

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

CHAPTER 30. CONSUMER PROTECTION

SUBCHAPTER 17. COMBINED PESTICIDE

PART 1. COMMERCIAL, NON-COMMERCIAL, AND PRIVATE CATEGORIES OF PESTICIDE APPLICATION

35:30-17-1.2. Schedule of combined pesticide program fees

- (a) The fees for issuance or renewal of pesticide ~~business applicator~~ licenses shall be as follows:
- (1) Commercial ~~license applicator~~ - One Hundred Dollars (\$100.00) per category, Five Hundred Dollars (\$500.00) maximum for each location.
 - (2) Non-commercial ~~license applicator~~ - Fifty Dollars (\$50.00) per category, Two Hundred Fifty Dollars (\$250.00) maximum for each location.
 - (3) Duplicate issue - Ten Dollars (\$10.00) each.
 - (4) Private applicator - Twenty Dollars (\$20.00) each.
 - (5) For licenses that expire on September 30th of each year, failure to remit a commercial or non-commercial ~~business applicator~~ license renewal fee by the 1st day of October shall result in a penalty of twice the amount of the license renewal fee, and after the 1st day of November shall also result in an additional One Hundred Dollar (\$100) penalty which shall be paid prior to license renewal.
 - (6) For licenses that expire on December 31st of each year, failure to remit a commercial or non-commercial applicator license renewal fee by the 1st day of January shall result in a penalty of twice the amount of the license renewal fee, and after the 1st day of February shall also result in an additional One Hundred Dollar (\$100) penalty which shall be paid prior to license renewal.
- (b) The issuance and annual registration fees for each pesticide and device label shall be as follows:
- (1) Pesticide - Two Hundred Ten Dollars (\$210.00) each.
 - (2) Device - Two Hundred Ten Dollars (\$210.00) each.
 - (3) Failure to remit the registration fees for pesticides and devices by the 15th of the month following the month of expiration shall result in a penalty of twice the amount of the renewal fee.
- (c) The annual permit fee for a restricted use pesticide dealer shall be Fifty Dollars (\$50.00) for each location. Failure to remit the permit fee by the 15th of the month following the month of expiration shall result in a penalty of twice the amount of the renewal fee.
- (d) The fee for each written examination or practical conducted for the combined pesticide program shall be as follows:
- (1) Written examination - Fifty Dollars (\$50.00).
 - (2) Practical conducted - Fifty Dollars (\$50.00).
- (e) Applicator certification fees shall be as follows:
- (1) Re-certification procedure - Fifty Dollars (\$50.00) for each.
 - (2) Reciprocal certification procedure - One Hundred Dollars (\$100.00) for each.

- (f) Identification card fees shall be as follows:
- (1) Service technician - Twenty Dollars (\$20.00) each.
 - (2) Certified applicator - No charge.
 - (3) Duplicate issue or transfers - Ten Dollars (\$10.00) each.
- (g) The annual permit fee for pesticide producing facilities, including facilities that produce pesticidal devices, shall be One Hundred Dollars (\$100.00) for each location.
- (1) All permits for pesticide producer establishments shall be issued for a period of one (1) year and shall be renewed annually.
 - (2) All permits shall expire on June 30 each year and may be renewed without penalty upon filing of a properly completed application not later than the fifteenth day of the month first following the date of expiration.
 - (3) If the application is not received by that date, a penalty of twice the amount of the renewal fee shall be charged for renewal of the permit.
- (h) All fees and monies collected under this program shall be paid to the Oklahoma Department of Agriculture, Food, and Forestry.

35:30-17-1.3. Commercial and non-commercial pesticide business applicator license renewal

- (a) Each license for commercial and non-commercial pesticide application for companies with names beginning with a number or with the letters A, B, C, D, E, F, G, H, I, J, K, and L shall expire on the 30th day of September following issuance or renewal, and may be renewed for the ensuing calendar year, without penalty or reexamination if a properly completed application is filed with the Board not later than the 1st day of October of each year. If the application is not received by October 1, a penalty of twice the amount of the renewal fee shall be charged for renewal of the license. If the application is not received by November 1, an additional penalty of One Hundred Dollars (\$100.00) shall be paid by the applicant prior to license renewal.
- (b) Each license for commercial and non-commercial pesticide application for companies with names beginning with the letters M, N, O, P, Q, R, S, T, U, V, W, X, Y, and Z shall expire on the 31st day of December following issuance or renewal, and may be renewed for the ensuing calendar year, without penalty or reexamination if a properly completed application is filed with the Board not later than the 1st day of January of each year. If the application is not received by January 1, a penalty of twice the amount of the renewal fee shall be charged for renewal of the license. If the application is not received by February 1, an additional penalty of One Hundred Dollars (\$100.00) shall be paid by the applicant prior to license renewal.

