

02 NCAC 09L .1105 APPLICATIONS UNDER SUPERVISION OF CERTIFIED APPLICATOR

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

(b) All certified applicators must adhere to the provisions of recordkeeping as outlined throughout this Subchapter.

(1) Before allowing a noncertified applicator to make a restricted use pesticide application under their direct supervision, the supervising certified applicator must create or verify the existence of records documenting that each noncertified applicator has the qualifications required in 40 C.F.R. 171.201(c). For each noncertified applicator, the records must contain the information appropriate to the method of qualification as provided in Parts (b)(1)(A) through (b)(1)(D) of this Rule.

(A) If the noncertified applicator was trained in accordance with C.F.R. 171.201(c)(1), the record must contain all of the following information: the noncertified applicator's printed name and signature; the date the training requirement in C.F.R. 171.201(c) 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 C.F.R. 170.501 in accordance with C.F.R. 171.201(c)(2), the record must contain all of the information required in 40 C.F.R. 170.501 (d)(1).

(C) If the noncertified applicator qualified by satisfying the requirements established by the certifying authority, as described in C.F.R. 171.201(c)(3), the record must contain the information required by the certifying authority.

(D) If the noncertified applicator is a 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 C.F.R. 171.201(c)(4), 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 certified applicator must create or verify the existence of the record containing the information in Subparagraph (b)(1) of this Rule before allowing the noncertified applicator to use any restricted use pesticides under his or her direct supervision.

(3) The certified applicator supervising any noncertified applicator must have access to records documenting the information required in Subparagraph (b)(1) of this Rule for three years from the date the noncertified applicator use the pesticide.

(c) The certified applicator providing direct supervision shall be available to the non-certified applicator in the event he or she is needed. It shall be the responsibility of the certified applicator to keep the non-certified applicator fully aware of all directions for use and cautions necessary for safe use and application of any restricted use pesticide they may be directed to apply.

(d) All non-certified applicators applying any restricted use pesticide under the direct supervision of a certified applicator shall have available at the application site, or at the loading and mixing site, if different from the application site, the following:

(1) detailed written or printed directions for applying the restricted use pesticide (pesticide product label will suffice);

(2) detailed written or printed instructions describing procedures to be followed in order to prevent injury to the applicator, other persons and/or unreasonable adverse effects on the environment (pesticide product label will suffice); and

(3) detailed instructions for contacting the certified applicator under whose supervision the non-certified applicator is working (for example, name, location, telephone number, radio contact), and such instructions, when followed, shall result in direct communication with the certified applicator.

*History Note: Authority G.S. 143-440;
Eff. December 1, 1976;
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Readopted Eff. August 1, 2020;
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