

**Rules of
Department of Agriculture
Division 70—Plant Industries
Chapter 25—Pesticides**

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**Title 2—DEPARTMENT OF
AGRICULTURE
Division 70—Plant Industries
Chapter 25—Pesticides**

2 CSR 70-25.010 Definitions

PURPOSE: This rule defines certain terms in Chapter 281, RSMo 1986 and defines terms in these rules.

(1) Act—the Missouri Pesticide Use Act.

(2) Agricultural commodity—any plant or part, animal or animal product produced or being produced by a person primarily for sale, consumption, propagation or other use by man or animals. (Producers of an agricultural commodity include farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, sod producers or other comparable persons.)

(3) Direct supervision or directly supervised by—process by which a competent, noncertified applicator or pesticide technician uses or determines the need for the use of a pesticide while acting under control of a certified applicator, operator or private applicator with a permit. The certified applicator, operator or private applicator with a permit is responsible for the actions of the noncertified applicator or pesticide technician while using or determining the need for the use of a pesticide(s) even though the certified applicator, operator or private applicator with a permit is not present during the use of pesticides. This requires, at a minimum, that—

(A) Certified applicators, operators or private applicators with a permit and noncertified applicators or pesticide technicians work from the same physical location;

(B) While applying pesticides, noncertified applicators or pesticide technicians shall have in their possession either a work order, job ticket, invoice or similar document for that pesticide application. Each document shall include, at a minimum:

1. Name and license or permit number of the certified applicator, operator or private applicator with a permit providing direct supervision;

2. Name of the noncertified applicator or name and license number of the pesticide technician being directly supervised; and

3. Name of the person requesting the pesticide use and the address or brief description of the pesticide(s) use location and the use date.

(C) The certified applicator providing direct supervision must provide the noncerti-

fied applicator or pesticide technician with a complete copy of the label and labeling for each pesticide used by the noncertified applicator or pesticide technician while using pesticides. The noncertified applicator or pesticide technician shall be required to follow all label and labeling directions;

(D) Certified applicators, operators or private applicators with a permit shall be available and, when needed, respond by phone, radio or in person when noncertified applicators or pesticide technicians use pesticides; and

(E) Certified applicators, operators or private applicators with a permit shall be at the pesticide use site when required by the pesticide label.

(4) End user of a pesticide—that individual who uses or supervises the use of a pesticide.

(5) Forest—a concentration of trees and related vegetation in nonurban areas sparsely inhabited by and infrequently used by humans and characterized by natural terrain and drainage patterns.

(6) In the business of using pesticides—using, supervising the use of pesticides on the lands of another as a service to the public in exchange for a fee or compensation.

(7) Label—the written, printed or graphic matter on or attached to, the pesticide or device or any of its containers or wrappers.

(8) Labeling—all labels and other written, printed or graphic matter accompanying the pesticide or device at any time or to which reference is made on the label or in literature accompanying the pesticide or device. Official publications of the Environmental Protection Agency, the United States Departments of Agriculture, Interior, and Health, Education and Welfare, state experiment stations, state agricultural colleges and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides are not to be considered labeling.

(9) Legal age—eighteen (18) years, unless otherwise provided by law.

(10) Limited rodent fumigation—the use of calcium cyanide dust for rodent control, in accordance with the label or labeling, by applicators certified in the category of General Structural Pest Control, at a distance greater than ten feet (10') from any building or dwelling for the control of rodents associ-

ated with, or likely to be associated with, the building or dwelling.

(11) Ornamentals—trees, shrubs and other plantings in and around habitations generally, but not necessarily, located in urban and suburban areas, including residences, parks, streets, retail outlets, industrial and institutional buildings.

(12) Outlet—that site, location, place, vehicle or personage (in the case of an individual who travels from place to place in the business of selling restricted use pesticides) at, or in which, or by whom, restricted use pesticides are sold at retail or otherwise made available to the end user. An outlet shall not necessarily be a site, location, place or vehicle where restricted use pesticides are merely stored or where the purchaser takes physical possession of the restricted use pesticide after it has been purchased.

(13) Regulated pest—a specific organism determined by state or federal law to be a pest requiring regulatory restrictions, regulations or control procedures in order to protect the host, man and the environment.

(14) Standards of competence—the level of excellence in the art of pest control to be demonstrated by the applicator or operator as a basis for certification.

(15) Structure—any edifice or building including the contents, any patio or terrace attached and the land on which situated, plus any portion of land within the given proprietorship or any adjacent proprietorships which might constitute a potential harborage for pests which could affect the edifice or building or its contents, any portion of land upon which work has begun for the erection of an edifice or building, any wharf, dock, ship, boat, railroad siding or refuse area, and any vehicle used as common carrier.

AUTHORITY: section 281.025, RSMo 1986. Original rule filed May 12, 1976, effective Oct. 21, 1976. Amended: Filed Sept. 6, 1977, effective Dec. 11, 1977. Amended: Filed Aug. 14, 1989, effective Jan. 1, 1990.*

**Original authority: 281.025, RSMo 1974, amended 1977, 1988, 1993, 1995.*

2 CSR 70-25.020 To Whom Licenses Are Issued

PURPOSE: This rule explains who shall be licensed under Chapter 281, RSMo 1986. The reason for this rule is to clarify that in all

cases an individual rather than the business entity will be licensed. Chapter 281, RSMo requires all holding licenses to have proven competence through examination or training courses. Only an individual is capable of meeting these requirements.

(1) Licenses issued under the Missouri Pesticide Use Act (the Act) are issued to the individual and not to business entities. Licenses issued under the Act are valid anywhere in Missouri, provided that the licensee notifies the director in writing within ten (10) days of any change of name, business name, address or any other information affecting licenses issued under sections 281.010—281.115, RSMo (Supp. 1988).

(2) No license shall be issued to any individual not of legal age.

(3) Nonresident licenses shall be issued in accordance with the provisions for resident licenses, except as provided for in section 281.075, RSMo (1986).

AUTHORITY: section 281.030, RSMo Supp. 1988. Original rule filed May 12, 1976, effective Oct. 21, 1976. Amended: Filed Aug. 14, 1989, Jan. 1, 1990.*

** Original authority: 281.030, RSMo 1974, amended 1977, 1981, 1988, 1995.*

2 CSR 70-25.030 Classification of Licenses

PURPOSE: This rule classifies licenses that will be issued under the authority of Chapter 281, RSMo 1986. The reason for this rule is to clarify the type of licenses needed by persons whose occupations require them using or selling certain pesticides.

(1) Pesticide Applicator or Operator Licenses.

(A) Certified Commercial Applicator License. Certified commercial applicator licenses shall be obtained by individuals who use, supervise the use of or determine the need for the use of any pesticide on the lands of another as a service to the public in exchange for a fee or compensation.

(B) Certified Noncommercial Applicator License. A certified noncommercial applicator license shall be obtained by those individuals, whether or not they are private applicators with respect to some uses, who use or supervise the use of restricted use pesticides only on lands owned or rented by them or their employers.

