

CHAPTER 28

APPLICATOR CERTIFICATION RULES AND REGULATIONS

Section 1. Authority. Pursuant to the authority vested in the Board of Certification by virtue of WS 35-7-355 1977, as amended and WS 16-3-101 through 16-3-115, the following rules and regulations pertaining to the certification and licensing of pesticide applicators are hereby promulgated and adopted.

Section 2. Definitions. Terms used in these regulations are in addition to those set forth in WS 35-7-354 1977, as amended. The following terms shall have the meaning stated below:

(a) Accident means an unexpected, undesirable event, caused by the use of, or presence of a pesticide, that adversely affects man or the environment.

(b) Act means the Wyoming Environmental Pesticide Control Act of 1973.

(c) Agricultural Commodity means any plant, or part thereof, or animal or animal product, produced by a person primarily for sale, consumption, propagation or other use by man or animals.

(d) Applicator means any individual certified in one of the following license classifications:

(i) Commercial Applicator means a certified applicator (whether or not he is a private applicator with respect to some uses) who uses or supervises the use of any pesticide which is classified as restricted use for any purpose or on any property other than as provided under the definition of Private Applicator.

Commercial Applicator also means a certified applicator who uses or supervises the use of any pesticide during any commercial application as defined by paragraph (f) of this section.

(ii) Private Applicator means any certified applicator who uses or supervises the use of any restricted use pesticide which is restricted to use by certified applicators and only for purposes of producing any agricultural commodity on property owned by him or his employer or under his control or (is applied without compensation other than trading of personal services between producers of agricultural commodities) on the property of another person.

(e) Calibration of Equipment means measurement of dispersal or output of application equipment and adjustments of such equipment to control the rate of dispersal, and droplet or particle size of a pesticide dispersed by the equipment.

(f) Commercial Application means the application of any pesticide, (excluding sanitizers/disinfectants), done by contract or hire.

(g) Director means the Director of Agriculture for the State of Wyoming or his designated Department of Agriculture employee.

(h) Common Exposure Route means a likely way (oral, dermal, respiratory) by which a pesticide may reach and/or enter an organism.

(i) Compatibility means that property of a pesticide that permits its use with other chemicals without undesirable results being caused by the combination.

(j) Competent means properly qualified to perform functions associated with pesticide application, the degree of capability required being directly related to the nature of the activity and associated responsibility.

(k) Direct Supervision means (unless otherwise prescribed by the labeling) the act or process whereby any application of a pesticide is made by a competent person acting under the instructions and control of a certified applicator who is responsible for the actions of that person and who is available, within a reasonable time and distance, even though such certified applicator is not physically present at the time and place the pesticide is applied.

(i) At a minimum, availability of the certified applicator must be directly related to the hazard of the situation. The certified applicator must be available by immediate contact through telephone or radio, or must be physically present on-site when use of the pesticide poses a potentially serious hazard to people or the environment.

(l) Environment means water, air, land and all plants, man or other animals living therein, and the relationships which exists among them.

(m) Equipment means any equipment or contrivance used to apply pesticides to the environment, but shall not include any pressurized hand-size household apparatus used to apply pesticides.

(n) Forest means a concentration of trees and related vegetation in non-urban areas sparsely inhabited by and infrequently used by humans, characterized by natural terrain and drainage patterns.

(o) General Use Pesticide means any pesticide formulation not classified as restricted use.

(p) Hazard means a probability that a given pesticide will have an adverse effect on man or the environment in a given situation, the relative likelihood of danger or ill effect being dependent on a number of interrelated factors present at any given time.

(q) Host means any plant or animal on or in which another lives for nourishment, development or protection.

(r) Label means the written, printed or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers.

(s) Labeling means the label and all other written, printed or graphic matter:

(i) accompanying the pesticide or device at any time; or

(ii) to which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of the Environmental Protection Agency; the United States Department of Agriculture and Interior; the Department of Health, Education and Welfare; state experiment stations; state agricultural colleges; and other similar Federal or State institutions or agencies authorized by law to conduct research in the field of pesticides.

(t) Land means all land and water areas, including air space, and all plants, animals, structures, buildings and contrivances, appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation.

(u) Licensed Pesticide Dealer means any person who makes available for use any restricted use pesticide, or who offers to make available for use any restricted use pesticide.

(v) Make Available For Use means to distribute, sell, ship, deliver for shipment, or receive and (having so received) deliver for use by any person. However, the term shall not include transactions solely between persons who are pesticide producers, registrants, wholesalers, or retail dealers acting only in those capacities.

(w) Minor Crops Grown for Seed means alfalfa grown for seed, turf grasses grown for seed, forage grasses grown for seed, trefoils grown for seed, vetch grown for seed, clovers grown for seed, miscellaneous vegetables grown for seed, miscellaneous legumes grown for seed, miscellaneous Brassica sp. grown for seed, sunflowers grown for seed and miscellaneous tree and shrub sp. grown for seed.

(x) Non-Target Organism means a plant or animal other than the one against which the pesticide is applied.

(y) Ornamental means trees, shrubs and other plantings in and around habitations generally, but not necessarily located in urban and suburban areas, including residences, parks, streets, retail outlets, industrial and institutional buildings.

(z) Persistence means that period of time a pesticide and its biologically active metabolites remain in the environment.

(aa) Person means any individual, partnership, association, corporation or any organized group of persons whether incorporated or not.

(bb) Pest means any insect, snail, slug, rodent, predator, nematode, fungi, weed or other form of terrestrial or aquatic plant, or animal life, or virus, bacteria, or other micro-organisms (except viruses, bacteria, or other micro-organisms in or on living man or other living animals) which the board of certification declares to be a pest.

(cc) Protective Equipment means clothing or any other material or devices that shield against unintended exposure to pesticides.

(dd) Regulated Pest means a specific organism considered to be a pest requiring regulatory restrictions, regulations, or control procedures in order to protect the host, man and/or his environment.

(ee) Restricted-Use Pesticide means any pesticide product, the label of which states "restricted use" as required for registration by the Environmental Protection Agency under the Federal Insecticide, Fungicide and Rodenticide Act of 1972, as amended.

