Rule 40-11-12-.02 Records

(1) Every Restricted Use Pesticide Dealer shall maintain records of sales of all restricted use pesticides or pesticides with State restricted uses. Such records shall include:

(a) Name and address of certified private or commercial applicator by whom purchased & applied if application is not made by the purchaser.

(b) The applicator's certification number, issuing authority, certification expiration date, and categories of certification.

(c) Date of purchase.

(d) Brand name or tradename and EPA registration number of restricted use pesticide or pesticide.

(e) Quantity purchased.

Statutory Authority: O.C.G.A. § 2-7-50

Rule 40-21-2-.01 Commercial Applicators

Commercial applicators may be certified in one or more of the following categories:

(a) Agricultural Plant Pest Control. This category includes commercial applicators using or supervising the use of restricted use pesticides or State restricted pesticide uses 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) Agricultural Animal Pest Control. This category includes commercial applicators using or supervising the use of restricted use pesticides, or State restricted pesticide uses, 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; and also includes 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.

(c) Forest Pest Control. This category includes commercial applicators using or supervising the use of restricted use pesticides, or State restricted pesticide uses, in forests, forest nurseries, and forest seed producing areas.

(d) Ornamental and Turf Pest Control. This category includes commercial applicators using or supervising the use of restricted use pesticides, or State restricted pesticide uses, to control pests in the maintenance and production of ornamental trees, shrubs, flowers, and turf.

(e) Seed Treatment. This category includes commercial applicators using or supervising the use of restricted use pesticides, or State restricted pesticide uses, on seeds.

(f) Aquatic Pest Control. This category includes commercial applicators using or supervising the use of any restricted use pesticide, or State restricted pesticide uses, purposefully applied to standing or running water, excluding applicators engaged in public health related activities included in category (i) below.

(g) Right-of-Way Pest Control. This category includes commercial applicators using or supervising the use of restricted use pesticides, or State restricted pesticide uses, in the maintenance of public roads, electric powerlines, pipelines, railway rights-of-way or other similar areas.

(h) Industrial, Institutional, Structural and Health Related Pest Control. This category includes commercial applicators using or supervising the use of restricted use pesticides, or State restricted pesticide uses, in, on, or around food handling establishments, human dwellings, institutions, such as schools and hospitals, industrial establishments, including warehouses and grain elevators, and any other structures and adjacent area, public or private; and for the protection of stored, processed, or manufactured products. This excludes Pest Control operators regulated under the Georgia Structural Pest Control Act.

(i) Public Health Pest Control. This category includes State, Federal or other governmental employees using or supervising the use of restricted use pesticides, or State restricted pesticide uses, in public health programs for the management arid control of pests having medical and public health importance.

(j) Regulatory Pest Control. This category includes State, Federal or other governmental employees who use or supervise the use of restricted use pesticides, or State restricted pesticide uses, in the control of regulated pests.

(k) Demonstration and Research Pest Control. This category includes:

1. individuals who demonstrate to the public the proper use and techniques of application of restricted use pesticides, or State restricted pesticide uses, or supervise such demonstration, and includes such persons as extension specialists and county agents, commercial representatives demonstrating pesticide products, and those individuals' demonstrating methods used in public programs.

2. persons conducting field research with pesticides, and in doing so, use or supervise the use of restricted use pesticides; and also includes State, Federal, commercial and other persons conducting field research on or utilizing restricted use pesticides.

3. to be certified in Demonstration and Research would require prior certification in one or more of categories (a) through (j), above.

(l) Aerial Methods. This category includes individuals who have been licensed by the FAA for Agricultural Aircraft Operations, and who are certified in one or more of the categories (a) through (j), and (o). Furthermore, Aerial Methods shall include but are not limited to application by fixed-wing aircraft, rotary-wing aircraft, unmanned aircraft systems and any unmanned aerial vehicles.

(m) Wood Treatment. This category includes Commercial Applicators engaged in the business of pressure treating lumber and timber with preservatives classified as restricted use pesticides, to protect such products from attack by such pests as termites, powder post beetles, other wood destroying insects, as well as, surface molds and wood destroying fungi.

