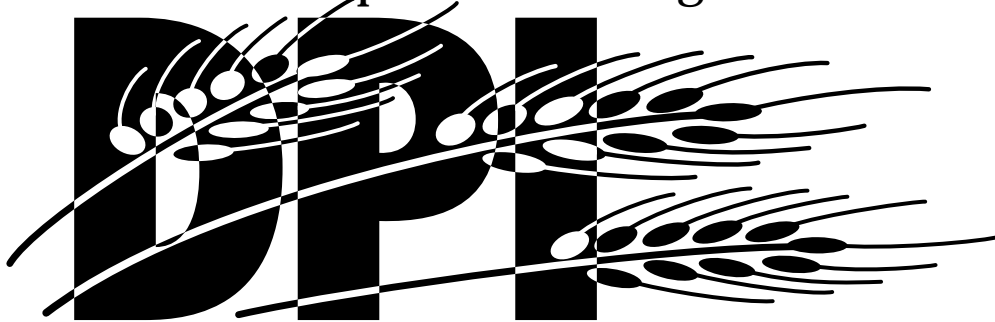


Colorado Department of Agriculture



DIVISION OF PLANT INDUSTRY

TITLE 35 ARTICLE 10

RULES AND REGULATIONS
PERTAINING TO THE
ADMINISTRATION AND
ENFORCEMENT OF THE
PESTICIDE APPLICATORS' A
CT

COLORADO DEPARTMENT OF AGRICULTURE
Division of Plant Industry
700 Kipling Street, Suite 4000
Lakewood, Colorado 80215-5894

**PESTICIDE APPLICATOR'S ACT
RULES AND REGULATIONS**

TABLE OF CONTENTS

Part 1.	Definition and Construction of Terms	1
Part 2.	The Licensing System	2
Part 3.	Examination	8
Part 4.	Continuing Education Requirements	9
Part 5.	Technician Training	14
Part 6.	Records	25
Part 7.	Business Practices, Equipment Identification, Notices	26
Part 8.	Agricultural Applicators	27
Part 9.	Ornamental Applicators	30
Part 10.	Structural Applicators	32
Part 11.	Storage	34
Part 12.	Registry of Pesticide-Sensitive Persons	35
Part 13.	Notification of Pesticide Applications	36
Part 14.	Invoice Statement	36
Part 15.	Enforcement	36

COLORADO DEPARTMENT OF AGRICULTURE
RULES AND REGULATIONS
PERTAINING TO THE ADMINISTRATION
AND ENFORCEMENT OF THE
PESTICIDE APPLICATORS' ACT

PART 1. DEFINITION AND CONSTRUCTION OF TERMS.

1.01. As used in these rules, the singular includes the plural, the masculine gender includes the feminine and neuter, and vice versa. All terms used in these rules shall have the meaning set forth for such terms in the Act.

1.02. As used in these rules, unless the context otherwise requires:

(a) "Abut" means to join to be contiguous, as where no other land, road, or street intervenes; "abut" includes two property sites that would otherwise be considered abutting, but for the fact that such sites are separated by an alley. As used herein, "alley" means a passage way within a block set apart for public use, vehicular travel, and local convenience to provide a secondary means of access to the rear or side of abutting lots or buildings.

(b) "Category" shall include any sub-category thereof.

(c) "Engaged in the business of applying pesticides for hire" means: the evaluation of pest problems; the recommendation of pest controls and evaluation of results; the mixing, loading or application of pesticides; and/or the soliciting, advertising, offering or contracting to do any of the above, in return for money or anything of value, including goods or services. Notwithstanding anything to the contrary in the foregoing, the rendering of consultation services by an individual in evaluating pest problems, recommending pest controls and/or evaluating results, shall not be deemed to constitute the application of pesticides for hire, if said individual is not affiliated with, or soliciting business for, any person or business entity which performs the mixing, loading or application of pesticides.

(d) "Fumigant" means any substance which by itself or in combination with other substances emits or liberates a gas or gases, fumes or vapors, and which gas or gases, fumes or vapors when liberated and used will destroy vermin, rodents, insects, and other pests, but are usually lethal, poisonous, noxious, or dangerous to human life.

(e) "Proof of medical justification" means a statement signed by a physician licensed to practice medicine in Colorado pursuant to Article 36 of title 12, C.R.S. which states

I certify that the individual named above is a patient of mine and should be placed on the list of pesticide sensitive individuals. This individual has a documented sensitivity to certain pesticides and should not be exposed to them because of the reason(s) described below:

(f) "Property damage" includes, but is not limited to, injury to domestic animals, livestock and economically important insects.

(g) "Structure" means any building, regardless of its design or the type of material used in its construction, whether public or private, vacant or occupied, the foundation thereof, and the adjacent out-side areas, and shall also include but shall not be limited to warehouses, trucks, boxcars, boats, airplanes, other vehicles, or the contents thereof, and fumigation vaults.

(h) "Use" means any and all aspects of the handling of pesticides from the time a pesticide container is opened until disposal of the pesticide container, including without limitation, the mixing, loading, application, spill control, and disposal of a pesticide or its container.

(i) "To use any pesticide in a manner inconsistent with labeling directions or requirements" includes, but is not limited to, for termiticides only, the use of a termiticide at any concentration less than that stated on the labeling.

PART 2. THE LICENSING SYSTEM.

Subpart A - Commercial applicators

2.1. A person engaged in the business of applying pesticides must be licensed as a commercial applicator under the Act. To be licensed or to renew a license as a commercial applicator, any designated qualified supervisor(s) must be licensed in good standing in the category for which a commercial applicator's license is sought.

2.2. A person not engaged in the business of applying pesticides is not required to be licensed as a commercial applicator under the Act. For example, a person who evaluates and/or recommends pest-controls while not engaging in the business of applying pesticides or working for a person who engages in the business of applying pesticides is not required to be licensed under the Act.

2.3. Each applicant for a license shall submit a signed, complete, accurate, and legible application, on a form provided by the Commissioner, which shall include, at a minimum: the name and address of the business, the name under which the business will operate (the doing business as name), the name of the person who is the primary contact, the address and telephone number of the location where the applicator records are to be kept, the name and identification numbers of all qualified supervisors employed or designated by the business, and any other information required on the form.

2.4. In addition to the form approved by the commissioner, each applicant for a license or applicant for renewal of a license, shall submit the license fee set by the commissioner. If the license fee does not accompany the application, the application for license or renewal of a license may be denied.

2.5. Each person applying as a corporation or other entity, shall submit a certificate of good standing from the secretary of state.

2.6. Each applicant shall submit to the Commissioner the name under which the business will operate. if the licensee operates under more than one name, each such name shall be listed with the Commissioner.

2.7. Beginning with license year 1994, the annual license fee for commercial applicators shall be \$350.00.

2.8. Each applicant for renewal of a license shall annually submit a signed, complete, accurate, and legible application on a form provided by the Commissioner, which shall include, at a minimum: the name and address of the business, the name of the person who is the primary contact, the address and telephone number of the location where the applicator records are to be kept, the name and identification numbers of all qualified supervisors employed by the business, and any other information required on the form.

2.9. Each applicant for a license shall file evidence of liability insurance on forms provided by the Commissioner.

2.10. Each applicant for renewal of a license in the structural categories, Part 10.01, shall have on file at the time of submission of an application for renewal of a license evidence of liability insurance which is in force at the time of application.

2.11. Each commercial applicator shall have on file with the Commissioner evidence of liability insurance on forms provided by the Commissioner at the time any pesticide application is performed.

2.12. If a licensee's business operation at any one location is so extensive that one individual cannot adequately supervise all pest control recommendations, soliciting, mixing, loading, and applications of pesticides, more than one qualified supervisor must be employed by the licensee.

2.13. A commercial applicator who conducts such business at two or more business locations shall obtain a license for each location at which it employs one or more permanent employees engaged in the application of pesticides for hire. For purposes of this paragraph, "business locations" means any physical location at or through which the functional operations, of business regularly occur, including, but not limited to, financial transactions, arrangement of contracts, or assignment of work, and excluding buildings or locations used solely for storage of equipment or supplies or telephone answering services.

2.14. A commercial applicator may not apply pesticides aurally without an endorsement on its license by the Commissioner permitting such applications. In order to obtain such endorsement, the applicant or licensee shall present evidence that at least one pilot employed or to be employed by said applicant, currently holds a commercial agricultural aircraft operator certificate issued by the Federal Aviation Administration, U.S. Department of Transportation, pursuant to 14 CFR, part 137. If the employment of said pilot or pilots is terminated for any reason, the Licensee shall immediately cease aerial application of pesticides unless and until it is in compliance with this rule.

2.15. A business not engaged in the business of applying pesticides for hire, and not licensed under the Act, may enter into a contract which incidentally requires one or more pesticide applications. Examples of such contracts, but not by way of limitation, are maintenance and paving contracts. If such business hires a licensed commercial applicator to perform the pesticide application as a subcontractor, then the primary contractor need not itself be licensed under the Act. If the primary contractor does not hire a licensed commercial applicator to perform such applications, then the primary contractor must obtain a license prior to entering into the primary contract. The absence of a provision in the contract which states that the contractor will subcontract with a licensed commercial applicator, to perform the pesticide application(s) called for in the contract, shall be evidence that the contractor itself intends to perform the applications.

2.16. A commercial applicator not licensed in a category ("contractor") may enter into a contract with a customer to perform pesticide applications in said category if the contractor intends to subcontract with a commercial applicator licensed in said category ("subcontractor") to perform the pesticide application in that category. In this case, the subcontractor shall be responsible for all aspects of the application. If the contractor hires the subcontractor to perform the pesticide application, then the contractor need not itself be licensed in the category. If the contractor does not hire a subcontractor to perform such applications, then the contractor must obtain a license in said category prior to entering into any contract with a customer for any pesticide application in said category. The absence of a provision in the contract with the customer which states that the contractor will subcontract with a subcontractor licensed to perform the pesticide application(s) called for in the contract, shall be evidence that the contractor itself intends to perform the applications.