(ff) Susceptibility means the degree to which an organism is affected by a pesticide at a particular level of exposure.

(gg) Toxicity means the property of a pesticide to cause any adverse physiological effects.

Section 3. Licensing Requirements for Commercial Applicators.

(a) Any person making a commercial application of any pesticide, will be required to obtain a commercial applicators license, prior to any such commercial application of a pesticide.

Section 4. Certification Categories for Commercial Applicators.

(a) Procedure. Certification categories for Commercial Applicators using or supervising the use of any pesticide are identified below:

(b) Categories:

(i) Cat. 901 Agricultural Pest Control

(A) Weed Control. This subcategory includes commercial applicators using or supervising the use of any pesticide for weed control in production of agricultural crops, including but not limited to, sugar beets, corn, beans, alfalfa, potatoes, small grains, feed grains, forage, vegetables, small fruits, as well as on grasslands and non-crop agricultural lands.

(B) Insect Control. This subcategory includes commercial applicators using or supervising the use of any pesticide for insect control in production of agricultural crops, including but not limited to, sugar beets, corn, beans, alfalfa, potatoes, small grains, feed grains, forage, vegetables, small fruits, as well as on grasslands and non-crop agricultural lands.

(C) Disease Control. This subcategory includes commercial applicators using or supervising the use of any pesticide for disease control in production of agricultural crops, including but not limited to, sugar beets, corn, beans, alfalfa, potatoes, small grains, feed grains, forage, vegetables, small fruits, as well as on grasslands and non-crop agricultural lands.

(D) Animal. This subcategory includes commercial applicators using or supervising the use of any pesticide on animals, including but not limited to, beef cattle, dairy cattle, swine, sheep, horses, goats, poultry and livestock, and to places on or in which animals are confined. Doctors of veterinary medicine engaged in the business of applying pesticides for hire, publicly holding themselves out as pesticide applicators, or engaged in large scale use of pesticides are included in this category.

(E) Rodent Control. This subcategory includes commercial applicators using or supervising the use of any pesticide to control rodents in production of agricultural crops, including but not limited to, sugar beets, corn, beans, alfalfa, potatoes, small grains, feed grains, forage, vegetables, small fruits, as well as on grasslands and non-crop agricultural lands.

(F) Chemigation. This subcategory includes commercial applicators using or supervising the use of any pesticide through an irrigation system. Certification in this subcategory requires concurrent certification in one or more applicable subcategories under category 901, Agricultural Pest Control.

(ii) Cat. 902 Forest Pest Control. This category includes commercial applicators using or supervising the use of any pesticide in forests, forest nurseries, and forest seed producing areas.

(iii) Cat. 903 Ornamental and Turf Pest Control.

(A) Weed Control. This subcategory includes commercial applicators using or supervising the use of any pesticide to control weeds in the maintenance and production of ornamental trees, shrubs, flowers and turf.

(B) Insect Control. This subcategory includes commercial applicators using or supervising the use of any pesticide to control insects in the maintenance and production of ornamental trees, shrubs, flowers and turf.

(C) Disease Control. This subcategory includes commercial applicators using or supervising the use of any pesticide to control plant disease in the maintenance and production of ornamental trees, shrubs, flowers and turf.

(D) reserved

(E) Rodent Control. This subcategory includes commercial applicators using or supervising the use of any pesticide to control rodents in the maintenance and production of ornamental trees, shrubs, flowers and turf.

(iv) Cat. 904 Seed Treatments. This category includes commercial applicators using or supervising the use of any pesticide on seed.

(v) Cat. 905 Aquatic Pest Control. This category includes commercial applicators using or supervising the use of any pesticide purposefully applied to standing or running water, excluding applicators engaged in public health related activities included in category 908 below.

(vi) Cat. 906 Right-of-Way Pest Control. This category includes commercial applicators using or supervising the use of any pesticide in the maintenance of public roads, electric power lines, pipelines, railway rights-of-way or other similar areas.

(vii) Cat. 907 Industrial, Institutional, Structural and Health Related Pest Control. This category includes commercial applicators using or supervising the use of any pesticide, in, on or around food handling establishments, human dwellings, institutions such as schools and hospitals, industrial establishments/sites including warehouses and grain elevators and any other structures and/or adjacent areas, public or private, and for the protection of stored, processed or manufactured products.

(A)-(F) reserved

(G) Fumigation. This subcategory includes commercial applicators using or supervising the use of pesticides, in gaseous form, within enclosed gas tight spaces (tents, structures, vehicles or vessels), for a wide range of commodities and conditions.

(H) Bird Control. This subcategory includes commercial applicators using or supervising the use of any pesticide to control pest birds.

(viii) Cat. 908 Public Health Pest Control. This category includes state, federal or other governmental employees using or supervising the use of any pesticide in public health programs for the management and control of pests having medical and public health importance.

(ix) Cat. 909 Regulatory Pest Control. This category includes state, federal or other governmental employees who use or supervise the use of any pesticide in the control of regulated pests.

(A)-(D) reserved

(E) Rodent Control. This subcategory includes state, federal or other governmental employees who use or supervise the use of any pesticide to control rodents.

(F)-(G) reserved

(H) Bird Control. This subcategory includes state, federal or other governmental employees who use or supervise the use of any pesticide to control pest birds.

(I) Vertebrate Pest Control. This subcategory includes state, federal or other governmental employees who use or supervise the use of any pesticide for the control of vertebrate pests.

(J) M-44. This subcategory includes state, federal or other governmental employees who use m-44 devices to control coyotes.

(K) Livestock Protection Collar. This subcategory includes state, federal or other governmental employees who use LP Collars on sheep to control coyotes.

(x) Cat. 910 Demonstration and Research Pest Control. This category includes: individuals who demonstrate to the public the proper use and techniques of application of any pesticide or supervise such demonstration, and persons conducting field research with pesticides, and in doing so, use or supervise the use of any pesticide. Included in the first group are such persons as extension specialists and county agents, commercial representatives demonstrating pesticide products and/or making crop/pest control recommendations, and those individuals demonstrating methods used in public programs.

The second group includes: state, federal, commercial and other persons conducting field research on or utilizing any pesticide.