(n) Antimicrobial Pest Control. This category includes Commercial Applicators who apply pesticides (Disinfectants, Sanitizers, Algeacides, Fungicides, etc.) to control undesirable or harmful algae, bacterial, fungi and viruses in homes, institutions, medical facilities, industrial and other sites.

(o) Commodity Fumigation. This category includes Commercial Applicators applying or supervising the application of fumigants to control pests in commodities, goods, or other articles of commerce, including raw or processed agricultural commodities and imported or exported goods, whether stored, handled, transported, or prepared for shipment. This category does not include soil fumigation or fumigation regulated as structural pest control under the Georgia Structural Pest Control Act.

(p) Antifoulant Paints. This category includes Commercial Applicators who are applying antifouling paints that have been classified for restricted use to water going vessels to inhibit the growth of aquatic organisms such as barnacles and algae.

(q) Mosquito Control. This category includes commercial applicators using or supervising the use of restricted use pesticides, or State restricted pesticide uses, in the control of mosquitoes on residential, commercial and public grounds.

(r) Soil Fumigation. This category includes Commercial Applicators applying or supervising the application of fumigants to soil, including soil located within greenhouses or other enclosed agricultural growing structures. All Commercial Applicators in this category must demonstrate and be proficient in the competency standards found in 40 CFR 171.103.

Statutory Authority: O.C.G.A. § 2-7-90 et seq.

Rule 40-21-2-.02. Private Applicators

(1) Private Applicator Certification. This category includes any certified applicator who uses or supervises the use of any restricted use pesticide or State restricted pesticide use in the production of an agricultural or forestry commodity on property owned, rented or otherwise under the control of him or his employer or (if applied without compensation other than trading of personal services between producers of such commodities) on the property of another person. Private Applicator Certification and the Aerial Methods subcategory are also required for any individual personally conducting a private aerial application of a general-use pesticide in the agricultural or forestry production activities described in this paragraph.

(2) Certification in the Private Applicator category alone is not sufficient to authorize the purchase, use, or supervision of the use of restricted-use pesticides for the specialized categories listed below.

(a) Soil Fumigation. This subcategory applies to private applicators who use or supervise the use of a restricted-use pesticide to fumigate soil, including soil located within greenhouses or other enclosed agricultural growing structures.

(b) Agricultural Commodity Fumigation. This subcategory applies to private applicators who use or supervise the use of a restricted-use pesticide to fumigate raw or processed agricultural commodities.

(c) Aerial Methods. This subcategory is required for private applicators who personally apply restricted-use or general-use pesticides by fixed-wing aircraft, rotary-wing aircraft, or unmanned aircraft systems/unmanned aerial vehicles. All Private Applicators in this sub-category must demonstrate and be proficient in the competency standards found in 40 CFR 171.105(f).

(3) 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.

(4) The Private Aerial Methods subcategory does not authorize pesticide application for hire, direct or indirect supervision of aerial applications performed by another person, or any activity requiring a certified commercial pesticide applicator license or Pesticide Contractor’s License.

Every private aerial application must be personally performed by an applicator holding both Private Applicator Certification and the Aerial Methods subcategory.

Statutory Authority: O.C.G.A. § 2-7-90 et seq.

Rule 40-21-3-.01. Commercial Applicators

Every applicant for commercial applicator certification shall be a natural person 18 years of age or older, demonstrate a practical knowledge of the principles and practices of pest control and the safe use of pesticides based upon satisfactory passing of a written examination with a score of seventy (70) percent, and, as appropriate, performance testing. Such examination shall include the general standards of competency applicable to all categories covering the standards outlined in Title 40 of the Code of Federal Regulations, Paragraph 171.103(c), and additional standards in Paragraph 171.103(d) specific to each category or subcategory for which the applicant requests certification. Any particular examination may not be taken more than once in any month or more than twice in any six (6) month period.

