

DEPARTMENT OF AGRICULTURE  
PESTICIDE AND PLANT PEST MANAGEMENT DIVISION  
REGULATION NO. 636. PESTICIDE APPLICATORS

(By authority conferred on the director of the department of agriculture by section 8325 of 1994 PA 451, MCL 324.8325)

**R 285.636.1 Definitions**

Rule 1. (1) As used in these rules:

- (a) "Act" means 1994 PA 451, MCL 324.8301 et seq.
- (b) "Aerial application" means the application of a pesticide by aircraft.
- (c) "Applicator" means a person who applies pesticides by any method for any purpose at any place.
- (d) "Concentration" means the volume of pesticide formulation and the volume of carrier used to create an end use dilution.
- (e) "Forest" means a concentration of trees and related vegetation in nonurban areas, which is sparsely inhabited, and infrequently used, by humans and which is characterized by natural terrain and drainage patterns.
- (f) "Fumigation" means the application of pesticide gases in sealed enclosures or structures, including any of the following:
  - (i) Soil.
  - (ii) Stored grain.
  - (iii) Railway cars.
  - (iv) Trucks.
  - (v) Greenhouses.
  - (vi) Indoor areas.
- (g) "Incidental use" means the application of a general use pesticide as an accompanying minor occurrence to a primary work assignment.
- (h) "Licensed commercial applicator" means the owner, operator, or manager of a licensed pesticide application business.
- (i) "Private registered applicator" means an applicator who applies pesticides as a scheduled and required work assignment for a private agricultural purpose.

(2) The terms defined in the act have the same meanings when used in these rules.

History: 1954 ACS 89, Eff. Nov. 12, 1976; 1979 AC; 1991 MR 7, Eff. Aug. 16, 1991; 2002 MR 13, Eff. July 4, 2002.

**R 285.636.2 Application for certification or registration**

Rule 2. An applicator who is required to be certified or registered under the act shall apply on a form prescribed by the director and pay the required fee. Commercial applicators shall designate the category or categories of certification or registration desired in accordance with R 285.636.3. The application and fee are void 6 months from the date the application is received.

History: 1954 ACS 89, Eff. Nov. 12, 1976; 1979 AC; 1991 MR 7, Eff. Aug. 16, 1991; 2002 MR 13, Eff. July 4, 2002.

**R 285.636.3 Certification or registration categories and subcategories for commercial applicators**

Rule 3. (1) Agricultural pest management. All of the following are subcategories of pesticide application for commercial applicators pertaining to agricultural pest management:

(a) Field crops. This subcategory includes applicators who use pesticides for the production of field crops, such as any of the following:

- (i) Cereal grains.
- (ii) Feed grains.
- (iii) Beans.
- (iv) Soybeans.
- (v) Sugarbeets.
- (vi) Forage.

(b) Vegetable crops. This subcategory includes applicators who use pesticides for the production of vegetable crops, such as any of the following:

- (i) Tomatoes.
- (ii) Potatoes.
- (iii) Snap beans.
- (iv) Celery.
- (v) Onions.
- (vi) Cucurbits.
- (vii) Cole crops.
- (viii) Sweet corn.

(c) Fruit crops. This subcategory includes applicators who use pesticides for the production of tree fruit, such as any of the following:

- (i) Apples.
- (ii) Cherries.
- (iii) Pears.
- (iv) Peaches.
- (v) Plums.
- (vi) Nuts.

This subcategory also includes small fruit crops, such as blueberries, strawberries, grapes, and raspberries.

(d) Livestock pest management. This subcategory includes all of the following entities:

- (i) Applicators who use pesticides on animals, including any of the following:
  - (A) Cattle.
  - (B) Swine.
  - (C) Sheep.

- (D) Horses.
- (E) Goats.
- (F) Other livestock.
- (G) Poultry.

(ii) A person who uses pesticides on or in places where animals are confined.

(iii) Doctors of veterinary medicine who are engaged in the business of applying pesticides for hire, who publicly hold themselves out as pesticide applicators, or who are engaged in the use of pesticides aside from the normal practice of veterinary medicine.