2.17. A commercial applicator licensed in a category ("contractor") may enter into a contract with a customer to perform pesticide applications in said category. The contractor may subcontract with another commercial applicator licensed in the same category ("subcontractor") to perform the pesticide application under the primary contract. In this case, both the contractor and subcontractor shall be responsible for all aspects of the application. For example and not by way of limitation: both applicators are required to keep records of the application; both applicators are responsible for any notification required under the act or these rules; and both applicators are responsible for the proper application of any pesticides.

Subpart B - Limited commercial applicators and public applicators

2.18. Any person who in the course of conducting a business only in or on property owned or leased by the person or the person's employer ("limited commercial applicator") is engaged in applying restricted use pesticides, and any agency of the state, any county, city and county, or municipality, or any other local governmental entity or political subdivision ("public applicator") which applies restricted use pesticides shall register with the commissioner.

2.19. An entity which does not apply restricted use pesticides but otherwise qualifies as a limited commercial applicator or a public applicator may submit to the jurisdiction of the Commissioner by submitting a signed form acknowledging their submission to the jurisdiction of the Commissioner.

2.20. A limited commercial applicator or public applicator which exclusively applies general use pesticides is not required to register with the Commissioner unless they have so designated in accordance with § 2.19.

2.21. Any limited commercial applicator or public applicator registered pursuant to the Act and these rules shall be governed by the Act and these rules for all pesticide applications including those involving general use pesticides.

2.22. The limited commercial applicator or public applicator shall designate on its application one or more individuals, who are or will be employed by it in the capacity of qualified supervisor\$ to take the examination for each category and subcategory for which the registration is sought.

2.23. To be registered as a limited commercial applicator or public applicator, the designated qual

ified supervisor must be licensed in good standing and must meet all qualifications including, but not limited to, the experience and/or educational qualifications set forth in these rules for each of the categories in which he will take the examination. For purposes of this section, the term "good standing" includes but is not limited to, the fact that the qualified supervisor's license has not expired pursuant to § 35-10-116 (1), C.R.S.

2.24. Each applicant for a registration shall submit a signed, complete, accurate, and legible application, on a form provided by the Commissioner, which shall include, at a minimum: the name and address of the applicant, the name of the person who is the primary contact, the address and telephone number of the location where the applicator records are to be kept, the name and identification numbers of all qualified supervisors employed by the applicant, and any other information required on the form.

2.25. In addition to the form approved by the commissioner, each applicant for registration, shall submit the registration fee set by the commissioner. If the registration fee does not accompany the application, the application for registration may be denied.

2.26. Each person applying as a corporation or other entity, shall submit a certificate of good standing from the secretary of state.

2.27. The registration required pursuant to the Act shall expire on December 31 of the same year the registration is granted.

2.28. A limited commercial applicator or a public applicator may not apply pesticides aerially without an endorsement on its registration by the Commissioner permitting such applications. In order to obtain such endorsement, the limited commercial applicator or a public applicator shall present evidence that at least one pilot employed or to be employed by said limited commercial applicator or a public applicator, currently holds a commercial agricultural aircraft operator certificate issued by the Federal Aviation Administration, U.S. Department of Transportation, pursuant to 14 CFR, part 137. If the employment of said pilot or pilots is terminated for any reason, the limited commercial applicator or a public applicator shall immediately cease aerial application of pesticides unless and until it is in compliance with this rule.

2.29. A limited commercial entity or a public entity may designate separate sections, divisions, agencies, or their equivalent to be registered.

2.30. If a limited commercial applicator's or a public applicator's operation at any one location is so extensive that one individual cannot adequately supervise all pest control recommendations, soliciting, mixing, loading, and applications of pesticides, more than one qualified supervisor must be employed by the limited commercial applicator or a public applicator.

2.31. If before the expiration of a registration, a limited commercial applicator or public applicator wants to withdraw registration, said applicator may withdraw from registration. Notice of withdrawal must be in writing and is not effective until 10 days from receipt by the Commissioner. If before the original expiration of a registration the applicator wants to be registered, the applicator must submit a new application and submit a new registration fee.

Subpart C - Qualified supervisors and certified operators

2.32. A person working for a person who is or should be licensed as a commercial applicator, limited commercial applicator, or public applicator and who without supervision, evaluates pest problems, or recommends pest controls using pesticides or devices, or mixes, or loads, or applies any pesticide, or sells application services, or operates devices, or supervises others in any of these functions must be licensed as a qualified supervisor.

2.33. A person who applies any restricted use pesticide without the on site supervision of a qualified supervisor must be licensed as a certified operator.

2.34. Each applicator for a license or renewal of a license shall complete and file with the Commissioner an application, prior to the date of expiration of any current license on a form furnished by the Commissioner, and which contains, at a minimum, the following: the applicant's identification number, if any, his or her name, the name, address, telephone number, and license or registration number of his or her employer, if any, and any other information required on the form.

2.35. The Commissioner may require verification of any facts, including but not limited to, any experience or education claimed on any application, and may investigate the truthfulness and accuracy of any and all information submitted by an applicant.

2.36. Upon a showing of exceptional circumstances by an applicant, the Commissioner may waive part of the experience requirements specified in these rules. The Commissioner may accept, with sufficient verification, valid relevant field experience obtained in this state or any other state.

2.37. Each applicant for license as a qualified supervisor or certified operator, shall take and pass a general examination and any examinations required for the category for which the applicant has applied.

2.38. Repealed.

2.39. Except as provided in § 2.46 of these rules, each applicant for a license as a qualified supervisor or certified operator shall pay a fee to be determined by the Commissioner. Said fee must be paid separately from any other fee, including but not limited to, any fee for examination as a qualified supervisor or certified operator or any fee for licensure as a commercial applicator.

2.40. The qualified supervisor(s) employed by a licensee shall be responsible for the complete supervision of all pest control recommendations, soliciting, mixing, loading, and application of pesticides for the licensee.

2.41. The anniversary date of a qualified supervisor's license or certified operator's license shall be the birthdate of the licensee.

2.42. Repealed.

2.43. Both qualified supervisors and certified operators will be licensed by category and must take and pass both a general exam and a category specific exam.

2.44. In order for a licensed qualified supervisor or licensed certified operator to become licensed in additional categories, the applicant must take and pass the examination in the new category.

2.45. If a qualified supervisor possesses all of the qualifications for licensure as a qualified supervisor in an additional category for which such person is not licensed, except for the required experience, such person shall be licensed as a certified operator in such additional category without payment of the application fee for the certified operator's license.

2.46. If a licensed qualified supervisor or licensed certified operator applies for licensure in an additional category, said qualified supervisor or certified operator shall not be required to pay an additional application fee for licensure in a new category. The applicant shall be required to pay an examination fee.

2.47. Any category added after the qualified supervisor or certified operator is originally licensed or renewed shall expire on the date of expiration of the original license.

2.48. In order to qualify for renewal of a license, any licensed qualified supervisor or licensed certified operator must either take and pass the general exam and any category specific exams for his category or complete any continuing education required pursuant to part 4 of these rules. Any renewal of a license shall be determined on a category basis.

2.49. An individual certified or licensed by another jurisdiction as a commercial pesticide applicator may become a certified operator in Colorado without passing any examination, but only for the unexpired term of the certification or license issued by such other jurisdiction. Application for such licensure shall require proof of current certification or licensure in good standing in the other jurisdiction and payment of an application fee pursuant to § 2.39. Any application for licensure pursuant to this section may be denied for any reason other than passage of any exam. If issued, said license shall expire on the expiration date of the certification or license issued by the other jurisdiction. Upon the expiration of the license issued pursuant to this section, the individual may renew the certification or license issued by the other jurisdiction and re-apply to become a certified operator in Colorado as permitted by this § 2.49, or apply for a license in Colorado and satisfy all requirements therefor, including, but not limited to, taking and passing each examination applicable to such licensure.

2.50. The provisions of the Pesticide Applicators' Act and of these rules requiring a certified operator's license will not be enforced against an individual if:

(a) The individual is a new employee of the commercial applicator, limited commercial applicator, or public applicator;

(b) The individual successfully completes the examination incorporated into the "Private Pesticide Applicator's Training Manual, U.S. Environmental Protection Agency Region VIII" prior to using any pesticide for which licensure as a certified operator is required by these rules or the Pesticide Applicators' Act;

(c) The commercial applicator by whom the individual is employed notifies the Commissioner within 3 working days of the individual's status; and

(d) The individual completes examination for a license as a certified operator within 14 working days from the date of initial employment by the commercial applicator.

PART 3. EXAMINATION.

3.1. The Commissioner administers a general examination and an examination in each category established by these rules. Each examination is for the purpose of licensing as a qualified supervisor or as a certified operator. An individual may take such examinations for the purpose of obtaining a license.

3.2. Each applicant for examination shall file an application for examinations on a form provided by the Commissioner and shall pay a fee to be determined by the Commissioner. Said fee must be paid separately from any other fee, including but not limited to, any fee for application for licensure as a qualified supervisor or certified operator or any fee for licensure as a commercial applicator.

3.3. Examinations shall be taken at those hours, and at those locations announced by the Commissioner.

3.4. Each applicant shall be required to obtain the grade designated as passing on each section of the examination(s) under which he wishes to qualify. All examinations shall be graded uniformly.

3.5. Each applicant for examination shall complete an identification form, provided by the Commissioner, for the Commissioner's use in identifying persons who take the examinations. The information on the identification form shall consist of that which is reasonably necessary or appropriate for ensuring the integrity of the examination process, such as the physical description of the applicant.

3.6. Examinations shall be graded without reference to the application or personal identification forms which have been completed by the applicant.

3.7. The Commissioner shall keep an applicant's test results on file for a period of one year from the date of examination. Such results may be used by an applicant for licensing during that period of time. If an applicant fails to complete the licensing process within one year of the examination date, he shall be required to take new examinations in all applicable categories in which he wishes to be licensed.

3.8. The Commissioner may furnish, for a fee, study guides for the use of persons preparing for the examinations given under the Act. The fees for this material shall be sufficient to cover the cost of printing and postage.

3.9. No applicant or licensee shall remove any examination question or answer sheets from the room where the examination is given, nor shall any applicant or licensee cause the nature of any examination question or answer to be disseminated to any person not employed by the Commissioner by any means whatsoever.

PART 4. CONTINUING EDUCATION REQUIREMENT.