Each person seeking certification must present at the time of examination valid, government-issued photo identification or other similarly reliable identification authorized by the certifying authority as proof of identity and age. Candidates must be monitored throughout the examination period; may not communicate with anyone other than the proctor; may use only reference materials approved by the certifying authority; and must be notified of examination results. Records of examination scores on the General Standards and Category Standards shall be maintained by the Department of Agriculture for one (1) year from the date of first examination. If an applicant fails to pass both the General Standards Examination and at least one (1) Category Standards Examination within a one (1) year period, all test scores will be destroyed, and applicant will be required to retake and pass both the General Standards Examination and the Category Standards Examination. To the extent that they are relevant to a given category, standards of competency may include:

(a) General Standards for all Categories.

1. Label and Labeling Comprehension:

(i) The general format and terminology of pesticide labels and labeling;

(ii) The understanding of instructions, warning, terms, symbols and other information commonly appearing on pesticide labels;

(iii) Classification of the product, general or restricted;

(iv) Necessity for use consistent with the label;

(v) Understanding labeling requirements for supervising noncertified applicators working under the direct supervision of a certified applicator;

(vi) Understanding that applicators must comply with all use restrictions and directions for use contained in pesticide labels and labeling, including being certified in the certification category appropriate to the type and site of the application;

(vii) Understanding and complying with product specific notification requirements;

(viii) Recognizing and understanding the difference between mandatory and advisory labeling language;

(ix) Understanding that it is a violation of Federal law to use any registered pesticide in a manner inconsistent with its labeling;

(x) Understanding labeling requirements that a certified applicator must be physically present at the site of application.

2. Safety-Factors including:

(i) Pesticide toxicity and hazard to man and common exposure routes, including long term effects of pesticides and understanding of risk as a function of exposure and pesticide toxicity;

(ii) Common types and causes of pesticide accidents;

(iii) Precautions necessary to guard against injury to applicators and other individuals in or near treated areas;

(iv) Need for and use of protective clothing and equipment;

(v) Symptoms of pesticide poisoning;

(vi) First aid and other procedures to be followed in case of a pesticide accident; and

(vii) 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;

(i) Weather and other climatic conditions;

(ii) Types of terrain, soil or other substrate;

(iii) Presence of fish, wildlife and other nontarget organisms; and

(iv) Drainage patterns.

4. Pests-Factors such as:

(i) Common features of pest organisms and characteristics of damage needed for pest recognition;

(ii) Recognition of relevant pests; and the importance of correctly identifying target pests and selecting of proper pesticide product(s) for effective pest control;

(iii) Pest development and biology as it may be relevant to problem identification and control;

(iv) Verifying that the labeling does not prohibit the use of the product to control the target pest(s).

5. Pesticides-Factors such as:

(i) Types of pesticides;

(ii) types of formulations;

(iii) Compatibility, synergism, persistence and animal and plant toxicity of the formulations;

(iv) Hazards and residues associated with use;

(v) Factors which influence effectiveness or lead to such problems as resistance to pesticides; and

(vi) Dilution procedures.

6. Equipment-Factors including:

(i) Types of equipment and advantages and limitations of each type; and

(ii) Uses, maintenance and calibration.

7. Application Techniques-Factors including:

(i) 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. Use of a fumigant or aerial application method requires additional certification;

(ii) Relationship of discharge and placement of pesticides to proper use, unnecessary use, and misuse; and

(iii) Prevention of drift and pesticide loss into the environment.

8. Laws and Regulations-Applicable State and Federal laws and regulations, including the legal responsibility for supervision of uncertified persons.

9. Responsibilities of supervisors of noncertified applicators. Knowledge of the responsibilities of certified applicators supervising non-certified applicators, including all of the following:

(i) Understanding and complying with requirements in 171.201 of this part for commercial applicators who supervise noncertified applicators using restricted use pesticides;

(ii) The recordkeeping requirements of pesticide safety training for noncertified applicators who use restricted use pesticides under the direct supervision of a certified applicator;

(iii) Providing use-specific instructions to noncertified applicators using restricted use pesticides under the direct supervision of a certified applicator;

(iv) Explaining pertinent State, Tribal, and Federal laws and regulations to noncertified applicators who use restricted use pesticides under the direct supervision of a certified applicator.

10. Professionalism. Understanding the importance of all of the following:

(i) Maintaining chemical security for restricted use pesticides;

(ii) How to communicate information about pesticide exposures and risks with customers and the public;

(iii) Appropriate product stewardship for certified applicators.

