

Texas Administrative Code

<u>TITLE 4</u>	AGRICULTURE
<u>PART 1</u>	TEXAS DEPARTMENT OF AGRICULTURE
<u>CHAPTER 7</u>	PESTICIDES
<u>SUBCHAPTER C</u>	LICENSING
RULE §7.21	Applicator Certification

Category 13

(13) Border mosquito control: for pesticide applications made for the limited purpose of vector mosquito control only in a county located along the international border with Mexico by an applicator who is an employee of a federal, state, county, city, mosquito or vector control district or other political subdivision, or a person working under the direct supervision of a pesticide applicator who is an employee of a federal, state, county, city, mosquito or vector control district or other political subdivision. An applicator who is licensed in this category shall have their license expire immediately upon separation of employment if a passing score in another category is not achieved prior to the date separation of employment from the political subdivision. This excludes employees transferring from one political subdivision to another in a county along the international border with Mexico.

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RULE §7.21	Applicator Certification

(a) Certification of Applicators. The department may certify pesticide applicator licensees and applicants for a license in the following license use categories and subcategories. An individual who is certified in a particular category is authorized to purchase, apply, or supervise the use of restricted use pesticides, state limited use pesticides or regulated herbicides described by that category subject to agency orders, Chapter 76 of the Texas Agriculture Code and federal law.

(1) Agricultural pest control: pesticide applications made to agricultural land as specified in the following subcategories:

(A) field crop: to control insects, diseases, weeds, or other pests of field crops, or the use of harvest aid pesticides in the production of field crops such as cotton, grains, oilseed crops, crops grown for seed, or crops harvested for animal feed (hay) or forage. This category does not include pesticide applications covered in category 1D (vertebrate control) or category 11 (soil fumigation);

(B) fruit, nut and vegetable: to control insects, diseases, weeds, or other pests, or the use of harvest aid pesticides, in the production of non-citrus fruit (category 1G Citrus Pest Control), nut and vegetable crops. This category does not include pesticide applications covered in category 1D (vertebrate control) or category 11 (soil fumigation);

(C) pasture and rangeland: to control insects, diseases, weeds, or other pests of field crops, agricultural pastures, rangeland, or adjacent riparian or natural areas, and may include applications to pasture or rangeland vegetation that is harvested for animal feed (hay). This category does not include pesticide applications covered in category 1D (vertebrate pest) or category 11 (soil fumigation);

(D) vertebrate pest: to control vertebrate pests affecting agricultural production of field, fruit, nut or vegetable crops, in turf, pastures, rangeland, riparian or natural areas, rights of ways, parks, or crops/vegetation to be harvested for animal feed. This category does not include the use of a sodium cyanide M-44 device (category 1I) or Compound 1080 Livestock Protection Collar (category 1H). Certification in this category requires prequalification as determined by the department;

(E) farm commodity pest control: to apply pesticides (including commodity fumigants) to stored raw agricultural commodities on the farm, in a public or private confined storage facility or container, in an open storage platform or vehicle, or to agricultural equipment used to transport raw agricultural commodities, to control pests of a stored agricultural product or a pest subject to a state or federal quarantine requirement;

(F) animal health: to control external parasites or pests of agricultural animals including applications of pesticides to, in, or on any area, facility, or vehicle used for the housing, maintenance, or transportation of an agricultural animal;

(G) citrus: to control insects, diseases, weeds, or other pests in the production of citrus plants or citrus fruit. This category does not include the pesticide applications covered in category 1D (vertebrate control) or category 11 (soil fumigants);

(H) livestock protection collar: for the use of a livestock protection collar containing sodium fluoroacetate (Compound 1080) for predator control in the protection of livestock. Specialized training provided by the department is a prerequisite for this category;

(I) M-44 device: for the use of a M-44 device for the control of wild or feral canids in the protection of livestock. Specialized training provided by the department is a prerequisite for this category;

(2) Forest pest control: to apply pesticides in forests, forest nurseries and forest seed production;

(3) Lawn and ornamental plant pest control; and

(A) landscape maintenance: to control pests in the establishment or maintenance of lawns or ornamental plants grown for function or aesthetic purposes in landscapes, such as athletic fields, residential properties, industrial sites, golf courses, parks, and cemeteries. This category does not include the pesticide applications covered in category 1D (vertebrate control) or category 11 (soil fumigation); and

(B) nursery plant production: to control pests in the production of ornamental plants or other nursery stock and commercial turf. This category includes plants in field production, greenhouses, shade houses, or similar structures. This category does not include pesticide applications covered in category 1D (vertebrate control) or category 11 (soil fumigants);

(4) Seed treatment: to control pests by treating seed prior to distribution or planting. This category is not required for planter box applications if the applicator is certified in the appropriate agricultural category or is a private applicator;

(5) Vegetation management: to control unwanted plant growth in rights-of-way, in the maintenance of roads, parking lots, utility lines, wind generator sites, pipelines, railways, airports, public surface drainways and ditches, industrial sites including oil field sites, adjacent riparian or natural areas and includes public sewer root control;

(6) Aquatic: to control aquatic weeds or other aquatic pests including aquatic animals, microbes or other pests and may include pesticide applications to adjacent riparian or natural areas when water is present. Does not include public health pest control (vector control) category 12;