35:30-17-2. Consultant license

- (a) Any person who makes a pesticide or device recommendation for hire or compensation but does not purchase or apply the pesticide or device, or any person evaluating a pest situation or prescribing a mitigation plan of the identified pest using a pesticide or device shall be commercially licensed as a consultant in the category in which the recommendation is made.
- (b) Any person recommending a pesticide or device that is incidental to their primary duty or duties and does not receive compensation for the recommendation shall be exempt from the requirement to obtain a consultant license. This exemption shall include, but not be limited to:
- (1) a sales clerk employed by a pesticide dealer that routinely recommends pesticides and devices but does not receive compensation for the recommendation; or

(2) an architect that recommends a building be pretreated for termites using a licensed business, certified applicator, and a properly registered pesticide but does not receive compensation for the recommendation.

35:30-17-2.1. Sales apprenticeship

(a) This apprenticeship may only be obtained after satisfactory completion of coursework prescribed by the Board and is valid until December 31st of each year.

(b) This apprenticeship allows a person to only inform potential customers about the company's pest control services.

(c) The apprentice must identify themselves to the property owner and they cannot inspect a property for pests or make any pesticide use recommendations.

(d) Prior to entering into a contract, all service terms, including the cancelation policy, must be clearly conveyed to the customer and a copy of the contract must be provided to the customer at the time the contract is signed.

(e) A service technician may act as a sales apprentice.

(f) An apprenticeship certification and card will cost One Hundred Dollar (\$100) and shall be paid prior to beginning work.

**PART 3. CERTIFICATION, CONDUCT OF EXAMINATIONS, AND
RECERTIFICATION**

35:30-17-6. Recertification

(a) Each certified applicator shall seek recertification every five (5) years.

(b) Within twelve (12) months of expiration, a certified applicator shall either pass a Phase II examination or earn a specified number of Continuing Education Units (CEU) approved by the Department to successfully complete recertification. If a certified applicant elects to re-examine and does not pass a Phase II examination within twelve (12) months of expiration, the applicant shall be required to re-take the Phase I and Phase II examinations and a practical examination, when applicable. If a certified applicant elects to earn CEU for recertification, approximately one (1) hour of education shall be the equivalent of one CEU. The CEU requirements for each category are as follows:

(1) 1a - Agricultural Plant:

(A) Total in five years - 20 CEU

(B) Maximum in any one year - 10 CEU

(2) 1b - Agricultural Animal:

(A) Total in five years - 5 CEU

(B) Maximum in any one year - 2 CEU

(3) 2 - Forest:

(A) Total in five years - 10 CEU

(B) Maximum in any one year - 5 CEU

(4) 3a - Ornamental and Turf Outdoor:

(A) Total in five years - 20 CEU

(B) Maximum in any one year - 10 CEU

(5) 3b - Interiorscape:

(A) Total in five years - 10 CEU

- (B) Maximum in any one year - 5 CEU
- (6) 3c - Nursery/Greenhouse:
 - (A) Total in five years - 15 CEU
 - (B) Maximum in any one year - 7 CEU
- (7) 4 - Seed Treatment:
 - (A) Total in five years - 5 CEU
 - (B) Maximum in any one year 2 CEU
- (8) 5 - Aquatic:
 - (A) Total in five years - 5 CEU
 - (B) Maximum in any one year 2 CEU
- (9) 6 - Right-of-Way:
 - (A) Total in five years - 15 CEU
 - (B) Maximum in any one year 7 CEU
- (10) 7a - General Pest:
 - (A) Total in five years - 20 CEU
 - (B) Maximum in one year - 10 CEU
- (11) 7b - Structural Pest:
 - (A) Total in five years - 20 CEU
 - (B) Maximum in one year - 10 CEU
- (12) 7c - Fumigation:
 - (A) Total in five years - 10 CEU
 - (B) Maximum in one year - 5 CEU
- (13) 7d - Food Processing:
 - (A) Total in five years - 15 CEU
 - (B) Maximum in one year - 7 CEU
- (14) 8 - Public Health:
 - (A) Total in five years - 15 CEU
 - (B) Maximum in one year - 7 CEU
- (15) 9 - Regulatory:
 - (A) Total in five years - 10 CEU
 - (B) Maximum in one year - 5 CEU
- (16) 10 - Demonstration & Research in app. Category:
 - (A) Total in five years - 20 CEU
 - (B) Maximum in one year - 10 CEU
- (17) 11a - Bird & Vertebrate Animal Pest:
 - (A) Total in five years - 5 CEU
 - (B) Maximum in one year - 2 CEU
- (18) 11b - Predatory Animal
 - (A) Total in five years - 5 CEU
 - (B) Maximum in one year - 2 CEU
- (19) 12 - Timber Treating (all subcategories):
 - (A) Total in five years - 5 CEU
 - (B) Maximum in one year - 2 CEU
- (20) 13 - Antimicrobial:
 - (A) Total in five years - 5 CEU

