

SECTION .0500 - PESTICIDE LICENSES

02 NCAC 09L .0501 CRITERIA FOR PESTICIDE DEALER

History Note: Authority G.S. 143-448; 143-449; 143-460(30);
Eff. February 1, 1976;
Repealed Eff. September 1, 1987.

02 NCAC 09L .0502 LIST OF RESTRICTED USE PESTICIDES

For the purpose of this Regulation a restricted use pesticide is:

- (1) any pesticide required by the environmental protection agency to bear the designation on its labeling "Restricted Use Pesticide";
- (2) arsenic trioxide, all formulations of which must be sold and/or purchased in accordance with additional regulations (2 NCAC 9L .1200) adopted by the North Carolina Pesticide Board;
- (3) any pesticide approved under 2 NCAC 9L .0318.

History Note: Filed as an Emergency Amendment [(e)] Eff. July 8, 1977, for a Period of 176 Days to Expire on December 31, 1977;
Authority G.S. 143-440(a),(b); 143-441; 143-458;
Eff. February 1, 1976;
Amended Eff. April 21, 1977;
Emergency Amendment [(e)] Expired Eff. December 31, 1977;
Amended Eff. January 1, 1990; August 1, 1982; January 1, 1979; June 30, 1978.

02 NCAC 09L .0503 PESTICIDE APPLICATORS

- (a) The Commissioner shall require the licensing of at least one person at each business location who must be responsible for the application of pesticides for routine pest control situations.
- (b) The person licensed as the pesticide applicator, if he personally is not directly involved in use of pesticides, shall supervise and guide the activities of all personnel applying pesticides from the business location of the licensee.

History Note: Authority G.S. 143-452; 143-453; 143-460(30);
Eff. February 1, 1976.

02 NCAC 09L .0504 DEFINITIONS

The following definitions apply to 2 NCAC 9L .0505 -- Classifications, 2 NCAC 9L .0506 -- Governmental Workers, and 2 NCAC 9L .0507 -- Categories of Consultants:

- (1) "Agricultural pest control":
 - (a) Plant. Includes pesticide applicators using or supervising the use of pesticides in production of agricultural crops, including without limiting the foregoing, tobacco, peanuts, cotton, feed grains, soybeans and forage; vegetables; small fruits; tree fruits and nuts; as well as on grasslands and non-crop agricultural lands;
 - (b) Animal. Includes pesticide applicators using or supervising the use of pesticides on animals, including without limiting the foregoing, beef cattle, dairy cattle, swine, sheep, horses, goats, poultry, and livestock, and to places on or in which

animals are confined. Doctors of veterinary medicine engaged in the business of applying pesticides for hire, publicly holding themselves out as pesticide applicators or engaged in large-scale use of pesticides are included in this category.

- (2) "Forest pest control" includes pesticide applicators using or supervising the use of pesticides in forests, forest nurseries, and forest seed-producing areas.
- (3) "Ornamental and turf pest control" includes pesticide applicators using or supervising the use of pesticides to control pests in the maintenance and production of ornamental trees, shrubs, flowers, and turf.
- (4) "Seed treatment" includes pesticide applicators using or supervising the use of pesticides on seeds.
- (5) "Aquatic pest control" includes pesticide applicators using or supervising the use of any pesticide purposefully applied to standing or running water, excluding applicators engaged in public health related activities included in Category (7) of this Rule.
- (6) "Right-of-way pest control" includes pesticide applicators using or supervising the use of pesticides in the maintenance of public roads, electric powerlines, pipelines, railway rights-of-way or other similar areas.
- (7) "Public health pest control" includes primarily, but is not limited to, state, federal, or other governmental employees using or supervising the use of pesticides in public health programs for the management and control of pests having medical and public health importance.
- (8) "Regulatory pest control" includes state, federal, or other governmental employees who use or supervise the use of pesticides in the control of regulated pests.
- (9) "Demonstration and research pest control" includes the following:
 - (a) individuals who demonstrate to the public the proper use and techniques of application of pesticides or supervise such demonstration; and
 - (b) persons who, on conducting field research with pesticides, use or supervise the use of pesticides. Included in the first group are such persons as extension specialists and county agents, commercial representatives demonstrating pesticide products, and those individuals demonstrating methods used in public programs. The second group includes state, federal, commercial and other persons conducting field research on or utilizing pesticides.
- (10) "Wood treatment" includes pesticide applicators using or supervising the use of restricted use pesticides in wood preservation and wood products treatment.

