TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 30. CONSUMER PROTECTION

SUBCHAPTER 6. EMERALD ASH BORER QUARANTINE

35:30-6-1. Establishment of quarantine

The State Board of Agriculture does hereby establish a quarantine for emerald ash borer, *Agrilus planipennis.*

35:30-6-2. Regulated area

Regulated articles from Delaware County, Oklahoma, and any other counties, states or foreign country known to be infested with emerald ash borer shall be quarantined.

35:30-6-3. Regulated articles

The following shall be regulated pursuant to this quarantine:

(1) Emerald ash borer, *Agrilus planipennis*;

(2) Firewood of all hardwood (non-coniferous) tree species;

(3) Nursery stock, green lumber, and other living, dead, cut, or fallen material, including logs, stumps, roots, branches, mulch, and both composted and uncomposted chips of the genus *Fraxinus* (ash); and

(4) Any other article, product, or means of conveyance not listed in this section may be designated as a regulated if determined by the Oklahoma Department of Agriculture, Food, and Forestry to present a risk of spreading emerald ash borer.

35:30-6-4. Conditions governing movement

(a) All regulated articles originating from quarantined areas shall be prohibited entry to any destination outside the quarantined area.

(b) Regulated articles originating in an area not known to have emerald ash borer but transiting through an area known to have emerald ash borer shall be considered to be regulated articles. The point of origin shall be indicated on shipping documents and accompanied by a certificate of inspection for this pest.

35:30-6-5. Movement for scientific purposes

Interstate and intrastate movement of regulated articles and all living stages of the emerald ash borer, *Agriculus planipennis*, for scientific or experimental purposes shall only move under a compliance agreement and scientific permit.

SUBCHAPTER 17. COMBINED PESTICIDE

PART 3. CERTIFICATION, CONDUCT OF EXAMINATIONS, AND RECERTIFICATION

35:30-17-5.1. Examination applicant requirements

(a) Examinations shall not be administered until the applicant provides the following documents to the testing proctor:

(1) A completed and signed Record of Testing on a form provided by the Department;

(2) A valid photo identification (ID); and

(3) Payment of the appropriate testing fee or proof of payment issued by the Department.

(b) Applicants shall re-sign the official roster upon completion of the examination and return testing materials and any scratch paper to the testing proctor. Applicants that fail to re-sign the official roster and return testing materials or scratch paper shall receive a failing grade and may be subject to further administrative action.

35:30-17-5.2. Prohibited at the examination site

(a) Cheating is prohibited. Cheating shall include, but is not limited to, talking to other applicants during the examination, looking at other applicants answer sheet, or using reference materials that are not provided by the testing proctor.

(b) Applicants shall not physically possess or have access to the following items while testing:

(1) Cell phones or other electronic devices;

(2) Study materials of any kind; or

(3) Books, notebooks, or paper of any kind unless provided by the testing proctor.

(c) Applicants shall not engage in conversations, disruptions, or conduct that might disturb other applicants.

(d) Applicants shall not copy, record, or reproduce exam booklets or examination questions.

(e) Any person found in violation of this section shall receive a failing grade and may be subject to further administrative action.

35:30-17-6. Recertification

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

(b) A certified applicator shall either pass a written examination or earn a specified number of Continuing Education Units (CEU) approved by the Department to successfully complete recertification. Approximately one (1) hour of education shall be the equivalent of one (1) 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

(c) No more than one-half (1/2) of the total credit units shall be accepted for any one (1) 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 (1) category.

(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.

~~(B)~~ (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.

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) (~~2015~~ 2016 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

35:30-17-18. Dealer permits

(a) Dealer permits shall be issued for a period of one (1) year and shall expire annually ~~as follows:~~ on December 31 of each year.

~~(1) Companies whose name begins with the letters A, B, C, D, E, & F shall expire on March 31st of each year (group 1).~~

~~(2) Companies whose name begins with the letters G, H, I, J, K, L, & M shall expire on June 30th of each year (group 2).~~

~~(3) Companies whose name begins with the letters N, O, P, Q, R, & S shall expire on September 30th of each year (group 3).~~

~~(4) Companies whose name begins with the letters T, U, V, W, X, Y, & Z shall expire on December 31st of each year (group 4).~~

(b) Dealer permit applications must be received no later than the fifteenth day of the month following the date of expiration.

PART 15. MINIMUM STANDARDS FOR TERMITE WORK FOR EXISTING STRUCTURES

35:30-17-54. Minimum standards for termite work

The minimum standards for termite work at existing structures shall be followed, unless the exceptions contained in Section ~~35:30-17-70~~ 35:30-17-69.2 apply.

35:30-17-69.2. Exceptions to minimum standards

(a) Exceptions to minimum standards for a complete treatment shall include the following:

(1) The property owner agrees with the written explanation in the contract as to why the standard was not performed. Sections 35:30-17-66 and 35:30-17-69 shall in no case be written out of the contract; ~~or~~ and

(2) The termiticide label specifically allows for a variation and the variation is stated in the contract.

(b) Exceptions to minimum standards for a spot or partial treatment shall include the following:

(1) The property owner agrees with the written explanation in the contract as to why the standard is not performed, or the termiticide label specifically allows for a variation and the variation is stated in the contract. Sections 35:30-17-66 and 35:30-17-69 shall in no case be written out of the contract.

(2) The contract shall include the statement, "This is a SPOT/PARTIAL treatment," or otherwise clearly convey that the treatment is not a complete termite treatment.

(3) The contract shall specifically identify the exact location where the spot treatment is performed and the treatment shall meet all minimum standards for the specific location identified. The identified spot treatment location shall not be equal to the entire structure.

(4) The contract shall not contain any misrepresentations or false claims regarding the effectiveness of a spot or partial treatment.

(c) The Board of Agriculture may grant an exception to existing rules or minimum standards if:

(1) The registered pesticide allows for the use or application method that is currently prohibited under rule or minimum standards; and

(2) The manufacturer provides verifiable research data to the Board concerning the efficacy of the chemical or methodology.

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) (~~2015~~ 2016 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.