Proposed Pesticide Rule and Regulation Changes

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Goal For Today

- Provide an overview of the major proposed changes to Georgia pesticide rules and regulations.
- Focus primarily on changes affecting commercial pesticide applicators and contractors.
- Highlight changes involving:
  - Certification
  - Recertification
  - Specialized categories
  - Supervision of uncertified applicators
  - Training
  - Recordkeeping
  - Posting and contractor requirements
- **Disclaimer:** Currently most of this items are proposed changes/updates and will have to go through the full process before being finalized.

Why Are the Rules Being Updated?

- **Federal Alignment**
  - Update certification and competency provisions to reflect current federal certification and training standards.
  - Clarify examination, identification, supervision, and training requirements.
  - Better align category-specific competency requirements with applicable federal standards.

- **Modernization**
  - Address modern pesticide application methods.
  - More clearly recognize unmanned aircraft systems and unmanned aerial vehicles within aerial application.
  - Clarify requirements for specialized pesticide activities.

- **Accountability and Documentation**
  - Strengthen expectations for:
  - Training verification
  - Supervision
  - Application records
  - Label-required compliance documentation

Commercial Certification and Examination Standards

- **Minimum Age**
  - An applicant for commercial applicator certification must be at least **18 years old**.

- **Examination Standard**
  - Applicants must demonstrate practical knowledge through a written examination.
  - A minimum score of **70 percent** is required.
  - Failed exams of the same type may only be retaken once a month or twice in a six-month period.
  - Examinations will address:
    - General competency standards
    - Category-specific competency standards
    - Any applicable subcategory standards

- **Identity Verification**
  - Applicants must present valid government-issued photo identification or other identification authorized by the certifying authority.
  - Identification serves as verification of both identity and age.

- **Examination Security**
  - Candidates must be monitored throughout the examination.
  - Candidates may not communicate with anyone other than the proctor.

Commercial Categories, Aerial Methods, and Fumigation

- **Aerial Methods**
  - Aerial Methods remains an add-on commercial category.
  - The applicator must also hold an appropriate additional pest-control category.
  - The proposed language expressly includes:
    - Fixed-wing aircraft
    - Rotary-wing aircraft
    - Unmanned aircraft systems
    - Unmanned aerial vehicles

- **Agricultural Commodity Fumigation**
  - Applies to commercial applicators applying or supervising the application of fumigants to raw or processed agricultural commodities.

- **Soil Fumigation**
  - Applies to commercial applicators applying or supervising fumigants applied to soil.
  - Applicators must demonstrate competency under the applicable federal soil fumigation standards.

- **Structural Pest Control Boundary**
  - The proposed rules continue to distinguish pesticide activities regulated under the Georgia Pesticide Use and Application Act from activities regulated under the Georgia Structural Pest Control Act.

Commercial Applicator Recertification and Renewal

- **Five-Year License Cycle**
- Commercial pesticide applicator licenses remain on a **five-year cycle**.
- Applicators must satisfy recertification requirements for each category they wish to retain.

- **Continuing Education Remains Category-Specific**
- Examples include:
  - Agricultural Plant: **10 hours**
  - Agricultural Animal: **6 hours**
  - Forest: **6 hours**
  - Ornamental and Turf: **10 hours**
  - Seed Treatment: **6 hours**
  - Aquatic: **10 hours**
  - Right-of-Way: **6 hours**
  - Industrial, Institutional, Structural and Health Related: **6 hours**
  - Public Health: **10 hours**
  - Mosquito Control: **10 hours**
  - Regulatory: **6 hours**
  - Antimicrobial Pest Control: **6 hours**
  - Soil Fumigation: **6 hours**
  - Agricultural Commodity Fumigation: **6 hours**

- **The 90-Day CEU Training Deadline Is Critical**
- Applicators using the continuing education pathway must complete all required CEUs at least **90 days before the license expiration date**.
- **If the 90-day CEU deadline is missed, reexamination is mandatory for renewal.**
- Once that training deadline is missed, the applicator may not rely on CEUs for that renewal cycle.
- A renewal examination may not be taken more than 90 days before the license expiration date but can be taken within that 90-day window to avoid a late fee penalty.
- After the License expiration date has passed, there is a 60-day window to renew your commercial applicator license, with the additional late fee. If renewal does not occur by that date, license will be cancelled.
- **All Training Completion Must Be Verifiable**
- Continuing education used for recertification must include a method of verifying successful completion.
- This applies to:
  - In-person courses
  - Online courses
  - Distance education
- Applicators recertifying by examination must present valid government-issued photo identification.
- Examination candidates must be monitored throughout the examination.
- **Specialized Categories**
  - Demonstration and Research and Aerial Methods may be incorporated into training hours associated with the underlying primary category.
  - Agricultural Commodity and Soil Fumigation is separately identified in the recertification requirements.