(xi) Cat. 911 Specific Use Pest Control. This category includes commercial applicators who use or supervise the use of any pesticide which the board of certification determines does not adequately fit in any of the above (10) major categories.

(A)-(K) reserved

(L) Wood Preservatives and/or Wood Treatment. This subcategory includes commercial applicators who use or supervise the use of any pesticide, at treating plants and saw mills, for preservative treatment of wood by pressure, dipping, soaking, and diffusion processes to produce a commodity for sale and/or installation. This subcategory also includes the handling and topical application and injection of wood preservatives, for operations such as ground line pole treatment, waterproofing, millwork cutoffs, or supplemental field treatment.

(M) Non-Government M-44. This subcategory includes commercial applicators who ARE NOT government employees, who use the M-44 device for the control of coyotes.

(N) Non-Government Livestock Protection Collar. This subcategory includes commercial applicators who are not government employees, who use the LP Collar for the control of coyotes.

(O) Mosquito Control. This subcategory includes commercial applicators using or supervising the use of any pesticide to control mosquitos.

(P) Sewer Line Root Control. This subcategory includes commercial applicators using or supervising the use of any pesticide (including Metam Sodium or Dichlobenil) for sewer line root control.

(xii) Cat. 912 Aerial Application. This category includes commercial applicators using or supervising the use of any pesticide applied by fixed or rotary wing aircraft. In addition to certification in this category, certification is also required in one or more of the other categories listed under paragraph (b) of this section appropriate to the type of application being performed.

Section 5. Standards for Certification of Commercial Applicators.

(a) Determination of Competency. Competence in the use and handling of pesticides shall be determined on the basis of written examination and as appropriate, performance testing, based upon standards set forth below. Such examinations and testing shall include the general standards applicable to all categories: the additional standards specifically identified for each category-subcategory (if any) in which a commercial applicator is to be classified; and, as appropriate, any special standards established pursuant to Section 11 of these regulations.

(b) General standards of competency for all categories of certified commercial applicators.

(i) All commercial applicators shall demonstrate, by examination, practical knowledge of the principles and practices of pest control and safe use of pesticides. Testing shall be based on examples of problems and situations; appropriate to the particular category or subcategory of the applicators' certification and the following areas of competency:

(A) Label and Labeling Comprehension.

(I) The general format and terminology of pesticide labels and labeling, including all written, printed or graphic matter associated with the product;

(II) The understanding of instructions, warnings, terms, symbols, and other information commonly appearing on pesticide labels;

(III) Classification of the product, general or restricted use.

(IV) Necessity for use consistent with the label.

(B) Safety.

(I) Pesticide toxicity and hazard to man, including all common exposure routes (dermal, inhalation and ingestion).

(II) Common types and causes of pesticide accidents;

(III) Precautions necessary to guard against injury to applicators and other individuals in or near treated areas;

(IV) Need for and use of protective clothing and equipment;

(V) Symptoms of pesticide poisoning;

(VI) First aid and other procedures to be followed in case of a pesticide accident;
and

(VII) Proper identification, storage, transport, handling, mixing and disposal methods for pesticides, disposal of pesticide containers, including precaution to be taken to prevent children from having access to pesticides and pesticide containers.

(C) Environment. The potential environmental consequence of the use and misuse of pesticides as may be influenced by:

(I) Weather and other climatic conditions;

(II) Types of terrain, soil and other substrate;

(III) Groundwater aquifer vulnerability;

- (IV) Presence of fish, wildlife and non-target organisms;
 - (V) Presence of endangered species; and
 - (VI) Drainage patterns.
- (D) Pests.
- (I) Common features of pest organisms and characteristics of damage needed for pest recognition;
 - (II) Recognition of relevant pests; and
 - (III) Pest development and biology as it may be relevant to problem identification and control.
- (E) Pesticides.
- (I) Types of pesticides;
 - (II) Types of formulations;
 - (III) Compatibility, synergism, persistence and animal and plant toxicity to the formulations;
 - (IV) Hazards and residues associated with use;
 - (V) Factors which influence effectiveness or lead to such problems as resistance to pesticides; and
 - (VI) Dilution procedures.
- (F) Equipment.
- (I) Types of application equipment and advantages and limitations of each type; and
 - (II) Uses, maintenance and calibration.
- (G) Application Techniques.

(I) Methods of procedure used to apply various formulations of pesticides, solutions and gases, together with a knowledge of which technique of application to use in a given situation;

(II) Relationship of discharge and placement of pesticides to proper use, unnecessary use, and misuse; and

(III) Prevention of drift and pesticide loss into the environment.

(H) Laws and Regulations.

(I) Applicable state and federal laws and regulations; and

(II) Worker Protection Standards as they apply to farms, forests, nurseries and greenhouses.

(c) Specific standards of competency for each category and/or subcategory. Commercial applicators when certifying in a specific category, shall be particularly qualified in that category as elaborated below:

(i) Cat. 901 Agricultural Pest Control.

(A) Weed Control. Applicators must demonstrate, by examination, practical knowledge of the crops grown and the specific weeds of those crops on which they may be using pesticides. Practical knowledge is required concerning soil and water problems, pre-harvest intervals, restricted entry intervals, phytotoxicity, and potential for environmental contamination, non-target injury and community problems resulting from the use of pesticides in agricultural areas.

(B) Insect Control. Applicators must demonstrate, by examination, practical knowledge of the crops grown and the specific insects of those crops on which they may be using pesticides. Practical knowledge is required concerning soil and water problems, pre-harvest intervals, restricted entry intervals, phytotoxicity, and potential for environmental contamination, non-target injury and community problems resulting from the use of pesticides in agricultural areas.

(C) Disease Control. Applicators must demonstrate, by examination, practical knowledge of the crops grown and the specific diseases of those crops on which they may be using pesticides. Practical knowledge is required concerning soil and water problems, pre-harvest intervals, restricted entry intervals, phytotoxicity and potential for environmental contamination, non-target injury and community problems resulting from the use of pesticides in agricultural areas.

