category. They shall demonstrate practical knowledge of various water use situations and the potential of downstream effects. Further, they must have practical knowledge concerning potential pesticide effects on plants, fish, birds, beneficial insects and other organisms which may be present in aquatic environments. These applicators shall demonstrate practical knowledge of the principles of limited area application.
 5. Right-of-way pest control. Applicators shall demonstrate practical knowledge of a wide variety of environments, since rights-of-way can traverse many different terrains, including waterways. They shall demonstrate practical knowledge of problems on runoff, drift, and excessive foliage destruction and ability to recognize target organisms. They shall also demonstrate practical knowledge of the nature of herbicides and the need for containment of these pesticides within the right-of-way area, and the impact of their application activities in the adjacent areas and communities.
 6. Public health pest control. Applicators shall demonstrate practical knowledge of vector-disease transmission as it relates to and influences application programs. A wide variety of pests is involved, and it is essential that they be known and recognized, and appropriate life cycles and habitats be understood as a basis for control strategy. These applicators shall have practical knowledge of a great variety of environments ranging from streams to those conditions found in buildings. They shall also have practical knowledge of the importance and employment of such non-chemical control methods as sanitation, waste disposal, and drainage.
 7. Regulatory pest control. Applicators shall demonstrate practical knowledge of regulated pests, applicable laws relating to quarantine and other regulation of pests, and the potential impact on the environment of restricted use pesticides used in suppression and eradication programs. They shall demonstrate knowledge of factors influencing introduction, spread, and population dynamics of relevant pests. Their knowledge shall extend beyond that required by their immediate duties, since their services are frequently required in other areas of the country where emergency measures are invoked to control regulated pests and where individual judgments must be made in new situations.
 8. Demonstration and research pest control. Persons demonstrating the safe and effective use of pesticides to other applicators and the public will be expected to meet comprehensive standards reflecting a broad spectrum of pesticide uses. Many different pest problems situations will be encountered in the course of activities associated with demonstration, and practical knowledge of problems, pests, and population levels occurring in each demonstration situation is required. Further, they shall demonstrate an understanding of a pesticide-organism interaction and the importance of integrating pesticide use with other control methods. In general, it would be expected that applicators doing demonstration pest control work possess a practical knowledge of all of the standards detailed in (G)(1). In addition, they shall meet the specific standards required for subsections (c)(1) through (7) of this subsection as may be applicable to their particular activity.
 9. ORNAMENTAL AND TURF PEST CONTROL. APPLICATORS SHALL DEMONSTRATE PRACTICAL KNOWLEDGE OF PESTICIDE PROBLEMS ASSOCIATED WITH THE PRODUCTION AND MAINTENANCE OF ORNAMENTAL TREES, SHRUBS, PLANTINGS, AND TURF, INCLUDING COGNIZANCE OF POTENTIAL PHYTOTOXICITY DUE TO A WIDE VARIETY OF PLANT MATERIAL, DRIFT, AND PERSISTENCE BEYOND THE INTENDED PERIOD OF PEST CONTROL. BECAUSE OF THE FREQUENT PROXIMITY OF HUMAN HABITATIONS TO APPLICATION ACTIVITIES, APPLICATORS IN THIS CATEGORY MUST DEMONSTRATE PRACTICAL KNOWLEDGE OF APPLICATION METHODS WHICH WILL MINIMIZE OR PREVENT HAZARDS TO HUMANS, PETS, AND OTHER DOMESTIC ANIMALS.

C. Private OR GOLF Certification, 40 CFR 171.5(a)(1) through (5).

1. Recognize common pests to be controlled and damage caused by them.
2. Read and understand the label and labeling information, including the common name of pesticides the applicator applied; pest(s) to be controlled, timing and methods of application; safety precautions; any pre-harvest or re-entry restrictions; and any specific disposal procedures.
3. Apply pesticides in accordance with label instructions and warnings, including the ability to prepare the proper concentration of pesticide to be used under particular circumstances taking into account such factors as area to be covered, speed at which application equipment will be driven, and the quantity dispersed in a given period of operation.
4. Recognize local environmental situations that must be considered during application to avoid contamination.
5. Recognize poisoning symptoms and procedures to follow in case of a pesticide accident.

Historical Note

New Appendix made by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Appendix A subsection (B) CFR citation corrected from 40 CFR.4 to 40 CFR 171.4 at the request of the Department, Office File No. M09-448, filed December 8, 2009 (Supp. 09-4).