- (B) Maximum in any one year - 2 CEU
- (21) 14 - Specialty Category:
 - (A) Total in five years - 5 CEU
 - (B) Maximum in any one year - 2 CEU
- (22) 15 - Aerial:
 - (A) Total in five years - 5 CEU
 - (B) Maximum in any one year - 2 CEU
- (23) 16 - Private Applicator:
 - (A) Total in five years - 20 CEU
 - (B) Maximum in any one year - 10 CEU
- (c) No more than one-half (1/2) of the total credit units shall be accepted for any one Calendar year.
 - (1) Credit units shall be obtained in at least three (3) of the five (5) years, in any combination, so that the total number obtained equals or exceeds the five (5) year requirement.
 - (2) The continuing education units may be prorated for any applicator whose recertification period is less than five (5) years.
 - (3) The Department may allow a CEU to be credited to more than one category.
 - (4) The course number associated with each continuing education course shall count only once towards the total CEUs per certification cycle.
- (d) The CEU shall be structured to provide the following information over the five (5) year period:
 - (1) Laws and rules;
 - (2) Pesticides (formulations, registration, labeling and label comprehension, handling and storage, toxicity, and hazards);
 - (3) Application equipment and calibration;
 - (4) Pests and IPM;
 - (5) Identification of hazardous areas;
 - (6) Drift prevention;
 - (7) Endangered species;
 - (8) Groundwater; and
 - (9) Worker protection.
- (e) Any person may request approval of an education program as CEU.
 - (1) The request for approval shall include the following:
 - (A) A list of proposed topics including a description of the content and their relative value for meeting the standards of continuing certification;
 - (B) A list of speakers and their qualifications; and
 - (C) Method used to verify attendance and evaluate the progress of participants.
 - (2) The Department and the Oklahoma State University Pesticide Coordinator shall review the request for approval to determine if it meets the criteria of CEU.
 - (A) If the education program is approved for CEU, the person requesting approval shall be notified of the number of assigned CEU.
 - (B) Awarded CEUs shall not be valid for more than five (5) years after the date of approval. After five (5) years, courses shall be resubmitted for review and approval.

- (C) The person requesting approval may appeal the number of assigned CEU to a three- person review committee with a representative from each of the following:
- (i) Oklahoma State University;
 - (ii) the Department; and
 - (iii) certified applicators.
- (3) Individuals seeking course approval for CEUs shall electronically submit course information and other required information for CEU approval through a website.

PART 5. PREREQUISITES FOR LICENSING

35:30-17-10. Application insurance requirements

- (a) The Board shall not issue an ~~applicator's~~ business license until the applicant or agent has furnished evidence of financial responsibility. A liability insurance policy or certification shall protect persons who may suffer legal damages as a result of the pesticide operations of the applicant. The policy need not apply to damages or injury to agricultural crops, plants, or land being worked on by the applicant.
- (b) With the exception of ~~the aerial pesticide category applicators,~~ pesticide businesses applicators obtaining liability insurance pursuant to this section shall file a certificate of insurance with the Department, verifying insurance in an amount of not less than \$50,000 bodily injury, \$100,000 bodily injury per occurrence, and \$50,000 property damage. The provisions of this section with regard to "per occurrence" are specifically intended to be interpreted per occurrence, rather than per claimant. The insurance obtained pursuant to this section shall insure against liability for damage, loss, or injury, including chemical drift or trespass, suffered by any person or persons, resulting from the application of any pesticide. A current certificate of insurance shall be filed with each initial and subsequent renewal registration.
- (c) Aerial pesticide businesses applicators obtaining liability insurance pursuant to this section shall file a certificate of insurance with the Department, verifying insurance in an amount of not less than \$100,000 bodily injury, \$300,000 bodily injury per occurrence, and \$100,000 property damage. The provisions of this section with regard to "per occurrence" are specifically intended to be interpreted per occurrence, rather than per claimant. The insurance obtained pursuant to this section shall insure against liability for damage, loss, or injury, including chemical drift or trespass, suffered by any person or persons, resulting from the application of any pesticide. A current certificate of insurance must be filed with each initial and subsequent renewal registration.
- (d) Liability insurance shall be maintained at all times during the licensed period. The Board shall be notified by the insurer fifteen (15) days prior to any applicant's request for a reduction or cancellation of the liability insurance. The total and the aggregate of the insurer for all claims shall be limited to the face amount of the liability insurance policy. The Board may accept a liability insurance policy with a deductible clause in an amount not exceeding \$5,000 for all applicators. If the applicant has not satisfied the requirement of the deductible amount in any prior legal claim, the deductible clause shall not be accepted by the Board unless the applicant has furnished the Board with additional liability insurance which satisfies the amount of the deductible.
- (e) The Department may approve a liability self-insurance policy with a deductible clause that exceeds the requirements of subsection (d) of this section if the applicant has:

- (1) Been continuously engaged in business for not less than three (3) years immediately preceding the application;
 - (2) At least one hundred (100) employees (all states included); and
 - (3) At least One Million Dollars (\$1,000,000.00) in net assets.
- (f) An applicant may request a waiver of some or all of the requirements of subsection (e) subject to a security deposit or other insurance requirements as determined by the Department.
- (g) If the furnished liability insurance becomes unsatisfactory, the applicant shall upon notice immediately provide new liability insurance. Upon failure to do so, the Board shall cancel the license and give notice. It shall be unlawful to engage in the business of applying pesticides until the insurance is brought into compliance and the license is reinstated by the Board.
- (h) Application of a pesticide specifically excluded on the insurance policy shall be considered working without a license.

35:30-17-11. Application for license required

- (a) Prior to issuance of any license, an applicant shall properly complete a license application.
- (b) An application for license shall be considered properly filed when the Board has received the following:
- (1) An application completed and signed prior to January 1 of the license year.
 - (2) Cash, check, or money order in the proper amount.
 - (3) Certificate of insurance.
- (c) A commercial pesticide business applicator operating under more than one business identity or name from a single business location shall be licensed separately for each business identity or name, including but not limited to any trade name, "d/b/a", website, alias, or other designation used in commerce for the purpose of offering services regulated by this subchapter.
- (d) The application shall also list the natural person or legal entity lawfully permitted to do business in the State of Oklahoma using or operating under the licensed name.
- (e) The Department shall issue a stop sale order and initiate license revocation proceedings against any person or legal entity that is not lawfully permitted to do business in the State of Oklahoma or is not permitted to do business in the State of Oklahoma under the business identity or name provided in the application.
- (f) A commercial pesticide business applicator with a single business identity or name but operating from more than one business location shall be licensed at each separate business location.
- (g) If the name selected by an applicant for a license to act, operate, or do business or advertise as a commercial or noncommercial applicator in the State of Oklahoma is the same or so near the same as that of another licensee already doing business in the state as to cause confusion in the minds of the people or is likely to deceive the public, the Department may require the applicant to apply for a license under a different name that is distinguishable from the names of existing licensees. Any determination made pursuant to this rule shall be at the sole discretion of the Department.
- (h) Each business location licensed shall have a minimum of one certified applicator at that location who is certified in each licensed category for which application is made.
- (i) A franchised business shall have a separate license and a separate certified applicator at each business location.

(j) Established time periods for the issuance, renewal or denial of all certifications and licenses required by law shall be as follows:

(1) The Department shall review a new application within fifteen (15) working days from the date received.

(2) Any renewal application for certification or license received prior to the renewal date established by the Board shall be considered valid until a final determination is made.

(3) Following review, if it is determined that the requirements have been met, the appropriate certification or license shall be issued within ten (10) working days of the determination date.

(4) Following review, if it is determined that the requirements have not been met, the appropriate certification or license shall be denied. Notification of the denial shall be made in writing to the applicant within ten (10) working days of the determination. The notification shall state the reasons for the denial and identify steps necessary to meet the requirements for issuance.

(k) All applicators working for a company shall be listed on the company's license prior to making any applications.

PART 6. PESTICIDAL PRODUCT PRODUCING ESTABLISHMENTS

35:30-17-13. Incorporation by reference of federal pesticide producing establishment regulations

(a) The Registration of Pesticide and Active Ingredient Producing Establishments, Submission of Pesticide Reports and Books and Records of Pesticide Production and Distribution Regulations found in Title 40 of the Code of Federal Regulations (CFR) (~~2023~~2026 Revision), Part 167 et seq. and Part 169 et seq. for the United States Environmental Protection Agency (EPA) as promulgated and amended in the Federal Register, are hereby adopted in their entirety with the exception of 40 CFR § 167.90.

(b) All words or terms defined or used in the Federal regulations incorporated by reference shall mean the state equivalent or counterpart to those words or terms.

PART 8. PESTICIDE REGISTRATIONS AND PERMITS

35:30-17-17.1. Registration and renewal options.

Registrants shall renew a pesticide or device registration using one of the following methods:

(1) Registrants may electronically renew the registration for a pesticide or device ~~at the website, www.kellysolutions.com/renewals~~. Revised labels, material safety data sheets and uniform product codes may also be submitted during the electronic renewal process.

