DATE: October 22, 2026

ACTION: Notice of Intent to Consider the Adoption of Amendments to the Rules relating to Georgia Pesticide Use & Application Act of 1976.

TO ALL INTERESTED PERSONS AND PARTIES:

Pursuant to the Official Code of Georgia Annotated §§ 2-7-97 and 50-13-4, notice is hereby given that the Georgia Department of Agriculture will hold a public hearing at 1:00 p.m. on November 17, 2026, at 47 Trinity Avenue, Room G-07, Atlanta, Georgia 30334. Such hearing will be for the purpose of considering the adoption of amendments to the Rules of the Department relating to Pesticide Products promulgated pursuant to the Georgia Pesticide Use and Application Act of 1976 (O.C.G.A. § 2-7-90 et. seq.).

SYNOPSIS, MAIN FEATURES AND DIFFERENCES:

Synopsis:

The Department is proposing to amend the Rules in an effort to maintain consistency with Environmental Protection Agency guidelines, controlling state and federal law and updated best practices from within the industry. The Department is adopting these changes to help ensure continued conformance with all of the above. Changes are outlined below.

Rule 40-11-12-.02 Records

The proposed amendments:

- Add language stating records must contain the name and address of the applicator if not made by the purchaser.
- Add language to include the applicator's certification number, issuing authority, certification expiration date and categories of certification.
- Add language to include the EPA registration number.
- Add language to include the brand name or trade name of the restricted use pesticide.
- Correct grammatical and scrivener's errors.

Rule 40-21-2-.01 Commercial Applicators

The proposed amendments:

- Add language to the Industrial Pest Control category indicating that it excludes pest control operators regulated under the Georgia Structural Pest Control Act.
- Revise Aerial Methods to expressly include fixed-wing aircraft, rotary-wing aircraft, and unmanned aircraft systems / unmanned aerial vehicles, subject to applicable federal aviation requirements.
- Revise and Rename Agricultural Commodity Fumigation to "Commodity Fumigation."
- Delete Worker Protection Standard category.
- Move Mosquito Control to (q) to reflect additions and deletions.
- Add language to create a soil fumigation category.
- Correct grammatical and scrivener's errors.

Rule 40-21-2-.02 Private Applicators

The proposed amendments:

- Add language to create a section (1) pertaining to general private applicator certification category requirements and limitations.
- Add language to section (2) stating that the private applicator category alone is not sufficient to authorize the purchase, use, or supervision of the use of restricted-use pesticides for specialized categories.
- Add language creating a soil fumigation subcategory.
- Add language creating an agricultural commodity fumigation subcategory.
- Add language creating an aerial methods subcategory.
- Add language stating that certification in a private subcategory is an add-on to Private Applicator Certification and does not expand the holder's authority beyond the statutory scope of a private applicator as section (3).
- Add language stating that Private Aerial Methods subcategory does not authorize pesticide application for hire or any activity requiring a certified commercial pesticide applicator license or Pesticide Contractor's License as section (4).
- Correct grammatical and scrivener's errors.

Rule 40-21-3-.01 Commercial Applicators

The proposed amendments:

- Add language that applicants must be 18 years of age or older.
- Add language pertaining to covering standards related to compliance with the Code of Federal Regulations.
- Remove "and additional standards specific for each category or subcategory in which the applicant requests certification".
- Add language stating what constitutes acceptable ID to be presented at certification examinations.
- Add language creating uniform standards for certification examinations.
- Add additional required standards and competencies as numbers 1-10 under (a) "General Standards for all Categories".
- Add in reference to O.C.G.A. § 50-36-1(a)(3).
- Correct grammatical and scrivener's errors.

Rule 40-21-3-.02 Private Applicators

The proposed amendments:

- Add language to section (1) pertaining to covering standards related to compliance with the Code of Federal Regulations.
- Add language to create a subsection (1)(g) related to the use of Restricted Use Pesticides/ Soil Fumigation and the Code of Federal Regulations.
- Add language to create a subsection (1)(h) related to the use of Restricted Use Pesticides/ Agricultural Commodity Fumigation and the Code of Federal Regulations.
- Add language to create a subsection (1)(i) related to the use of Restricted Use and General Use Pesticides/ Aerial Methods and the Code of Federal Regulations as well as aerial competency requirements.
- Add language regarding minimum test scores as well as stating what constitutes acceptable ID to be presented at certification examinations in section (2).
- Remove reference to oral test in section (2).
- Add language related to examination proctor monitoring.
- Delete section 3.
- Correct grammatical and scrivener's errors.

Rule 40-21-4-.01. Recertification Requirements & Commercial Applicator License Renewals

The proposed amendments:

- Rename to "Commercial recertification."
- Add language updating the renewal fee amount from $25 to $90 to accurately reflect what is found in the Act.
- Update the late penalty fee amounts from $37.50 to $45.00 in conformance with the act and rules.
- Add language concerning continuing education events and distance learning.
- Add language stating what constitutes acceptable ID to be presented at certification examinations.
- Add language related to examination proctor monitoring.
- Add language related to continuing education totals for specific categories.
- Amend recertification category to include updated hours for Aquatic, Antimicrobial Pest Control, Soil Fumigation and Non-Soil Fumigation.
- Correct grammatical and scrivener's errors.

Rule 40-21-4-.03. Recertification of Private Applicators

The proposed amendments:

- Revise number of training hours required from 3 to 5.
- Remove the language "or its equivalent.
- Add language related to the process to verify the applicator's successful completion of the course or event as #3.
- Add language related to examination proctor monitoring and ID requirements as #4.
- Correct grammatical and scrivener's errors.