Subpart A - General

4;1. In order to renew a license without examination, each qualified supervisor and each certified operator shall obtain the following credits prior to the expiration of his license:

- (a) 2 credits in the subject area of applicable state, federal, and local laws and regulations;
- (b) 1 credit in the subject area of pesticides and their families;
- (c) 1 credit in the subject area of applicator safety;
- (d) 1 credit in the subject area of public safety;
- (e) 1 credit in the subject area of environmental protection;
- (f) 1 credit in the subject area of use of pesticides;

(g) 1 credit for each licensed category in the subject area of pest management except for Residential/Commercial Pest Control which requires 2 credits in the subject area of pest management. (This version of § 4.1 shall expire on January 1, 1998.)

4.1. In order to renew a license without examination, each qualified supervisor and each certified operator shall obtain the following credits prior to the expiration of his license:

- (a) 2 credits in the subject area of applicable state, federal and local laws and regulations;
- (b) 1 credit in the subject area of pesticides and their families;
- (c) 1 credit in the subject area of applicator safety;
- (d) 1 credit in the subject area of public safety;
- (e) 1 credit in the subject area of environmental protection;
- (f) 1 credit in the subject area of use of pesticides;

(g) 1 credit for each licensed category in the subject area of pest management except for those categories described in subsection (h) of this § 4.1 below.

(h) 2 credits for each of the following licensed categories: residential/commercial pest control, turf pest control and ornamental pest control. (This version of § 4.1 shall be effective on January 1, 1998.)

4.2. In order for a qualified supervisor or a certified operator attending a course to receive relicensing or continuing education credit:

- (a) the course must be approved in advance by the Commissioner;
- (b) request for approval must be in writing;
- (c) requests for approval must be submitted by the sponsors;
- (d) requests for approval must be submitted no less than fifteen days prior to the course; and

(e) requests for approval shall include the proposed agenda, the identity of all speakers at pertinent course(s) and a synopsis of the topics to be addressed in each course for which credit is being requested.

4.3. If the Commissioner's approval of the course has been received at least sixty days prior to the course date, the Commissioner will notify applicators of the approval for continuing education credits. The Commissioner will not provide notification of such approval if the request for its approval was received less than sixty days prior to the course.

4.4. The list of those attending each approved course shall be sent by the sponsor to the Commissioner no later than 7 days after the conclusion of the course. It is the individual's responsibility to confirm that his name appears on the attendance list when he attends an approved course.

4.5. A course will be approved as a workshop for relicensing purposes prior to December 31, 1992 if, in the opinion of the Commissioner, it adequately covers at least one topic from the following subject areas: (Subject areas are indicated by letters and topics by numbers.) (This version of § 4.5. shall expire on January 1, 1993.)

4.5. A course will be approved for continuing education credit if, in the opinion of the Commissioner, it covers at least one topic from the following subject areas adequately to justify the approval for credit. (Subject areas are indicated by subparts and topics by section numbers.) (This version of § 4.5. shall be effective on January 1, 1993.)

Subpart B - Applicable state, federal, and local laws and regulations

4.6. State, federal and local regulations dealing with: pesticides, application, disposal, notification, transportation, registration, uses, licensing, worker protection, endangered species, storage, residues and tolerances, emergency planning and right to know, advertising, record keeping, business practices, insurance, training standards, supervision, agricultural chemicals and groundwater, or consumer protection.

4.7. Compliance problems/actions, analysis of most frequent violations, and discussions of specific problems and actions.

Subpart C - Pesticides and their families

- 4.8. Pesticide label and labeling including: label requirements, label terminology, and effect of failure to comply with label requirements.
- 4.9. Pesticides in general including: families and types, mode of action, and other properties.
- 4.10. Formulation of pesticides: types, properties, limitations, toxicity, dilution, mixing, and uses.
- 4.11. Semiochemicals for pest detection and control.
- 4.12. Adjuvants and additives.
- 4.13. Specific pesticide characteristics and concepts including: compatibility, synergism, persistence, environmental fate, resistance, mode of action (contact, systemic, etc.), mobility, leachability, potential for biological concentration and/or accumulation, volatility, solubility, inert ingredients and/or carriers, and phytotoxicity.
- 4.14. National trends on pesticide problems.

Subpart D - Applicator safety

- 4.15. Safe use of pesticides by the applicator including: label requirements, transportation, mixing, loading, disposal, equipment cleanup, spill management, storage, application, and precautions to prevent exposure and injury.
- 4.16. Applicator protection including selection, care, and maintenance of protective clothing and safety equipment.
- 4.17. Human health effects including: acute and chronic toxicity, hazard determination, routes of exposure, symptoms of pesticide poisoning, and allergies.
- 4.18. First aid and emergency actions for pesticide exposure and use related injuries.
- 4.19. Reference sources pertinent to applicator safety including: Material Safety Data Sheet(s) (MSDS), telephone hotlines, emergency procedures, and label requirements.
- 4.20. Major label revisions and national trends and updates relevant to applicator safety.
- 4.21. Responsibilities of qualified supervisors, certified operators, technicians and other employees.

Subpart E - Public Safety

4.22. Safe use of pesticides by the applicator including: label requirements, transportation, mixing, loading, disposal, equipment cleanup, spill management, storage, application, and precautions to prevent exposure and injury.

4.23. Human health effects including: acute and chronic toxicity, hazard determination, routes of exposure, symptoms of pesticide poisoning, and allergies.

4.24. Reference sources pertinent to public safety including: Material Safety Data Sheet(s) (MSDS), telephone hotlines, emergency procedures, and label requirements.

4.25. Major label revisions and national trends and updates relevant to public safety.

4.26. Responsibilities of qualified supervisors, certified operators, technicians and other employees.

4.27. Public education about pesticides and pesticide application, public relations, communication and trouble shooting.

4.28. Pesticide sensitivities, allergies, and phobias, including chemophobia and entomophobia.

Subpart F - Environmental protection

4.29. Precautions to protect the environment and minimize the effects of pest management on it, including: identification of meteorological and climatic factors affecting application (drift, runoff, etc.); identification of terrain, soil, substrata influence on possible surface and ground water contamination; recognition of sensitive areas and organisms that could be affected by application, drift and run-off such as endangered species, wildlife, ornamentals, beneficial insects, humans, and domestic animals; identification of methods of spill prevention, control, and cleanup; observation of preharvest intervals; timing of applications for specific pest controls; and pesticide storage and transportation.

4.30. Major label revisions and national trends and updates relevant to environmental protection.

4.31. Responsibilities of qualified supervisors, certified operators, technicians and other employees.

Subpart G - Subpart G - Use

4.32. Mixing and loading including: proper mixing and loading techniques, label requirements, closed systems, adjuvants for drift control and other purposes, measuring, pH of water and other factors to consider, procedures for spill prevention, control and clean up, site location and construction, prevention of contamination, and security.

4.33. Application including: proper application techniques, to control off target movement, new application techniques, procedures for spill prevention, control and clean up, label requirements.

4.34. Equipment including: calibration, selection of correct equipment for the job, maintenance and care, clean up, new equipment.

4.35. Storage and disposal including: bulk storage, label requirements, site requirements such as ventilation, contamination, procedures for spill prevention, control and clean up, disposal of containers, rinsate, excess material, security, fire prevention, posting, temperature, product separation to prevent cross contamination.

4.36. Responsibilities of qualified supervisors, certified operators, technicians and other employees.

4.37. Major label revisions and national trends and updates relevant to pesticide use.

4.38. Practical demonstration of use methods and techniques.

Subpart H - Pest management

4.39. Identification and biology including: principles of host and pest identification and recognition of such organisms, principles of site-habitat identification, damage and/or symptoms caused by pests, recognition of beneficial organisms, understanding host, pest and beneficial life cycles and susceptible stages, and evaluate environmental conditions and ecology on host and pest biology.

4.40. Pest management criteria including: determining economic or aesthetic threshold levels, consideration of environmental impact of control methods, selection of control method, post-treatment evaluation, ability to integrate various pest management methods, comparative effectiveness of management methods and techniques, sampling and survey techniques, host and pest resistance, effects of control methods on host and off target organisms, timing of control alternatives, and pest management history.

4.41. Chemical control method and practices including: select material, formulation, and/or equipment, determine dosage of selected control, selection of proper pesticides and adjuvants for a particular job, and timing of pesticide application.

4.42. Alternative control methods and practices including: mechanical, biological, cultural, and physical methods, and timing of control methods.

4.43. References in decision making for pest management.

4.44. Major label revisions, evolution of pest management, and national trends and updates relevant to pest management.

PART 5. TECHNICIAN TRAINING

Subpart A - General

5.1. Definitions. For purposes of this part 5.1 unless the context otherwise requires:

(a) "Applicator technician" means a technician whose job includes the use of pesticides;

(b) "Experienced technician" means a technician who has been trained and has the following minimum experience within the past 3 years: for applicator technicians doing structural applications, 6 months of experience including time in training, for applicator technicians doing agricultural, turf, ornamental or turf and ornamental applications, 1 season of experience including time in training, and for sales technicians, 1 season of sales experience;

(c) "Sales technician" means a technician whose sole job is selling application services; and

(d) "Selling application services" means the sale of a pesticide application. Selling application services does not include the sale of an evaluation service, inspection service, or recommendation service. To qualify as a sale of an application service, the seller must make an evaluation of pest problems or a recommendation of pest controls using pesticides or devices. A seller does not make an evaluation of pest problems or a recommendation of pest controls using pesticides or devices if the seller answers questions from a customer using an answer sheet prepared by a licensed qualified supervisor.

(e) "Flagger technician" means an individual employed and compensated by the applicator who designates, with a flag or any other identification, the alignment of a pesticide application during the application of pesticides at that site.

5.2. Scope of part 5.

(a) A person will not be considered a technician for purposes of these rules if said person uses, sells, or recommends a general use pesticide while under the on site supervision of a qualified supervisor.

(b) A person who evaluates any pest problem while under the on site supervision of a qualified supervisor will not be considered a technician.

(c) A person must be a technician or must be training to be a technician if said person uses, sells, or recommends a restricted use pesticide while under the on site supervision of a qualified supervisor.