(b) Category Specific Standards.

1. Agricultural Plant Pest Control:

(i) Practical knowledge of:

(I) crops grown in operational area;

(II) specific pests to be controlled;

(III) soil and water problems;

(IV) pre-harvest intervals;

(V) reentry intervals;

(VI) phytotoxicity;

(VII) potential for environmental contamination, non-target injury and community problems arising from use of pesticides in agricultural areas.

2. Agricultural Animal Pest Control:

(i) Practical knowledge of:

(I) animals to be treated;

(II) specific pests to be controlled;

(III) specific pesticide toxicity and residue potential;

(IV) relative hazards associated with formulation, application techniques, age of animals, stress and extent of treatment.

3. Forest Pest Control:

(i) Practical knowledge of:

(I) forests, forest nurseries and forest seed production;

(II) pests to be controlled;

(III) cyclic occurrence of certain pests;

(IV) specific population dynamics as a basis for programming pesticides applications;

(V) relative biotic agents and their vulnerability to pesticides applied;

(VI) control methods which will minimize unintended effects on wildlife;

(VII) proper use of specialized equipment as it may relate to meteorological factors and adjacent land use.

4. Ornamental and Turf Pest Control:

(i) Practical knowledge of:

(I) pesticide problems associated with production and maintenance of ornamental trees, shrubs, plantings, and turf;

(II) potential phytotoxicity to a wide range of plant material;

(III) pesticide drift;

(IV) pesticide persistence beyond period of pest control;

(V) application methods which will minimize or prevent hazards to humans, pets and other domestic animals.

5. Seed Treatment:

(i) Practical knowledge of:

(I) types of seeds commonly requiring protection from pests in operational area;

(II) requirements for seed coloration and special labeling;

(III) carriers and surface active agents which influence pesticide binding and may affect germination;

(IV) hazards associated with handling, sorting and mixing;

(V) potential misuse of treated seed such as introduction into food and feed channels;

(VI) proper methods for disposal of unused treated seed.

6. Aquatic Pest Control:

(i) Practical knowledge of:

(I) various water use situations and potential for downstream effects;

(II) secondary effects from improper application rates, incorrect formulations and faulty application of pesticides;

(III) potential effects of pesticides on plants, fish, birds, beneficial insects and other organisms present in aquatic environments;

(IV) principles of limited area application.

7. Right-of-Way Pest Control:

(i) Practical knowledge of:

(I) a wide variety of environments including waterways;

(II) problems arising from runoff, drift, and excessive foliage destruction;

(III) target pests to be controlled;

(IV) nature of herbicides and need for their containment in area to which applied;

(V) impact of application on adjacent areas and communities.

8. Industrial, Institutional, Structural and Health Related Pest Control:

(i) Practical knowledge of:

(I) wide variety of pests and their life cycles;

(II) types of formulations appropriate for their control;

(III) methods of application which will avoid contamination of food, damage and contamination of habitat and exposure of people, pets and other animals;

(IV) other factors such as continuous exposure, which may lead to a hazardous condition for babies, children, pregnant women and the elderly;

(V) environmental conditions related to activities within this category.

9. Public Health Pest Control:

(i) Practical knowledge of:

(I) vector-disease transmission as it relates to and influences pesticide application:

(II) life cycles and habitats as a basis for strategy in control of a wide variety of pests;

(III) wide variety of environments ranging from enclosed structures to streams;

(IV) importance and use of non-chemical methods such as sanitation, drainage and waste disposal.

10. Regulatory Pest Control:

(i) Practical knowledge of:

(I) applicable laws relating to quarantine and regulations of pests;

(II) regulated pests;

(III) potential environmental impact of pesticides used in suppression and eradication programs;

(IV) factors influencing introduction, spread and population dynamics of relevant pests;

(V) variations among different geographic areas which would permit valid individual judgments to be made in new situations where emergency measures may be invoked to control regulated pests.