(7) Demonstration and research: for demonstration or research purposes when using restricted use pesticides, numbered compounds, any pesticide not registered by U.S. Environmental Protection Agency (unless exempt from registration under FIFRA Section 25(b)), or any pesticide used in a manner inconsistent with the label directions. No additional categories required;

(8) Regulatory pest control: for applications of pesticides when implementing a regulatory program such as a plant pest quarantine, invasive weed control, or other regulated activity conducted by a state, federal or other political subdivision. This category does not include pest control category 12 (public health pest control (vector control));

(9) Aerial application: The use of a pesticide applied by aircraft to any crop or site. In addition to certification in this category, certification in one or more of the appropriate use categories is required;

(10) Category unassigned;

(11) Soil fumigation: to apply fumigant pesticides to soil environments. This category is available for all pesticide license types and meets the pesticide product label requirement for EPA approved soil fumigant training. Private applicators may apply soil fumigant pesticides without adding this category, however additional EPA approved training stipulated on the use directions of a soil fumigant pesticide label must be met;

(12) Public health pest control (vector control): for pesticide applications made for the purpose of treating, repelling, mitigating, or otherwise controlling any non-human organism that is, or may be, a vector of human disease by a pesticide applicator who is an employee of, or an independent contractor for, a federal, state, county, city, mosquito or vector control district or other political subdivision, or a person working under the direct supervision of a pesticide applicator who is an employee of, or an independent contractor for, a federal, state, county, city, mosquito or vector control district or other political subdivision; and

(13) Border mosquito control: for pesticide applications made for the limited purpose of vector mosquito control only in a county located along the international border with Mexico by an applicator who is an employee of a federal, state, county, city, mosquito or vector control district or other political subdivision, or a person working under the direct supervision of a pesticide applicator who is an employee of a federal, state, county, city, mosquito or vector control district or other political subdivision. An applicator who is licensed in this category shall have their license expire immediately upon separation of employment if a passing score in another category is not achieved prior to the date separation of employment from the political subdivision. This excludes employees transferring from one political subdivision to another in a county along the international border with Mexico.

(b) Private Applicators.

(1) Producers of agricultural commodities who complete a Texas A&M AgriLife Extension or other department approved training program for private applicators and obtain a passing score on the private applicator test may be certified in each of the categories and subcategories listed in subsection (a)(1)(A) - (G), (2), (3), (4), (6) and (10) of this section. A private applicator may be certified as an aerial applicator by obtaining a passing score on the aerial applicator category test. Private applicators will be charged an exam administration fee of \$64 for initial testing or retesting. The fee will not be in excess of expenses directly related to recovery of costs for administration of examinations.

(2) The department may allow an entity other than Texas A&M AgriLife Extension to conduct private applicator certification training if the training program:

(A) has significant educational or practical content to maintain appropriate levels of competency;

(B) consists of at least three hours of net instruction time;

(C) complies with all applicable federal and state laws including the Americans With Disabilities Act (ADA) requirements for access to training programs; and

(D) is submitted to the department for review and is approved prior to training.

(3) An approved training program may include lectures, panel discussions, organized video or film with live instruction or other activities approved by the department.

(4) Private applicator certification training program content must include, but is not limited to:

- (A) recognition of common pests to be controlled and the damage caused by them;
 - (B) reading and understanding laws and regulations and label and labeling information, including the common name of the pesticide to be applied, pest to be controlled, application timing and methods, safety precautions, pre-harvest or reentry provisions and any specific disposal procedures;
 - (C) application of pesticides in accordance with label instructions and warnings, including the ability to prepare the proper pesticide concentration to be used under particular circumstances taking into account such factors as area to be covered, speed at which application equipment will be driven and the quantity dispersed in a given period;
 - (D) recognition of local environmental situations that must be considered during application to avoid contamination;
 - (E) recognition of poisoning symptoms and procedures to be followed in case of a pesticide related accident; and
 - (F) recognition and identification of Integrated Pest Management (IPM) strategies applicable to the agricultural operation.
- (5) The department may deny, revoke, or refuse to renew approval for any or all private applicator training programs or sponsors if the sponsor fails to provide to the department, upon request, records of training; fails to provide the quality of training approved by the department; or fails to comply with any other requirements that are a basis for approval or that are a part of these rules.
- (6) The department may request prior notification of any scheduled training programs to be offered by the sponsor.
- (7) Each training program must be approved by the department. No activity may claim to be approved or accepted by the department or use any other such term that would lead a person to believe that it has been approved by the department unless it is so approved.
- (8) Each training program shall be approved for one calendar year only.
- (9) Department personnel may monitor all approved private applicator training programs, and all fees charged by the sponsor shall be waived for department personnel who monitor the training program.
- (10) Upon completion of private applicator training, the sponsor shall direct trainee(s) to the department for testing.
- (11) In order for a private applicator training course to be approved by the department, the sponsor must:
- (A) submit a completed department-prepared application form;
 - (B) provide any additional material relevant to the activity which is requested by the department; and
 - (C) submit the application and information required by the department at least 30 days in advance of the first date of the activity. The department may waive the 30-day provision providing all other requirements are met. The department will respond to the sponsor within ten days of receipt of the application and approve, reject, or request additional information.
- (12) Sponsors who wish to continue course approval must file for renewal annually on a form prepared by the department.