(C) Certified Private Applicator License. A certified private applicator license shall be

obtained by those individuals who use or supervise the use of restricted use pesticides as a private applicator as defined in section 281.020(2)c., RSMo (Supp. 1988).

(D) Certified Public Operator License. A certified public operator license shall be obtained by individuals who use or supervise the use of restricted use pesticide as employees of federal, state, county or local governmental agencies. A public operator license is valid only when the licensee is functioning as an employee of the agency.

(2) Pesticide Technician License. Individuals under direct supervision of certified commercial applicators, using or determining the need for the use of pesticides in the category of ornamental and turf pest control, the subcategory of general structural pest control or the subcategory termite pest control shall obtain a pesticide technician license. The certified commercial applicator must be certified in the same pest control category(ies).

(3) Pesticide Dealer License. A pesticide dealer license shall be obtained by those individuals who sell at retail, or otherwise make available to the end user, any restricted use pesticide.

AUTHORITY: section 281.030, RSMo Supp. 1988. Original rule filed May 12, 1976, effective Oct. 21, 1976. Amended: Filed Sept. 6, 1977, effective Dec. 11, 1977. Amended: Filed Aug. 14, 1989, effective Jan. 1, 1990.*

**Original authority: 281.030, RSMo 1974, amended 1977, 1981, 1988, 1995.*

2 CSR 70-25.050 Review of Certification or License

PURPOSE: This rule provides for review of licenses by the director as provided for in section 281.110, RSMo 1986. The reason for this rule is to allow the director to determine whether or not denial or revocation procedures should be invoked on an individual whose license has been denied or revoked or who has been convicted in criminal or civil action in another state or by the federal government for misuse of pesticides. This rule is needed to keep unscrupulous pesticide applicators and dealers from continuing business by seeking harborage in another state.

(1) The director may investigate the need for hearings to deny, suspend, revoke or modify a license, certification or permit. These investigations may extend to license qualifications and possible violations of the Missouri Pesticide Use Act.

(2) Additional training or reexamination of certified commercial applicators, certified noncommercial applicators and certified public operators shall be required within three (3) years from initial certification and within each subsequent three (3)-year period. Additional training shall pertain to maintaining competence and meeting the needs of changing technology in the safe and proper use of pesticides.

(3) Additional training of certified private applicators shall be required within five (5) years from initial certification and within each subsequent five (5)-year period. This training shall pertain to maintaining competence and meeting the needs of changing technology in the safe and proper use of agricultural pesticides.

AUTHORITY: section 281.110, RSMo 1986. Original rule filed May 12, 1976, effective Oct. 21, 1976. Amended: Filed Sept. 6, 1977, effective Dec. 11, 1977. Amended: Filed Aug. 14, 1989, effective Jan. 1, 1990.*

**Original authority: 281.110, RSMo 1974.*

2 CSR 70-25.060 Application for a Certified Commercial Applicator License, a Certified Noncommercial Applicator License or a Certified Public Operator License

PURPOSE: This rule determines what personal and professional information will be required of an applicant for a commercial applicator's license. This rule is necessary to provide the information needed by the state to administer an effective regulatory program as required by Chapter 281, RSMo 1986 and still protect the privacy of the individual applicant.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) A form for making application for a certified commercial applicator license, a certified noncommercial applicator license or a certified public operator license will be furnished by regular mail upon written request to: Bureau of Pesticide Control, Missouri

Department of Agriculture, P.O. Box 630, Jefferson City, MO 65102.

(2) Applications shall be either typed or clearly printed in ink.

(3) A clear full-face, head and shoulder photograph of the applicant, taken within the preceding twelve (12) months of the date of application, and not less than two and one-half inches (2 1/2") square, shall be attached to the application.

(4) The director shall keep all documents filed in support of an application until such time as the documents are replaced, except that—

(A) If a license is not issued within one (1) year of passing required examinations, all documents pertaining to that application may be destroyed; or

(B) If a license expires for more than one (1) year, all documents pertaining to that license may be destroyed.

(5) The applicant shall furnish the director with the following:

(A) Name, including any other names under which the applicant has been known:

(B) Social Security number;

(C) Date of birth;

(D) Physical description;

(E) Home address;

(F) Business name and address from which pesticides will be used;

(G) Categories in which the applicant requests a license;

(H) List of present and past employers for the three (3) years prior to application;

(I) List of three (3) references;

(J) List of all present and past pesticide licenses, permits, certifications or registrations;

(K) Explanation of any violation of the statutes of any state or protectorate of the United States, or of the federal government which resulted in the denial, suspension, revocation or modification of a pesticide license, permit, certification or registration, or issuance of a civil penalty; and

(L) Explanation of any criminal prosecution, whether or not sentence was imposed, in which the applicant was found guilty, entered a plea of guilty or *nolo contendere*, or is subject to criminal prosecution under the laws of any state or of the United States, for the following:

1. Offenses reasonably related to the qualifications, functions or duties of professions regulated under this chapter;

2. Offenses an essential element of which is fraud, dishonesty or an act of violence; and

3. Offenses involving moral turpitude.

(6) Any applicant who willfully makes a false statement in an application may be subject to the provisions of section 281.060, RSMo (1986).

AUTHORITY: section 281.035, RSMo Supp. 1989. Original rule filed May 12, 1976, effective Oct. 21, 1976. Amended: Filed Sept. 6, 1977, effective Dec. 11, 1977. Amended: Filed Aug. 14, 1989, effective Jan. 1, 1990.*

**Original authority: 281.035, RSMo 1974, amended 1977, 1988.*

2 CSR 70-25.065 Acceptable Insurance and Bond Forms for Commercial Applicators

PURPOSE: This rule identifies those insurance and bond forms which are acceptable to the Missouri Department of Agriculture as evidence of financial responsibility protecting persons who may suffer legal damages as a result of the operations of a commercial pesticide applicator.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) Commercial applicators must use one (1) of the following methods for providing evidence of financial responsibility:

(A) Acceptable insurance or bond forms will be provided by the Bureau of Pesticide Control, Missouri Department of Agriculture, P.O. Box 630, Jefferson City, MO 65102. These forms must be completed and signed by an insurance company representative or a bonding agent. Acceptable certificates of insurance must affirm that the insured's policy meets the requirements of section 281.065, RSMo (1986). Acceptable bonds must have power of attorney, or authority to bind surety, attached;

(B) Certificates of insurance provided by insurance companies shall include:

1. Applicator's name, business name and business address;

2. Policy number

3. Effective and expiration dates;

4. Limits of liability;

5. Insurance company representative's signatures; and

6. A signed statement from the insurance representative affirming that the insured's policy meets requirements of section 281.065, RSMo (Supp. 1988); or

(C) Complete insurance policies which meet the requirements of section 281.065, RSMo (1986).

(2) Only bond forms provided by the director are acceptable.