(D) Animal. Applicators applying pesticides directly to animals must demonstrate, by examination, practical knowledge of such animals and their associated pests. A practical knowledge is also

required concerning specific pesticide toxicity and potential residue, since host animals will frequently be used for food. Further, the applicator must know the relative hazards associated with such factors as formulation, application techniques, ages of animals, stress and extent of treatment.

(E) Rodent Control. Applicators shall demonstrate, by examination, practical knowledge of detrimental rodents found in agricultural situations, the potential impact on the environment of pesticides used in rodent control programs, and knowledge of factors influencing introduction, spread and population dynamics of relevant pests. In addition, use requires particular ability that relates to integrated knowledge of the locale, target species and damage patterns caused by the target species.

(F) Chemigation. Applicators shall demonstrate practical knowledge of equipment associated with chemigation, including calibration techniques and use of anti-back flow/check valves to prevent contamination of water supplies. They shall demonstrate knowledge of labeling requirements of products registered for chemigation, including posting requirements. Further, they shall demonstrate knowledge of appropriate use of personal protective equipment associated with this type of application.

(ii) Cat. 902 Forest Pest Control. Applicators shall demonstrate, by examination, practical knowledge of the types of forest, forest nurseries and seed production in Wyoming and the pests involved. They should possess practical knowledge of the cyclic occurrence of certain pests and specific population dynamics as a basis for programming pesticide applications. A practical knowledge is required of the relative biotic agents and their vulnerability to the pesticides to be applied. The applicator must demonstrate, by examination, practical knowledge of control methods which will minimize the possibility of secondary problems such as unintended effects of wildlife. Proper use of specialized equipment must be demonstrated, especially as it may relate to meteorological factors and adjacent land use.

(iii) Cat. 903 Ornamental and Turf Pest Control.

(A) Weed Control. Applicators shall demonstrate, by examination, practical knowledge of pesticide problems associated with weed control in the production and maintenance of ornamental trees, shrubs, plantings and turf, including cognizance of potential phytotoxicity due to a wide variety of plant material, drift and persistence beyond the intended period of pest control. Because of the frequent proximity of human habitations to application activities, applicators in this subcategory must demonstrate, by examination, practical knowledge of application methods which will minimize or prevent hazards to humans, pets and other domestic animals.

(B) Insect Control. Applicators shall demonstrate, by examination, practical knowledge of problems associated with insect control in the production and maintenance of ornamental trees, shrubs, plantings and turf, including cognizance of potential phytotoxicity due to a wide variety of plant material, drift and persistence beyond the extended period of pest control. Because of the frequent proximity of human habitations to application activities, applicators in this subcategory must demonstrate,

by examination, practical knowledge of application methods which will minimize or prevent hazards to humans, pets and other domestic animals.

(C) Disease Control. Applicators shall demonstrate, by examination, practical knowledge of pesticide problems associated with disease control in the production and maintenance of ornamental trees, shrubs, plantings and turf, including cognizance of potential phytotoxicity due to a wide variety of plant material, drift, and persistence beyond the intended period of pest control. Because of the frequent proximity of human habitation to application activities, applicators in this subcategory must demonstrate, by examination, practical knowledge of application methods which will minimize or prevent hazards to humans, pets and other domestic animals.

(D) reserved

(E) Rodent Control. Applicators shall demonstrate, by examination, practical knowledge of detrimental rodents found in ornamental and turf situations, the potential impact of the environment on pesticides used in rodent control programs, and knowledge of factors influencing introduction, spread and population dynamics of relevant pests. In addition, use requires particular ability that relates to integrated knowledge of the locale, target species and damage patterns caused by the target species.

(iv) Cat. 904 Seed Treatment. Applicators shall demonstrate, by examination, practical knowledge of types of seeds that require chemical protection against pests and factors such as seed coloration, carriers, and surface active agents which influence pesticide binding and may effect germination. They must demonstrate, by examination, practical knowledge of hazards associated with handling, sorting and mixing, and misuse of treated seed such as introduction of treated seed into food and feed channels, as well as proper disposal of unused treated seed.

(v) Cat. 905 Aquatic Pest Control. Applicators shall demonstrate, by examination, practical knowledge of the secondary effects which can be avoided by proper application rates, correct formulations and correct application of pesticides used in this category. They shall demonstrate, by examination, practical knowledge of various water use situations and the potential of downstream effects. Further, they must have a practical knowledge concerning pesticide effects on plants, fish, birds, beneficial insects, and other organisms which may or may not be present in aquatic environments. These applicators shall demonstrate, by examination, practical knowledge of the principles of limited area application.

(vi) Cat. 906 Right-of-Way Pest Control. Applicators shall demonstrate, by examination, practical knowledge of a wide variety of environments since rights-of-way can traverse many different terrains, including waterways. They shall demonstrate, by examination, practical knowledge of problems of runoff, drift and excess foliage destruction and ability to recognize target organisms. They shall also demonstrate, by examination, practical knowledge of the nature of herbicides and the need for containment

of these pesticides within the right-of-way area, and the impact of their application activities on the adjacent areas and communities.

(vii) Cat. 907 Industrial, Institutional, Structural and Health Related Pest Control. Applicators must demonstrate, by examination, a practical knowledge of a wide variety of pests including their life cycles, types of formulations appropriate for their control and methods of application that avoid contamination of food, damage and contamination of habitation, and exposure of people and pets. Since human exposure is a potential problem, applicators must demonstrate, by examination, practical knowledge of the specific factors which may lead to a hazardous condition, including continuous exposure in the various situations encountered in this category. Because health related pest control may involve outdoor applications, applicators must also demonstrate, by examination, practical knowledge of environmental conditions, particularly related to this activity.

(A)-(F) Reserved

(G) Fumigation. Applicators shall demonstrate practical knowledge of conditions requiring the application of fumigants, and selection of the most appropriate fumigation methods to use. They shall demonstrate knowledge of equipment used in fumigation, such as application, monitoring, testing, calculating, and personal protective devices. Applicators shall demonstrate ability to release, distribute and maintain the correct fumigant concentrations for the product/structure being fumigated, under differing conditions. They shall also have knowledge of the hazards involved with the use of fumigants, including requirements for properly ventilating enclosed spaces after application.