Supervising Uncertified Applicators

- **The Certified Applicator Remains Responsible**
  - An uncertified person may apply restricted-use pesticides or pesticides with State restricted uses only under the direct supervision of a certified applicator.
  - The uncertified applicator must work under specific written or oral instructions from the certified applicator.
  - The certified applicator remains responsible for the actions of persons working under that supervision.
  - The supervising applicator must be certified in each category or subcategory applicable to the pesticide use.
- **Direct Supervision Does Not Always Mean Physical Presence**
  - Unless the pesticide label or labeling requires otherwise, the certified applicator does not have to be physically present during every application.
  - The certified applicator must be available to the uncertified person within a reasonable time through normal means of communication.
- **Training Must Occur Before RUP Use**
- Before an uncertified applicator uses a restricted-use pesticide under supervision, the supervising certified applicator must ensure that the person has met an applicable training qualification.
- Qualifying pathways include:
  - Training meeting the federal uncertified-applicator standard
  - Qualifying agricultural-handler training
  - Training established by the certifying agency that meets or exceeds the applicable federal requirements
- **Training Delivery Requirements**
- Training may be presented:
  - Orally from written materials
  - Audio-visually
  - Information must be presented in a manner the uncertified applicator can understand.
  - The trainer must be present during the entire training program.
  - The trainer must respond to the applicator's questions.
- **Who May Conduct the Training?**
- The trainer may be:
  - A currently certified applicator under the Georgia Pesticide Use and Application Act
  - A person designated by EPA or the Department as a trainer of certified applicators or pesticide handlers
  - A person who has completed an EPA-approved pesticide safety train-the-trainer program for handlers under 40 CFR Part 170.
- **Training Must Be Documented**
- Training records must be retained for **two years** and include:
  - The uncertified applicator's printed name and signature
  - Date the training requirement was met
  - Name of the person who provided the training
  - Title or description of the training provided

Commercial Application and Compliance Records

- **Commercial Application Records**
- Required records include:
  - Date and time of application
  - Name and address of the person for whom the application was made
  - Location of the application site
  - Crop or target treated
  - Acreage or size of the area treated
  - Target pest
  - Product name
  - EPA registration number
  - Application rate
  - Total amount applied
  - Type of equipment used
  - Name of the applicator
  - Certification number of the applicator
  - Unexpected occurrences such as:
    - Spillage
    - Human exposure
    - Non-target animal exposure
    - Drift
    - Corrective or emergency action taken

- **Record Retention**
- Required pesticide application records must generally be maintained for **two years**.

- **Label-Required Compliance Documentation**
  - Documentation required by pesticide labeling must also be retained when it demonstrates compliance with label requirements.
  - This may include:
    - Required training documentation
    - Mitigation requirements
    - Applicable Bulletins Live! Two requirements
  - These records must generally be maintained for at least two years unless the label or another applicable law requires a longer period.

Posting, Information, and Vehicle Requirements

- **Landscape Posting**
- Landscape pesticide applications remain subject to posting requirements, except where *specifically exempted*.
- The proposal adds clarification for applications to larger common-use properties such as:
  - Multi-residence subdivisions, Townhome complexes, Condominium complexes, Apartment complexes, Recreation parks, and Similar locations
- In addition to posting all primary points of entry, posting would also occur at commonly used landscape areas/common areas that are treated.
  - Examples may include Athletic areas, Recreational turf, Playgrounds, Dog parks, Similar gathering areas

- **Post-Application Information**
- The responsible contractor or applicator must provide required information following the application to the appropriate:
  - Resident
  - Property manager
  - Owner
  - Manager
  - Custodian

- **Vehicle Marking**
- Vehicles and/or mobile equipment (Trailer) used in pesticide application business/service must be marked.
- This also applies to vehicles used to transport pesticide application equipment to an application site.
- Required markings include:
  - Business name or registered trade name
  - Pesticide contractor license number
  - Markings must appear on each side of the vehicle.
  - Lettering must be at least two inches high and displayed on a contrasting background.

Brief Private Applicator Changes

- Private applicators are not the primary focus of this presentation, but the broader proposal also includes changes affecting private certification.

- **Major Private Applicator Changes**
- Specialized private subcategories for:
  - Soil Fumigation
  - Agricultural Commodity Fumigation
  - Aerial Methods
- Private Aerial Methods does **not** authorize application for hire or work requiring commercial certification or a pesticide contractor license.
- Private applicators would be required to maintain records of restricted-use and State-restricted pesticide applications.
- Private applicator recertification requirements are also revised.
  - Increasing CEU requirements.

Key Takeaways and Next Steps

- **Know Your Category and Scope of Authority**
  - Understand which certification category applies to the work being performed.
  - Specialized activities may require additional certification.
- **Watch the 90-Day Recertification Deadline**
  - CEUs must be completed at least 90 days before expiration when using continuing education for recertification.
- **Missing the 90-Day Training deadline means *mandatory reexamination*.**
- **Supervision Carries Responsibility**
  - Supervising uncertified applicators involves more than simply being available.
  - Training, instructions, communication, and documentation are all important.
- **Documentation Matters**
  - Applicators should pay particular attention to:
    - Application records
    - Employee training records
    - Label-required documentation
    - Posting requirements
    - Contractor and vehicle identification
- **Final Point**
  - These are proposed changes. The purpose of this presentation is to make commercial applicators aware of the major provisions and allow time to prepare for potential changes if all the rules are adopted.

Public Notice and Synopsis should be posted this week.

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