*History Note: Authority G.S. 143-452(d); 143-460(29); 143-460(33);
Eff. February 1, 1976;
Amended Eff. November 1, 1984; August 1, 1982; October 27, 1979.*

02 NCAC 09L .0505 CLASSIFICATIONS

The following classifications and subclassifications are hereby established for the licensing of pesticide applicators:

- (1) pesticide applicators and public operators utilizing ground equipment:
 - (a) agricultural pest control:
 - (i) plant,
 - (ii) animal;
 - (b) forest pest control;
 - (c) ornamental and turf pest control;
 - (d) aquatic pest control;
 - (e) right-of-way pest control;
 - (f) public health pest control;
 - (g) regulatory pest control;
 - (h) demonstration and research pest control:

- (i) agricultural pest control:
 - (A) plant,
 - (B) animal;
- (ii) forest pest control;
- (iii) ornamental and turf pest control;
- (iv) aquatic pest control;
- (v) right-of-way pest control;
- (vi) public health pest control;
- (vii) regulatory pest control;
- (viii) seed treatment;
- (ix) wood treatment;
- (i) seed treatment;
- (j) wood treatment;
- (2) pesticide applicators and public operators utilizing aerial equipment:
 - (a) agricultural pest control: plant;
 - (b) forest pest control;
 - (c) ornamental and turf pest control;
 - (d) aquatic pest control;
 - (e) right-of-way pest control;
 - (f) public health pest control;
 - (g) regulatory pest control;
 - (h) demonstration and research pest control:
 - (i) agricultural pest control: plant;
 - (ii) forest pest control;
 - (iii) ornamental and turf pest control;
 - (iv) aquatic pest control;
 - (v) right-of-way pest control;
 - (vi) public health pest control;
 - (vii) regulatory pest control.

*History Note: Authority G.S. 143-452(d); 143-460(29),(33);
 Eff. February 1, 1976;
 Amended Eff. November 1, 1984; August 26, 1976.*

02 NCAC 09L .0506 GOVERNMENTAL WORKERS

Persons in job classifications in the government unit or agencies listed below are required to be licensed as public operators:

- (1) North Carolina Department of Transportation, division of highway (14 divisions);
- (2) United States Department of Agriculture, Animal and Plant Health Inspection Service:
 - (a) staff specialist for witchweed control,
 - (b) assistant district director,
 - (c) work unit supervisors,
 - (d) designated inspectors who supervise pesticide applications,
 - (e) witchweed methods development laboratory supervisor,
 - (f) witchweed methods development assistant laboratory supervisor;
- (3) North Carolina Department of Agriculture plant industry division:
 - (a) plant pest administrator,
 - (b) entomological program specialist,
 - (c) plant pathologist,
 - (d) greenhouse manager,
 - (e) area supervisors,
 - (f) pest control specialists,

- (g) all plant pest inspectors who have supervision of pesticide applications as part of their job assignments;
- (4) North Carolina Department of Environment, Health, and Natural Resources, Forest Resources Division, pest control unit:
 - (a) pest control foresters,
 - (b) pest control staff forester,
 - (c) nursery unit superintendents,
 - (d) tree improvement unit technicians,
 - (e) forestation unit rangers;
- (5) North Carolina Department of Environment, Health, and Natural Resources, Public Health Pest Management Section, Division of Environmental Health--one medical entomologist;
- (6) County boards of health and municipal governments:
 - (a) In counties where the health department employees apply all the pesticides or supervise, on a weekly or more frequent basis, the activities of all municipal employees applying pesticides, at least one county sanitarian must be licensed.
 - (b) One county sanitarian and one municipal employee for each municipality must be licensed in counties where the health department personnel apply pesticides but have no direct control over municipal employees who apply pesticides.
 - (c) One licensed supervisor for each municipality, sanitary district or mosquito control district must be licensed in counties where only municipal, sanitary district or mosquito control district personnel apply pesticides.

History Note: Authority G.S. 143-453(c)(1); 143-460(33);
 Eff. February 1, 1976;
 Amended Eff. May 1, 1991; August 1, 1982; January 27, 1978.