(H) Bird Control. Applicators shall demonstrate practical knowledge of protected and unprotected pest birds and conditions conducive to bird problems. They shall demonstrate knowledge of all applicable laws and regulations protecting birds and the actions required in order to control protected pest species. Applicators shall demonstrate knowledge of bird control methods and the hazards involved with pesticide usage, especially secondary poisoning of non-target organisms.

(viii) Cat. 908 Public Health Pest Control. Applicators shall demonstrate, by examination, practical knowledge of vector-disease transmission as it relates to and influences application programs. A wide variety of pests are involved, and it is essential they be known and recognized, and appropriate life cycles and habitats be understood as a basis for control strategy. These applicators shall have practical knowledge of a great variety of environments ranging from streams to those conditions found in buildings. They should also have a practical knowledge of the importance and employment of such non-chemical control methods as sanitation, waste disposal and drainage. This category does not include control of vertebrate pests which are disease vectors. (Vertebrate disease vectors are included in paragraph (c)(ix)(H) of this section)

(ix) Cat. 909 Regulatory Pest Control. Applicators shall demonstrate, by examination, practical knowledge of regulated weeds, insects and diseases, and the potential impact to the environment

of pesticides used in control programs. They shall demonstrate, by examination, knowledge of factors influencing introduction, spread and population dynamics on relevant pests.

(A)-(D) reserved

(E) Rodent Control. Applicators shall demonstrate practical knowledge of detrimental rodents, the potential impact on the environment of pesticides used in rodent control programs and knowledge of factors influencing the introduction, spread and population dynamics of relevant pests. In addition, applicators shall demonstrate integrated knowledge of the locale, target species and damage patterns caused by the target species.

(F)-(G) reserved

(H) Bird Control. Applicators shall demonstrate practical knowledge as indicated under paragraph (c)(vii)(G) of this Section.

(I) Vertebrate Pest Control. Applicators shall demonstrate, by examination, practical knowledge of regulated vertebrate pests (excluding birds) and, the potential impact on the environment of pesticides used in control programs. They shall demonstrate, by examination, knowledge of factors influencing introduction, spread and population dynamics of relevant pests. In addition, use requires particular ability that relates to integrated knowledge of the locale, target species and damage patterns caused by the target species.

(J) M-44. Applicators shall demonstrate practical knowledge on the use of the M-44 device to control coyotes, including the history of the M-44 device, toxic effects of sodium cyanide, first aid for cyanide poisoning, M-44 parts and their use, preparation of the M-44 for use, setting the M-44, the use of baits and attractants, selecting M-44 use sites, EPA use restrictions, and all reporting and record keeping requirements pertaining to the use of M-44's. Applicators shall also demonstrate knowledge of basic coyote information, characteristics of predatory species, and use of alternative methods for predator control. Certification in this subcategory shall require separate and specific training, examination and certification.

(K) Livestock Protection Collars. Applicators shall demonstrate practical knowledge on the use of the Livestock Protection Collar to control coyotes, including criteria for applicators, specific certification requirements for applicators, monitoring protocols and labeling and the use of the technical bulletin on the LP Collar. Applicators shall also demonstrate knowledge of procedures for evaluating predation on livestock and wildlife, and all reporting and record keeping requirements pertaining to the use of the LP Collar. Certification in this subcategory shall require separate and specific training, examination and certification.

(x) Cat. 910 Demonstration and Research Pest Control. Applicators demonstrating the safe and effective use of pesticides to other applicators and the public will be expected to meet comprehensive standards reflecting a broad spectrum of pesticide uses. Many different pest problem situations will be encountered in the course of activities associated with demonstrations, and practical knowledge of problems, pest and population levels occurring in each demonstration situation is required. Further, they should demonstrate an understanding of pesticide - organism interactions and the importance of integrating pesticide use with other control methods. In addition, they shall meet the specific standards required for categories 901 through 909 of this section as they may be applicable to their particular activity.

Persons conducting field research or method improvement work with pesticides should know the general standards under paragraph (b) of this section. In addition, they shall meet the specific standards required for categories 901 through 909 of this section, applicable to their particular activity, or alternatively, to meet the more inclusive requirements listed under "demonstration".

(xi) Cat. 911 Specific Use Pest Control. Applicators shall demonstrate, by examination, practical knowledge of the specific pest to be controlled, and the potential impact on the environment of the specific pesticide to be used. The applicator shall also demonstrate, by examination, practical knowledge concerning all pertinent factors influencing application methods, hazards to the applicator and the public, and any other factors which the Board of Certification deems of importance for the specific pesticide. The Board of Certification will develop the examination only after consulting with the manufacturer of the specific restricted-use pesticide. Because of the unusual nature of these specific pesticides, neither the Board of Certification, the Wyoming Department of Agriculture, nor the University of Wyoming will be required or expected to provide training for applicators prior to the examination. Notwithstanding the provisions under Section 6(k) dealing with training for re-certification, the board of certification is not required to approve training courses for re-certification, and the board of certification may require the applicator to be re-examined to maintain certification.

(A)-(K) reserved

(L) Wood Preservation. Applicators shall demonstrate practical knowledge of conditions for which preservative treatment of wood is used. Applicators shall demonstrate a knowledge of all laws specific to the use of wood preservatives, the health and environmental hazards associated with wood treating procedures, and the need for informing purchasers of precautions for handling, use, and disposal of treated wood products. They shall demonstrate knowledge of all applicable treating and testing equipment, structural wood destroying organisms, conditions conducive to infestation and shall demonstrate knowledge and ability to select, calibrate and use appropriate control procedures.

(M) Non-Government M-44. Applicators shall demonstrate practical knowledge as indicated under paragraph (c)(ix)(i) of this section.

(N) Non-Government Livestock Protection Collar. Applicators shall demonstrate practical knowledge as indicated under paragraph (c)(ix)(J) of this section.

(O) Mosquito Control. Applicators shall demonstrate practical knowledge of appropriate life cycles and habitats of mosquito populations which form the basis of a control strategy. Applicators shall have practical knowledge of a great variety of environments ranging from exterior water sources to those conditions found in buildings and also have knowledge of non-chemical control methods such as sanitation, waste disposal and drainage.