(2) Registrants may renew the pesticide or device registration by paying the annual registration fee and submitting a registration application directly to the Department on a form approved by the Department. Revised labels, material safety data sheets and uniform product codes may also be submitted during the renewal process. The registrant shall include an electronic copy of the existing or revised pesticide or device label in pdf format.

PART 9. MINIMUM STANDARDS FOR CONTRACTS AND KEEPING OF RECORDS

35:30-17-20. Contract contents

- (a) Contracts shall be issued for the commercial application of pesticides in the Structural Pest Category. Information on the contracts shall include:
- (1) Specific information from 2 O. S. Sections 3-81(11) and 3-83, and OAC 35:30-17-21.
 - (2) Minimum standards for termite work for existing structures and preconstruction applications. Any minimum requirements that will not be met shall be explained in the contract.
- (b) Visible termite damaged material, whether structural or superficial, that will not be replaced or repaired at the time of the original contract shall be in the contract in a clear statement, e.g. "No replacements of damaged material due to termites or other wood destroying organisms are to be made."
- (c) "Replaced" means to remove all visible damaged material and bring the area back to sound condition using new materials. The use of putty, paint, or similar materials shall not constitute replacement.
- (d) "Repaired" means to bring the area back to sound condition.
- (e) Prior to entering into a contract, all service terms, including the cancelation policy, must be clearly conveyed to the customer and a copy of the contract must be provided to the customer at the time the contract is signed.

35:30-17-21. Records required for pesticide applications and restricted use pesticide sales

- (a) Commercial and non-commercial applicators shall keep accurate records pertaining to pesticide activities, which, at a minimum, show:
- (1) Start and stop time of application.
 - (2) Total amount of pesticide used.
 - (3) Name and address of the commercial or non-commercial company.
 - (4) Name, certification number, and certification expiration date of the certified applicator who made or supervised the application and name of the non-certified applicator under direct supervision, if any.
 - (5) Name and address of person for whom applied.
 - (6) Legal description of the land where applied. The legal description may be a street address if properly marked, but shall not be a Post Office Box address.
 - (7) Date of application.
 - (8) Application rate.
 - (9) Dilution rate for mixing.
 - (10) Total quantity tank mix used.
 - (11) Complete trade name of pesticide product used.
 - (12) EPA registration number of pesticide product used.
 - (13) Name of adjuvants used when the label requires specific adjuvants.
 - (14) Name of drifting agents used when the label requires specific drifting agents.
 - (15) Target pest for the application.
 - (16) Site where the pesticide was applied.
 - (17) Size of the area treated.
 - (18) Restricted Entry Interval as stated on the product label.

- (19) A copy of the pesticide product label or labeling that is attached to the container or included in the shipping case.
 - (20) Copies of any contracts issued.
 - (21) Copies of any wood infestation reports issued.
 - (22) All GPS data recorded of the application.
 - (23) Other information as required by the Board.
- (b) Private applicators of restricted use pesticides shall keep accurate records pertaining to applications, which, at a minimum, show:
- (1) Start and stop time of application.
 - (2) Total amount of pesticide used.
 - (3) Name and address of the private applicator.
 - (4) Name, certification number, and certification expiration date of the certified applicator who made or supervised the application and name of the non-certified applicator under direct supervision, if any.
 - (5) Legal description of the land where applied. The legal description may be a street address if properly marked, but shall not be a Post Office Box address.
 - (6) Date of application.
 - (7) Application rate.
 - (8) Dilution rate for mixing.
 - (9) Total quantity tank mix used.
 - (10) Complete trade name of pesticide product used.
 - (11) EPA registration number of pesticide product used.
 - (12) Name of adjuvants used when the label requires specific adjuvants.
 - (13) Name of drifting agents used when the label requires specific drifting agents.
 - (14) Target pest for the application.
 - (15) Site where the pesticide was applied.
 - (16) Size of the area treated.
 - (17) Restricted Entry Interval as stated on the product label.
 - (18) A copy of the pesticide product label or labeling that is attached to the container or included in the shipping case.
 - (19) All GPS data recorded of the application.
 - (20) Other information as required by the Board.
- (c) Restricted use pesticide dealers shall keep accurate records of restricted use pesticide sales, which, at a minimum show:
- (1) Complete brand name of the pesticide.
 - (2) EPA registration number of the pesticide.
 - (3) Date the pesticide was sold.
 - (4) Total amount of restricted use pesticide sold.
 - (5) Name and address of the residence or principal place of business of any person to whom the restricted use pesticide was distributed or sold for application by a certified applicator.
 - (6) Name, address, license or certification number, and certification expiration date, or copy of the applicator's card of a certified or private applicator.
 - (7) The category(ies) in which the applicator is certified relevant to the pesticide(s) sold.
 - (8) Other information as required by the Board.

