

02 NCAC 09L .0503 PESTICIDE APPLICATORS

(a) At least one person at each business location shall hold a pesticide applicator license, and be responsible for the application of pesticides for routine pest control.

(b) The person licensed as the pesticide applicator shall supervise and guide all personnel applying pesticides from the business location of the licensee.

(c) The North Carolina Pesticide Board hereby incorporates by reference, for all Pesticide Applicators, Part 171.201 "Supervision of Noncertified Applicators", of Title 40: Protection of Environment of the Code of Federal Regulations, titled "Certification of Pesticide Applicators Subpart B –Certification Requirements for Applicators of Restricted Use Pesticides.", including subsequent amendments and editions. Copies of this material may be obtained at no cost from the U.S. Government Printing Office website, <https://www.gpo.gov/>.

(d) The requirements for direct supervision of noncertified applicators by pesticide applicators are as follows:

- (1) The supervising pesticide applicator shall:
 - (A) have knowledge of applicable federal, state, and tribal supervisory requirements, including any requirements on the product label and labeling, regarding the use of said pesticide by noncertified applicators; and
 - (B) be certified in each category, as set forth in Rule 02 NCAC 09L .0505, applicable to the supervised pesticide use.
 - (C) ensure that each noncertified applicator using any pesticide under his or her direct supervision meets all of the following requirements before using any pesticide:
- (2) the non-certified applicator has satisfied one of the qualification requirements under Paragraph (e) of this Rule;
- (3) the noncertified applicator has been instructed within the last 12 months in the safe operation of any equipment he or she will use for mixing, loading, transferring, or applying pesticides;
- (4) the noncertified applicator has met the minimum age required to use pesticides under the supervision of a pesticide applicator, as well as that a noncertified applicator must be at least 18 years old;
- (5) ensure that the noncertified applicator has access to the applicable product labeling at all times during its use;
- (6) where the labeling of a pesticide product requires that personal protective equipment be worn for mixing, loading, application, or any other use activities, the supervising pesticide applicator must ensure that any noncertified applicator has clean, labeling-required personal protective equipment in proper operating condition and that the personal protective equipment is worn and used correctly for its intended purpose;
- (7) provide to each noncertified applicator instructions specific to the site and pesticide used, and these instructions must include labeling directions, precautions, and requirements applicable to the specific use and site, and how the characteristics of the use site (for example, surface and ground water, endangered species, local population) and the conditions of application (for example, equipment, method of application, formulation) might increase or decrease the risk of adverse effects, and the supervising pesticide applicator must provide this information in a manner that the noncertified applicator can understand;
- (8) ensure that before each day of use, equipment used for mixing, loading, transferring, or applying pesticides is in proper operating condition as intended by the manufacturer and can be used without risk of reasonably foreseeable adverse effects to the noncertified applicator, other persons, or the environment;
- (9) ensure that a means to immediately communicate with the supervising pesticide applicator is available to each noncertified applicator using any pesticide under his or her direct supervision;
- (10) be physically present at the site of the use being supervised when required by the product labeling; and
- (11) create and verify the existence of the records required by Paragraph (g) of this Rule of the qualification method being verified;

(e) Before any noncertified applicator uses any pesticide under the direct supervision of a pesticide applicator, the supervising pesticide applicator must ensure that the noncertified applicator has met at least one of the requirements in this Paragraph:

- (1) the noncertified applicator has been trained in accordance with Paragraph (f) of this Rule within the last 12 months;

- (2) the noncertified applicator has met training requirements for an agricultural handler under 40 CFR 170.501 within the last 12 months;
 - (3) the noncertified applicator has met the requirements established by a certifying authority that meet or exceed the standards in Subparagraph (f)(3) of this Rule; or
 - (4) the noncertified applicator is currently a certified applicator but is not certified to perform the type of application being conducted or is not certified in North Carolina.
- (f) Guidelines for the noncertified applicator training program shall be as follows.
- (1) General noncertified applicator training must be presented to noncertified applicators orally from written materials or audio visually. The information must be presented in a manner that the noncertified applicators can understand. The person conducting the training must be present during the entire training program and must respond to the noncertified applicators' questions.
 - (2) The person who conducts the training must meet at least one of the following criteria:
 - (A) be currently certified as a pesticide applicator;
 - (B) be currently designated as a trainer of certified applicators or pesticide handlers by EPA, the certifying authority, or a state, tribal, or federal agency having jurisdiction; or
 - (C) have completed an EPA-approved pesticide safety train-the-trainer program for trainers of handlers under 40 CFR part 170.
 - (3) The noncertified applicator training materials must include information on how the noncertified applicators can protect themselves, other people, and the environment, before, during and after a pesticide application. The noncertified applicator training materials must include, at a minimum, the following:
 - (A) potential hazards from toxicity and exposure that pesticides present to noncertified applicators and their families, including acute and chronic effects, delayed effects, and sensitization;
 - (B) routes through which pesticides can enter the body;
 - (C) signs and symptoms of common types of pesticide poisonings;
 - (D) emergency first aid for pesticide injuries or poisonings;
 - (E) routine and emergency decontamination procedures, including emergency eye flushing techniques; that if pesticides are spilled or sprayed on the body, to immediately wash or to rinse off in the nearest appropriate location with clean water; and instructed to wash or shower with soap and water, shampoo hair, and change into clean clothes as soon as possible;
 - (F) how and when to obtain emergency medical care;
 - (G) after working with pesticides, to wash hands before eating, drinking, using chewing gum or tobacco, or using the toilet;
 - (H) wash or shower with soap and water, shampoo hair and change into clean clothes as soon as possible after working with pesticides;
 - (I) potential hazards from pesticide residues on clothing;
 - (J) wash clothes worn while working with pesticides before wearing them again and wash them separately from other clothes;
 - (K) do not take pesticides or pesticide containers used at work to your home;
 - (L) potential hazards to children and pregnant women from pesticide exposure;
 - (M) remove work boots or shoes worn during a pesticide application before entering your home, and remove work clothes worn during a pesticide application and wash or shower before physical contact with children or family members;
 - (N) how to report suspected pesticide use violations to the appropriate state or tribal agency responsible for pesticide enforcement;
 - (O) the format and meaning of information contained on pesticide labels and in labeling applicable to the safe use of the pesticide, including the location and meaning of the restricted use product statement, how to identify when the labeling requires the licensed applicator to be physically present during the use of the pesticide, and information on personal protective equipment;
 - (P) the need for, and appropriate use and removal of, personal protective equipment;
 - (Q) how to recognize, prevent, and provide first aid treatment for heat-related illnesses;
 - (R) safety requirements for handling, transporting, storing, and disposing of pesticides, including general procedures for spill cleanup;