(d) A person must be a technician or must be training to be a technician if said person uses, sells, or recommends a general use pesticide while on the job with a certified operator or experienced technician.

(e) A person may not use, sell, or recommend, general use pesticides unaccompanied by a qualified supervisor, certified operator, or experienced technician without completing the training required by these rules.

(f) For the purposes of determining if a person is experienced and/or trained, upon a showing of exceptional circumstances by a commercial applicator, the Commissioner may waive all or part of the experience and training requirements specified in these rules. The Commissioner may accept, with sufficient verification, valid related field experience and training obtained from

sources other than the commercial applicator in this state or any other state as long as safety is not compromised and the person has the necessary pertinent application skills.

(g) The amount of time given to each topic covered by these rules is discretionary with the trainer. However, the technician's training must be relevant to each technician's job duties.

(h) Each commercial, limited commercial, or public applicator licensed or registered in any category shall maintain a form established by the commissioner for each technician trained by said commercial applicator.

(i) Each commercial, limited commercial, or public applicator licensed or registered in any category may give a written examination to trained technicians to determine the comprehension of subjects covered by the training. However, said examination shall not in any manner substitute for any of the training required by these rules.

Subpart B - Agricultural

5.3. Except as otherwise expressly provided in these rules, each applicator technician and flagger technician working for a commercial applicator, limited commercial applicator, or public applicator licensed or registered in any agricultural category shall have at a minimum 36 hours of training:

(a) At least 12 hours of which shall be classroom-instructional training covering: applicable State, Federal, and local laws and regulations, environmental precautions, use, equipment and calibration, pesticides and their families, pest management, applicator safety, pesticide label and labeling, host and pest identification, and public safety; and

(b) At least 24 hours of which shall be on the job training. At least 8 hours of this training shall be conducted by a licensed qualified supervisor or a licensed certified operator which licensed certified operator has at least 1 season of agricultural pesticide application experience within the last 2 years. No more than 16 hours of said on the job training may be conducted by an experienced technician trained by the applicator. Said training shall cover: environmental precautions, use, equipment and calibration, pesticides and their families, pest management, applicator safety, pesticide label and labeling, host and pest identification, and public safety.

5.4. Except as otherwise expressly provided in these rules, each sales technician working for a commercial applicator licensed in any agricultural category shall have at a minimum 36 hours of training:

(a) At least 12 hours of which shall be classroom instructional training covering: applicable State, Federal, and local laws and regulations, environmental precautions, pesticides and their families, pest management, pesticide label and labeling, host and pest identification, and public safety;

(b) At least 16 hours of which shall be on the job training. At least 8 hours of this training shall be conducted by a licensed qualified supervisor or a licensed certified operator which licensed certified operator has at least 1 season of agricultural pesticide application experience within the last 2 years. No more than 8 hours of said on the job training may be conducted by an experienced technician trained by the applicator. Said training shall cover: environmental precautions, pesticides and their

families, pest management, pesticide label and labeling, host and pest identification, and public safety; and

(c) The remaining 8 hours shall be divided between classroom-instructional training and on the job training as the need is determined by the qualified supervisor.

5.5. Except as otherwise expressly provided in these rules, each applicator technician, flagger technician, and sales technician continuing to work for the same commercial applicator, limited commercial applicator, or public applicator licensed or registered in any agricultural category shall have after the first season of experience, at a minimum, the following on-going training: 4 hours of training conducted by a licensed qualified supervisor or licensed certified operator which licensed certified operator has at least 1 season of agricultural pesticide application experience within the last 2 years. The qualified supervisor shall determine from those topics enumerated in § 5.3 the training required. Said training may be either classroom-instructional or on the job training as determined by the qualified supervisor.

5.6. Except as otherwise expressly provided in these rules, each experienced technician and flagger technician working for a commercial applicator, limited commercial applicator, or public applicator licensed or registered in any agricultural category shall have at a minimum 16 hours of training:

(a) At least 4 hours of which shall be classroom-instructional training covering: applicable State, Federal, and local laws and regulations, environmental precautions, use, equipment and calibration, pesticides and their families, pest management, applicator safety, pesticide label and labeling, host and pest identification, and public safety;

(b) At least 8 hours of which shall be on the job training conducted by a licensed qualified supervisor or a licensed certified operator which licensed certified operator has at least 1 season of agricultural pesticide application experience within the last 2 years. Said training shall cover: environmental precautions, use, equipment and calibration, pesticides and their families, pest management, applicator safety, pesticide label and labeling, host and pest identification, and public safety;

(c) The remaining 4 hours shall be divided between classroom-instructional training and on the job training as the need is determined by the qualified supervisor; and

(d) Experienced sales technicians are not required to complete training in use, equipment and calibration nor applicator safety.

Subpart C - Turf

5.7. Each applicator technician working for a commercial applicator, limited commercial applicator, or public applicator licensed or registered in the turf category shall have at a minimum 36 hours of training:

(a) At least 8 hours of which shall be classroom-instructional training covering: applicable State, Federal, and local laws and regulations, environmental precautions, use, equipment and calibration, pesticides and their families, applicator safety, pesticide label and labeling, and public safety;

(b) At least 4 hours of which shall be classroom-instructional training covering: pest management and host and pest identification; and

(c) At least 24 hours of which shall be on the job training. At least 8 hours of this training shall be conducted by a licensed qualified supervisor or a licensed certified operator which licensed certified operator has at least 1 season of turf pesticide application experience within the last 2 years. No more than 16 hours of said on the job training may be conducted by an experienced technician trained by the applicator. Said training shall cover: environmental precautions, use, equipment and calibration, pesticides and their families, pest management, applicator safety, pesticide label and labeling, host and pest identification, and public safety.

5.8. Each sales technician working for a commercial applicator licensed in the turf category shall have at a minimum 40 hours of training:

(a) At least 8 hours of which shall be classroom-instructional training covering: applicable State, Federal, and local laws and regulations, environmental precautions, pesticides and their families, pesticide label and labeling, and public safety;

(b) At least 8 hours of which shall be classroom-instructional training covering: pest management and host and pest identification; and

(c) At least 24 hours of which shall be on the job training. At least 8 hours of this training shall be conducted by a licensed qualified supervisor or a licensed certified operator which licensed certified operator has at least 1 season of turf pesticide application experience within the last 2 years. No more than 16 hours of said on the job training may be conducted by an experienced technician trained by the applicator. Said training shall cover: environmental precautions, pesticides and their families, pest management, pesticide label and labeling, host and pest identification, and public safety.

5.9. Each technician who acts as both a sales technician and an applicator technician working for a commercial applicator, limited commercial applicator, or public applicator licensed or registered in the turf category shall have at a minimum 48 hours of training:

(a) At least 8 hours of which shall be classroom-instructional training covering: applicable State, Federal, and local laws and regulations, environmental precautions, use, equipment and calibration, pesticides and their families, applicator safety, pesticide label and labeling, and public safety;

(b) At least 16 hours of which shall be classroom-instructional training covering: pest management and host and pest identification; and

(c) At least 24 hours of which shall be on the job training conducted by a licensed qualified supervisor or a licensed certified operator which licensed qualified supervisor or licensed certified operator has at least 1 season of turf pesticide application experience within the last 2 years. No more than 16 hours of said on the job training may be conducted by an experienced technician trained by the applicator. Said training shall cover: environmental precautions, use, equipment and calibration, pesticides and their families, pest management, applicator safety, pesticide label and labeling, host and pest identification, and public safety.

5.10. Each applicator technician and sales technician continuing to work for the same commercial

applicator, limited commercial applicator, or public applicator licensed or registered in the turf category shall have after the first season of experience, at a minimum, the following on-going training: 4 hours of training conducted by a licensed qualified supervisor or licensed certified operator which licensed certified operator has at least 1 year of turf pesticide application experience within the last 2 years; The qualified supervisor shall determine from those topics enumerated in § 5.9 the training required. Said training may be either classroom - instructional or on the job training as determined by the qualified supervisor.

5.11. Each experienced technician working for a commercial applicator, limited commercial applicator, or public applicator licensed or registered in the turf category shall have at a minimum 16 hours of training:

(a) At least 4 hours of which shall be classroom-instructional training covering: applicable State, Federal, and local laws and regulations, environmental precautions, use, equipment and calibration, pesticides and their families, pest management, applicator safety, pesticide label and labeling, host and pest identification, and public safety;

(b) At least 8 hours of which shall be on the job training conducted by a licensed qualified supervisor or a licensed certified operator which licensed qualified supervisor or licensed certified operator has at least 1 season of turf pesticide application experience within the last 2 years which training shall cover: use, equipment and calibration, pesticides and their families, pest management, applicator safety, pesticide label and labeling, host and pest identification, and public safety;

(c) The remaining 4 hours shall be divided between classroom and the job site as the need is determined by the qualified supervisor; and

(d) Experienced sales technicians are not required to complete training in use, equipment and calibration nor applicator safety.

Subpart D - Ornamental

5.12. Each applicator technician working for a commercial applicator, limited commercial applicator, or public applicator licensed or registered in the ornamental category shall have at a minimum 40 hours of training:

(a) At least 8 hours of which shall be classroom-instructional training covering: applicable State, Federal, and local laws and regulations, environmental precautions, use, equipment and calibration, pesticides and their families, applicator safety, pesticide label and labeling, and public safety;

(1.)At least 8 hours of which shall be classroom-instructional training covering: pest management and host and pest identification; and

(c) At least 24 hours of which shall be on the job training. At least 8 hours of this training shall be conducted by a licensed qualified supervisor or a licensed certified operator which licensed certified operator has at least I season of ornamental pesticide application experience within the last 2 years. No more than 16 hours of said on the job training may be conducted by an experienced technician trained by the applicator. Said training shall cover: environmental precautions, use, equipment and

calibration, pesticides and their families, pest management, applicator safety, pesticide label and labeling, host and pest identification, and public safety.