- (d) Failure to allow inspection of records by the Board, to provide copies of records to the Board when requested in person, or to provide a summary of records to the Board within seven (7) working days when requested by mail or in person shall be a violation of this section.
- (e) Records retained pursuant to this section shall be easily accessible for inspection by authorized agents of the Board during reasonable business hours.
- (f) Commercial and non-commercial applicators shall maintain records retained pursuant to this section at their principle place of business. A commercial or non-commercial applicator's principle place of business shall not be located in a closed gated community or at a residence unless the applicator submits a plan of access to the principle place of business and that plan is approved by the Board.
- (g) Proof of training for a service technician making termite application shall be recorded by the licensee and available for review by the Department. The training records shall include the following information:
- (1) Name;
 - (2) Date of training; and
 - (3) Service technician number.

PART 10. MINIMUM STANDARDS FOR PESTICIDES

35:30-17-22. Restricted use pesticide

(a)— Any pesticide classified for restricted use by the U.S. Environmental Protection Agency, either by regulation (40 CFR 162.31) or through the registration process, shall also be classified as restricted use for 2 O.S. Section 3-81 et al.

(b) Restricted use pesticides can only be sold to stores with a restricted use pesticide dealer permit or to individuals who are certified in the category for which the restricted use pesticide may be applied.

PART 11. STANDARDS FOR APPLICATION OF PESTICIDE

35:30-17-24. Approved chemicals and equipment

(a) Only chemicals which are properly labeled as pesticide products and registered with the Department shall be approved for use as provided for in 2 O.S., Section 3-85.

(b) Any use inconsistent with the pesticide product labeling, registered with the Department is prohibited unless prior written approval for the use has been obtained from the Board. Approval may be obtained by application with reference to:

- (1) Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act as Amended, application procedures.
- (2) Section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act as Amended, application procedures.
- (3) Section 2(ee) of the Federal Insecticide, Fungicide, and Rodenticide Act as Amended, for commercial and noncommercial pesticide applications.

(c) To protect public health and the environment, failure to follow precautionary and recommended language included in the pesticide product label may be considered a use inconsistent with the label.

(d) Every applicator of pesticides shall employ an appropriate method to prevent the backflow of spray materials during filling, mixing, and/or application operations. The method shall include, but not be limited to, the employment of a check valve or similar in-line device, or positive mechanical method, such as an air gap, designed to insure that backflow shall not occur.

(e) No person shall use a mist blower or other type of air blasting or misting equipment for the application of hormone type herbicides within the State except where the following specific conditions exist:

(1) Forest nursery and timber production areas where the control of undesirable vegetation with a hormone type herbicide is necessary and the area cannot be covered by any other type of ground application equipment.

(2) Range, pasture, and crop areas where control of undesirable vegetation with a hormone type herbicide is necessary and a specific type of terrain feature such as a gully precludes the use of any other type of ground application equipment.

(3) Unmanned aerial applicators using hormone type herbicides must be a certified applicator, private applicator, or service technician.

(f) Application of a hormone type herbicide under one of the exceptions given in paragraph (e) of this Section is subject to the following restrictions:

(1) At no time during the application shall the outlet point be above horizontal.

(2) At no time shall an application be performed in a wind speed over 10 MPH.

(3) The person making the application shall keep records as required by law.

(4) Unmanned aerial applications cannot be made more than 15 ft above the application site unless otherwise allowed by the label.

35:30-17-24.1. Restricted use areas

(a) Applications of products containing 2,4-D esters or dicamba as an active ingredient to agricultural lands shall not be made in Greer, Harmon, and Kiowa counties between 12:01 a.m. of May 1 of each calendar year through 11:59 p.m. of October 15 of each calendar year except in accordance with the provisions of this section.

(b) Applications of products containing 2,4-D, dicamba, picloram, triclopyr, or clopyralid as an active ingredient to agricultural lands shall not be made in Jackson and Tillman counties between 12:01 a.m. of May 1 of each calendar year through 11:59 p.m. of October 15 of each calendar year except in accordance with the provisions of this section.

(c) Any person intending to apply any of the herbicides listed in subsection (a) or (b) in the counties and during the times prohibited ~~shall adhere to the following procedure:~~ must keep records in accordance with O.A.C. 35:30-17-21.

~~(1) The person shall notify the Department of the intent to apply herbicides listed in subsection (a) or (b) prior to the application on a form provided by the Department.~~

~~(2) The person shall file a report with the Department on a form provided by the Department no later than seven (7) working days after the last application date provided in the original notification of the herbicide use.~~

(d) Failure to comply with this section shall be a violation.

(e) All records and notifications required by this section shall be in addition to any records required to be maintained by a commercial applicator pursuant to other rules.

(f) The provisions of this section shall not apply to applications of 2,4-DB.