(P) Sewer Line Root Control. Applicators shall demonstrate by practical knowledge of various technical aspects of sewer line root control, with emphasis on the safe use and application of chemical products, especially those which contain metam sodium, a restricted-use pesticide.

(xiii)Cat. 912 Aerial application. Applicators shall demonstrate practical knowledge of aerial equipment calibration and maintenance and the avoidance of problems associated with aerial application, such as drift and non-target injury. In addition, applicators will demonstrate knowledge appropriate to the type of aerial application being performed through their additional certification in one or more of the categories listed under paragraph (c) of this section.

(d) The above standards do not apply to the following persons for purposes of these regulations:

(i) Persons conducting research in a laboratory, involving pesticides; and

(ii) Doctors of Medicine and Doctors of Veterinary Medicine applying drugs or medication during the course of their normal practice and who do not publicly represent themselves as pesticide applicators.

Section 6. Certification of Commercial Applicators

(a) Each applicant requiring examination or re-examination for any reason, shall be required to take the examination at a time and place to be specified by and under the direction of the Director of Agriculture in accordance with the conditions and provisions herein. Applications to be provided by the department.

(b) New applicants, upon successful completion of examination(s), shall submit with the application for licensing, a fee, payable to the Wyoming Department of Agriculture. All fees submitted shall be non-refundable.

(i) Commercial Applicator - \$25.00 License fee.

(c) Applicants, upon meeting re-certification requirements shall submit with the application for licensing, a fee payable to the Wyoming Department of Agriculture. All fees submitted shall be non-refundable.

(i) Commercial Applicator - \$25.00 Renewal fee.

(d) Employees of governmental entities are exempted from paying the fees, when the license is used in the performance of their official duties.

(e) Applicants for examination or re-examination may be tested at the Cheyenne office of the Wyoming Department of Agriculture during regular office hours at any time convenient to both the applicant and the department. Applicants may also be tested at other locations, at the convenience of the applicant, the department or the proctor designated by the department.

(f) Applicants for examination or re-examination shall be required to obtain a minimum score of seventy (70) percent on the general examination and in all specific categories or sub-categories in which they are tested, in order to qualify for a commercial applicators license.

(g) Applicants shall be notified in writing of the results of any examination as soon as possible, but in no case shall it exceed thirty (30) days.

(h) Failure to receive a passing score on any examination shall require that the applicant be re-examined only in that category which he failed.

(i) Any applicant who fails to obtain a passing score on two (2) successive examination attempts will be required to attend a training program for new applicators approved by the Director prior to taking any examination a third time.

(j) Applicants who have been examined and found qualified for certification as a commercial applicator shall be issued a license in the appropriate categories or sub-categories, provided that all other requirements for certification have been fully complied with. The license for commercial applicators shall be issued for that portion of the calendar year in which the license is issued or reviewed plus twenty-five (25) months and shall expire on January 31 of the appropriate year.

(k) The Board of Certification shall allow commercial applicators to become re-certified by one of the following methods:

(i) Accumulate 24 hours of approved training during the valid years of the applicators license.

(ii) Attend the annual re-certification short course.

(iii) Re-examination in all applicable categories.

Any extenuating circumstances may be submitted to the board of certification for review.

(l) Any applicator who has had his license suspended shall, prior to re-instatement, be required to re-take all applicable examinations and achieve a passing grade before operations may be resumed, and shall be considered on probation for a period of one (1) year thereafter. Any violation of the Wyoming Environmental Pesticide Control Act of 1973 or Chapter XXVIII, Applicator Certification Rules and Regulations, during the period of probation shall be cause for immediate revocation of license for up to three (3) years.

(m) The Wyoming Pesticide Board of Certification shall in all cases adhere to the Wyoming Administrative Procedures Act when revoking, canceling or suspending any commercial or general applicators license.

(n) Non-resident applicators who meet Wyoming certification requirements and present proper documentation (applicator license and letter of verification), may be considered certified in Wyoming and may be issued a license in the appropriate category. However, reciprocal certification will be extended only to applicants from those states that accept Wyoming certification for reciprocity.

Section 7. Standards for Supervision of Non-Certified Applicators by Certified Private and Commercial Applicators.

(a) At a minimum, availability of the certified applicator must be directly related to the hazard of the situation. For all applications conducted by non-certified person(s), the certified applicator must be available by immediate contact through telephone or radio. In addition, the certified applicator must be physically present on-site when use of the pesticide poses a potentially serious hazard to people or the environment.

(b) When required by the pesticide product label, the certified applicator shall be physically present on-site at all times during the application.

(c) Evidence that adequate supervision is being exercised shall include, but not be limited to:

(i) Verifiable (written) instruction to the competent person,

(ii) Detailed guidance for applying the pesticide properly.

(iii) A copy of the appropriate pesticide product label and Material Safety Data Sheet (MSDS).

- (iv) The certified applicator being physically on-site within a reasonable period of time.

Section 8. Certification Categories for Private Applicators

(a) Procedure. Certification categories for applicators (other than commercial) using or supervising the use of restricted use pesticides are identified below:

(b) Categories:

(i) Cat. 01001 General Certification. This category includes private applicators using or supervising the use of restricted use pesticides in the production of agricultural commodities, including but not limited to, sugar beets, corn, beans, alfalfa, potatoes, small grains, forage, vegetables, small fruits, as well as grasslands and non-crop agricultural lands. This category also includes private applicators using or supervising the use of restricted use pesticides on animals and to places on or in which animals are confined.

(ii) Cat. 01002 Product Specific. This category includes private applicators who use or supervise the use of a "single" restricted use pesticide or a restricted use pesticide which the Board of Certification determines does not adequately fit in any of the other private applicator categories, (i.e., wood treatment products).

(iii) Cat. 01003 M-44(Sodium Cyanide). This category includes private applicators using the M-44 device for the purpose of controlling coyotes.

(iv) Cat. 01004 Livestock Protection Collar. This category includes private applicators using the LP Collar for the purpose of controlling coyotes.

(v) Cat. 01005 Chemigation. This category includes private applicators using or supervising the application of restricted use pesticides through an irrigation system. Certification in this category requires concurrent certification in Category 01001.