5.13. Each sales technician working for a commercial applicator licensed in the ornamental category shall have at a minimum 48 hours of training:

(a) At least 8 hours of which shall be classroom-instructional training covering: applicable State, Federal, and local laws and regulations, environmental precautions, pesticides and their families, pesticide label and labeling, and public safety;

(b) At least 16 hours of which shall be classroom-instructional training covering: pest management and host and pest identification; and

(c) At least 24 hours of which shall be on the job training. At least 8 hours of this training shall be conducted by a licensed qualified supervisor or a licensed certified operator which licensed certified operator has at least 1 season of ornamental pesticide application experience within the last 2 years. No more than 16 hours of said on the job training may be conducted by an experienced technician trained by the applicator. Said training shall cover: environmental precautions, pesticides and their families, pest management, pesticide label and labeling, host and pest identification, and public safety.

5.14. Each technician who acts as both a sales technician and as an applicator technician working for a commercial applicator, limited commercial applicator, or public applicator licensed or registered in the ornamental category shall have at a minimum 56 hours of training:

(a) At least 8 hours of which shall be classroom-instructional training covering: applicable State, Federal, and local laws and regulations, environmental precautions, use, equipment and calibration, pesticides and their families, applicator safety, pesticide label and labeling, and public safety;

(b) At least 24 hours of which shall be classroom-instructional training covering: pest management and host and pest identification; and

(c) At least 24 hours of which shall be on the job training. At least 8 hours of this training shall be conducted by a licensed qualified supervisor or a licensed certified operator which licensed certified operator has at least 1 season of ornamental pesticide application experience within the last 2 years. No more than 16 hours of said on the job training may be conducted by an experienced technician trained by the applicator. Said training shall cover: environmental precautions, use, equipment and calibration, pesticides and their families, pest management, applicator safety, pesticide label and labeling, host and pest identification, and public safety.

5.15. Each applicator technician and sales technician continuing to work for the same commercial applicator, limited commercial applicator, or public applicator licensed or registered in the ornamental category shall have after the first season of experience, at a minimum, the following on-going training: 4 hours of training conducted by a licensed qualified supervisor or licensed certified operator which licensed certified operator has at least 1 year of ornamental pesticide application experience within the last 2 years. The qualified supervisor shall determine from those topics enumerated in § 5.14 the training required. Said training may be either classroom-instructional or on the job training as determined by the qualified supervisor.

5.16. Each experienced technician working for a commercial applicator, limited commercial applicator, or public applicator licensed or registered in the ornamental category shall have at a minimum 16 hours of training:

(a) At least 4 hours of which shall be classroom-instructional training covering: applicable State, Federal, and local laws and regulations, environmental precautions, use, equipment and calibration, pesticides and their families, pest management, applicator safety, pesticide label and labeling, host and pest identification, and public safety;

(b) At least 8 hours of which shall be on the job training conducted by a licensed qualified supervisor or a licensed certified operator which licensed qualified supervisor or licensed certified operator has at least 1 season of ornamental pesticide application experience within the last 2 years. Said training shall cover: use, equipment and calibration, pesticides and their families, pest management, applicator safety, pesticide label and labeling, host and pest identification, and public safety;

(c) The remaining 4 hours shall be divided between classroom and the job site as the need is determined by the qualified supervisor; and

(d) Experienced sales technicians are not required to complete training in use, equipment and calibration nor applicator safety.

Subpart E - Turf and ornamental

5.17. Each applicator technician working for a commercial applicator, limited commercial applicator, or public applicator licensed or registered in both the turf category and the ornamental category shall have at a minimum 60 hours of training:

(a) At least 8 hours of which shall be classroom-instructional training covering: applicable State, Federal, and local laws and regulations, environmental precautions, use, equipment and calibration, pesticides and their families, applicator safety, pesticide label and labeling, and public safety;

(b) At least 12 hours of which shall be classroom-instructional training covering: pest management and host and pest identification; and

(c) At least 40 hours of which shall be on the job training. At least 16 hours of this training shall be conducted by a licensed qualified supervisor or a licensed certified operator which licensed certified operator has at least 1 season of turf and ornamental pesticide application experience within the last 2 years. No more than 24 hours of said on the job training may be conducted by an experienced technician trained by the applicator. Said training shall cover: environmental precautions, use, equipment and calibration, pesticides and their families, pest management, applicator safety, pesticide label and labeling, host and pest identification, and public safety.

5.18. Each sales technician working for a commercial applicator licensed in both the turf category and the ornamental category shall have at a minimum 64 hours of training:

(a) At least 8 hours of which shall be classroom-instructional training covering: applicable State,

Federal, and local laws and regulations, environmental precautions, pesticides and their families, pesticide label and labeling, and public safety;

(1))At least 24 hours of which shall be classroom-instructional training covering: pest management and host and pest identification; and

(c) At least 32 hours of which shall be on the job training conducted by a licensed qualified supervisor or a licensed certified operator which licensed qualified supervisor or licensed certified operator has at least 1 season of turf and ornamental pesticide application experience within the last 2 years. No more than 24 hours of said on the job training may be conducted by an experienced technician trained by the applicator. Said training shall cover environmental precautions, pesticides and their families, pest management, pesticide label and labeling, host and pest identification, and public safety.

5.19. Each technician who acts as both a sales technician and as an applicator technician working for a commercial applicator, limited commercial applicator, or public applicator licensed or registered in both the turf category and the ornamental category shall have at a minimum 80 hours of training:

(a) At least 8 hours of which shall be classroom-instructional training covering: applicable State, Federal, and local laws and regulations, environmental precautions, use, equipment and calibration, pesticides and their families, applicator safety, pesticide label and labeling, and public safety;

(b) At least 32 hours of which shall be classroom-instructional training covering: pest management and host and pest identification; and

(c) At least 40 hours of which shall be on the job training. At least 8 hours of this training shall be conducted by a licensed qualified supervisor or a licensed certified operator which licensed certified operator has at least 1 season of turf and ornamental pesticide application experience within the last 2 years. No more than 32 hours of said on the job training may be conducted by an experienced technician trained by the applicator. Said training shall cover environmental precautions, use, equipment and calibration, pesticides and their families, pest management, applicator safety, pesticide label and labeling, host and pest identification, and public safety.

5.20. Each applicator technician and sales technician continuing to work for the same commercial applicator, limited commercial applicator, or public applicator licensed or registered in both the turf category and the ornamental category shall have after the first season of experience, at a minimum, the following on-going training: 4 hours of training conducted by a licensed qualified supervisor or licensed certified operator which licensed certified operator has at least 1 year of turf and ornamental pesticide application experience within the last 2 years. The qualified supervisor shall determine from those topics enumerated in § 5.19 the training required. Said training may be either classroom-instructional or on the job training as determined by the qualified supervisor.

5.21. Each experienced technician working for a commercial applicator, limited commercial applicator, or public applicator licensed or registered in both the turf category and the ornamental category shall have at a minimum 16 hours of training:

(a) At least 4 hours of which shall be classroom-instructional training covering: applicable State, Federal, and local laws and regulations, environmental precautions, use, equipment and calibration, pesticides and their families, pest management, applicator safety, pesticide label and labeling, host and pest identification, and public safety;

(b) At least 8 hours of which shall be on the job training conducted by a licensed qualified supervisor or a licensed certified operator which licensed certified operator has at least 1 season of turf and ornamental pesticide application experience within the last 2 years. Said training shall cover: environmental precautions, use, equipment and calibration, pesticides and their families, pest management, applicator safety, pesticide label and labeling, host and pest identification, and public safety;

(c) The remaining 4 hours shall be divided between classroom and the job site as the need is determined by the qualified supervisor; and

(d) Experienced sales technicians are not required to complete training in use, equipment and calibration nor applicator safety.

Subpart F - Structural

5.22. Each applicator technician and sales technician working for a commercial applicator, limited commercial applicator, or public applicator licensed or registered in the structural categories of wood destroying organism pest control, fumigation, or residential/commercial pest control shall have at a minimum 160 hours of training:

(a) At least 32 hours of which shall be classroom-instructional training covering: applicable State, Federal, and local laws and regulations, environmental precautions, use, equipment and calibration, pesticides and their families, pest management, applicator safety, pesticide label and labeling, host and pest identification, and public safety;

(b) At least 120 hours of which shall be on the job training. At least 60 hours of this training shall be conducted by a licensed qualified supervisor or a licensed certified operator which licensed certified operator has at least 1 year of structural pesticide application experience within the last 2 years. No more than 60 hours of said on the job training may be conducted by an experienced technician trained by the applicator. Said training shall cover: environmental precautions, use, equipment and calibration, pesticides and their families, applicator safety, pesticide label and labeling, host and pest identification, and public safety;

(c) The remaining 8 hours shall be divided between classroom-instructional training and on the job training as the need is determined by the qualified supervisor; and

(d) Successfully complete a written examination prepared and given by the commercial applicator showing overall comprehension of the subject matter of the training.

5.23. Each applicator technician and sales technician working for a commercial applicator, limited commercial applicator, or public applicator licensed or registered in the structural categories of wood destroying organism pest control, fumigation, or residential/commercial pest control shall have at a minimum the following on-going training:

(a) 2 hours per month of training which training shall over a period of 6 months include at least 3 hours of classroom-instructional training. 9 hours shall be divided between classroom-instructional training and on the job training as the need is determined by the qualified supervisor. Said classroom-

instructional training and on the job training shall be conducted by either a licensed qualified supervisor or licensed certified operator which licensed certified operator has at least 1 year of structural pesticide application experience within the last 2 years. Said training shall cover those areas enumerated in § 5.22; and

(b) Successfully complete a written examination prepared and given by the commercial applicator showing overall comprehension of the subject matter of the training.

5.24. Each experienced technician working for a commercial applicator, limited commercial applicator, or public applicator licensed or registered in the structural categories of wood destroying organism pest control, fumigation, or residential/commercial pest control shall have at a minimum 32 hours of training:

(a) At least 16 hours of which shall be classroom-instructional training covering: applicable State, Federal, and local laws and regulations, environmental precautions, use, equipment and calibration, pesticides and their families, pest management, applicator safety, pesticide label and labeling, host and pest identification, and public safety; and

(b) At least 16 hours of which shall be the job training conducted by a licensed qualified supervisor or a licensed certified operator which licensed certified operator has at least 1 year of structural pesticide application experience within the last 2 years which training shall cover: use, equipment and calibration, applicator safety, pesticide label and labeling, host and pest identification, and public safety.