(2) Forest pest management. The following are subcategories of pesticide application for commercial applicators pertaining to forest pest management and forest products preservation:

(a) Forest pest management. This subcategory includes commercial applicators who use, or supervise the use of, pesticides in any of the following areas:

- (i) Forests.
- (ii) Forest nurseries.
- (iii) Christmas tree plantations.
- (iv) Forest seed-producing areas.

This subcategory does not include commercial applicators who use, or supervise the use of, pesticides for wood preservation of forest products.

(b) Forest products preservation. This subcategory of forest pest management includes commercial applicators who use, or supervise the use of, pesticides for preserving wood products.

(3) Turf grass, ornamental plants, and shade tree pest management. This category includes the following subcategories of pesticide application for applications pertaining to turf grass pest management and ornamental plants and shade tree pest management:

(a) Turf grass pest management. This subcategory includes applicators who use pesticides to manage pests of turf grasses.

(b) Ornamental plants and shade tree pest management. This subcategory includes applicators who use pesticides to manage pests of ornamental plants in exterior areas, such as evergreens, shrubs, and shade trees.

(4) Seed treatment. This category includes applicators who use pesticides on any of the following:

- (a) Seeds.
- (b) Corms.
- (c) Tubers.
- (d) Rhizomes.
- (e) Stolons.
- (f) Other plant parts used for propagation.

(5) Aquatic pest management. This category includes applicators who use pesticides which are applied to lakes, ponds, streams, marshes, or ditches and tributaries which flow into them or which are applied to surfaces that contact such bodies of water to manage aquatic pests. This category does not include applicators who engage in mosquito management. This category includes the following subcategories:

(a) Swimming pools. This subcategory includes applicators who use pesticides in maintaining public or private swimming pools to manage algae, bacteria, or other swimming pool pests.

(b) Microbial pest management. This subcategory includes applicators who use pesticides in any of the following to manage bacteria, fungi, algae, or viruses:

- (i) Cooling towers.
- (ii) Air washers.
- (iii) Evaporative condensers.
- (iv) Pulp and paper mills.
- (v) Sewer treatment.
- (vi) Other applications.

(c) Sewer line pest management. This subcategory includes applicators who use pesticides in sewer lines for root control.

(6) Right-of-way pest management. This category includes applicators who use pesticides in the maintenance of any of the following:

- (a) Public roads.
- (b) Ditch banks.
- (c) Electric power lines.
- (d) Pipelines.
- (e) Railway rights-of-way.
- (f) Parking lots.
- (g) Tennis courts.
- (h) Similar noncrop areas.

(7) Industrial, institutional, structural, and health-related pest management. This category includes the following subcategories:

(a) General pest management. This subcategory includes applicators who use pesticides in, on, or around any of the following:

- (i) Food-handling establishments.
- (ii) Human dwellings.
- (iii) Institutions, such as schools and hospitals.
- (iv) Industrial establishments, including warehouses and grain elevators.
- (v) Any other structure or adjacent areas, including public or private vehicles.
- (vi) The treatment of areas or structures set forth in paragraphs (i) to (v) of this subdivision for indoor mosquito management.
- (vii) The protection of stored, processed, or manufactured products.

This subcategory does not include applicators who engage in the management of wood-destroying organisms as specified in subdivision (b) of this subrule.

(b) Wood-destroying organism management. This subcategory includes applicators who use pesticides in, on, or around structures for the management of wood-destroying pests, such as any of the following:

- (i) Termites.
- (ii) Powder post beetles.
- (iii) Carpenter ants.
- (iv) Wood-destroying fungi.

(c) Reserved.

(d) Vertebrate pest management. This subcategory includes applicators who use pesticides to manage vertebrate pests, such as birds, rats, or mice.

(e) Interior plant pest management. This subcategory includes applicators who use pesticides in the maintenance of plants at inside locations, such as any of the following:

- (i) Homes.
- (ii) Offices.
- (iii) Shopping malls.
- (iv) Stores.
- (v) Similar sites.

(f) Mosquito management. This subcategory includes applicators who use pesticides to manage mosquitoes in an outside environment.

(g) Domestic animal pest management. This subcategory includes applicators who use pesticides to control pests associated with small domestic animals, such as cats and dogs.