Rule 40-21-5-.01. Persons Required to Keep Records

The proposed amendments:

- Add language stating, "Every licensed private pesticide applicator shall maintain true and accurate records of all applications of restricted use pesticides and pesticides with State restricted uses, whether applied by him or persons under his supervision and of all aerial pesticide applications personally made by the applicator, including applications of general-use pesticides." to the end of the rule.
- Remove the language "Licensed private pesticide applicators shall not be required to maintain records of pesticide application."
- Correct grammatical and scrivener's errors.

Rule 40-21-5-.02 Content of Records

The proposed amendments:

- Rename to "Content of Commercial Pesticide Application Records."
- Remove the phrase "All records of pesticide application required by these regulations shall include the following information:"
- Add language "All pesticide application records required to be maintained by licensed pesticide contractors and licensed commercial pesticide applicators shall include the following information:"
- Add language to include the address and name of person for whom applied.
- Remove language pertaining to the total amount of pesticide applied.
- Add language requiring Name and EPA registration be included, along with total amount applied.
- Add language requiring the applicator's certification number be included.
- Correct grammatical and scrivener's errors.

Add the following language as a new rule:

The proposed amendments:

Rule 40-21-5-.03 Content of Private Pesticide Application Records

- Add a new rule stating that all records of private pesticide applicators pesticide applications required by the rules shall include the specific information found in subcategories (a)-(i).

Rule 40-21-5-.03 Duration of Records

The proposed amendments:

- Renumber to reflect 40-21-5-.04.
- Add language at the end of the rule stating "…from the date of application. Any documentation required by pesticide labeling to demonstrate completion of required training or compliance with label-referenced requirements, including applicable mitigation bulletins or requirements accessed through Bulletins Live! Two, shall be maintained for a period of at least two (2) years from the date the requirement was completed or the documentation was obtained. Where pesticide labeling or other applicable federal or state law requires a longer record-retention period, the longer period shall apply."
- Correct grammatical and scrivener's errors.

Rule 40-21-5-.04 Inspection of Records

The proposed amendments:

- Renumber to reflect 40-21-5-.05.

Rule 40-21-6-.01 Supervision of Uncertified Persons

The proposed amendments:

- Add language to state that a certified applicator must be certified in each applicable category and that the rule does not authorize supervision of commercial or private aerial pesticide applications.
- Correct grammatical and scrivener's errors.

Rule 40-21-6-.02 Limitations on Uncertified Persons

The proposed amendments:

- Add language regarding certified and uncertified applicator's qualifications and minimum age to better align with the CFR.
- Correct grammatical and scrivener's errors.

Add the following language as a new rule:

The proposed amendments:

Rule: 40-21-6-.04 Training of Uncertified Persons

- Add language pertaining to uncertified applicator training standards related to compliance with the standards found in the CFR found in categories (a)-(f).
- Correct grammatical and scrivener's errors.

Rule 40-21-9-.02 Posting and Information

The proposed amendments:

- Add language "with exemptions specified in (e) below" to read as "All application of pesticides to landscapes, whether commercial or noncommercial, and whether to

residential or nonresidential properties, with exemptions specified in (e) below, shall be subject to the following requirements" and striking any conflicting language.

- Under section (a), add the following language: "In the case of applications by the Pesticide Contractor to entire multi residence subdivisions, townhome, condo, or apartment complexes, or to entire recreation parks or other similar locations; in addition to posting at the primary point(s) of entry to the subdivision or complex, posting shall also occur for applications to any commonly used landscape areas. Examples of such common areas are athletic or recreational turf areas, playgrounds, dog park areas, or similar areas where people might gather routinely."

- Under section (d)(1), remove the following language: "and specific" and add in language "and/or description of."

- Under section (d)(2) add the following language at the end of the existing sentence: "performing application."

- Under section (d)(3), remove the following language: "Name of person making the application" and replace with language "Type of pesticide application performed – weed control, insect control, and/or disease control."

- Remove section (d)(4) and replace with language "application date".

- Add section (e) containing the following language:

  "Exemptions to the requirements for posting as specified in (a) and (b) are as follows:

    1. Does not include applications made by the homeowner to the landscape at their own single-family residence.
    2. Does not include spot applications for weed control using non-selective herbicides classified by EPA as general use, applied using portable backpack or hand-held compressed air sprayers with a capacity of 5 gallons or less."

- Correct grammatical and scrivener's errors.

Add the following language as a new rule:

The proposed amendments:

Rule 40-21-9-.03 Vehicle Marking

- Add the following language as a new rule: "The Pesticide Contractor shall mark the vehicle and/or mobile equipment used in the application of pesticides, including any vehicle used in transporting pesticide application equipment to an application site. Each licensee shall place the business name or registered trade name and the pesticide contractor license number on each side in bold-print letters not less than two (2) inches in height and on contrasting background."

Rule 40-21-9-.03 Exemptions

The proposed amendments:

- Renumber to reflect 40-21-9-.04.

Interested persons may request a copy of the proposed rules or may submit written requests to:

Nick Sumner
Pesticide Program Manager, Ag Inputs
Georgia Department of Agriculture
PesticideComments@agr.georgia.gov

Please submit written comments to the above email address. Written comments must be received no later than the close of business (4:30 p.m. EDT) on November 22, 2026. You may download a copy of the synopsis and the proposed rules from the Georgia Department of Agriculture website at www.agr.state.ga.us.

This notice is given in compliance with the Georgia Administrative Procedure Act, O.C.G.A. §50-13-4.