35:30-17-25. Pesticide application by certified applicators, noncertified applicators, service technicians, and private applicators

- (a) A certified applicator shall be on site to use any pesticide when required by the label or labeling.
- (b) A certified applicator shall be on site to supervise any pesticide application by a non-service technician.
- (c) A service technician shall be on site to make the actual application of any pesticide unless a certified applicator is present at the job site.
- (d) A certified applicator may be a service technician in other categories for a licensed company without completing the service technician's examination.
- (e) Certified applicators, noncertified applicators, service technicians, and private applicators shall be a minimum of eighteen (18) years of age to purchase restricted use pesticides and to make pesticide applications.
- (f) **"Noncertified applicator"** means a person who has not met the exam qualifications of a certified applicator.
- (g) **"Nonservice technician"** means a person who has not met the exam qualifications of a service technician.
- (h) A noncertified applicator shall receive approved safety training from a certified applicator or qualified trainer prior to application of a restricted use pesticide as outlined in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 40 CFR Section 171.201.
 - (1) Employers of noncertified applicators shall keep the following records for a minimum of two (2) years:
 - (A) The printed name and signature of the noncertified applicator;
 - (B) The name of the person who provided the approved training;
 - (C) The date the training was completed; and
 - (D) The title or description of the training.
 - (2) The provisions of this subsection shall not apply to a noncertified applicator making an application of restricted use pesticide on a family farm.
 - (3) For the purposes of this section a "noncertified applicator" shall mean an applicator who is not a certified applicator, service technician, or private applicator.
- (i) A certified applicator, private applicator, or service technician must be on site during unmanned aerial applications.

PART 21. STANDARDS FOR DISPOSAL OF PESTICIDE AND PESTICIDE CONTAINERS

35:30-17-89.1. Incorporation by reference of federal pesticide management and disposal regulations

- (a) The Labeling Requirements for Pesticides and Devices, Container Labeling and Pesticide Management and Disposal regulations found in Title 40 of the Code of Federal Regulations (CFR) (2025/2026 Revision), Part 156.140 et seq. and Part 165 et seq. for the United States Environmental Protection Agency (EPA) as promulgated and amended in the Federal Register, are hereby adopted in their entirety.
- (b) All words or terms defined or used in the federal regulations incorporated by reference shall mean the state equivalent or counterpart to those words or terms.

35:30-17-93. Handling pesticide containers by commercial applicators, non-commercial applicators, private applicators, and restricted use pesticide dealers

The following procedure governs the handling of pesticide containers ~~other than~~ except bulk pesticide containers ~~by commercial applicators~~:

- (1) Full or partially full containers:
 - (A) Pesticide containers shall be stored in a secure and locked enclosure.
 - (B) Pesticide containers shall be free of leaks.
 - (C) The storage area shall be maintained in good condition without unnecessary debris.
 - (D) Storage areas shall be identified by signs.
- (2) Empty containers. Empty containers shall be stored in a secured area and kept for no more than ninety (90) days following use.
- (3) Metal, glass, and plastic containers:-
 - (A) All metal, glass, and plastic containers shall be triple-rinsed or pressure rinsed immediately after the pesticide is removed by the following or equivalent procedures:
 - (i) Using water or a detergent as a rinse capable of removing the pesticide, each container shall be filled with rinse equal to approximately ten percent (10%) of the volume of pesticides originally in the container.
 - (ii) The rinse shall be agitated thoroughly on all interior surfaces of the container. Agitation shall be accomplished by use of agitation equipment approved by the Department or by manual agitation of the rinse.
 - (iii) The rinsing procedure shall be repeated three times.
 - (iv) If the rinsate containing the rinse can be used in subsequent applications of the pesticide without reducing the effectiveness of the pesticide, the rinsate may be placed in the containment tank specified for that pesticide. If the rinsate is not classified as a controlled industrial waste upon disposal, it shall be placed in an approved surface impoundment.
 - (B) Upon completion of the triple-rinsing or pressure rinsing procedures, containers shall be disposed of as follows:
 - (i) Disposal in any permitted solid waste facility or sanitary landfill so long as all metal and plastic containers are pierced in each end;
 - (ii) Return, if possible, to the pesticide sales agent or the pesticide manufacturer pursuant to prior agreement; or
 - (iii) Resale to a third party for recycling or reconditioning.
 - (C) All pesticides shall be removed from paper and plastic bags to the maximum extent possible when the pesticide is initially mixed for application. Paper and plastic containers shall be disposed of as follows:
 - (i) Cut all sides of the container and open the container fully, without folds or crevices, on a flat surface. Shake any pesticides remaining in the opened container into the pesticide mix.
 - (ii) After cutting and flattening the pesticide containers, dispose of containers in a solid waste facility or sanitary landfill.