AUTHORITY: section 281.065, RSMo Supp. 1989. Original rule filed July 8, 1977, effective Oct. 14, 1977. Amended: Filed Aug. 14, 1989, effective Jan. 1, 1990.*

**Original authority: 281.065, RSMo 1974, amended 1977, 1988.*

2 CSR 70-25.070 Requirements for Certified Commercial Applicators or Public Operators in Structural Pest Control

PURPOSE: This rule sets forth the qualifications required for those persons who wish to be certified as commercial applicators or public operators in the category of structural pest control. This category is described in 2 CSR 70-25.100(5)(G). The rule sets forth training and experience requirements for those individuals to be certified in this category.

(1) Applicants for certified commercial applicator licenses or public operator licenses in structural pest control shall meet at least one (1) of the following:

(A) Applicants shall have a minimum of an Associate of Arts (AA) degree or its equivalent in agriculture, biology, chemistry or entomology from an accredited college or university. Evidence of this education shall be in the form of a copy of the degree or transcript;

(B) Applicants shall have at least one (1) year of experience in accordance with the Missouri Pesticides Use Act (the Act). This experience shall be—

1. Gained within the three (3) years prior to the date of application;

2. As an applicator in the subcategory of structural pest control which relates to the area of expertise in which the applicant will use pesticides; and

3. Evidenced in a notarized statement containing the name, address and telephone number of the employer from whom the

applicant received the experience and dates of employment; or

(C) Applicants shall have a combination of education and experience as follows:

1. Successful completion of an approved correspondence course in pest control within three (3) years prior to application for licensure or addition of categories to an existing license;

2. At least six (6) months experience in accordance with the Act within the three (3) years prior to the date of application, as an applicator in the subcategory of structural pest control which relates to the area of expertise in which the applicant will use pesticides; and

3. Evidence of the approved correspondence course and experience shall include:

A. A copy of the certificate from the approved correspondence course; and

B. A notarized statement containing the name, address and telephone number of the employer from whom the applicant received the experience and dates of employment.

AUTHORITY: section 281.025, RSMo Supp. 1989. Original rule filed May 12, 1976, effective Oct. 21, 1976. Amended: Filed July 8, 1977, effective Oct. 14, 1977. Amended: Filed Aug. 14, 1989, effective Jan. 1, 1990.*

**Original authority: 281.025, RSMo 1974, amended 1977, 1988, 1993, 1995.*

2 CSR 70-25.080 Stipulations for a Certified Commercial Applicator License, a Certified Noncommercial Applicator License or a Certified Public Operator License

PURPOSE: This rule sets stipulations on certified commercial applicators, certified noncommercial applicators and certified public operators.

(1) No certified commercial applicator, certified noncommercial applicator or certified public operator shall use his/her license as authority to represent more than one (1) business or employer for the purpose of using, supervising the use of or determining the need for the use of pesticides.

(2) No certified public operator or certified noncommercial applicator shall use his/her license to solicit business from the public.

(3) Certified commercial applicators, certified noncommercial applicators and certified public operators must display their licenses at

all times in a prominent place at the address which shall be printed on the license.

AUTHORITY: section 281.025, RSMo Supp. 1989. Original rule filed May 12, 1976, effective Oct. 21, 1976. Amended: Filed Sept. 6, 1977, effective Dec. 11, 1977. Amended: Filed Aug. 14, 1989, effective Jan. 1, 1990.*

**Original authority: 281.025, RSMo 1974, amended 1977, 1988, 1993, 1995.*

2 CSR 70-25.090 Examinations for Certified Commercial Applicators, Certified Noncommercial Applicators and Certified Public Operators

PURPOSE: This rule sets forth the type of examination to be taken (written, oral or practical); provides for hardship cases; provides that the director may determine the specific content of the examination; provides for rules of conduct during examinations; and provides for examination.

(1) Applicants for a certified commercial applicator license, a certified noncommercial applicator or a certified public operator license shall take a written examination based on the standards of competence provided in 2 CSR 70-25.110. When recommended by the director, the applicant shall take a written and oral examination and conduct a practical demonstration of competence.

(2) Examinations shall cover material judged by the director to be pertinent to the request contained in the application.

(3) Any applicant who gives or receives unauthorized assistance during an examination shall be dismissed from the examination and his/her markings or results shall be voided. Any such person shall be required to make reapplication for a license.

(4) Only persons authorized by the director may be in the examination room during the examination. The director may require identification for all applicants.

(5) Any applicant who fails to attain a passing score of seventy percent (70%) on any examination may request in writing, by regular mail, to retake the examination. The director will then inform the applicant, in writing, by regular mail, of the time and place the applicant may retake the examination. Upon failing the examination three (3) times, or failing to take the examination as scheduled three (3) times, the applicant shall reapply for a license.

(6) All examinations taken to satisfy requirements of the Missouri Pesticide Use Act shall be retained by the department for at least one (1) year from the date they were completed. Individuals who do not apply for a license during that one (1)-year period must be reexamined before their license application will be accepted.

AUTHORITY: section 281.035, RSMo Supp. 1989. Original rule filed May 12, 1976, effective Oct. 21, 1976. Amended: Filed Sept. 6, 1977, effective Dec. 11, 1977. Amended: Filed Aug. 14, 1989, effective Jan. 1, 1990.*

**Original authority: 281.035, RSMo 1974, amended 1977, 1988.*

2 CSR 70-25.100 Certification Categories for Certified Commercial Applicators, Certified Noncommercial Applicators and Certified Public Operators

PURPOSE: This rule is necessary in order to provide categories for the certification of applicators and operators due to the wide diversity of areas of knowledge which has evolved within the pest control industry. These categories are necessary in that no individual should be expected to demonstrate a practical knowledge of all facets of the pest control industry, nor is this demonstration necessary. This rule contains information regarding the number of categories in which applicators or operators may be certified, a special stipulation regarding the category of demonstration pest control, the necessity of certification by examination and a description of the activities of those individuals required to be certified in the various categories.

(1) To qualify for a certified commercial applicator license, a certified noncommercial applicator license or a certified public operator license, applicators of pesticides shall be certified in one (1) or more of the following pesticide applicator categories: Category 1—Agricultural Pest Control, Subcategory a—Agricultural Plant Pest Control, Subcategory b—Agricultural Animal Pest Control; Category 2—Forest Pest Control; Category 3—Ornamental and Turf Pest Control; Category 4—Seed Treatment; Category 5—Aquatic Pest Control; Category 6—Right-of-Way Pest Control; Category 7—Structural Pest Control, Subcategory a—General Structural Pest Control, Subcategory b—Termite Pest Control, Subcategory c—Fumigation Pest Control; Category 8—Public Health Pest Control; Category 9—Regulatory Pest Control; Category 10—Demonstration

and Research Pest Control; and Category 11—Wood Products Pest Control.

(2) Commercial applicators, noncommercial applicators and public operators must be certified in at least one (1) of the categories provided in section (1) and may be certified in any number of or any combination of those categories.

(3) Those individuals who wish to obtain a certified commercial applicator license, a certified noncommercial applicator license or a certified public operator license as authority to conduct demonstrations involving pesticides and devices must be certified in Category 10—Demonstration and Research Pest Control. In addition, those individuals must be certified in the category, or those categories, which relate to the areas of expertise in which they wish to conduct these demonstrations.