11. Demonstration and Research:

(i) This category is considered to be an add-on and would require prior certification in one or more of categories 1. through 10. of this section (b). Since this category covers demonstration of the safe and effective use of pesticides to other applicators and the public it would also require:

(I) knowledge of broad spectrum of pesticide uses;

(II) pesticide-organism interactions;

(III) knowledge of importance of integrating non-chemical methods of pest control with pesticide use.

12. Aerial Methods:

(i) This category is considered to be an add-on and would require prior certification in one or more of categories 1. through 10. of this section (b). To be certified in this category, applicant would be required to show proof of compliance with the requirements of Title 14, CFR, Part 137 (Agriculture Aircraft Operations). Applicant would also demonstrate by passing of a written examination a practical knowledge of:

(I) aerial application equipment including pesticide dispersal accessories, their operation and calibration;

(II) flight safety requirements for protection of the public including flight patterns, swath marking, turnaround and obstructions;

(III) personal safety precautions necessary for protection of pilot and ground personnel including flagmen and loading personnel.

13. Mosquito Control:

(i) Practical Knowledge of:

(I) vector-disease transmission as it relates to and influences pesticide application.

(II) life cycles and habitats as a basis for strategy in control of mosquitoes.

(III) wide variety of breeding and habitat environments ranging from outdoors to permanent and temporary bodies of water.

(IV) importance and use of non-chemical methods such as sanitation, drainage and waste disposal.

Statutory Authority: O.C.G.A. §§ 2-7-90 et seq, 50-36-1(a)(3)

<u>Rule 40-21-3-.02. Private Applicators</u>

(1) A private applicator must demonstrate a practical knowledge of pest problems and pest control practices associated with their agricultural operations, the proper storage, use, handling and disposal of pesticides and containers and their legal responsibility to prevent unreasonable adverse effects on the environment. This practical knowledge shall cover the applicable standards in 40 CFR 171.105(a) and any additional standards adopted by the Georgia Department of Agriculture. This practical knowledge shall include an ability to:

(a) Recognize common pests to be controlled and the damage caused by them;

(b) Read and understand the label and labeling information;

(c) Apply pesticides in accordance with label instructions and warnings;

(d) Recognize local environmental situations which must be considered during application to avoid adverse effects from contamination;

(e) Recognize common symptoms of pesticide poisoning and procedures to follow in case of accident;

(f) Understand the legal responsibilities under State and Federal Law, including, supervision of uncertified persons;

(g) Soil Fumigation. In addition to satisfying paragraph (1), private applicators who use or supervise the use of a restricted use pesticide to fumigate soil must demonstrate practical knowledge covering the applicable standards in 40 CFR 171.105(d) and any additional standards adopted by the Georgia Department of Agriculture.

(h) Agricultural Commodity Fumigation. In addition to satisfying paragraph (1), private applicators who use or supervise the use of a restricted use pesticide to fumigate raw or processed agricultural commodities must demonstrate practical knowledge covering the applicable standards in 40 CFR 171.105(e) and any additional standards adopted by the Georgia Department of Agriculture.

(i) Aerial Methods. In addition to satisfying paragraph (1), private applicators who personally apply restricted-use or general-use pesticides by fixed-wing aircraft, rotary-wing aircraft, or unmanned aircraft system / unmanned aerial vehicle must demonstrate practical knowledge covering the applicable aerial standards in 40 CFR 171.105(f) as well as the following competencies:

i. Aerial-specific pesticide labeling, spray volumes, buffers, no-spray zones, wind restrictions, and temperature inversions.

ii. Selection, inspection, maintenance, and calibration of aerial application equipment, including nozzles, flow rates, droplet size, and system components.

iii. Weather and application conditions affecting safe application and drift.

iv. Methods to minimize off-target movement and protect adjacent property, sensitive sites, bystanders, and the environment.

v. Flight or operating patterns, application altitude or height, swath control, navigation, and precise start and stop of pesticide release.

vi. Aerial pesticide application recordkeeping.

vii. Applicable federal aviation requirements and equipment-specific requirements for unmanned aircraft systems.

(2) Competence of private applicators shall be verified by a written examination or Department approved training and examination process. An applicant must achieve a score of at least seventy (70) percent on the general section and on each subcategory section in which certification is sought. Each person seeking certification must present valid, government-issued photo identification or other similarly reliable identification authorized by the certifying authority as proof of identity and age. Candidates must be monitored throughout the examination period.