(c) Experienced sales technicians are not required to complete training in use, equipment and calibration nor applicator safety.

5.25. Each applicator technician working for a commercial applicator, limited commercial applicator, or public applicator licensed or registered in the structural categories of outdoor vertebrate pest control, stored commodities treatment, wood preservation and wood products treatment, or interior plant pest control shall have at a minimum 36 hours of training:

(a) At least 12 hours of which shall be classroom-instructional training covering: applicable State, Federal, and local laws and regulations, environmental precautions, use, equipment and calibration, pesticides and their families, pest management, applicator safety, pesticide label and labeling, host and pest identification, and public safety; and

(1) At least 24 hours of which shall be on the job training. At least 8 hours of this training shall be conducted by a licensed qualified supervisor or a licensed certified operator which licensed certified operator has at least 1 season of structural pesticide application experience within the last 2 years. No more than 16 hours of said on the job training may be conducted by an experienced technician trained by the applicator. Said training shall cover: environmental precautions, use, equipment and calibration, pesticides and their families, pest management, applicator safety, pesticide label and labeling, host and pest identification, and public safety.

5.26. Each sales technician working for a commercial applicator licensed in the structural categories of outdoor vertebrate pest control, stored commodities treatment, wood preservation and wood products treatment, or interior plant pest control shall have at a minimum 36 hours of training:

(a) At least 12 hours of which shall be classroom-instructional training covering: applicable State,

Federal, and local laws and regulations, environmental precautions, pesticides and their families, pest management, pesticide label and labeling, host and pest identification, and public safety;

(b) At least 16 hours of which shall be on the job training. At least 8 hours of this training shall be conducted by a licensed qualified supervisor or a licensed certified operator which licensed certified operator has at least 1 season of structural pesticide application experience within the last 2 years. No more than 8 hours of said on the job training may be conducted by an experienced technician trained by the applicator. Said training shall cover: environmental precautions, pesticides and their families, pest management, pesticide label and labeling, host and pest identification, and public safety; and

(c) The remaining 8 hours shall be divided between classroom-instructional training and on the job training as the need is determined by the qualified supervisor.

5.27. Each applicator technician and sales technician continuing to work for the same commercial applicator, limited commercial applicator, or public applicator licensed or registered in the structural categories of outdoor vertebrate pest control, stored commodities treatment, wood preservation and wood products treatment, or interior plant pest control shall have after the first season of experience, at a minimum, the following on-going training: 4 hours of training conducted by a licensed qualified supervisor or licensed certified operator which licensed certified operator has at least 1 season of structural pesticide application experience within the last 2 years. The qualified supervisor shall determine from those topics enumerated in § 5.25 the training required. Said training may be either classroom-instructional or on the job training as determined by the qualified supervisor.

5.28. Each experienced technician working for a commercial applicator, limited commercial applicator, or public applicator licensed or registered in the structural categories of outdoor vertebrate pest control, stored commodities treatment, wood preservation and wood products treatment, or interior plant pest control shall have at a minimum 16 hours of training:

(a) At least 4 hours of which shall be classroom-instructional training covering: applicable State, Federal, and local laws and regulations, environmental precautions, use, equipment and calibration, pesticides and their families, pest management, applicator safety, pesticide label and labeling, host and pest identification, and public safety;

(b) At least 8 hours of which shall be on the job training conducted by a licensed qualified supervisor or a licensed certified operator which licensed certified operator has at least 1 season of structural pesticide application experience within the last 2 years. Said training shall cover: environmental precautions, use, equipment and calibration, pesticides and their families, pest management, applicator safety, pesticide label and labeling, host and pest identification, and public safety;

(c) The remaining 4 hours shall be divided between classroom-instructional training and on the job training as the need is determined by the qualified supervisor; and

(d) Experienced sales technicians are not required to complete training in use, equipment and calibration nor applicator safety.

PART 6. RECORDS.

6.01. Licensed commercial applicators, shall maintain accurate and legible office records of each application of pesticides made for hire.

6.02. Limited commercial and public applicators shall maintain accurate and legible office records of each application of restricted use pesticides.

6.03. Such records shall include all of the following information:

(a) Name and address of person for whom application was made.

(b) Location where application was made, if different from number 6.03(a). The location of a field should be fully described. In the case of roadside weed control applications, the record should include the county or state road number and the portion of roadside treated, described by reference to mileage markers or prominent geological features such as road intersections, river or creek crossings, or the like.

(c) Target pest. This means the specific pest for which the application was made. A general term is acceptable only if the pesticide label specifically refers to that exact term (such as "broadleaf weeds").

(d) Site, crop, commodity or structure treated.

(e) Specific pesticide applied. This shall be accomplished by recording the EPA registration number of the pesticide product. The brand name of the pesticide product and the name and address of its manufacturer may also be included in this record.

(f) Dilution rate. This is the amount of formulated product or active material per unit of volume of carrier specified as such. In the case of a product applied out of the container without mixing, the entry should be "no dilution", "aerosol", or "RTU" (ready to use), as applicable.

(g) Application rate. This is the total gallons or pounds of the final tank mix applied per unit of area or volume. In the case of "crack and crevice" structural treatment, the entry should indicate "crack and crevice". The entry for a livestock application should indicate "dip" or "spray", as appropriate. In the case of an application of a pesticide labeled "spray until wet," "spray to runoff," or the like, the entry should indicate the nature of the application in language consistent with the label directions.

(h) Carrier, if other than water.

(i) Date and time of application. The record shall indicate the time, within at least one-half hour accuracy, when the application was started or stopped. Each applicator's records shall be kept consistently and clearly, in such a manner as to allow ready determination as to whether a noted time indicates the beginning or end of the application. An entry merely stating "A.M." or "P.M." is not sufficient to comply with this rule.

PART 7. BUSINESS PRACTICES, EQUIPMENT IDENTIFICATION, NOTICES.

7.01. Any of the following actions shall constitute grounds for the suspension, restriction, refusal to renew, denial, or revocation of a license or certification, whether alone or in conjunction with violations of any provision of the act or of any other provision of these rules:

(a) The application of pesticides in a negligent or willful manner which creates, either by pesticide residue or by direct damage, a hazard to property, which shall include without limitation, crops, ornamental plants, and animals (including economically important insects).

(b) The application of pesticides in a negligent or willful manner which endangers human health.

(c) The creation of a situation from improper handling of pesticides, including spillage, leakage, vapors or disposal, which constitutes a hazard to the health, welfare or safety of any person, the general public, any animal or animals (including economically important insects), any crops, any ornamental plants, or the environment.

7.02. Equipment identification. All motor vehicles, trailers other than compressors, and mobile application equipment while used or permitted to be used for or on behalf of any licensee for applying or carrying pesticides shall be identified by displaying thereon, in letters not less than two inches high, the company business name and, in letters not less than one inch high, the city and state of said licensee's place of business. Such lettering on a licensee's equipment shall be clearly legible, and shall not be rendered difficult to read or illegible by means of paint fading, scuffing, wear and tear, damage, or any other cause. Any motor vehicle so identified shall be identified on both sides of the vehicle. This rule shall not apply to aircraft, small capacity sprayers with less than a ten-gallon capacity, and application equipment mounted on vehicles marked in accordance with these rules.

7.03. Each licensee must inform the commissioner, in writing, of any change in his address or telephone number.

7.04. Each qualified supervisor must notify the Commissioner in writing when he begins employment with a commercial, limited commercial, or public applicator, terminates employment, or when he changes branches, divisions, satellite offices or employers. Such notification shall be within 15 days of said employment, termination, or change.

7.05. Each commercial, limited commercial, and public applicator must notify the Commissioner in writing when a qualified supervisor in its employ terminates employment, or changes branches, divisions or satellite offices, or when adding a qualified supervisor to its staff. Such notification shall be within 15 days of said termination, change, or addition.

PART 8. AGRICULTURAL APPLICATORS.

8.01. The agricultural classification includes the following categories:

(a) Agricultural Insect Control: the application of pesticides to agricultural plants, including applications performed on pastures, croplands and non-crop agricultural lands, to control invertebrate pests, including insects, mites, slugs, snails, and nematodes.

(1) Agricultural Plant Disease Control: the application of pesticides to agricultural plants, including applications performed on pastures, croplands and non-crop agricultural lands, to control plant diseases.

(c) Agricultural Weed Control: the application of pesticides to agricultural lands, including pastures, croplands and non-crop agricultural lands, to control weeds.

(d) Seed Treatment: the application of pesticides to seeds.

(e) Livestock Pest Control: the application of pesticides to livestock.

(f) Forest Pest Control: the application of pesticides in forests, forest nurseries, forest seed producing areas, windbreaks and downed timber.

(g) Rangeland Pest Control: the application of pesticides to rangeland.

(h) Aquatic Pest Control: the application of pesticides to standing or running water, except for pesticide applications which are included in the "Public Health" category, at rule 8.01(j).

(1) Metam sodium for root control in sewers: the application of metam sodium in sewers to control roots. For purposes of this sub-category, "sewer" shall mean any artificial conduit for the transmission of wastewater to a wastewater treatment plant.

(i) Industrial and Right-of-Way Weed Control: the application of pesticides to maintain public and private roads, electrical powerlines, railway rights-of-way, construction and maintenance of parking lots, drilling rigs, substations, or similar areas.

(1) Public Health Pest Control: the application of pesticides in programs for largescale control of disease vectors, except vertebrates.

(k) Research and Demonstration: the application of pesticides in the course of conducting field research or demonstration. No license or certification will be issued in this category unless the applicant also obtains licensing or certification in the specific category listed in these rules which is appropriate to the research activity.

8.02. Applicants for licensing as a qualified supervisor in the agricultural pest control categories, except the metam sodium for root control in sewers sub-category, must have the following field experience or equivalents. Such field experience must have been obtained within the five years immediately preceding the date of the applicant's application for licensing.

(a) Said applicant shall have obtained a minimum of eight months field experience in agricultural pest control.

(b) If said applicant has earned college or university credit in agricultural pest control or related fields, such credit may be combined with field experience in agricultural pest control in order to qualify for licensing as a qualified supervisor, as follows:

- (1) Two years college credit and two months field experience in agricultural pest control; or
- (2) One year college credit and five months field experience.