02 NCAC 09L .0507 CATEGORIES OF CONSULTANTS

Each person acting as a pest control consultant as defined in the North Carolina Pesticide Law of 1971 is required to be licensed. The categories requiring a license may include but are not limited to the following:

- (1) agricultural pest control:
 - (a) plant,
 - (b) animal;
- (2) forest pest control;
- (3) ornamental and turf pest control;
- (4) aquatic pest control;
- (5) right-of-way pest control;
- (6) public health pest control;
- (7) regulatory pest control;
- (8) seed treatment;
- (9) wood treatment.

History Note: Authority G.S. 143-455; 143-460(27);
 Eff. February 1, 1976;
 Amended Eff. November 1, 1984; October 28, 1978; January 27, 1978.

02 NCAC 09L .0508 SUBCATEGORIES OF CONSULTANTS

History Note: Authority G.S. 143-455; 143-460(27);
 Eff. February 1, 1976;

*Amended Eff. August 1, 1982; January 27, 1978;
Repealed Eff. November 1, 1988.*

02 NCAC 09L .0509 CONSULTANT EDUCATION REQUIREMENTS

(a) An applicant for a pest control consultant license must possess a Ph.D., master's, or bachelor's degree in an agricultural or biological science from an accredited college or university with a minimum of 30 semester hours or 45 quarter hours of credit in subject areas pertinent to the category in which the applicant seeks to obtain a license. Emphasis of study must include insect, plant, bacterial, and fungal pests, as applicable to the category, and integrated pest management. As used in this Rule, "accredited college or university" means an institution that is accredited by an accrediting commission recognized by the Council on Post-Secondary Accreditation.

(b) The provisions of this Section shall not apply to anyone holding a valid North Carolina pest control consultant license on or before July 1, 1992.

*History Note: Authority G.S. 143-455; 143-460(27);
Eff. February 1, 1976;
Amended Eff. July 1, 1992; November 1, 1988.*

02 NCAC 09L .0510 EXAMINATION WAIVER

02 NCAC 09L .0511 PESTICIDE LICENSES EXAMINATION REQUIREMENT

*History Note: Authority G.S. 143-449(b); 143-452(f); 143-453(b); 143-455;
143-460(27),(29),(30),(33);
Eff. February 1, 1976;
Amended Eff. October 28, 1978;
Repealed Eff. November 1, 1988.*

02 NCAC 09L .0512 AGE REQUIREMENT

Each applicant for a license must be 18 years old by January 1 of the calendar year for which he has submitted an application for a license provided, however, in hardship cases persons below the age of 18 may be licensed by the Board on an individual basis when they demonstrate to the Board by written, or written and oral, examination their qualifications to sell or apply pesticides.

*History Note: Authority G.S. 143-449(b); 143-452(f); 143-453(b); 143-455(c);
Eff. February 1, 1976.*

02 NCAC 09L .0513 FEES REQUIREMENT

02 NCAC 09L .0514 SCHEDULE OF EXAMINATIONS

*History Note: Authority G.S. 143-449(b); 143-452(f); 143-453(b); 143-455(a)(c);
Eff. February 1, 1976;
Amended Eff. August 1, 1982; October 27, 1979; January 27, 1978;
Repealed Eff. November 1, 1988.*

02 NCAC 09L .0515 RE-EXAMINATIONS

Any applicant not passing the initial examination will be allowed to retake the examination two times for that calendar year.

*History Note: Authority G.S. 143-449(b); 143-452(f); 143-453(b); 143-455(c);
Eff. February 1, 1976;
Amended Eff. October 27, 1979.*

02 NCAC 09L .0516 CONTINUANCES

Any firm, corporation, or government unit which is deprived of the services of the sole individual at an outlet who is licensed as a pesticide dealer may continue to operate in their usual manner for a maximum of two months, provided that a request for an examination appointment is directed to the food and drug protection division of the North Carolina Department of Agriculture for a designated individual within two weeks of that date when the services of their licensed pesticide dealer was terminated, and an individual is available who has worked in pesticide sales under the supervision of a licensed pesticide dealer for at least three months and which person will supervise pesticide sales during the interim period.

*History Note: Authority G.S. 143-449(b);
Eff. February 1, 1976;
Amended Eff. August 1, 1982; January 27, 1978.*

02 NCAC 09L .0517 PASSING GRADES

Passing grade for the examinations will be grade 70.