Section 9. Standards for Certification of Private Applicators

(a) Determination of Competency. Competence in the use and handling of restricted-use pesticides by a private applicator will be determined by procedures set forth below. As a minimum requirement for certification, a private applicator must show that he possesses a practical knowledge of the pest problems and pest control practices associated with his agricultural operation; proper storage, use, handling and disposal of the pesticide and containers and his related legal responsibility.

(b) General standards of competency for all categories of certified private applicators.

- (i) Recognize common pests to be controlled and damage caused by them.
 - (ii) Read and understand the label and labeling information, including the common name of the pesticide(s) being used, the crop, animal or site to which the pesticide is being applied, pest(s) to be controlled, timing and methods of application, safety precautions, any harvest, grazing or restricted entry restriction(s), and any specific disposal procedures.
 - (iii) Apply pesticides in accordance with label instructions and warnings, including the ability to prepare the proper concentrations of pesticide to be used under particular circumstances, taking into account such factors as area to be covered, speed at which application equipment will be operated, and the quantity of product dispersed in a given period of operation.
 - (iv) Recognize local environmental situations that must be considered during application in order to avoid any possible contamination.
 - (v) Recognize poisoning symptoms and procedures to follow in case of a pesticide accident.
- (c) Specific standards of competency for each category of certification. Private applicators, when certifying in a specific category, shall be particularly qualified in that category as elaborated below:
- (i) Cat. 01001 General Certification. Applicators shall demonstrate practical knowledge of agricultural commodities, and the specific weeds, insects and diseases of those agricultural commodities on which they may use restricted use pesticides. Practical knowledge is required concerning relevant soil and water problems, pre-harvest intervals, restricted entry intervals, phytotoxicity, and potential for environmental contamination and non-target injury. Applicators shall also demonstrate practical knowledge of animals and their associated pests, and pesticide toxicity and residue potential.
 - (ii) Cat. 01002 Product Specific. Applicators shall demonstrate practical knowledge of the specific pest to be controlled and the potential impact on the environment of the specific pesticide being used. The applicator must also demonstrate practical knowledge concerning pertinent factors influencing application methods, hazards to the applicator and the public and any other factors which the Board of Certification deems of importance for the specific pesticide.
 - (iii) Cat. 01003 M-44(Sodium Cyanide). Applicators shall demonstrate practical knowledge on the use of the M-44 device to control coyotes, including the history of the M-44 device, toxic effects of sodium cyanide, first aid for cyanide poisoning, M-44 parts and their use, preparation of the M-44 for use, setting the M-44, the use of baits and attractants, selecting M-44 use sites, EPA use restrictions and all reporting and record keeping requirements pertaining to the use of M-44's. Applicators shall also demonstrate knowledge of basic coyote information, characteristics of predatory species and use of alternative methods for predator control. Certification in this category shall require separate and specific training, examination and certification.

(iv) Cat. 01004 Livestock Protection Collar. Applicators shall demonstrate practical knowledge on the use of the LP Collar to control coyotes, including criteria for applicators, specific certification requirements for applicators, monitoring protocols and labeling and the use of the technical bulletin on the LP Collar. Applicators shall also demonstrate knowledge of procedures for evaluating predation on livestock and wildlife and all reporting and record keeping requirements pertaining to the use of the LP Collar. Certification in this category shall require separate and specific training, examination and certification.

(v) Cat. 01005 Chemigation. Applicators shall demonstrate practical knowledge of equipment associated with chemigation, including calibration techniques and use of an anti-back flow/check valve to prevent contamination of water supplies. They shall demonstrate knowledge of labeling requirements of products registered for chemigation, including posting requirements. Further, they shall demonstrate knowledge of the appropriate use of personal protective equipment associated with this type of application.

Section 10. Certification of Private Applicators

(a) Each applicant may be required to take an examination under the direction of the Director of Agriculture in accordance with the conditions and provisions specified herein. The requirements for an examination may be fulfilled by satisfactorily completing one of the following:

- (i) A training course approved by the Board of Certification,
- (ii) A program instruction workbook, or
- (iii) A written or oral examination.

(A) Applicants shall be required to obtain a passing grade of seventy (70) percent on each section or category of the examination under which they wish to qualify.

(B) Applicants shall be notified in writing of the results of any examination within thirty (30) days.

(C) Such competence of each private applicator shall be indicated through the issuance, by the Department of Agriculture, of a private applicator's license, based upon the standards set forth in Section 9, which ensures the private applicator is competent to use the restricted-use pesticide under limitations of applicable state laws and regulations.

(D) Applicants who have been examined and found qualified as private applicators shall be issued an appropriate license. License shall be valid for such condition as stated on the applicators license. The license for the private applicator shall be issued for the portion of the calendar year in which

the license is issued or reviewed plus fifty-two (52) months and shall expire on April 30 of the appropriate year. The Board of Certification shall require private certified applicators to attend a re-certification course approved by the Board once every five (5) years, complete a program instruction workbook, or be re-examined to maintain certification. The license shall be a non-fee license.

(E) In the event a person, at the time of testing for certification is unable to read a label, the issuing authority will administer a private applicator "single product" examination orally, and the applicant, if approved, shall be certified only for use of that product.

(F) Any private applicator who has had their license suspended shall, prior to reinstatement, be required to take a written examination and receive a passing grade before operations may be resumed, and shall be considered on probation for a period of one (1) year thereafter. Any violations during the period of probation shall be cause for immediate revocation of license for up to three (3) years.

(G) The Wyoming Pesticide Board of Certification shall in all cases adhere to the Wyoming Administrative Procedures Act when revoking, canceling or suspending any private applicator license.

Section 11. Pesticide(s) Subject to Other Restrictions as Provided by the Board of Certification

(a) When it is determined that standards for the certification of private applicators, or commercial applicators must be more stringent than the standards in Section 5 or Section 9 and additional special identification is necessary for an individual using a highly toxic pesticide or applying a pesticide which has been demonstrated to be particularly hazardous to the environment, the standards for the applicator shall include, in addition to their category standards, an especially high degree of knowledge concerning the compound's action, its limitations and the areas in which it is to be applied.