8.03. Commercial applicators classified in the agricultural categories shall provide the following notices of pesticide applications.

(a) Prior to each application, the customer shall be informed of: (1) the pesticide(s) to be applied, (2) the site of application, (3) applicable re-entry intervals, (4) applicable grazing intervals, (5) applicable pre-harvest interval, and (6) any precautionary statements contained on the applicable pesticide label(s). This notice may be oral.

(b) After the application, the applicator shall promptly furnish the customer with a written notice which states: (1) the pesticide(s) applied; (2) the amount of each pesticide applied; (3) the date of application; (4) the site of application; (5) applicable re-entry intervals; (6) applicable grazing intervals; (7) applicable crop rotation intervals; and (8) any precautionary statements contained on the pesticide label(s).

(c) An applicator may furnish the information specified in sections (a)(3) through (6), and/or (b)(5) through (8) above, by giving the customer a copy of the applicable pesticide label(s).

(d) In the event that a Commercial applicator classified in the agricultural categories performs an application at a site which is occupied by someone other than the applicator's customer he shall be responsible for giving the notices required by section (a) and (b) above to the person(s) who are occupying the site, as well as to the customer. This section (d) does not apply to applications to crops or to large-scale pest control programs.

8.04. An applicant for licensing in the sub-category of metam sodium for root control in sewers shall satisfy each of the following requirements:

(a) In addition to any other required examination, an applicant must take and pass the specific examination for this sub-category, but not the examination for the aquatic pest control category.

(b) An applicant for licensing as a qualified supervisor in this sub-category must have the following field experience or equivalents. Such field experience must have been obtained within the five years immediately preceding the date of the applicant's application for licensing.

(1) An applicant shall have obtained a minimum of 40 hours of field experience in the application of pesticides in sewers, including, but not limited to, metam sodium for root control in sewers; or

(2) If an applicant has a Level 2 or 3 wastewater collection certification issued by the Colorado

Water Distribution and Wastewater Collection Systems Council, or a Class A, B, or C wastewater treatment plant operator certification issued by the Colorado Department of Public Health and Environment pursuant to Title 25, Article 9 of the Colorado Revised Statutes, the applicant shall have obtained a minimum of 20 hours of field experience in the application of pesticides in sewers, including, but not limited to, metam sodium for root control in sewers.

(c) Each applicator technician working for a commercial applicator, limited commercial applicator, or public applicator licensed or registered in this sub-category shall have at a minimum 32 hours of training:

(1) At least 8 of which shall be classroom-instructional training covering: applicable State, Federal, and local laws and regulations, environmental precautions, use, equipment and calibration, pesticides and their families, pest management, applicator safety, pesticide label and labelling, host and pest identification, and public safety; and

(2) At least 24 hours of which shall be on the job training. At least 8 hours of this training shall be conducted by a licensed qualified supervisor or a licensed certified operator, which licensed certified operator has at least 20 hours of experience in the application of pesticides in sewers, including, but not limited to, metam sodium for root control in sewers, within the last 2 years. No more than 16 hours of said on the job training may be conducted by an experienced technician trained by the applicator. Said training shall cover: environmental precautions, use, equipment and calibration, pesticides and their families, pest management, applicator safety, pesticide label and labeling, host and pest identification, and public safety.

(d) Each sales technician working for a commercial applicator licensed in this sub-category shall have at a minimum 32 hours of training:

(1) At least 8 hours of which shall be classroom - instructional training covering: applicable State, Federal, and local laws and regulations, environmental precautions, pesticides and their families, pest management, pesticide label and labelling, host and pest identification, and public safety;

(2) At least 16 hours of which shall be on the job training. At least 8 hours of this training shall be conducted by a licensed qualified supervisor or a licensed certified operator, which licensed certified operator has at least 20 hours of experience in the application of pesticides in sewers, including, but not limited to, metam sodium for root control in sewers, within the last 2 years. No more than 8 hours of said on the job training may be conducted by an experienced technician trained by the applicator. Said training shall cover: environmental precautions, pesticides and their families, pest management, pesticide label and labeling, host and pest identification, and public safety; and

(3) The remaining 8 hours shall be divided between classroom-instructional training and on the job training as the need is determined by the qualified supervisor.

(e) Each applicator technician or sales technician continuing to work for the same commercial applicator, limited commercial applicator, or public applicator licensed or registered in this sub-category shall have after the first season of experience, at a minimum, the following on-going training: 4 hours of training conducted by a licensed qualified supervisor or licensed certified operator, which licensed certified operator has at least 20 hours of experience in the application of pesticides in sewers, including, but not limited to, metam sodium for root control in sewers, within the last 2 years. The

qualified supervisor shall determine from those topics enumerated above in sub-sections (c)(1) and (2) the training required. Said training may be either classroom-instructional or on the job training as determined by the qualified supervisor.

(f) Each experienced technician working for a commercial applicator, limited commercial applicator, or public applicator licensed or registered in this sub-category shall have at a minimum 16 hours of training:

(1) At least 4 hours of which shall be classroom-instructional training covering: applicable State, Federal, and local laws and regulations, environmental precautions, use, equipment and calibration, pesticides and their families, pest management, applicator safety, pesticide label and labeling, host and pest identification, and public safety;

(2) At least 8 hours of which shall be on the job training conducted by a licensed qualified supervisor or a licensed certified operator, which licensed certified operator has at least 20 hours of experience in the application of pesticides in sewers, including, but not limited to, metam sodium for root control in sewers, within the last 2 years. Said training shall cover: environmental precautions, use, equipment and calibration, pesticides and their families, pest management, applicator safety, pesticide label and labeling, host and pest identification, and public safety;

(3) The remaining 4 hours shall be divided between classroom-instructional training and on the job training as the need is determined by the qualified supervisor; and

(4) Experienced sales technicians are not required to complete training in use, equipment and calibration, nor applicator safety.

PART 9. ORNAMENTAL APPLICATORS.

9.01. The ornamental classification includes the following categories:

(a) Turf Pest Control: the application of pesticides to: (i) turf to control invertebrate pests, including insects, mites, slugs, snails, and nematodes, or to control plant diseases or weeds; or (ii) ornamental beds to control weeds.

(1) Ornamental Pest Control: the application of pesticides to ornamental trees, shrubs, beds, flowers and other ornamental plants, except turf or indoor ornamental plants, to control invertebrate pests, including insects, mites, slugs, snails and nematodes, or to control plant diseases.

9.02. Applicants for licensing as a qualified supervisor in the turf category, described in § 9.01(a) must have the following experience or equivalents. Such field experience must have been obtained within the two years immediately preceding the date of the applicant's application for licensing. Experience in the application of pesticides gained by the applicant in the maintenance of his own home shall not constitute experience which will satisfy experience requirements imposed by these rules.

(a) Said applicant shall have obtained at least four months of field experience in turf pest control.

(b) If said applicant has earned college or university credit in turf pest control or related fields, such credit may be combined with field experience in order to qualify for licensing as follows:

(1) Two years college credit and one month field experience; or

(2) One year college credit and two and one-half months field experience.

9.03. Applicants for licensing as a qualified supervisor in the ornamental category described in § 9.01(b) must have the following field experience or equivalents. Such field experience must have been obtained within the five years immediately preceding the date of the applicant's application for licensing. Experience in the application of pesticides gained by the applicant in the maintenance of his own home shall not constitute experience which will satisfy experience requirements imposed by these rules.

(a) Said applicant shall have obtained at least eight months field experience in ornamental pest control, gained within not less than two calendar years.

(b) If said applicant has earned college or university credit in ornamental pest control or related fields, such credit may be combined with field experience in order to qualify for licensing as a qualified supervisor, as follows:

(1) Two years college credit and four months field experience; or

(2) One year college credit and six months field experience in ornamental pest control.

9.04. Commercial applicators classified in the ornamental category shall provide the following notices of pesticide application:

(a) except as provided in subsection (b) below, at the time any pesticide is applied, the commercial applicator shall leave for each customer, or for an individual at each location where an application was made if different from the customer's address, a printed or legibly written statement disclosing the fact that a pesticide has been applied, naming the pesticide or pesticides applied, the date of application, and containing such precautionary statements appearing on the pesticide's label as are necessary or appropriate to avoid endangering the health of persons or animals, or to avoid an unreasonable risk of harm to property.

(b) when any pesticide is applied at a commercial property site where an owner of the site or an agent of an owner of the site is not present at the site, the commercial applicator shall, promptly after the application, furnish the customer with a written statement that states "the pesticide(s) applied; (2) the date of application; and (3) such precautionary statements appearing on the pesticide's label as are necessary or appropriate to avoid endangering the health of persons or animals, or to avoid an unreasonable risk of harm to property. This precautionary information may be furnished by giving the customer a copy of the label(s) of any pesticide applied.

PART 10. STRUCTURAL APPLICATORS.

10.01. The structural pest control classification includes the following categories.

(a) Wood Destroying Organism Pest Control: the application of pesticides to control termites, carpenter ants, powder post beetles, fungi, and/or other wood destroying organisms in structures and/or adjacent outside areas.

(b) Outdoor Vertebrate Pest Control: the application of pesticides, bait stations or devices intended for preventing, destroying, repelling or mitigating any amphibian, reptile, bird, fish, feral dogs and cats, moles, voles, bats, wild carnivores, rabbits, skunks, and any other vertebrate pest, except rats and mice.

(c) Fumigation: the application of a fumigant to one or more rooms in a structure or to the entire structure at a desired concentration and for a length of time necessary for the control of rodents and/or insect pests, including the application of a fumigant to a localized space or harborage within a structure for local insect and/or rodent control.

(d) Residential/Commercial Pest Control: the application of pesticides, bait stations, or devices intended for use for preventing, destroying, repelling or mitigating structural pests, including without limitation insects and rodents. However, this category does not include the application of fumigants or actions taken to control wood destroying organisms, outdoor vertebrates, or grain storage pests.

(e) Stored Commodities Treatment: the application of pesticides for the treatment of pests in raw grain stored in facilities which are not used for animal or human habitation; the application of plant growth regulators to agricultural commodities stored in facilities which are not used for animal or human habitation; and the application of pesticides to commodity processing equipment or commodity storage facilities (not including offices or other structures).