(8) Public health pest management. This category includes state, federal, or other government employees who use pesticides in public health programs for the management of pests that have medical and public health importance, excluding mosquitoes.

(9) Regulatory pest management. This category includes state, federal, or other government employees who use pesticides in the management of regulated pests.

(10) Demonstration and research pest management. This category includes individuals who demonstrate to the public the proper use, and techniques of application of pesticides, who supervise the demonstrations, or who conduct field research with pesticides and, in so doing, use restricted-use pesticides.

History: 1954 ACS 89, Eff. Nov. 12, 1976; 1954 ACS 99, Eff. Apr. 18, 1979; 1979 AC; 1991 MR 7, Eff. Aug. 16, 1991; 2002 MR 13, Eff. July 13, 2002.

#### **R 285.636.4 Standards for certification of commercial applicators**

Rule 4. Commercial applicators shall demonstrate a practical knowledge, by written examination, of the principles and practices of pest management, pesticide label comprehension, and the safe use of pesticides, including the general standards applicable to all categories and the standards specifically identified for each category or subcategory designated by the applicant, as set forth in 40 C.F.R. 171.4 and these rules. These standards are adopted in these rules by reference and are available from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402, at no cost, or from the Michigan Department of Agriculture, P.O. Box 30017, Lansing, Michigan 48909, at no cost. Applicators who apply pesticides by aircraft or who apply fumigants shall be examined on the additional standards specifically identified for the methods of application as specified in subdivision (c) of this rule. The standards for certification are as follows:

- (a) All subcategory standards shall include a practical knowledge of all of the following:
  - (i) Relevant and associated pests.
  - (ii) Environmental fate of pesticides.
  - (iii) Pesticide formulations in use and application equipment, equipment calibration, and methods of application.
  - (iv) Safety procedures to protect nontarget organisms.
  - (v) Integrated pest management principles.

- (vi) Container disposal and storage.
- (vii) Worker safety.

(b) Subcategory standards for particular categories shall be as follows:

(i) Field crops (R 285.636.3(1)(a)), vegetable crops (R 285.636.3(1)(b)), fruit crops (R 285.636.3(1)(c)), and animal subcategories (R 285.636.3(1)(d)). Applicators shall demonstrate a practical knowledge of all of the following:

- (A) The relevant crops or agricultural practices.
- (B) Pesticide residues.
- (C) Phytotoxicity where applicable.
- (D) Precautions necessary to reduce farm worker exposure to pesticides.

(ii) Forest pest management category (R 285.636.3(2)). Applicators shall demonstrate a practical knowledge of all of the following:

- (A) Forest pests and their life cycles and management.
- (B) A general understanding of forest ecosystems.
- (C) The potential effect of pesticide applications on nontarget organisms.

(iii) Forest products preservation subcategory (R 285.636.3(2)(a)). Applicators shall demonstrate a practical knowledge of all of the following:

- (A) The principles and practices associated with the safe use of wood preservatives.
- (B) Obtaining site information.
- (C) Protecting wildlife and endangered species.
- (D) Maintaining surface water quality.

(iv) Turf grass pest management subcategory (R 285.636.3(3)(a)). Applicators shall demonstrate a practical knowledge of all of the following:

- (A) The maintenance of turf.
- (B) Phytotoxicity.
- (C) Lawn grass species.
- (D) Physiological conditions.
- (E) The necessary procedures and precautions associated with the application of pesticides for the maintenance of lawn grasses.

(v) Ornamental plants and shade tree pest management subcategory (R 285.636.3(3)(b)). Applicators shall demonstrate a practical knowledge of the maintenance of ornamental plants and shade trees, including all of the following:

- (A) The physiologic conditions of ornamental plants and shade trees.
- (B) The calibration techniques unique to ornamental plant and shade tree pest management.
- (C) The necessary procedures and precautions associated with the application of pesticides for the maintenance of shade trees and ornamental plants in the urban environment.

(vi) Seed treatment subcategory (R 285.636.3(4)). Applicators shall demonstrate a practical knowledge of the methods required to prohibit the contamination of grains that may be utilized for feed or food purposes.

(vii) Aquatic subcategory (R 285.636.3(5)). Applicators shall demonstrate a practical knowledge of all of the following:

- (A) The potential for human exposure after the pesticide application.