(4) Commercial applicators, noncommercial applicators and public operators shall be certified in the respective categories only after they have passed an examination based on the standards of competence as provided in 2 CSR 70-25.110.

(5) Description of Commercial Applicator, Noncommercial Applicator and Public Operator Certification Categories.

(A) Category 1—Agricultural Pest Control.

1. Subcategory a—Agricultural Plant Pest Control. This category is provided for public operators, noncommercial applicators and commercial applicators who use or supervise the use of pesticides to agricultural commodities, including, but not limited to, tobacco, peanuts, cotton, corn, cereal grain, feed grains, soybeans, forages and forage crops, vegetables, small fruits, tree fruits and nuts, grassland and noncrop agricultural lands, greenhouse products, Christmas tree plantings, sod nurseries and plant nurseries and who apply pesticides for the conversion of forested areas to agricultural lands.

2. Subcategory b—Agricultural Animal Pest Control. This category is provided for public operators, noncommercial applicators and commercial applicators who use or supervise the use of pesticides to animals, including, but not limited to, cattle, swine, sheep, furbearing animals, horses, goats, poultry and other livestock and wild animals in captivity and to places on or in which animals are confined with the exception of aquatic harborages. This includes those agricultural animals used as work or draft animals and those used as pleasure animals.

(B) Category 2—Forest Pest Control. This category is provided for public operators, noncommercial applicators and commercial applicators who use or supervise the use of pesticides in forests, forest nurseries and forest seed producing areas for the purpose of the propagation and maintenance of those forests, forest nurseries and forest seed producing areas.

(C) Category 3—Ornamental and Turf Pest Control. This category is provided for public operators, noncommercial applicators and commercial applicators who use, supervise the use of or determine the need for the use of pesticides to control pests in the care and maintenance of ornamental trees, shrubs, flowers and turf.

(D) Category 4—Seed Treatment. This category is provided for public operators, noncommercial applicators and commercial applicators who use or supervise the use of pesticides to seeds.

(E) Category 5—Aquatic Pest Control. This category is provided for public operators, noncommercial applicators and commercial applicators who use or supervise the use of pesticides purposefully to standing or running water for the control of aquatic pests with the exception of health-related pests.

(F) Category 6—Right-of-Way Pest Control. This category is provided for public operators, noncommercial applicators and commercial applicators who use or supervise the use of pesticides in the maintenance of public roads, electric power lines, pipelines, railroad rights-of-way or similar areas.

(G) Category 7—Structural Pest Control. This category is provided for public operators, noncommercial applicators and commercial applicators who use or supervise the use of pesticides in, on or around any structure.

1. Subcategory a—General Structural Pest Control. This subcategory is provided for public operators, noncommercial applicators and commercial applicators who use, supervise the use of or determine the need for the use of pesticides for the control of general structural pests with the exception of wood-destroying organisms.

2. Subcategory b—Termite Pest Control. This subcategory is provided for public operators, noncommercial applicators and commercial applicators who use, supervise the use of or determine the need for the use of pesticides for the control of wood-destroying organisms, including, but not limited to, termites, carpenter ants and powder post beetles.

3. Subcategory c—Fumigation Pest Control. This subcategory is provided for public operators, noncommercial applicators

and commercial applicators who use or supervise the use of fumigants for pest control. Certification in this category is not required for those applicators certified in the category of General Structural Pest Control who use calcium cyanide dust for limited rodent fumigation.

(H) Category 8—Public Health Pest Control. This category is provided for public operators, noncommercial applicators and commercial applicators who use or supervise the use of pesticides in public health programs for the management and control of pests having medical and public health importance.

(I) Category 9—Regulatory Pest Control. This category is provided for state or federal employees who use or supervise the use of pesticides in the control of regulated pests.

(J) Category 10—Demonstration and Research Pest Control. This category is provided for individuals who demonstrate to the public the proper use and techniques of application of restricted use pesticides or supervise the demonstration. It is also provided for individuals conducting field research with pesticides, and in doing so, use or supervise the use of restricted-use pesticides.

(K) Category 11—Wood Products Pest Control. This category is provided for public operators, noncommercial applicators and commercial applicators who use or supervise the use of pesticides to control or prevent wood-degrading organisms, including, but not limited to, insects and the fungi or bacteria causing surface molding, surface staining, sap staining, brown rot, white rot, dry rot and soft rot.

AUTHORITY: sections 281.035 and 281.045, RSMo Supp. 1988. Original rule filed May 12, 1976, effective Oct. 21, 1976. Amended: Filed Sept. 6, 1977, effective Dec. 11, 1977. Amended: Filed March 13, 1978, effective June 11, 1978. Amended: Filed Aug. 14, 1989, effective Jan. 1, 1990.*

**Original authority: 281.035, RSMo 1974, amended 1977, 1988; 281.045, RSMo 1974, amended 1977, 1988.*

2 CSR 70-25.110 Standards of Competence for the Certification of Commercial Applicators, Noncommercial Applicators and Public Operators

PURPOSE: This rule contains the general standards of competence for applicators and operators on which the contents of examinations will be based. It also contains the category specific standards of competence on which the category examinations will be

based. This rule is necessary in order to convey to the applicant a knowledge of the standards for which s/he will be required to demonstrate an acceptable level of competence.

(1) Commercial applicators, noncommercial applicators and public operators shall pass an examination to demonstrate competence in the use of pesticides based on the general standards of competence and shall pass an examination based on the specific standards of competence for at least one (1) of the certification categories listed in 2 CSR 70-25.100.

(2) General Standards of Competence for All Certification Categories.

(A) The applicant shall demonstrate a practical knowledge of the format and terminology of pesticide labels and labeling, and an understanding of instructions, warnings, terms, symbols and other information commonly appearing on pesticide labels. The applicant shall demonstrate a practical knowledge of the classification of pesticides as to general or restricted use and must understand the necessity for the use of a pesticide in a manner consistent with its labeling.

(B) The applicant shall demonstrate a practical knowledge of the factors of pesticide safety including pesticide toxicity, hazard to man, and common exposure routes. The applicator must demonstrate a practical knowledge of the types and causes of pesticide accidents, a practical knowledge of the precautions necessary to guard against injury to applicators and other individuals in or near treated areas; a practical knowledge of the need for, and the use of, protective clothing and equipment; a practical knowledge of symptoms of pesticide poisoning; and a practical knowledge of first aid and other procedures to be followed in case of pesticide accidents. The applicator shall demonstrate a practical knowledge of proper identification, storage, transport, handling, mixing procedures and disposal methods for pesticides and used pesticide containers including precautions to be taken to prevent children from having access to pesticides and pesticide containers.

(C) The applicant shall demonstrate a practical knowledge of the environment, including potential environmental consequences of the use, and the misuse, of pesticides as may be influenced by such factors as weather and other climatic conditions; as may be influenced by types of terrain, soil and other substrate; as may be influenced by the presence of fish, wildlife and other nontarget organ-

isms; and as may be influenced by drainage patterns.

(D) The applicant shall demonstrate a practical knowledge of pests and pest recognition, including the common features of pest organisms and the characteristics of pest damage as a means of pest recognition; and a practical knowledge of pest development, including the biology and habits of pests as may be relevant to problem identification in pest control.