*History Note: Authority G.S. 143-449(b); 143-453(b); 143-455(c);
Eff. February 1, 1976;
Amended Eff. September 1, 1987.*

02 NCAC 09L .0518 FINANCIAL RESPONSIBILITY FOR PESTICIDE APPLICATORS

*History Note: Authority G.S. 143-467(a) through (c);
Eff. February 1, 1976;
Repealed Eff. December 31, 1977.*

02 NCAC 09L .0519 CERTIFICATION

(a) Commercial pesticide applicators, public operators, and pest control consultants, as defined by the North Carolina Pesticide Law of 1971, who have successfully completed the pesticide license examination requirements of G.S. 143-453 or 143-455, as applicable, are certified to use or supervise the use of any restricted use pesticide, as defined by Rule .0502(1) of this Section. Certification is valid only for those uses covered by the certified individual's certification, as defined by Rule .0504 of this Section.

(b) The term of certification shall be five years for individuals licensed to use ground equipment and two years for individuals (contractors and pilots) licensed to use aerial equipment; however, all individuals must renew their pesticide license annually, as required in the North Carolina Pesticide Law of 1971.

History Note: Authority G.S. 143-437(1); 143-440(b); 143-452(a); 143-453(c)(2); 143-455(d);
Eff. September 10, 1980;
Amended Eff. January 1, 1990.

02 NCAC 09L .0520 RECERTIFICATION REQUIREMENTS

(a) In order to insure that certified commercial pesticide applicators, public operators, and pest control consultants continue to meet the needs of changing technology necessary for the safe and effective use of pesticides, they shall be subject to recertification requirements as herein defined.

(b) In no event will the license of a certified commercial pesticide applicator, public operator, or pest control consultant continue to be renewed annually for more than five years for individuals licensed to use ground equipment or two years for individuals (contractors and pilots) licensed to use aerial equipment unless the individual has been recertified through one of the options in Rule .0522 of this Section.

History Note: Authority G.S. 143-437(1); 143-440(b); 143-452(a); 143-453(c)(2); 143-455(d);
Eff. September 10, 1980.

02 NCAC 09L .0521 RECERTIFICATION CREDIT COMMITTEE

History Note: Authority G.S. 143-437(1);
Eff. September 10, 1980;
Amended Eff. August 1, 1982;
Repealed Eff. November 1, 1988.

02 NCAC 09L .0522 RECERTIFICATION OPTIONS

(a) Completion of approved Continuing Certification Credit Requirements in the pest control category in which the individual is certified and desires to retain certification. A Continuing Certification Credit is defined as one hour of approved Continuing Certification Training. Continuing Certification Training must be approved by the Board and such training may consist of grower meetings, seminars, short courses, or other presentations taught by extension pesticide personnel, or other privately or publicly sponsored training organizations approved by the Board. Continuing Certification Credit Requirements for each pest control category are as follows:

(1)	aquatic	6 credits per 5-year period
(2)	public health	6 credits per 5-year period
(3)	forest	6 credits per 5-year period
(4)	right-of-way	4 credits per 5-year period
(5)	regulatory	6 credits per 5-year period
(6)	ag pest-animal	6 credits per 5-year period
(7)	ornamental and turf	10 credits per 5-year period
(8)	seed treatment	3 credits per 5-year period
(9)	ag pest-plant	10 credits per 5-year period
(10)	demonstration and research	10 credits per 5-year period

The Continuing Certification Credits required may consist of any combination of credits divided between training in the primary categories (1) through (9) of this Rule and training in demonstration and research.

(11) aerial

4 credits per

2-year period

The Continuing Certification Credits required must include one credit obtained through training in aerial methods.

(12) wood treatment

4 credits per

5-year period

The Continuing Certification Credits established for each ground application pest control category must be obtained in at least two years of the five-year period.

(b) Participation in one training session conducted by extension pesticide personnel, or other approved organizations, during the recertification period, and satisfactory passing of a written comprehensive examination administered by the North Carolina Department of Agriculture personnel at the conclusion of training.

(c) Satisfactory passing of a written comprehensive examination administered by North Carolina Department of Agriculture personnel and based on training materials which have been approved by the Board.