R3-3-402. Private Applicator Records; Restricted Use Pesticide

- A. Following an application to a field on an agricultural establishment of a restricted use pesticide, a pesticide registered under Section 18 of FIFRA, or an experimental use permitted pesticide, a private applicator shall complete an application record on a form approved by the Department, that includes the following:
1. Name of the private applicator and the applicator's certification number;
 2. Name and permit number of the seller;
 3. Name of the pesticide applied and its EPA registration number;
 4. Date and time of application;
 5. Name of regulated grower;
 6. Method of application;
 7. Crop name and the number of acres treated with the pesticide;
 8. Rate per acre of the active ingredient or formulation of the pesticide;
 9. Total volume of pesticide used per acre; and
 10. County, range, township, and section of the field that received the application.
- B. Following an application to a non-field of a restricted use pesticide, a pesticide registered under Section 18 of FIFRA, or an experimental use permitted pesticide, a private **OR GOLF** applicator shall complete an application record on a form approved by the Department, that includes the following:
1. The information requested under subsection (A)(1) through (A)(6);
 2. Item treated;
 3. Rate per item treated;
 4. Total volume used in the application; and
 5. Application site location by county, range, township, and section, or by physical address.
- C. A private **OR GOLF** applicator shall retain records required by this Section for at least two years from the date of the private application.

R3-3-502. Nonserious Violations

- F. Regulated grower violations. A regulated grower shall not:
1. Purchase, apply, or use a pesticide without a valid regulated grower's permit issued by the Department; or
 2. Apply a restricted use pesticide without being a certified applicator.
 3. APPLY ANY PESTICIDE ON A GOLF COURSE WITHOUT BEING A CERTIFIED APPLICATOR
 4. ALLOW A PESTICIDE APPLICATION ON A GOLF COURSE WITHOUT HAVING THE PROPER PROTECTIVE EQUIPMENT REQUIRED BY THE LABEL AVAILABLE TO THE APPLICATOR.

GC Subcommittee **Draft Language 06-22-2012** **Title 3 – Agriculture , Chapter 2 – Regulatory Provisions**

3-363. Rules

The director shall adopt rules to regulate pesticides which shall include provisions to:

1. Administer and implement this article.
2. Prescribe measures to control, monitor, inspect and govern pesticide use.

3. Prohibit or restrict pesticide use.

4. Restrict the areas in which pesticide use may occur.

5. Prescribe minimum qualifications for all persons who engage in pesticide use, including, as appropriate, requirements that the persons have valid licenses, permits or certificates, have adequate training, including continuing education requirements and meet financial responsibility standards.

6. Prescribe appropriate record keeping and reporting requirements regarding pesticide use, except that the record keeping and reporting requirements for growers and certified private applicators who apply pesticides shall be equivalent to, but not more stringent than, the requirements prescribed under the federal insecticide, fungicide and rodenticide act (61 Stat. 163) and the food, agriculture, conservation and trade act of 1990 (P.L. 101-624; 104 Stat. 3359).

7. Prohibit pesticide use which is inconsistent with the pesticide label as required under the federal insecticide, fungicide and rodenticide act (61 Stat. 163).

8. Exempt from regulation under this article pesticide use that is regulated in title 32, chapter 22.

9. Issue licenses, permits and certificates for pesticide use, as appropriate, having terms of one or more years.

10. Charge and collect the following fees for each permit, license and certification under this article:

(a) Not to exceed twenty dollars per year for a grower permit.

(b) Not to exceed one hundred dollars per year for a seller permit.

(c) Not to exceed one hundred dollars per year for a custom applicator license.

(d) Not to exceed fifty dollars per year for a pilot license.

(e) Not to exceed fifty dollars per year for a pest control advisor license.

(f) Not to exceed twenty-five dollars per year for a piece of equipment used to apply pesticides by a custom applicator.

(g) Not to exceed fifty dollars per year for restricted use certification.

(H) NOT TO EXCEED ONE HUNDRED DOLLARS PER YEAR FOR A GOLF CERTIFICATION.

11. Establish a nonexclusive list of acts and omissions that constitute serious, nonserious and de minimis violations of this article.

12. Establish a system of administrative penalties and fines for violations of this article and any rules adopted under this article. Under this system:

(a) Violators shall be assessed a number of points for each violation, depending upon such factors as:

(i) Potential and actual consequences of the violation on public and worker health and safety and the environment.

(ii) Wrongfulness of the conduct.

(iii) Degree of culpability of the violator.

(iv) Duration of the violation.

(v) Prior violations or citations.

(b) Penalties shall be assessed depending upon the number of points accrued by the violator.