Statutory Authority: O.C.G.A. § 2-7-90 et seq.

Rule 40-21-4-.01. Commercial recertification.

In order to ensure that certified commercial pesticide applicators continue to meet the needs of changing technology necessary for the safe and effective use of pesticides, they shall be subject to recertification and licensing requirements as follows:

(a) Commercial Pesticide Applicators. All commercial pesticide applicators shall be licensed for a period of five years. All licenses shall be subject to renewal on the day following their expiration date, subject to licensee's completion of either option 1 or 2 below, and the payment of the Ninety (90) dollar renewal fee, when applicable. Those electing to be relicensed on the basis of earned training must have accumulated the required hours at least ninety (90) days prior to their license expiration date; otherwise, they will be required to pass a new written examination. No written examinations as a basis for relicensing may be taken more than ninety (90) days prior to the expiration date. The license of any person who has not completed the required training or passed a new written examination and paid any required fee prior to the expiration date, will be subject to a penalty of 50% and the renewal fee for such license shall be forty-five (45) dollars. Any license for which the renewal requirements have not been met within sixty (60) days after expiration shall be cancelled. The Commissioner may, as he deems necessary, provide commercial pesticide applicators with information on changes in pesticides and pesticide application technology and may require such applicators to acknowledge in writing that they have become familiar with such

new information. The Commissioner may require such acknowledgements as a condition for renewal of their commercial pesticide applicator's license. Any continuing education course or event, including an online or other distance education course or event, relied upon for applicator recertification shall include a process to verify the applicator's successful completion of the course or event. Each person seeking recertification by examination must present valid government-issued photo identification and must be monitored throughout the examination period.

In no event will a commercial certified applicator's license be renewed unless the applicator has been recertified through one of the following procedures:

1. Completion of training in each of the pest control categories in which he is currently certified and desires to retain certification as follows:

(i) Agricultural Plant	10 hours
(ii) Agricultural Animal	6 hours
(iii) Forest	6 hours
(iv) Ornamental and Turf	10 hours
(v) Seed Treatment	6 hours
(vi) Aquatic	10 hours
(vii) Right of Way	6 hours
(viii) Industrial, Institutional, Structural and Health Related	6 hours
(Excluding Pest Control operators regulated under the Georgia Structural Pest Control Act)	
(ix) Public Health	10 hours
(x) Mosquito Control	10 hours
(xi) Regulatory	6 hours

(xii) Antimicrobial Pest Control 6 hours

(xiii) Soil Fumigation 6 hours

(xiv) Commodity Fumigation (This only applies to individuals who do not hold a license issued under the Georgia Structural Pest Control Act) 6 hours

(xv) For those applicators also certified in Demonstration and Research, and Aerial methods, the hours of training required for the primary categories (i) through (xi) above, may consist of any combination of hours divided between training in the primary category and training in Demonstration and Research and/or Aerial Methods. Any training credited toward recertification must be approved by and assigned a value for credit hours by the Commissioner of Agriculture prior to presentation. Such training may consist of grower meetings, seminars, short courses and other private or publicly sponsored training programs.

2. Satisfactory passing of a written examination administered by the Commissioner of Agriculture.

Statutory Authority: O.C.G.A. § 2-7-90 et seq.

<u>Rule 40-21-4-.03. Recertification of Private Applicators</u>

In order to ensure that certified private pesticide applicators continue to meet the needs of changing technology necessary for the safe and effective use of pesticides, they shall be subject to continuing certification and recertification as follows:

(a) All private pesticide applicators shall be certified and licensed for a period of five years. During such period the Commissioner may, when he deems necessary, provide private certified applicators with information on changes in pesticides and pesticide application technology and may require such applicators to acknowledge in writing that they have become familiar with such new information. Failure to provide such acknowledgements may be considered by the Commissioner to be grounds for cancellation of a private applicator's certification and license. In no event will a private applicator be recertified and licensed for more than five (5) years unless he has been recertified through one of the following procedures:

1. Completion of at least five (5) hours of training approved by the Commissioner

and to which he has assigned a credit value prior to presentation. Such training may consist of grower meetings or other presentations by personnel of the Cooperative Extension Service or Seminars, short courses or other private or publicly sponsored training programs.