(f) Wood Preservation and Wood Products Treatment: the application of pesticides to prevent, destroy, repel or mitigate pests in wood or wood products which are, or are capable of being, incorporated into a structure, not including downed timber prior to bark removal or sawing.

(g) Interior Plant Pest Control: the application of pesticides to house plants and other indoor ornamental plants kept or located within structures occupied by humans, including, but not limited to houses, apartments, offices, shopping malls, other places of business and other dwelling places, to control invertebrate pests that adversely affect such plants, including insects, mites, slugs, snails and nema-todes; and to control plant diseases.

10.02. An applicant for licensing as a qualified supervisor in the structural pest control categories of wood destroying organisms, household pest control, and fumigation must have the following field experience or equivalents. Such field experience must have been obtained during the five years immediately preceding the date of the applicant's application for licensing. Experience using pesticides or devices, gained while the applicant was maintaining his own home, or performing janitorial or maintenance duties for another in a residential, industrial or commercial location will not satisfy experience requirements imposed by these regulations.

(a) Said applicant must have obtained at least twenty-four months field experience in structural

pest control. In addition, an applicant for licensing as a qualified supervisor in the structural pest control category of wood destroying organisms must have obtained, within the two years immediately preceding the date of the applicant's application for licensing, at least 100 hours of verifiable field experience in termite control. A minimum of 30 of said 100 hours must consist of verifiable "hands-on" field experience covering drill and inject and other post-treat methods and applications. Any or all of the 100 hours may be obtained in courses approved by the Commissioner.

(1)) If said applicant has earned college or university credit in structural pest control or related fields, such credit may be combined with field experience in related categories of structural pest control in order to qualify for licensing as a qualified supervisor, as follows:

- (1) Four years college credit and four months field experience;
- (2) Three years college credit and nine months field experience;
- (3) Two years college credit and fourteen months of field experience;
- (4) One year college credit and nineteen months field experience.

10.03. An applicant for licensing as a qualified supervisor in the structural pest control categories of outdoor vertebrates, wood preservation and wood products treatment, stored commodities treatment, or interior plant pest control must have the following field experience or equivalents. Such field experience must have been obtained within the five years immediately preceding the date of the applicant's application for licensing:

(a) Said applicant must have obtained at least eight months field experience in the related categories of structural pest control.

(b) if said applicant has earned college or university credit in the related categories of structural pest control, such credit may be combined with field experience in related categories of structural pest control in order to qualify for licensing as a qualified supervisor, as follows:

- (1) Two years college credit and two months field experience;
- (2) One year college credit and five months field experience.

10.04. At the time of a pesticide application, a commercial applicator licensed in any structural pest control category shall leave for each customer, a printed or legibly written notice stating the name of each pesticide applied, the date applied, and such precautionary statements from the label of the pesticide as are necessary or appropriate to avoid endangering human or animal health, or to avoid creating an unreasonable risk of damage to property.

10.05. In the event that the customer is not the occupant, at the time of a pesticide application a commercial applicator licensed in any structural pest control category shall leave for the occupant, a printed or legibly written notice stating the name of each pesticide applied, the date applied, and such precautionary statements from the label of the pesticide as are necessary or appropriate to avoid endangering human or animal health, or to avoid creating an unreasonable risk of damage to property.

PART 11. STORAGE.

11.01. All licensees shall store pesticide concentrates and dilute mixtures using methods which are reasonably calculated to prevent the contamination of other products by means of volatilization, leakage, breakage or other causes, and which are reasonably calculated to avoid the creation of an unreasonable risk of harm to persons, property, domestic or wild animals, or the environment.

11.02. Pesticide storage areas shall be kept clean and orderly, and pesticide containers shall be positioned so that they are not exposed to unreasonable risk of damage to the containers or their labels.

11.03. Indoor pesticide storage areas shall be secured from access by unauthorized persons, including the general public, and locked when the building is unoccupied by an applicator or his employees.

11.04. Outdoor pesticide storage areas shall be fenced or walled, and locked. Pesticides and pesticide containers shall be covered or otherwise protected from the elements, in a manner which is reasonably calculated to minimize the risk of damage to labels, and to avoid the creation of an unreasonable risk of harm to persons, property or domestic or wild animals.

11.05. Pesticide storage areas shall be marked with a sign, in letters at least one inch high, which reads: "WARNING: HAZARDOUS MATERIALS (PESTICIDES) ARE CONTAINED WITHIN. In case of emergency, contact: (name) at (telephone number)." Compliance with this rule is not necessary for any person who has marked his storage areas with signs which comply with the local fire department requirements.

11.06. Each licensee storing pesticides shall inform the local fire department of the location of the pesticide storage, and shall provide the fire department with material safety data sheets for all pesticides held at the location.

11.07. Each licensee who stores pesticides shall have available, at each storage location, in good working order, one or more fire extinguishers rated for chemical fires, and materials for use in cleaning up pesticide spills.

11.08. A service container that is not at all times in the immediate custody or control of a qualified supervisor, certified operator, or technician shall have prominently displayed thereon the following information from the label affixed to the pesticide's original container: the common name of each active ingredient, if there is such a common name, or the chemical name of each active ingredient; the EPA Registration Number; and each and every human hazard signal word shown on the label. For purposes of this section 11.08, "service container" shall mean any container holding pesticide, whether in a concentrated or diluted form, other than the pesticide's original container, that is of a size and capacity that permits it to be carried or moved by only one individual, unaided by any tool or apparatus; and "human hazard signal word" shall mean those human hazard signal words required by the U.S. Environmental Protection Agency in its rules and regulations at 40 C.E.R. § 156.10(h) (1995), to be shown on the front panel of the label affixed to the pesticide's original container. Compliance with this rule is not necessary if the service container is marked in compliance with the rules and regulations of the occupational safety and health administration, U.S. Department of Labor at 29 C.E.R. § 1910.1200 and appendices A through E, inclusive, thereto (1995), applicable to hazard communication for chemicals.

(a) The incorporation in this section of the aforesaid regulations of the U.S. Environmental

Protection Agency and the Occupational Safety and Health Administration, U.S. Department of Labor does not include any later amendments to or editions of such incorporated material.

(b) Information concerning the aforesaid incorporated regulations of the U.S. Environmental Protection Agency and the Occupational Safety and Health Administration, U.S. Department of Labor may be obtained from:

Deputy Commissioner
Colorado Department of Agriculture
700 Kipling St., Suite 4000
Lakewood, CO 80215-5894

and may be examined at any state publications depository library.

PART 12. REGISTRY OF PESTICIDE-SENSITIVE PERSONS.

12.01. Persons who apply to be placed on the pesticide-sensitive registry, which registry is hereby established, shall complete and submit an application for said registry. Said application shall be on a form provided by the Commissioner. The application shall include a statement of proof of medical justification by a physician licensed in the state of Colorado.

12.02. Persons who apply to be placed on the registry or who apply for renewal of their registration, shall list those addresses which abut their residence.

12.03. Each registration shall expire on November 1 of each year.

12.04. Each person shall report to the Commissioner, on a form provided by the Commissioner, any change to the information provided in such person's application or in such reports previously submitted, within fifteen days of such change.

12.05. Each person shall make an application to renew his registration on or before the first working day of November for the year of renewal. Said application shall be on a form provided by the commissioner. The renewal application form shall include a statement of proof of medical justification by a physician licensed in the state of Colorado, which must be submitted every two years.

12.06. A commercial, limited commercial, or public applicator shall take reasonable actions to give notice of the date and approximate time of any turf or ornamental pesticide application, prior to the application, to any person who resides on property which abuts the property to be treated and whose name is on the published registry. An applicator may meet this requirement by making not less than two attempts to notify any owner or tenant who is on the registry. Such attempts shall be made as early as practicable but not later than twenty-four hours before the application.

12.07. Notice may be by any method, including telephone, mail or personal notification. If attempts at notification by the applicator fail, and a pesticide application is necessary, the commercial, limited commercial, or public applicator shall attempt to notify the resident in person immediately prior to the application. Notice of the application and attempts at notification shall be placed on the door of the person requesting notification if all notification attempts fail.

PART 13. NOTIFICATION OF PESTICIDE APPLICATIONS.

13.01. Any commercial, limited commercial, or public applicator making a pesticide application in any turf or ornamental category shall post, at the time of application, at least one sign notifying the public of the application.

13.02. The bottom of each notice-of-application sign must project at least 18 inches above the ground and the top of the sign shall be no higher than 48 inches above the ground.

13.03. The sign must be posted on a lawn or yard at the property boundary between two feet and five feet from the sidewalk; if there is no sidewalk, between two and five feet from the road; or, if there is no road, between two and five feet from the property boundary. When landscaping or other conditions would make a sign inconspicuous or illegible if the sign were posted within the distances specified in this paragraph, the sign shall be posted in a similar manner such that it is conspicuous and easily legible to any adult or child entering or passing the property on foot.

13.04. For greenbelts, parks, golf courses, athletic fields, playgrounds, or other similar recreational or common property, the signs must be posted immediately adjacent to areas within the property where pesticides have been applied. For applications on a golf course, the applicator shall post a sign at the clubhouse and at the first tee and the tenth tee notifying the public of the application.

13.05. Any commercial, limited commercial, or public applicator making an aquatic pesticide application in any body of water with any legal public access shall post a sign notifying the public of the application at each place of legal public access.

PART 14. INVOICE STATEMENT.

14.01. Each commercial applicator shall include the following statement in at least 10 point legible type on the front, either at the top or bottom, of each customer invoice.

Commercial applicators are licensed by the Colorado Department of Agriculture.

14.02. This requirement may be met by any means other than handwriting or hand-printing including without limitation, printing, printed sticker, stamping, or typewriting.

PART 15. ENFORCEMENT.

15.01 The phrase "substantial danger or harm to public health and safety, to property, or to the environment" as used in § 35-10-121(2.5), C.R.S. means the existence of a condition which could reasonably be expected to cause, or the actual occurrence of: (i) physical illness, injury, or death to one or more individuals; (ii) damage to property, either real or personal; or (iii) any adverse impact on land, air or water resources that is appreciable and not immediately reparable.