SUBCHAPTER 30. SOIL AMENDMENT

35:30-30-2. Registration and fees

(a) Each soil amendment product shall be registered with the Board prior to distribution on a registration document supplied by the Board. Registrants shall register or renew soil amendment products using one of the following methods:

(1) Registrants may electronically register or renew the registration for soil amendment products ~~at the website, www.kellysolutions.com/renewals~~, and pay any applicable fees online. Product labels, revised product labels, efficacy data, and uniform product codes when available shall be submitted during the electronic process.

(2) Registrants may register or renew the registration for soil amendment products by submitting a registration application or renewal application directly to the Department on a form approved by the Department. Any applicable fees shall accompany the applications. Product labels, revised product labels, efficacy data, and uniform product codes when available shall be submitted with the applications. Product labels, revised product labels, and efficacy data shall be submitted in pdf format.

(b) All registrations expire on December 31st of the year registered.

(c) No product name shall be registered that misrepresents the product's primary component or component formulation.

(d) Each product name shall refer to a specific formulation; different product names may refer to the same specific formulation. Products for which formulations change or are modified beyond the ranges reported in the registration document shall either be reregistered with a name that distinguishes them from the previous formulation, or production and distribution of the previous formulation shall cease.

(e) Reregistered products shall be accompanied by a new registration document for that formulation.

(f) Each product registration document shall be accompanied by a label or facsimile of a label for that product as named. If the same product is sold in more than one size, only one label sample shall be submitted.

(g) The Board shall not issue and may revoke any soil amendment registration if the Board determines the registration is for the primary purpose of disposal of the product or substance.

(h) The registration fee shall be One Hundred Dollars (\$100.00) for each product.

(i) If the Board finds that any soil amendment product is not registered, a penalty of One Hundred Dollars (\$100.00) per product shall be assessed. The penalty shall be added to the registration fee and payment shall be made within thirty (30) days after receipt of notice.

SUBCHAPTER 37. NURSERY STOCK SALES

35:30-37-10. Prohibited sales of aquatic plants

A person shall not knowingly propagate, sell, or offer for sale any aquatic plant pest. "Aquatic plant pest" shall include, but not be limited to, any aquatic plant species listed as a noxious aquatic plant in OAC 800:20-3-2 (a) and ~~(b)~~ the following:

(a) Azolla pinnata - Mosquito Fern (aka - Water Velvet, Water Fern)

(b) Caulerpa taxifolia - Caulerpa (aka - Mediterranean Clone of Caulerpa)

- (c) Eichhornia azure - Anchored Water Hyacinth (aka - Rooted Water Hyacinth, Blue Water Hyacinth, Saw-petal Water Hyacinth)
- (d) Hydrilla verticillata - Hydrilla (aka - Florida Elodea, Star Vine, Oxygen Plant, Oxygen Weed)
- (e) Hygrophila polysperma - Hygro (aka - Miramar Weed, Green Hygro, Oriental Ludwigia, East Indian Hygrophila)
- (f) Ipomoea aquatica - Water Spinach (aka - Swamp Morning Glory, Chinese Water Spinach, Water Bindweed, Aquatic Morning Glory)
- (g) Lagarosiphon major - African Elodea (aka - Oxygen Weed)
- (h) Limnophila species - Ambulia (aka - Asian Marshweed, Limno, Red Ambulia, Indian Ambulia)
- (i) Lythrum salicaria - Purple Loosestrife (aka - Loosestrife)
- (j) Marsilea quadrifolia - Marsilea (aka - European Waterclove, Four-leaf Clover Fern, Water Fern, Water Clover, Hairy Pepperwort)
- (k) Marsilea mutica - Australian Waterclove (aka - Varigated Water-clover, Nardoo) (12)
Marsilea minuta - Waterclove
- (l) Melaleuca quinquenervia - Paperbark Tree (aka - Melaleuca, Cajeput, Punk)
- (m) Monochoria hastata - Cat's Claw (aka - Monochoria)
- (n) Ottellia alismoides - Duck Lettuce
- (o) Sagittaria sagittifolia - Japanese Arrowhead (aka - Hawaiian Arrowhead, Common Arrowhead, Chinese Arrowhead)
- (p) Salvinia spp. - all giant and common salvinia species - (aka - Salvinia, Butterfly Fern, Water Fern, Water Moss, Water Velvet, Karibaweed, Koi Kandy, Water Spangles, Floating Fern, South American Pond Fern)
- (q) Alternanthera spp. - Alligatorweed and congeneric species (aka - Alligator-weed, Chaff Flower, lilacina, roseafolia)
- (r) Solanum tampicense - Wetland Nightshade
- (s) Sparganium erectum - Exotic Bur-reed
- (t) Glossostigma diandrum - Mud Mat