2. Satisfactory passing of a written examination including current information on pesticides and pesticide application technology and any other information which the Commissioner finds necessary for the safe and effective use of pesticides by private applicators.

3. Any continuing education course or event, including an online or other distance education course or event, relied upon for recertification shall include a process to verify successful completion. Each person seeking recertification by examination must present valid government-issued photo identification and must be monitored throughout the examination period.

4. Each person seeking recertification by examination must present valid government-issued photo identification and must be monitored throughout the examination period.

Statutory Authority: O.C.G.A. § 2-7-90 et seq.

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

Every licensed pesticide contractor shall maintain true and accurate records of all pesticide applications performed as a part of his business operations. Every licensed commercial pesticide applicator not employed by or otherwise acting for a licensed pesticide contractor 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. Every licensed private pesticide applicator shall maintain true and accurate records of all restricted-use pesticide applications, whether made by the applicator or persons under the applicator's supervision, and of all aerial pesticide applications personally made by the applicator, including applications of general-use pesticides.

Statutory Authority: O.C.G.A. § 2-7-90 et seq.

Rule 40-21-5-.02. Content of Commercial Pesticide Application Records

All pesticide application records required to be maintained by licensed pesticide contractors and licensed commercial pesticide applicators shall include the following information:

(a) Date and time of application;

(b) Name and address of person for whom applied;

(c) Location of application site;

(d) Crop or target to which applied;

(e) Acreage, size of area treated;

(f) Target pest for which applied;

(g) Name and EPA registration number of pesticide used and application rate, and total amount applied

(h) Type of equipment used;

(i) Name of applicator and certification number;

(j) Notation of any unexpected occurrence at or during application, such as spillage, exposure of humans or non-target animals, or drift, and any corrective or emergency action taken;

(k) Names, concentrations and quantities of all pesticides disposed of and the manner of disposition.

Statutory Authority: O.C.G.A. § 2-7-90 et seq.

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

All records of private pesticide applicators pesticide applications required by these regulations shall include the following information:

(a) The brand or product name;

(b) The EPA registration number;

(c) The total amount applied or application rate;

(d) The month, day, and year;

(e) The location of the application;

(f) The crop, commodity, stored product, or site;

(g) The size of area treated;

(h) The name of the certified applicator;

(i) The certification number of the certified applicator.

Statutory Authority: O.C.G.A. § 2-7-90 et seq.

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

All records required for pesticide application shall be maintained for a period of two (2) years 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.

Statutory Authority: O.C.G.A. § 2-7-90 et seq.

Rule 40-21-5-.05 Inspection of Records

The Commissioner or his designated agent shall be permitted to inspect records during normal business hours at the place where they are maintained and upon request in writing, shall be furnished a copy of such records.

Statutory Authority: O.C.G.A. § 2-7-90 et seq.

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

Uncertified persons may apply restricted use pesticides or pesticides with State restricted uses only if they are under the direct supervision of a certified applicator. Such direct supervision shall require that the uncertified person carry out all applications under specific instructions, written or oral, from the certified applicator, who shall be responsible for the actions of all persons under his supervision. Unless otherwise required by the label or labeling, the certified applicator is not required to be present at time of application but must be available, if needed by the uncertified person, within a reasonable time through conventional means of communication. The certified applicator must be certified in each category or subcategory applicable to the supervised pesticide use. This rule does not authorize supervision of commercial or private aerial pesticide applications

Statutory Authority: O.C.G.A. § 2-7-90 et seq.

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

No uncertified person may lawfully apply, under any circumstances, any restricted use pesticide or any State restricted pesticide uses when the label for such pesticide or pesticide use or other restrictions imposed by the Commissioner require application only by a certified applicator. The uncertified person must be at least eighteen (18) years old, except that an uncertified person may be at least sixteen (16) years old if all requirements outlined in 40 CFR 171.201(b)(2)(iii) have been met.

Statutory Authority: O.C.G.A. § 2-7-90 et seq.

