

01 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

026 BOARD OF PESTICIDES CONTROL

Chapter 33: CERTIFICATION & LICENSING PROVISIONS/PRIVATE APPLICATORS OF GENERAL USE PESTICIDES

SUMMARY: These regulations describe the requirements for certification and licensing of private applicators using general-use pesticides to produce plants or plant products intended for human consumption as food, where the person applying the pesticides or the employer of the person applying the pesticides derives \$1,000 or more in annual gross income from the sale of those commodities.

SECTION 1. Competency Standards for Certification—Private Applicator of General Use Pesticides (Core exam)

- A. No person shall be certified as a private applicator of general-use pesticides unless the person has fulfilled requirements demonstrating knowledge of pest problems and pest-control practices, including, as a minimum, the ability to recognize common pests and the damage they cause, to understand the pesticide label and to apply pesticides in accordance with label instructions and warnings.
- B. Also required shall be knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides and the potential adverse effect of pesticides on plants, animals or humans.

SECTION 2. Certification Procedures for Private Applicators

A. Initial Certification

- 1. Any person seeking to be certified as a private applicator of general-use pesticides must pass a written core exam. The exam shall be closed book.
- 2. Exams may be taken at cooperating County University of Maine Cooperative Extension offices. Exams may also be offered at other locations designated by the Board staff or available on an appointment basis at the office of the Board.
- 3. **Examination Procedures.** All applicants shall comply with these rules or forfeit their opportunity to complete the exams at a specified appointment.
 - a. Applicants should be present and ready to take the exams at the appointed time.
 - b. Applicants shall not talk during the examination period.

- c. Applicants shall not be allowed to bring any books, papers, calculators or electronically stored data into the examining room. Pencils and work sheets will be provided and all papers shall be collected at the end of the period.
 - d. Applicants shall not make notes of the exams and shall not leave the table during an exam unless authorized by the staff.
4. **Qualification Requirements.** An applicant must achieve a passing score of 80 percent on the core exam.
- a. An applicant who fails the core exam may not retake that examination prior to ~~14~~ 6 days after the date of such failed examination. If an applicant fails again the applicant must wait ~~30~~ 6 more days before retaking the exam again.
 - b. Any applicant who violates any of the rules pertaining to examinations shall wait a minimum of 60 days before retesting.
5. Certification under this section will expire on October 31 of the third year after the date of successful completion of the exams and on October 31 of every third year thereafter unless a special restricted certification period is assigned by the Board or Board staff.

B. Recertification

1. Any person with a current valid certification may renew that certification by accumulating three recertification credits during the certification period described in Section 2(A)(5).
2. Recertification credits will be available through Board-approved meetings including, but not limited to, University or industry and trade organization seminars or workshops and approved home study courses where pest management topics are included.
3. Credit will be allowed for topics including, but not limited to:
 - a. Applicable laws and regulations;
 - b. Environmental hazards;
 - c. Calibration and new application techniques;
 - d. Label review;
 - e. Pesticide risk and applicator safety;
 - f. Pesticide storage and disposal;

- g. Pest identification, biology and management;
 - h. Integrated pest management;
 - i. Pesticide fate and drift management;
 - j. Risk communication; and
 - k. Public relations.
4. Persons organizing meetings for which they want credits awarded must contact the Board in writing at least 15 days in advance of the meeting and submit details of the pesticide topics, including titles and length of time devoted to them. Board staff will review program agendas and assign credit values. Board staff will monitor programs as time permits.
 - a. A minimum of one credit shall be assigned for each one hour of presentation on appropriate topics.
 - b. An individual who conducts a meeting for which the Board does assign recertification credits will be eligible for two credits for each one hour of presentation on appropriate topics.
 5. For in-state programs, each participant will complete an on-site process to verify attendance at each program for which credit is allowed. For electronic, correspondence or out-of-state programs, applicators must notify the Board about attendance and send a registration receipt or other proof of completion or attendance and a copy of the agenda or syllabus of the training provided. The agenda or syllabus must show the length of each presentation and describe what was covered.
 6. A person who fails to accumulate the necessary credits will have to take the most current exam required for initial certification.

SECTION 3. Licensing

- A. **Application.** Application for a private applicator of general-use pesticides license shall be on forms provided by the Board. Information shall include name, Social Security number, mailing address, farm name, location, telephone number and major crop(s).
- B. **Fee.** At the time of application, the applicant must tender the appropriate fee as follows:
 1. For a private applicator of general-use pesticides license—\$15.00 per person.
 2. For replacement or alteration—\$5.00.
- C. **Expiration.** Private applicator of general-use pesticides licenses are issued on a three-year basis and will expire on October 31 of the third year.

- D. **Decision.** Within 60 days of receipt of application by the Board, unless the applicant agrees to a longer period of time, the Director shall issue, renew or deny the license. The Director's decision shall be considered final agency action for purposes of 5 M.R.S.A. §11001 *et seq.*
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STATUTORY AUTHORITY: 22 M.R.S. §1471-D(2-D), 22 M.R.S. §1471-M(1)(C-1)

EFFECTIVE DATE:

December 26, 2011 – filing 2011-474

CORRECTIONS:

February, 2014 – agency names, formatting