(E) The applicant shall demonstrate a practical knowledge of pesticides, including types of pesticides, types of pesticide formulations, compatibility, synergism, persistence and the toxicity of various pesticides and pesticide formulations to animals and plants; a practical knowledge of the hazards and residues associated with pesticide use; a practical knowledge of factors which influence pesticide effectiveness or lead to such problems as resistance to pesticides; and a practical knowledge of dilution procedures.

(F) The applicant shall demonstrate a practical knowledge of pesticide equipment, including the types of equipment and the advantages and limitations of each type, and a practical knowledge of the use, maintenance and calibration of pesticide equipment.

(G) The applicant shall demonstrate a practical knowledge of pesticide application techniques, including methods and procedures used to apply various formulations of pesticide solutions and gases, together with a knowledge of which application technique to use in a given situation; a practical knowledge of the relationship of discharge and placement of a pesticide to the proper use of the pesticide as well as to the unnecessary use of the pesticides; and a practical knowledge of the prevention of pesticide drift and of pesticide loss into the environment.

(H) The applicant shall demonstrate a practical knowledge of the applicable state and federal laws and regulations.

(3) Specific Standards of Competence for Certification Categories.

(A) Category 1—Agricultural Pest Control.

1. Subcategory a—Agricultural Plant Pest Control. The applicant shall demonstrate a practical knowledge of the crops to which pesticides will be applied and a practical knowledge of the specific pests of those crops. A practical knowledge is required concerning potential soil and water problems, preharvested intervals, reentry intervals, phytotoxicity; and concerning the potential for environmental contamination, the potential for injury to nontarget plants and animals, and the potential for causing community

problems resulting from the use of pesticides in agricultural areas.

2. Subcategory b—Agricultural Animal Pest Control. The applicant who applies pesticides directly to animals, or to the harborages of animals, must demonstrate a practical knowledge of these animals and their associated pests. A practical knowledge also is required concerning specific pesticide toxicity to animals and concerning the potential for illegal pesticide residues when these animals are to be used for human or animal food. The applicant also must demonstrate a practical knowledge of pesticide formulations and application techniques as they apply to animals of various ages and animals under various types of stress, and a practical knowledge concerning the extent of treatment of those animals.

(B) Category 2—Forest Pest Control. The applicant shall demonstrate a practical knowledge of the types of forest, forest nurseries and seed production and a practical knowledge of the pests involved. The applicant shall possess a practical knowledge of the cyclic occurrence of certain pests, and a practical knowledge of specific population dynamics as a basis for programming pesticide applications. Applicants shall demonstrate a practical knowledge regarding nontarget plants and animals and their vulnerability to pesticides. The applicator must demonstrate a practical knowledge of control methods which will minimize the possibility of secondary problems such as the unintended effects on wildlife and which will minimize problems of pollution. The applicator must demonstrate a practical knowledge of specialized equipment, especially as it relates to meteorological factors and adjacent land use.

(C) Category 3—Ornamental and Turf Pest Control. The applicant shall demonstrate a practical knowledge of pesticide problems associated with the production and maintenance of ornamental trees, shrubs, plantings and the production and maintenance of turf. The applicant shall demonstrate a practical knowledge concerning potential phytotoxicity (chemical burn of plant tissue) due to a wide variety of plant material involved. The applicant shall demonstrate a practical knowledge concerning pesticide drift and a practical knowledge concerning the persistence of pesticides beyond the intended period of pest control. Because of the frequent proximity of human habitations to application activities the applicant shall demonstrate a practical knowledge of application methods which will minimize or prevent hazards to humans, pets and other domestic animals.

(D) Category 4—Seed Treatment. The applicant shall demonstrate a practical knowledge of the types of seeds which require chemical protection against pests and a practical knowledge of factors such as seed coloration, pesticide carriers and surface active agents which influence pesticide binding and may affect germination. The applicant shall demonstrate a practical knowledge of the hazards associated with the handling, sorting and mixing of treated seed. The applicant shall demonstrate practical knowledge of the problems regarding the misuse of seed treated with pesticides, such as the introduction of treated seed into food and feed channels. The applicant shall demonstrate a practical knowledge concerning the proper disposal of unused treated seed.

(E) Category 5—Aquatic Pest Control. The applicant shall demonstrate a practical knowledge of the secondary effects which can be caused by improper application rates, incorrect formulations and the faulty application of those pesticides used in this category. The applicant shall demonstrate a practical knowledge of various water use situations and the potential for downstream adverse effects. The applicant shall demonstrate a practical knowledge of the potential adverse effects of pesticides on nontarget plants, fish, birds, beneficial insects and other organisms which may be present in aquatic environments. The applicant shall demonstrate a practical knowledge of the principles of limited area applications.

(F) Category 6—Right-of-Way Pest Control. The applicant shall demonstrate a practical knowledge concerning the wide variety of environments involved in right-of-way pest control. The applicant shall demonstrate a practical knowledge of problems of pesticide run off, pesticide drift and problems of excess foliage destruction. The applicant shall demonstrate a practical knowledge concerning the recognition of target pest organisms involved in right-of-way pest control. The applicant shall demonstrate a practical knowledge of herbicides and the need for containing these pesticides within the right-of-way area. The applicant shall demonstrate a practical knowledge concerning the impact of pesticides on adjacent areas and communities.

(G) Category 7—Structural Pest Control.

1. Subcategory a—General Structural Pest Control. The applicant shall demonstrate a practical knowledge of a wide variety of structural pests, including the life cycle and habits of these pests. The applicant shall demonstrate a practical knowledge concerning the types of formulations appropriate for the control of these pests. The applicant shall

demonstrate a practical knowledge concerning the application of pesticides in a manner to avoid damage to the structure, contamination of food, contamination of the structure and surrounding area and exposure of people and pets. The applicant shall demonstrate a practical knowledge of the specific factors which may lead to a hazardous condition, including continuous exposure in the various situations encountered in this category. The applicant must also demonstrate practical knowledge of environmental conditions relating to outdoor applications of pesticides used in this category.

2. Subcategory b—Termite Pest Control. The applicant shall demonstrate a practical knowledge of termites, including their life cycle and habits and a practical knowledge of termite damage. The applicant shall demonstrate a practical knowledge of various associated wood-destroying organisms, including, but not limited to, powder post beetles, carpenter ants and other wood destroying insects. The applicant shall demonstrate a practical knowledge concerning undue exposure to humans, domestic pets and other nontarget organisms; as well as a practical knowledge concerning potential contamination of the environment and associated problems.

3. Subcategory c—Fumigation Pest Control. The applicant shall demonstrate a practical knowledge concerning a wide variety of pests associated with those structures subject to fumigation. The applicant shall demonstrate a practical knowledge regarding the use of the various fumigants, including application techniques, and the use of specialized safety equipment and specialized application techniques. The applicant shall demonstrate a practical knowledge concerning the use of fumigants in a manner to avoid contamination of food and surrounding areas and to prevent exposure of humans and pets. The applicant shall demonstrate a practical knowledge of the specific factors which may lead to a hazardous condition, including continuous exposure in the various situations encountered in this category. The applicant also must demonstrate practical knowledge of environmental conditions relating to outdoor applications of pesticides used in this category.