*History Note: Authority G.S. 143-437(1); 143-440(b); 143-453(c)(2); 143-455(d);
Eff. September 10, 1980;
Amended Eff. November 1, 1984.*

02 NCAC 09L .0523 RECERTIFICATION IN ADDITIONAL CATEGORIES

(a) Individuals desiring to retain certification in more than one pest control category must complete for each category any one of the recertification options described in Rule .0522 of this Section.

(b) Individuals desiring to retain certification through Continuing Certification Training in more than one ground pest control category may do so upon completion of total Continuing Certification Credit Requirements in the category carrying the highest credit requirements, by completing three Continuing Certification Credits in each additional category.

(c) Individuals desiring to retain certification through Continuing Certification Training in more than one aerial pest control category may do so upon completion of total Continuing Certification Credit Requirements in any one category, by completing one Continuing Certification Credit in each additional category.

*History Note: Authority G.S. 143-437(1); 143-440(b); 143-453(c)(2); 143-455(d);
Eff. September 10, 1980;
Amended Eff. October 22, 1981.*

02 NCAC 09L .0524 EXPIRATION OF CERTIFICATION

(a) The recertification period shall expire on June 30th.

(b) At the direction of the Board, each certified individual will be notified 6-9 months prior to the recertification expiration date of the individual's remaining requirements for recertification.

(c) A certified individual who has completed none of the recertification options in Rule .0522 of this Section prior to the recertification expiration date shall be required to retake and satisfactorily pass a comprehensive license examination defined in G.S. 143-453 or 143-455 before a license will be reissued in any category. This examination will be based on updated training materials approved by the Board.

(d) No individual will be allowed to carry over any Continuing Certification Credits from one recertification period to another.

History Note: Authority G.S. 143-437(1); 143-440(b); 143-453(c)(2); 143-455(d);
Eff. September 10, 1980;
Amended Eff. February 4, 1993; November 1, 1988.

02 NCAC 09L .0525 RECERTIFICATION OF PESTICIDE DEALERS

(a) Pesticide dealers who have successfully completed the pesticide license examination requirements of G.S. 143-449 are certified for a period of five years; however, all such individuals must renew their pesticide licenses annually, as required in the North Carolina Pesticide Law of 1971.

(b) In order to insure that certified pesticide dealers continue to meet the needs of changing technology necessary for the safe and effective use of pesticides, they shall be subject to recertification requirements as herein defined.

(c) In no event will the license of a pesticide dealer continue to be renewed annually for more than five years unless the individual has been recertified through one of the options in Rule .0526 of this Section.

History Note: Authority G.S. 143-448; 143-449;
Eff. October 22, 1981;
Amended Eff. November 1, 1988.

02 NCAC 09L .0526 PESTICIDE DEALER RECERTIFICATION OPTIONS

(a) A pesticide dealer may be recertified by completing five approved Pesticide Dealer Continuing Certification Credits. A Pesticide Dealer Continuing Certification Credit is defined as one hour of approved Pesticide Dealer Continuing Certification Training. Such training must be approved by the Board and may consist of meetings, seminars, short courses, or other presentations taught by extension pesticide personnel, or other privately or publicly sponsored training organizations approved by the Board. The Continuing Certification Credits must be obtained in at least two years of the five-year period.

(b) Instead of completing five certification credits, a pesticide dealer may be recertified by passing a written comprehensive examination administered by NCDA personnel and based on training materials which have been approved by the Board.

History Note: Authority G.S. 143-448; 143-449;
Eff. October 22, 1981.

02 NCAC 09L .0527 EXPIRATION OF PESTICIDE DEALER CERTIFICATION

Pesticide dealers will be subject to the same certification expiration requirements as set forth in Rule .0524; Expiration of Certification.

History Note: Authority G.S. 143-448; 143-449;
Eff. October 22, 1981.

02 NCAC 09L .0528 RECERTIFICATION CREDIT APPROVAL

(a) The pesticide section shall receive requests for approval of sponsored training toward recertification, evaluate each proposed program based on criteria approved by the Board, and assign appropriate Continuing Certification Credits for each program. Each such assignment shall be reviewable by the Board.

(b) Continuing Certification Credit assignment shall be in increments of no less than one-half hour.

*History Note: Authority G.S. 143-437;
Eff. November 1, 1988.*