- (S) environmental concerns such as drift, runoff, and wildlife hazards;
- (T) restricted use pesticides may be used only by a pesticide applicator or by a noncertified applicator working under the direct supervision of a pesticide applicator;
- (U) the supervising pesticide applicator must be present at the site only when required by the product labeling;
- (V) the supervising pesticide applicator's responsibility to provide to each noncertified applicator instructions specific to the site and pesticide used, and that these instructions must include labeling directions, precautions, and requirements applicable to the specific use and site, and how the characteristics of the use site (for example, surface and ground water, endangered species, local population, and risks) and the conditions of application (for example, equipment, method of application, formulation, and risk of adverse effects), must be provided by the supervising pesticide applicator in a manner the noncertified applicator can understand;
- (W) the supervising pesticide applicator's responsibility to ensure that each noncertified applicator has access to the applicable product labeling at all times during its use;
- (X) the supervising pesticide applicator's responsibility to ensure that where the labeling of a pesticide product requires that personal protective equipment be worn for mixing, loading, application, or any other use activities, each noncertified applicator has clean, labeling required personal protective equipment in proper operating condition, and that the personal protective equipment is worn and used correctly for its intended purpose;
- (Y) the supervising pesticide applicator's responsibility to ensure that before each day of use, equipment used for mixing, loading, transferring, or applying pesticides is in proper operating condition as intended by the manufacturer, and can be used without risk of reasonably foreseeable adverse effects to the noncertified applicator, other persons, or the environment; and
- (Z) the supervising pesticide applicator's responsibility to ensure that a means to immediately communicate with the supervising pesticide applicator is available to each noncertified applicator using any pesticide under his or her direct supervision.

(g) All applicators must adhere to the provisions of recordkeeping as follows:

- (1) Before allowing a noncertified applicator to make any pesticide application under their direct supervision, the supervising pesticide applicator must create or verify the existence of records documenting that each noncertified applicator has the qualifications required in Paragraph (e) of this Rule. For each noncertified applicator, the records must contain the information corresponding to the method of qualification.
 - (A) If the noncertified applicator was trained in accordance with Subparagraph (e)(1) of this Rule, the record must contain all of the following information: the noncertified applicator's printed name and signature; the date the training requirement in Paragraph (d) of this Rule was met; the name of the person who provided the training; and the title or a description of the training provided.
 - (B) If the noncertified applicator was trained as an agricultural handler under 40 CFR 170.501, in accordance with Subparagraph (e)(2) of this Rule, the record must contain all of the information required in 40 CFR 170.501 (d)(1).
 - (C) If the noncertified applicator qualified by satisfying the requirements established by the certifying authority, as described in Subparagraph (e)(3) of this Rule, the record must contain the information required by the certifying authority.
 - (D) If the noncertified applicator is an otherwise certified applicator who is not certified to perform the type of application being conducted, or not certified in the jurisdiction where the use will take place, as described in Subparagraph (e)(4) of this Rule, the record must include all of the following information: the noncertified applicator's name; the noncertified applicator's certification number; the expiration date of the noncertified applicator's certification; and the certifying authority that issued the certification.
- (2) The supervising pesticide applicator must create or verify the existence of the record containing the information in Subparagraph (g)(1) of this Rule before allowing the noncertified applicator to use any pesticides under his or her direct supervision.

(h) The pesticide applicator supervising any noncertified applicator must have access to records documenting the information required in Subparagraph (g)(1) of this Rule at the supervising pesticide applicator's principal place of business for three years from the date the noncertified applicator uses the pesticide.

*History Note: Authority G.S. 143-452; 143-453; 143-458; 143-460(19)(20); 143-460(29);
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