(H) Category 8—Public Health Pest Control. The applicant shall demonstrate a practical knowledge of vector-disease transmission as it relates to, and influences, pesticide application problems. The applicator shall demonstrate a practical knowledge concerning a wide variety of pests involved in public health pest control, including the life histories and habits of these pests. The appli-

cant shall demonstrate a practical knowledge concerning a great variety of environments which range from streams to those conditions found in buildings. The applicant shall demonstrate a practical knowledge of the importance of, and employment of, such non-chemical control methods as sanitation, waste disposal and drainage.

(I) Category 9—Regulatory Pest Control. The applicant shall demonstrate a practical knowledge of regulated pests, applicable laws pertaining to pest quarantine and other forms of pest regulation and the potential impact on the environment of pesticides used in suppression and eradication programs. The applicant shall demonstrate a practical knowledge concerning factors influencing introduction, spread and population dynamics of relevant pests. The applicant shall demonstrate a practical knowledge which shall extend beyond that required by the immediate duties of the applicator since the services of the applicator frequently are required in other areas of the country where emergency measures are invoked to control regulated pests and where individual judgements must be made in new situations.

(J) Category 10—Demonstration and Research Pest Control. The applicant shall meet comprehensive standards reflecting a broad spectrum of pesticide uses. The applicant shall demonstrate a practical knowledge of problems, pest and population levels occurring in each demonstration or research situation required. The applicant shall demonstrate an understanding of pesticide-organism interactions and the importance of integrating pesticide use with other control methods. The applicant shall not only demonstrate competence in the category of Demonstration and Research Pest Control but also shall demonstrate the category competencies which apply to the area of expertise in which the applicant shall conduct demonstrations and research.

(K) Category 11—Wood Products Pest Control. The applicant shall demonstrate a practical knowledge of wood degradation and a general knowledge of pesticides used to prevent or control the degradation. The applicant shall demonstrate an understanding of the pesticides used to preserve wood including a knowledge of solution formulations, application techniques, hazards to man, domestic animals and the environment and the safe and proper means of container storage and disposal.

AUTHORITY: section 281.025, RSMo Supp. 1989. Original rule filed May 12, 1976, effective Oct. 21, 1976. Amended: Filed Sept. 6, 1977, effective Dec. 11, 1977. Amended:*

Filed March 13, 1978, effective June 11, 1978. Amended: Filed Aug. 14, 1989, effective Jan. 1, 1990.

*Original authority: 281.025, RSMo 1974, amended 1977, 1988, 1993, 1995.

2 CSR 70-25.120 Contents of Records Maintained by Certified Commercial Applicators, Certified Noncommercial Applicators and Certified Public Operators

PURPOSE: This rule sets forth the contents of records to be maintained by certified commercial applicators, noncommercial applicators and public operators. This rule is necessary to provide all the necessary information on particular pesticide treatments in the event a commercial applicator, noncommercial applicator or public operator is charged with misuse of a pesticide or possible other charges, either by the director, other regulatory agencies or by a client.

(1) Certified commercial applicators or their employers shall keep and maintain records for the use of any pesticide(s). These records shall be kept for three (3) years in a neat and legible condition.

(2) Certified noncommercial applicators and certified public operators or their employers shall keep and maintain records for the use of restricted use pesticides. These records shall be kept for a period of three (3) years in a neat and legible condition.

(3) These records shall be available for inspection by the director at a reasonable time during regular business hours or, upon request in writing, the director shall be furnished a copy of these records within ten (10) working days of receipt of request.

(4) These records shall contain the following for each application site:

(A) Name and license number of the certified applicator or operator;

(B) Name of the noncertified applicator or the name and license number of the pesticide technician using the pesticide(s), if applicable;

(C) Application date;

(D) Name and address of the person requesting the pesticide use;

(E) Address or brief description of the application site;

(F) Pest(s) controlled or prevented by the pesticide use;

(G) Complete trade (manufacturer's brand) name and United States Environmental

Protection Agency (EPA) registration number from the label of the pesticide(s) used;

(H) Reasonable estimate of the amount of pesticide(s) used and, if applicable, the actual rate of application expressed in reasonable and understandable terms; and

(I) A reasonable estimate of the time, air temperature, average wind speed and direction at the site of outdoor pesticide applications, excluding applications of pesticides in general structural pest control and termite pest control within ten feet (10') of a building.

AUTHORITY: sections 281.035 and 281.045, RSMo Supp. 1990. Original rule filed May 12, 1976, effective Oct. 21, 1976. Amended: Filed Sept. 6, 1977, effective Dec. 11, 1977. Amended: Filed Aug. 14, 1989, effective Jan. 1, 1990.*

*Original authority: 281.035, RSMo 1974, amended 1977, 1988; 281.045, RSMo 1974, amended 1977, 1988.

2 CSR 70-25.130 Requirements for a Certified Private Applicator License

PURPOSE: This rule sets forth the requirements for a certified private applicator license.

(1) A certified private applicator license will be issued to any private applicator who meets the following requirements:

(A) Applicants shall submit to the director a verification of training signed by the applicant and an authorized pesticide trainer; and

(B) The applicant shall have attended a private applicator training program provided by the director and presented by the University of Missouri Cooperative Extension Service or the applicant shall have demonstrated competence in the safe and proper use of pesticides by completing any other program of pesticide training approved by the director.

AUTHORITY: section 281.040, RSMo 1986. Original rule filed May 12, 1976, effective Oct. 21, 1976.*

*Original authority: 281.040, RSMo 1974, amended 1977, 1988.

2 CSR 70-25.150 Course of Instruction and Standards of Competence for Certified Private Applicators

PURPOSE: This rule is necessary to set forth the contents of any course of instruction for the private applicator which is to be approved by the director. The approval is provided for in section 281.040, RSMo 1986. This rule

sets forth the contents of any course of instruction, plus the standards of competence to be covered during the course of instruction. A method for the verification of private applicator training is set forth in this rule also.

(1) Certified private applicators shall attend a course of instruction approved by the director as required by section 281.040, RSMo (1986). The course of instruction shall encompass the standards of competence as provided in section (2) of this rule. Private applicators also shall be instructed as to the general pest problems and general pest control practices associated with agricultural operations, proper storage, application, handling and disposal of pesticides and pesticide containers and the legal responsibilities of private applicators.

(2) Standards of Competence.

(A) The recognition of common agricultural pests and the recognition of the damage caused by these pests;

(B) The reading and understanding of the label and labeling information, including the common name of the pesticide; the pest to be controlled; timing and methods of the application of the pesticide; safety precautions; pre-harvest intervals; reentry intervals and disposal procedures for pesticides and pesticide containers;

(C) The application of pesticides in accordance with label and labeling instructions and warnings, including the ability to prepare the proper concentration of the pesticides to be used under particular circumstances, taking into account factors such as the area to be covered, speed in which application equipment will be driven and the quantity to disperse in a given period of operation;

(D) The recognition of local environmental situations that must be considered during application to avoid contamination; and

(E) The recognition of poisoning symptoms and procedures to follow in case of a pesticide accident.