- (B) The potential for surface or groundwater contamination.
- (C) The requirement for obtaining permits from the Michigan department of environmental quality.

(viii) Swimming pools subcategory (R 285.636.3(5)(a)). Applicators shall demonstrate a practical knowledge of the application techniques and water management principles associated with the treatment of swimming pools and a practical knowledge of the effects of swimming pool treatment on humans.

(ix) Microbial pest management subcategory (R 285.636.3(5)(b)). Applicators shall demonstrate a practical knowledge of the principles and practices associated with pesticide use to manage microbes, including application rates and pesticide efficiency use. In addition, applicators shall have knowledge of their responsibility to obtain discharge permits from the appropriate agencies.

(x) Sewer line pest management subcategory (R 285.636.3(5)(c)). Applicators shall demonstrate a practical knowledge of principles and practices associated with pesticide use to manage root growth in sewer lines.

(xi) Right-of-way pest management subcategory (R 285.636.3(6)). Applicators shall demonstrate a practical knowledge of vegetation management principles with an emphasis on application techniques to protect surface water.

(xii) General pest management subcategory (R 285.636.3(7)(a)). Applicators shall demonstrate a practical knowledge of all of the following:

(A) A wide variety of pests, including all of the following with respect to pests:

- (1) Their life cycles.
- (2) Types of formulations appropriate for their management.
- (3) Methods of application that avoid all of the following:
  - (a) The contamination of food.
  - (b) Damage and contamination of habitat.
  - (c) Exposure of people and pets.

(B) The specific factors that may lead to a hazardous condition, including exposure to pesticides in the various situations encountered in this category.

(C) Indoor environmental conditions and the necessary procedures and precautions associated with the application of pesticides for the management of indoor pests in an urban environment.

(xiii) Wood-destroying organism management subcategory (R 285.636.3(7)(b)). Applicators shall demonstrate a practical knowledge of all of the following:

- (A) Wood-destroying organisms and their life cycles.
- (B) The proper methods of pesticide application.
- (C) The specific factors that may lead to human exposure or to contamination of groundwater, indoor air, or other components of the environment.

(xiv) Vertebrate pest management subcategory (R 285.636.3(7)(d)). Applicators shall demonstrate a practical knowledge of the principles associated with the management of birds and other vertebrates, such as rats, mice, bats, tree squirrels, ground squirrels, skunks, moles, and snakes, and shall have knowledge of all of the following:

- (A) Domestic animal, wildlife, and endangered species protection.
- (B) Department of natural resources permits.

(C) Practices and precautions pertinent to the issues concerning the application of pesticides in urban environments.

(xv) Interior plant pest management subcategory (R 285.636.3(7)(e)). Applicators shall demonstrate a practical knowledge of physiological conditions associated with the maintenance of interior plants, including all of the following:

- (A) Plant phytotoxicity and persistence of pesticides.
- (B) Indoor air contamination.
- (C) Drift.
- (D) Calibration.
- (E) General hazards to humans in an enclosed environment.

(xvi) Mosquito management subcategory (R 285.636.3(7)(f)). Applicators shall demonstrate a practical knowledge of the principles associated with the management of mosquitoes, including all of the following:

- (A) Their life cycles.
- (B) Types of formulations appropriate for their management.
- (C) Methods of application.
- (D) Possible effects on water quality.
- (E) The potential health effects on humans in the target area.

(xvii) Domestic animal pest management (R 285.636.7(g)). Applicators shall demonstrate a practical knowledge of the management of pests associated with small domestic animals, including, but not limited to, fleas and ticks.

(xviii) Public health pest management (R 285.636.3(8)). Applicators shall demonstrate a practical knowledge of the management of pests that have medical and public health importance, including their life cycles and habitats, and have a practical knowledge including all of the following:

- (A) A variety of indoor and outdoor environments.
- (B) Effects of large-scale pesticide application on human populations.
- (C) The necessary procedures and precautions associated with the application of pesticides in an urban environment.

