

## CHAPTER 34 - STRUCTURAL PEST CONTROL DIVISION

### SECTION .0100 - INTRODUCTION AND DEFINITIONS

#### 02 NCAC 34 .0101 GENERAL DUTIES

(a) Applicable to licensees only:

- (1) All licensed structural pest control operators shall carry out the provisions and terms of all contracts into which they enter for the control of structural pests.
- (2) Licensed structural pest control operators shall be responsible for obtaining satisfactory control of all insects, rodents, fungi, or other pests indicated in the control agreement(s).
- (3) Licensed structural pest control operators shall be responsible for obtaining control of active infestations of pests for which control agreements were entered into prior to July 1, 1955, if contracts covering said agreements are currently effective.

(b) Applicable to both licensees and certified applicators:

- (1) The methods and materials used in structural pest control procedures shall be in accordance with the current label registrations of federal and State of North Carolina agencies responsible for making such registrations, which can be found at the EPA's Pesticide Product and Label system website, <https://ordspub.epa.gov/ords/pesticides/f?p=PPLS:1>.
- (2) The possession, usage, application, storage, and disposal of all pesticides and all pesticide containers shall be in conformity with all current label registrations, federal and North Carolina State laws and regulations governing the possession, usage, application, storage, and disposal of pesticides and pesticide containers, as set forth in Rules .0407 and .0408 of this Chapter.
- (3) Licensed structural pest control operators, or their authorized agents, and certified applicators shall maintain at their business location(s) copies of current registered labels for all pesticides used. Such labels shall be made available for inspection upon request of the Structural Pest Control and Pesticides Division, or the Structural Pest Control Committee.
- (4) Requirements for direct supervision of registered technicians by licensed or certified applicators are as follows:
  - (A) The North Carolina Structural Pest Control Committee 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. Copies of this material may be obtained at no cost from the U.S. Government Printing Office website, <http://www.gpo.gov/>.
  - (B) Before any registered technician may use any pesticide under the direct supervision of the licensed or certified applicator, the supervising licensed or certified applicator must ensure that the registered technician has met all of the following qualifications: that the registered technician has completed all the training requirements under Rule .0313 of this Chapter; that the registered technician 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 as required under Rule .0313(g) of this Chapter; and that the registered technician is at least 18 years old.
  - (C) Use-specific conditions that must be met in order for a registered technician to use any pesticide are outlined in this Part. The licensed or certified applicator must ensure that all of the following requirements are met before allowing a registered technician to use any pesticide under his or her direct supervision. The licensed or certified applicator must ensure that the registered technician has access to the applicable product labeling at all times during its use. The licensed or certified applicator must provide the registered technician with all personal protective equipment (PPE) required by the labeling of any pesticide used and through training, documentation, or supervision, ensure that the PPE is being worn and used correctly for its intended purpose. The licensed or certified applicator must provide to each registered technician, through training, the tools needed to analyze a site prior to an application being made and understand when it is necessary to postpone an application until the supervising licensed or certified applicator be contacted for input. This training must include reading and understanding labeling

directions, precautions, and requirements applicable to various sites and uses. This includes how the characteristics of a use site (e.g., structural pest identification, damage assessment, construction type, control/management options, as well as other factors which could impact any pesticide application decision such as surface and ground water, runoff potential, soil type, weather forecast, endangered species, local population) and the conditions of application (e.g. equipment, method of application, formulation) might increase or decrease the risk of adverse effects. The licensed or certified applicator must provide this information in a manner that the registered technician can understand. The licensed or certified applicator must, through training, documentation, or inspections, 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 foreseeable adverse effects to the registered technician, other persons, or the environment. The licensed or certified applicator must ensure that a means to immediately communicate with the licensed or certified applicator has been provided to each registered technician using any pesticide under his or her direct supervision. The licensed or certified applicator must be physically present at the use site, when required by the product labeling.

- (5) Before any registered technician uses any pesticide under the direct supervision of the licensed or certified applicator, the supervising licensed or certified applicator must ensure that the registered technician has met all the requirements and been trained in accordance with Rule .0313 of this Chapter.
- (6) All licensed or certified applicators must adhere to the following provisions of recordkeeping as outlined in the following Parts of this Subparagraph.
  - (A) Prior to the registered technician using any pesticide, the licensed or certified applicator must create or verify the existence of records documenting that each registered technician has met the qualifications required in Subparagraph (b)(5) of this Rule. For each registered technician, the records must contain the information as provided in Part (b)(6)(B) of this Rule.
  - (B) The record must contain all of the following information: the registered technician's printed name and signature; the date the training requirement in Subparagraph (b)(5) of this Rule was completed; the name of the person who provided the training; and the title or a description of the training provided.
  - (C) The licensed or certified applicator supervising any registered technician must have access to records documenting the information required in Part (b)(6)(A) of this Rule at the licensed applicator's principal place of business for two years from the date the registered technician uses the pesticide.

*History Note:* Authority G.S. 106-65.29;  
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