(3) Attendance of an approved course of instruction by the private applicator shall be verified by the signature of the instructor and the signature of the private applicator on a verification document provided by the director. The document shall be forwarded to the Missouri Department of Agriculture as proof of attendance. Upon receipt of the document of verification of attendance, the director shall forward to the private applicator a certified private applicator license.

AUTHORITY: section 281.040, RSMo 1986. Original rule filed May 12, 1976, effective Oct. 21, 1976.*

**Original authority: 281.040, RSMo 1974, amended 1977, 1988.*

2 CSR 70-25.155 Declaration of the Agricultural Pesticide Heptachlor as a Restricted Use Pesticide for Controlling Cutworms on Missouri Field Corn Acreage and Implementation of a Program of Restricted Use of Heptachlor for the Years 1978, 1979 and 1980
(Rescinded August 11, 1986)

AUTHORITY: sections 281.025 and 281.060, RSMo Supp. 1975. Emergency rule filed March 14, 1978, effective March 24, 1978, expired July 22, 1978. Original rule filed March 13, 1978, effective June 11, 1978. Rescinded: Filed May 13, 1986, effective Aug. 11, 1986.

2 CSR 70-25.156 Responsibilities of Certified Commercial Applicators or Their Employers; Application Requirements, Qualifications and Stipulations for Pesticide Technician Trainees and Pesticide Technicians

PURPOSE: This rule defines the responsibilities, application requirements, qualifications and stipulations related to the pesticide technician license classification established under section 281.038, RSMo (Cum. Supp. 1990).

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) Responsibilities of Certified Commercial Applicators or Their Employers for Pesticide Technicians and Pesticide Technician Trainees.

(A) Prior to employment of pesticide technician trainees, certified commercial applicators or their employers must submit in writing, by regular mail, pesticide technician training programs to the director for approval. Training programs must be submitted for each category or subcategory in which pesticide technicians will use or determine the need for the use of pesticides and in

accordance with guidelines provided by the director. Approved pesticide technician training programs shall be valid for one (1) year from the date of approval.

(B) In order to receive reapproval of pesticide technician training programs, certified commercial applicators or their employers shall submit written requests to the director by regular mail. Reapproval requests shall be in accordance with guidelines provided by the director.

(C) Certified commercial applicators or their employers shall notify the director in writing, by regular mail, within ten (10) working days of the employment and of the discontinued employment of an individual as a pesticide technician or pesticide technician trainee. Notification shall include the applicant's name, Social Security number, license number if applicable, business name and address and the dates of employment and discontinued employment.

(D) Certified commercial applicators or their employers must submit to the director a Notice of Training form provided by the director. This form shall contain the name and signature of the pesticide technician trainee, dates of training, title and approval code of the training program used, the name(s), signature(s) and license number(s) of the person(s) providing training.

(E) Certified commercial applicators or their employers shall keep and maintain records of required training for a period of three (3) years from the date training was completed. These records shall include the name and business address of the pesticide technician trainee, the name(s) and license number(s) of the person(s) providing training, the title(s) of and time spent on each standard of competence, the dates of training and signatures of the trainer(s) and the pesticide technician trainee.

(F) Certified commercial applicators or their employers shall keep and maintain a copy of the approved training course used for a period of three (3) years from the last date used.

(2) Application for a Pesticide Technician License.

(A) The director shall provide a pesticide technician license application form by regular mail upon written request. Forms may be requested from the Bureau of Pesticide Control, Missouri Department of Agriculture, P.O. Box 630, Jefferson City, MO 65102.

(B) Applications shall be either typed or clearly printed in ink.

(C) The applicant shall attach to the application a clear, full-face, head-and-shoulder

photograph of the applicant taken within twelve (12) months prior to the date of application. The photograph shall be at least two and one-half inches (2 1/2") square.

(D) The director shall keep all documents filed in support of an application until they are replaced, except that—

1. If a license is not issued within one (1) year of employment as a pesticide technician trainee, all documents pertaining to that application may be destroyed; or

2. If a license expires for more than one (1) year, all documents pertaining to that license may be destroyed.

(E) The applicant shall furnish the director with the following:

1. Name, including any other names under which the applicant has been known;

2. Social Security number;

3. Date of birth;

4. Physical description;

5. Home address;

6. Business name and address from which pesticides will be used;

7. Categories in which the applicant requests a license;

8. A list of present and past employers for the three (3) years prior to application;

9. A list of three (3) references;

10. A list of all present and past pesticide licenses, permits, certifications or registrations;

11. An explanation of any violation of the statutes of any state or protectorate of the United States or of the federal government which resulted in the denial, suspension, revocation or modification of a pesticide license, permit, certification or registration or issuance of a civil penalty; and

12. An explanation of any criminal prosecution, whether or not sentence was imposed, in which the applicant was found guilty, entered a plea of guilty or *nolo contendere* or is subject to criminal prosecution under the laws of any state or of the United States for the following:

A. Offenses reasonably related to the qualifications, functions or duties of professions regulated under this chapter;

B. Offenses an essential element of which is fraud, dishonesty or an act of violence; or

C. Offenses involving moral turpitude.

(3) Qualification Requirements for a Pesticide Technician License.

(A) Applicants for a pesticide technician license shall successfully complete an approved program of verifiable training within one (1) year prior to issuance of a license. This training shall be a minimum of forty

(40) hours in length, consisting of at least ten (10) hours of classroom-type training and at least thirty (30) hours of on-the-job, practical training. The on-the-job, practical training shall be in the physical presence and under the direct supervision of a commercial applicator certified in the category(ies) or subcategory(ies) in which the applicant is being trained. The training shall be specific to the following category(ies) or subcategory(ies), defined in 2 CSR 70-25.100, in which the applicant will use pesticides:

1. Category 3—Ornamental and Turf Pest Control;
2. Category 7—Structural Pest Control;
 - A. Subcategory a—General Structural Pest Control; and
 - B. Subcategory b—Termite Pest Control.

(B) Pesticide technician training programs must include the following information pertaining to the standards of competence for each category or subcategory of pest control in which the applicant will use pesticides. A pesticide technician training guideline shall be available from the director upon written request by regular mail.