(xix) Regulatory pest management (R 285.636.3(9)). Applicators shall demonstrate a practical knowledge of regulatory pest management, including all of the following:

- (A) Specific life cycles of the pest to be managed and appropriate management techniques.
- (B) The potential impact of pesticide applications to nontarget areas or organisms.
- (C) Structure and responsibility of cooperating state and federal agencies.
- (D) General public notification procedures.

(xx) Demonstration and research pest management (R 285.636.3(10)). Applicators shall be certified in the category or subcategory as required by R 285.636.3 and shall demonstrate a practical knowledge, including all of the following:

- (A) Procedures required for conducting demonstration and research plots.
- (B) Various methods of data analysis.
- (C) Necessary precautions for ensuring commodity security and destruction, if required.
- (D) Detailed knowledge of the state and federal pesticide registration process.

(C) Additional certification standards are as follows:

(i) Aerial applicators. Applicators who apply pesticides by aircraft shall demonstrate a practical knowledge of the techniques of aerial application and applicable federal aviation administration regulations.

Practical knowledge is required concerning nontarget injury that may result from the aerial application of pesticides.

(ii) Fumigation. Applicators shall demonstrate a practical knowledge of the principles and methods of fumigation. Practical knowledge is required concerning all of the following:

(A) Toxicity.

(B) The potential for environmental contamination.

(C) Applicator personal protection.

(D) Human exposure.

(E) Nontarget injury that may result from the use of pesticide gases in any environment.

(d) Applicators who request certification for a method of application that differs in part from one of the established categories set forth in R 285.636.3 shall demonstrate a practical knowledge of such standards determined by the director as being applicable to the method of application described by the applicant. Such standards prescribed by the director shall include the general standards applicable to all categories and the standards specifically identified as appropriate for the applicant's method of application.

History: 1954 ACS 89, Eff. Nov. 12, 1976; 1954 ACS 99, Eff. Apr. 18, 1979; 1979 AC; 1991 MR 7, Eff. Aug. 16, 1991; 2002 MR 13, Eff. July 4, 2002.

#### **R 285.636.5 Standards for certification of private applicators**

Rule 5. Private applicators shall demonstrate a practical knowledge of the principles and practices of pest management and the safe use of pesticides, including the standards for certification of private applicators set forth in 40 C.F.R. '171.5. These standards are adopted in these rules by reference and are available from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402, at no cost, or from the Michigan Department of Agriculture, P.O. Box 30017, Lansing, Michigan 48909, at no cost. In addition, private applicators who apply pesticides by aircraft or apply pesticides by fumigation shall demonstrate a practical knowledge of the additional standards specifically identified for those methods of application in R 285.636.4(c). Private applicators include apiarists who apply restricted use pesticides to their own colonies for the management of bee diseases or parasites. Bee disease is defined in section 1 of 1976 PA 412, MCL 286.801.

History: 1954 ACS 89, Eff. Nov. 12, 1976; 1954 ACS 99, Eff. Apr. 18, 1979; 1979 AC; 1991 MR 7, Eff. Aug. 16, 1991; 2002 MR 13, Eff. July 4, 2002.

#### **R 285.636.6 Certification examinations**

Rule 6. (1) Certification examinations shall be conducted at a time and place designated by the director. A score of 70% or above is required for passing any written examination. A score of less than 70% on the general standards examination shall result in denial of certification. Failure of a category or method of application examination shall result in denial of certification for that category or method of application. A reexamination may be requested and shall be given within the 1-year application period.

(2) An oral fact-finding interview for private applicators, as provided by the act, shall consist of oral standardized questions developed by the Michigan state university cooperative extension service and approved by the pesticide advisory committee. Such questions shall address the standards of competency for private applicators set forth in the provisions of 40 C.F.R. S171.5.

The oral fact-finding interview may restrict the applicator to use only a certain type of equipment or pesticide.

History: 1954 ACS 89, Eff. Nov. 12, 1976; 1979 AC; 1991 MR 7, Eff. Aug. 16, 1991.

**R 285.636.7 Certificate of competence; credentials; issuance; expiration; renewal; replacement; certification in additional category or method**

Rule 7. (1) A qualified applicant for initial certification or registration shall be issued certification or registration credentials that are valid until December 31 of the third year after the year of issuance unless the director suspends or revokes the credential. A qualified applicant for recertification or reregistration shall be issued certification or registration credentials that are valid until December 31 of the third year after expiration of the previous credential unless the director suspends or revokes the credential.