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

Before any uncertified applicator uses a restricted use pesticide under the direct supervision of the certified applicator, the supervising certified applicator must ensure that the uncertified applicator has met at least one of the following qualifications:

(a) The uncertified applicator has been trained in accordance with 40 CFR 171.201(d) within the last 12 months.

(b) The uncertified applicator has met the training requirements for an agricultural handler under 40 CFR 170.501 within the last 12 months.

(c) The uncertified applicator has met the requirements established by a certifying agency that meet or exceed the standards in 40 CFR 171.201(d).

(d) The uncertified applicator is currently a certified applicator but is not certified to perform the type of application being conducted or is not certified in the jurisdiction where the use will take place.

(e) Uncertified applicator training must be presented to uncertified applicators either orally from written materials or audio-visually. The information must be presented in a manner that the uncertified applicators can understand. The person conducting the training must be present during the entire training program and must respond to the uncertified applicators' questions

(f) The person who conducts the uncertified applicator training must meet one of the following criteria:

(1) Be currently certified as an applicator under the Georgia Pesticide Use and Application Act.

(2) Be currently designated as a trainer of certified applicators or pesticide handlers by EPA or the Department.

(3) Have completed an EPA-approved pesticide safety train-the-trainer program for trainers of handlers under 40 CFR part 170.

(4) For each uncertified applicator applying restricted use pesticides, the records must be maintained for two (2) years and contain the following information:

i. The uncertified applicator's printed name and signature.

ii. The date the training requirement was met.

iii. The name of the person who provided the training.

iv. The title or a description of the training provided.

Statutory Authority: O.C.G.A. § 2-7-90 et seq.

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

All applications of pesticides to landscapes, whether commercial or noncommercial, and whether to residential or nonresidential properties, with exemptions specified in subsection (e) below shall be subject to the following requirements:

(a) At the time of application, the Pesticide Contractor or other person responsible for the pesticide application shall post a sign, not to be removed until the day after the application, at the primary point(s) of entry to the treated area. 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.

(b) Sign specifications for all sites except golf courses shall include but need not be limited to the following requirements:

1. The sign must be at least 4" × 5" in size and made of sturdy, weather resistant material.

2. The printing shall be in contrasting colors to the background of the sign.

3. The bottom edge of the sign shall be eight (8) to twelve (12) inches above the ground.

4. The wording and format must include but need not be limited to the following:

(c) In lieu of the requirements for posting as specified in (a) and (b), golf courses treated with pesticides shall be posted as follows:

1. The sign must be at least 8" × 10" in size.

2. The printing shall be in contrasting colors to the background.

3. The sign must be posted at a conspicuous place in the golf shop, in the clubhouse, or at the first tee.

4. The wording and format must include but not be limited to the following:

PESTICIDE APPLICATION NOTICE

PESTICIDES ARE PERIODICALLY APPLIED

TO THIS GOLF COURSE

FOR ADDITIONAL INFORMATION, CONTACT

(name and telephone number)

(d) Upon completion of each application of pesticides, the Pesticide Contractor or other person responsible for the application shall leave a statement containing the following information at the residence, or in the case of a multi-unit residence with the property manager, or in the case of a public non-residential property with the owner, manager or custodian:

1. Address and/or description of area(s) treated.
2. Name and telephone number of company performing application.
3. Type of pesticide application performed – weed control, insect control, and/or disease control.
4. Application date.

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

(1). Applications made by a homeowner to the landscape at the homeowner's own single-family residence.

(2). 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 five (5) gallons or less.

Statutory Authority: O.C.G.A. § 2-7-97.

<u>Rule 40-21-9-.03 Vehicle Marking</u>

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 a contrasting background.

Statutory Authority: O.C.G.A. § 2-7-97.

Rule 40-21-9-.04. Exemptions

(1) No provision of this rule shall apply to applications involving injections of pesticides directly into plants, nor to applications made by the homeowner to the landscape at his single-family residence.

(2) No posting shall be required of any plants in interior landscapes which are treated with pesticides two (2) hours or more before the public has normal access to the area in which the plants are treated.

Statutory Authority: O.C.G.A. § 2-7-97.