1. Pest identification—identifying pests, their habits and habitats through an understanding of life cycles, basic pest biology, identification of conditions which are favorable to pest infestations and the pesticide(s) used for pest control;

2. Equipment—the proper use and maintenance of equipment, including proper application techniques and equipment calibration;

3. Pesticides—a basic knowledge of pesticides, including formulations, concentrations, mixing instructions, application rates, manufacturers' brand names, target areas, pests controlled and basic information about each pesticide used;

4. Alternative control methods—alternative methods to pest control, including sanitation, mechanical, cultural and biological means, the possible combinations of those means used in effective pest control and other alternatives to the application of pesticides;

5. Labels—comprehension of basic information found on pesticide labels, including the name and type of pesticide, ingredients, precautionary statements, directions for use, dilution, storage, disposal and any information required for the use of pesticides;

6. Pesticide hazards and safety—potential hazards to the applicator, environment or other individuals, including poisoning symptoms and prevention, first aid, use and maintenance of protective clothing and equipment and special use precautions;

7. Pesticide spills—information regarding the prevention, reporting and cleanup of pesticide spills; and

8. Pesticide laws—state and federal pesticide laws and regulations.

(C) Individuals continuously employed in the capacity of a pesticide technician for the one (1)-year period prior to the date of application for a pesticide technician license may be exempt from the on-the-job, practical training requirement. Evidence of continuous employment shall be submitted to the director in the form of a signed, notarized statement from each employer of the applicant. The statement(s) shall include the applicant's name and Social Security number, the business name(s), address(es) and telephone number(s) of the employer(s), the dates of employment and the category(ies) and subcategory(ies) in which the applicant used pesticides.

(4) Stipulations for a Pesticide Technician License.

(A) Pesticide technicians shall not use their licenses as authority to represent more than one (1) business or employer.

(B) Pesticide technicians shall not use their licenses to solicit business from the public, unless the solicitation is for the use or determination of the need for the use of pesticides under the direct supervision of a certified commercial applicator and in the category(ies) or subcategory(ies) in which the pesticide technician is licensed.

(C) Pesticide technicians must display their license in a prominent place at the address printed on the license.

(D) Additional training of pesticide technicians shall be required every three (3) years. Training shall pertain to maintaining competence and meeting the needs of changing technology in the safe and proper use of pesticides.

(E) Persons shall not accrue more than forty-five (45) days of experience with the same employer as a pesticide technician trainee in any category or subcategory within a twelve (12)-month period.

AUTHORITY: section 281.038, RSMo Supp. 1990. Original rule filed Aug. 14, 1989, effective July 1, 1990.*

**Original authority: 281.035, RSMo 1988.*

2 CSR 70-25.160 Application for a Pesticide Dealer License

PURPOSE: This rule determines that personal and professional information will be required of persons applying for a pesticide

dealer license. This rule is necessary to protect the privacy of the individual applicant and still provide the information needed by the Missouri Department of Agriculture to administer an effective regulatory program as required by Chapter 281, RSMo 1986.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) The director shall provide a pesticide dealer license application form by regular mail upon written request. Forms may be requested from the Bureau of Pesticide Control, Missouri Department of Agriculture, P.O. Box 630, Jefferson City, MO 65102.

(2) The application shall be either typed or clearly printed in ink.

(3) The applicant shall attach to the application a clear, full-face, head and shoulder photograph of the applicant, taken within twelve (12) months prior to application. The photograph shall be at least two and one-half inches (2 1/2") square.

(4) The director shall keep all documents filed in support of an application until they are replaced, except that—

(A) If a license is not issued within one (1) year of passing required examinations, all documents pertaining to that application may be destroyed; or

(B) If a license expires for more than one (1) year, all documents pertaining to that license may be destroyed.

(5) The applicant shall furnish the director with the following:

(A) Name, including any other names under which the applicant has been known;

(B) Social Security number;

(C) Date of birth;

(D) Physical description;

(E) Home address;

(F) Business name and address from which pesticides will be sold;

(G) List of present and past employers for the three (3) years prior to application;

(H) List of three (3) references;

(I) List of all present and past pesticide licenses, permits, certifications or registrations;

(J) Explanation of any violation of the statutes of any state or protectorate of the United States, or of the federal government which resulted in the denial, suspension, revocation or modification of a pesticide license, permit, certification or registration, or issuance of a civil penalty; and

(K) Explanation of any criminal prosecution, whether or not sentence was imposed, in which the applicant was found guilty, entered a plea of guilty or *nolo contendere* or is subject to criminal prosecution under the laws of any state or of the United States for the following:

1. Offenses reasonably related to the qualifications, functions or duties of professions regulated under this chapter;
2. Offenses of which an essential element is fraud, dishonesty or an act of violence; and
3. Offenses involving moral turpitude.

AUTHORITY: section 281.050, RSMo Supp. 1990. Original rule filed May 12, 1976, effective Oct. 21, 1976. Amended: Filed Aug. 14, 1989, effective Jan. 1, 1990.*

**Original authority: 281.050, RSMo 1974, amended 1977, 1988.*

2 CSR 70-25.170 Stipulations for a Pesticide Dealer License

PURPOSE: This rule sets stipulations on pesticide dealers' licenses. This rule is necessary to keep unlicensed persons from masquerading as pesticide dealers.

(1) A pesticide dealer must display the license at all times in a prominent place at the outlet, from which s/he will sell restricted use pesticides, the address of which shall be printed on the license. In the case of pesticide dealers who sell restricted use pesticides by traveling on the road from place to place, the license shall be carried on the person of the licensee.

AUTHORITY: section 281.025, RSMo 1986. Original rule filed May 12, 1976, effective Oct. 21, 1976.*

**Original authority: 281.025, RSMo 1974, amended 1977, 1988, 1993, 1995.*

2 CSR 70-25.180 Contents of Records Maintained by Pesticide Dealers

PURPOSE: This rule outlines the contents of records to be maintained by pesticide dealers.

(1) For three (3) years, pesticide dealers must keep and maintain records of sales and distribution of restricted use pesticides in a neat and legible condition.

(2) These records must be available for inspection by the director at reasonable times during regular business hours. Upon written request, the director shall be furnished a copy of records within ten (10) days of receipt of the request.

(3) Records shall contain the following information:

(A) Pesticide dealer's name and license number;

(B) The trade name, United States Environmental Protection Agency (EPA) registration number, the applicable state special local need (SLN) registration number(s), the amount of each restricted use pesticide made available at each transaction and the date of the transaction; and

(C) Information related to the individual receiving the restricted use pesticide. This shall include:

1. The name, address, license number, certification category(ies) and license expiration date of the certified applicator or operator to whom the restricted use pesticide was made available;

2. The name, address and permit number of the private applicator with a permit to whom the restricted use pesticide was made available;

3. If applicable, the name, address and verified relationship of the noncertified, designated representative to whom the restricted use pesticide was made available. The relationship between the certified applicator and noncertified, designated representative may be verified through one (1) of the following:

A. Actually seeing the certified applicator's or operator's original license and an original identification document of the noncertified designated representative; or

B. Actually seeing a photocopy of the certified applicator's or operator's license and a signed statement from the certified applicator or operator authorizing the noncertified designated representative to take possession of the restricted use pesticide; and

4. The name, address, license number and license expiration date of the pesticide dealer to whom the restricted use pesticide was made available.

AUTHORITY: section 281.050, RSMo Supp. 1990. Original rule filed May 12, 1976, effective Oct. 21, 1976. Amended: Filed Sept. 6, 1977, effective Dec. 11 1977. Amended: Filed Aug. 14, 1989, effective Jan. 1, 1990.*

**Original authority: 281.050, RSMo 1974, amended 1977, 1988.*