(2) Commercial applicator certification and registration credentials shall show the categories and applicable methods of application specified in R 285.636.4(b) and R 285.636.4(c) for which the person has demonstrated competence.

(3) Private applicator certification or registration credentials shall show the applicable methods of application specified in R 285.636.4(c) for which the person has demonstrated competence.

(4) Certification or registration may be renewed by applying on a form prescribed by the director, by submitting the application fee prescribed by the act, and upon a determination that the applicant has met the qualifications established by the act and these rules. To assure that certified or registered applicators maintain competence in the use of pesticides, the director, as a condition for renewal, may require verifiable attendance at designated training meetings or may require an examination on changes in pesticide application technology or use patterns pertinent to the certification or registration category, or may require both.

(5) A certified or registered applicator who desires certification or registration in an additional category may apply on a form prescribed by the director. The application form shall be accompanied by the application fee established by the act. Upon satisfactory completion of the examination or training for the category or method as required by R 285.636.6, and upon surrender of the certification or registration credential, the applicant shall be issued a replacement certification or registration credential that shows the additional category and the expiration date of the replaced credential.

(6) An applicant who desires to renew his or her credential by seminar shall earn all renewal credits before the expiration of the credential.

History: 1954 ACS 89, Eff. Nov. 12, 1976; 1979 AC; 1979 ACS 10, Eff. Apr. 16, 1982; 1991 MR 7, Eff. Aug. 16, 1991; 2002 MR 13, Eff. July 4, 2002.

**R 285.636.8 Registered applicator standards**

Rule 8. (1) All registered applicators shall demonstrate, by examination, practical knowledge of the basic principles and practices of pest management, pesticide label comprehension, and the safe use of pesticides as set forth in R 285.636.4 and receive verifiable training as set forth in subrule (3) of this rule.

(2) All of the following general standards will be the basis of the examination:

(a) Appropriate procedures for the application of pesticides, including both of the following:

(i) Knowledge of various formulations of pesticides and proper methods of application.

- (ii) The relationship of pesticide application to proper use, unnecessary use, and misuse.
  - (b) Label and labeling comprehension, including all of the following:
    - (i) The general format and terminology of pesticide labels and labeling.
    - (ii) Understanding instructions, classifications, warnings, terms, symbols, and other information commonly appearing on pesticide labels.
    - (iii) Understanding the requirements of pesticide use consistent with the label.
  - (c) Pest identification and pest management, including both of the following:
    - (i) Knowledge of general insect, disease, and weed characteristics used for identification.
    - (ii) Integrated pest management and its techniques.
  - (d) Safety factors, including all of the following:
    - (i) Pesticide toxicity and common routes of exposure.
    - (ii) Precautions necessary to prevent injury to applicators and other individuals, including the appropriate use of protective clothing and equipment.
    - (iii) Symptoms of pesticide poisoning.
    - (iv) First aid and means of obtaining emergency medical treatment in case of an accident.
  - (e) The potential environmental consequences of the use and misuse of pesticides as they may be influenced by such factors as environmental fate of pesticides and their effect on nontarget organisms.
  - (f) Applicable state and federal laws and regulations.
- (3) Training programs for commercial registered applicators shall be approved by the director, be category-specific, and, include training in all of the following areas:
- (a) Relevant and associated pests commonly encountered by the applicator.
  - (b) The environmental fate of pesticides.
  - (c) Pesticide formulations in use as well as application equipment, equipment calibration, and methods of application.
  - (d) Safety procedures to protect nontarget organisms.
  - (e) Integrated pest management principles.
  - (f) Container disposal and storage.
  - (g) Worker safety.
- (4) Noncertified or nonregistered applicators may apply general use pesticides as part of an approved training program for a period of 2 consecutive weeks, while under the direct supervision of a certified applicator. The approved trainer shall notify the director when the 2-week pesticide application period begins using a form and procedure approved by the director. Noncertified and nonregistered applicators shall not apply pesticides until the director has received the notification prescribed in this rule. The noncertified or nonregistered applicator shall have in his or her possession a copy of the notification form and display the copy to the director upon request.
- (5) Training programs for private registered applicators shall be approved by the director and may include training courses as offered by the cooperative extension service that address relevant topics.

History: 1954 ACS 89, Eff. Nov. 12, 1976; 1979 AC; 1979 ACS 10, Eff. Apr. 16, 1982; 1991 MR 7, Eff. Aug. 16, 1991; 2002 MR 13, Eff. July 4, 2002.

**R 285.636.9 Examination requirements for registration**

Rule 9. (1) Examination of registered commercial applicators shall be by either of the following methods:

(a) Written examination administered by the director or his or her representative. A score of 70% is required for passing.

(b) At the discretion of the director, an oral fact-finding interview may be administered when a person is unable to demonstrate competency by written examination. The person will be limited to a specific general-use pesticide and a specific application technique. The person shall be directly supervised by a certified applicator at all times.

(2) Private registered applicator examinations may include 1 of the following:

(a) Self-study and examination administered by the director or his or her designee. A score of 70% is required for passing.

(b) Classroom training and examination administered by the director or his or her designee. A score of 70% is required for passing.

(c) An oral fact-finding interview administered by an authorized representative of the director when a person is unable to demonstrate competence by examination or classroom training.

History: 1954 ACS 89, Eff. Nov. 12, 1976; 1979 AC; 1991 MR 7, Eff. Aug. 16, 1991.

#### **R 285.636.10 Rescinded**

History: 1954 ACS 89, Eff. Nov. 12, 1976; 1954 ACS 99, Eff. Apr. 18, 1979; 1979 AC; 1991 MR 7, Eff. Aug. 16, 1991; 2002 MR 13, Eff. July 4, 2002.

#### **R 285.636.11 Standards for trainers of certified and registered applicators**

Rule 11. (1) A trainer of certified or registered applicators shall be a certified applicator with a minimum of 2 years of experience and shall have successfully completed a training program approved by the director.

The trainer's program will include an overview of all of the following:

- (a) The required program content for pesticide applicator training.
- (b) Procedures for verifying, and the responsibility of the trainer to verify, training.
- (c) Submission of necessary forms for the registration or certification of applicators.
- (d) The various methods of effective communication for the presentation of educational material.

(2) A trainer of certified or registered applicators may also be any other person who is authorized by the director.

History: 1954 ACS 89, Eff. Nov. 12, 1976; 1979 AC; 1991 MR 7, Eff. Aug. 16, 1991.

#### **R 285.636.12 Application for license**

Rule 12. (1) Application for a license to engage in the business of applying pesticides shall be made on a form prescribed by the director. The applicant shall be a certified applicator or shall employ a certified applicator to apply, or supervise the application of, pesticides. The certified applicator named on the license application shall not represent more than 1 licensee or place of business. The licensee shall notify the director of any changes relative to the status of a certified applicator named on the license application.

(2) A license application shall be accompanied by a certificate from an insurance company or an approved surplus lines company authorized to do business in this state which sets forth the insurance limits prescribed in R 285.636.14. The certificate shall be in effect for the entire license period or for the generally recognized time period in which the pesticide applications may occur.

(3) When an assumed name is used on an application, then the application for a license shall be accompanied by a registered assumed name certificate.

(4) A foreign corporation shall attach to the license application a certificate of authority to transact business in the state of Michigan which is issued from the corporation and securities bureau of the department of consumer and industry services under 1972 PA 284, MCL 450.1101 et seq.

(5) A new licensee shall comply with the experience requirements set forth in section 8313 of the act. The director shall review and verify the contents of a notarized statement that documents that the applicator has complied with the experience requirements as required by the act. Any false or misleading statements will be cause for license denial, suspension, or revocation.

History: 1954 ACS 89, Eff. Nov. 12, 1976; 1954 ACS 99, Eff. Apr. 18, 1979; 1979 AC; 1991 MR 7, Eff. Aug. 16, 1991; 2002 MR 13, Eff. July 4, 2002.

#### **R 285.636.13 License renewals**

Rule 13. A license may be renewed on the form prescribed by the director if the applicant meets all of the qualifications set forth in the act and these rules.

History: 1954 ACS 89, Eff. Nov. 12, 1976; 1979 AC; 1991 MR 7, Eff. Aug. 16, 1991.

#### **R 285.636.14 Financial responsibility**

Rule 14. (1) A licensed commercial applicator shall maintain comprehensive general liability insurance for bodily injury and property damage during the licensing period or during the period of time necessary to span a seasonal operation, except as provided in subrule (5) of this rule. The insurance shall not exclude coverage for bodily injury and property damage which arise from pesticide applications.

(2) Minimum insurance coverage for persons who are engaged in aerial application, space fumigation, or right-of-way pest management shall be \$100,000.00 for each occurrence for bodily injury and \$25,000.00 for each occurrence for property damage or a combined single limit of \$300,000.00 for bodily injury and property damage.

(3) Minimum insurance for persons who are licensed in a category or subcategory described in R 285.636.3 shall be \$100,000.00 for each occurrence for bodily injury and \$25,000.00 for each occurrence for property damage, except as prescribed in subrule (2) of this rule.

(4) If an applicant is qualified for a license in 2 or more application categories with different minimum financial responsibilities, the greater requirement shall apply.

(5) A single comprehensive general liability insurance policy, as prescribed in subrules (2) and (3) of this rule, may be written to provide financial responsibility coverage for more than 1 licensed place of business owned and operated by the same person.

(6) If the required insurance coverage for a license expires or is canceled during the license period, the license shall be suspended and the licensee shall surrender the license to the director

for the remainder of the licensing period or until such time as the financial responsibility requirements have been complied with.

History: 1991 MR 7, Eff. Aug. 16, 1991.

### **R 285.636.15 Commercial applicator records**

Rule 15. (1) All commercial applicators shall maintain verifiable records of restricted-use pesticide applications for a period of not less than 3 years following the application. The records shall show all of the following information:

- (a) The name and EPA registration number of the pesticide applied.
- (b) Concentration of the pesticide applied.
- (c) The amount of pesticide end use dilution applied.
- (d) The target pest, purpose, or crop site.
- (e) The date the pesticide was applied.
- (f) The address or location of pesticide application.
- (g) The method and the rate of application.

(2) All commercial applicators shall maintain verifiable records of general-use pesticide applications for a period of not less than 1 year following the application. Such records shall show all of the following information:

- (a) The name and EPA registration number of the pesticide applied.
- (b) The concentration of the pesticide applied.
- (c) The amount of pesticide end use dilution applied.
- (d) The target pest, purpose, or crop site.
- (e) The date the pesticide was applied.
- (f) The address or location of pesticide application.
- (g) The method and the rate of application.

(3) It is the responsibility of the employer of the commercial applicator to maintain the verifiable record at the place of business. The application records shall be made available, upon request, to an authorized representative of the director during normal business hours.

History: 1991 MR 7, Eff. Aug. 16, 1991; 2002 MR 13, Eff. July 4, 2002.

### **R 285.636.16 Supervision of noncertified applicators**

Rule 16. (1) A certified applicator who functions in a supervisory role shall be responsible for the actions of a noncertified applicator under his or her instruction or management.

(2) A certified applicator shall provide verifiable instructions for the application of a restricted-use pesticide applied by a noncertified applicator under his or her management when the certified applicator is not required to be physically present. The verifiable instructions may be either oral or written and shall include instructions for contacting the certified applicator.

(3) The certified applicator shall be physically present to supervise the application of a pesticide by a noncertified applicator if such presence is required by the label of the pesticide being applied, by this act, or by the director.

(4) Each pilot who applies pesticides from an aircraft shall be certified pursuant to the applicable provisions of R 285.636.4.

History: 1991 MR 7, Eff. Aug. 16, 1991.

**R 285.636.17 Authorization for application of general-use pesticides by noncertified or nonregistered applicators**

Rule 17. Upon written application to the director and after review by the pesticide advisory committee, the director may authorize the incidental use of general-use pesticides by noncertified or nonregistered applicators if the person is not regularly engaged to apply pesticides for hire, the pesticide application is not the primary work assignment, and the pesticide application is an integral part of another operation.

History: 1991 MR 7, Eff. Aug. 16, 1991.