(b) When it is determined by the Board of Certification that unreasonable adverse effects on the environment may reasonably occur, and following a hearing pursuant to the Wyoming Administrative Procedures Act, the Board may restrict the time, place, manner, materials, amounts and concentrations used in connection with the application of a pesticide, or may prohibit use of pesticides in designated areas during specified periods of time. The restrictions and/or prohibitions shall encompass all reasonable factors which the Board deems necessary.

Section 12. Use of Pesticides Under Special Registration for Production of Minor Crops Grown for Seed.

(a) This section applies to pesticide products registered under Section 18 and/or Section 24(c) of FIFRA, and used in the production of minor crops grown for seed as defined in Section 2, paragraph (w) of these regulations.

(b) The use of these pesticide products is not permitted on fields producing feed for livestock and no portion of the treated field, including but not limited to, seed, seed screenings, hay forage or stubble, may be used for human food or animal feed.

(c) The current year's treated seed crop shall not be used or distributed for animal feed purposes, including but not limited to, hay, green chop, pellets, meal, whole seed, cracked seed, seed screenings, roots, bulbs, leaves, chaff or stubble; nor can grazing take place on the current year's treated seed crops.

(d) Screenings or other crop by-products shall not enter feed channels by distribution and/or direct use. All seed screenings and/or crop by-products that were treated with a pesticide registered for minor crop seed production must be immediately removed from the feed market, and disposed of in such a manner that they cannot be distributed or used for feed or food purposes. The seed conditioner shall keep records of all minor crop seed screenings and their disposal (site, method, amount and type of material, date of shipment) and shall furnish these records to the department upon request.

(e) Treated minor crop seed shall not be used or distributed for human food.

(f) All crop seed treated with any pesticide registered for use in minor crop seed production only, shall be tagged at the processing plant and such tag shall state NOT FOR HUMAN CONSUMPTION AND/OR ANIMAL FEED. It shall be the grower's responsibility to notify the processing plant(s) of any seed crop(s) treated with pesticide(s) registered for use in minor crop seed production only.

(g) All usage, in addition to the requirements of this rule, shall be in compliance with the label of the pesticide registered for use in seed production only.

Section 13. Licensed Pesticide Dealer

(a) Any person who makes available for use a restricted-use pesticide as defined in W.S. 34-7-354(e) to certified or non-certified persons shall register, for the purpose of licensing, the principal business name and address by which the dealer operates and the business name and address of each branch dealership with the Wyoming Department of Agriculture on an annual basis.

(b) Persons requiring a pesticide dealers license shall submit with the license application, a \$25.00 fee for each dealer establishment, payable to the Wyoming Department of Agriculture. No establishment shall be required to pay more than \$100.00 in WDA license fees. (Reference W.S. 11-1-104 (a)).

(c) Pesticide dealer license(s) will be issued by the department to the applicant for each establishment. Licenses to be renewed by April 1 of each year.

Section 14. Reports and Records

(a) Licensed pesticide dealers shall maintain and retain accurate and legible records of all sales of restricted use pesticides for a period of two (2) years.

(b) Dealers shall maintain office records of all sales of restricted-use pesticides to certified applicators at each dealership. Records shall include:

- (i) Date of sale
- (ii) Name and address of purchaser
- (iii) Applicator license number
- (iv) Category(s) of certification
- (v) License expiration date
- (vi) Type of pesticide, brand name and EPA registration number
- (vii) Total amount of product purchased

(c) When a restricted-use pesticide is made available for use to a NON-CERTIFIED PERSON for use by a certified applicator, dealers shall maintain office records as required under paragraph (b) of this section.

Dealers shall also be required to obtain documentation from the certified applicator, authorizing the non-certified person to act on their behalf, plus the name and address of the non-certified person to whom the restricted use pesticide is made available and the type of document from which the name and address was obtained.

(d) Certified commercial applicators who are involved in the commercial application of pesticides shall maintain office records giving such information with respect to:

- (i) Name & address of person for whom the application was made, and if applicable, who purchased the pesticide(s).
- (ii) Location of the pesticide application
- (iii) Commodity/site treated
- (iv) Pest controlled

- (v) Pesticide applied:
 - (A) Brand name of product
 - (B) EPA registration number
 - (C) Total amount of pesticide used
 - (D) Rate of application
 - (E) Method of application
- (vi) Date and time of application
- (vii) Weather conditions: (time of application)
 - (A) Temperature
 - (B) Wind direction and velocity

(e) Such records shall be open for inspection at any time during business hours, by the Director of Agriculture or his designated department employee.

(f) Commercial applicators shall maintain and retain accurate and legible records of all pesticides applied during commercial applications, for a period of two (2) years.

Section 15. Required Practices for Commercial Applicators and Private Applicators.

(a) Certified commercial applicators and private applicators shall notify the department of any change of business address within seven (7) days.

(b) Certified commercial applicators making a commercial application, shall prior to application, inform the customer of the following items:

- (i) Pesticide(s) applied
- (ii) Possible residue hazards
- (iii) Any restricted entry periods
- (iv) Any waiting periods prior to harvest

- (v) Application date(s) and time(s)
 - (vi) Post-application label safety precautions
 - (vii) Other applicable label requirements (e.g. posting, Worker Protection Standards)
- (c) Commercial applicators making commercial applications shall maintain and retain accurate and legible records of the information required under paragraph (b) of this section, for a period of two (2) years.

Section 16. Storage and Disposal of Pesticides and Pesticide Containers.

(a) All certified pesticide applicators shall store all pesticide concentrates and dilute mixtures using methods which are reasonably calculated to prevent the contamination of other products by means of volatilization, leakage, breakage or other causes, and which are reasonably calculated to avoid the creation of an unreasonable risk of harm to persons, property, domestic/wild animals, or the environment.

(b) Pesticide storage areas shall be kept clean and orderly, and pesticide containers shall be positioned so that they are not exposed to unreasonable risk of damage to the containers or their labels.

(c) Pesticides and pesticide containers shall be covered or otherwise protected from the elements, in a manner which is reasonably calculated to minimize the risk of damage to labels, and to avoid the creation of an unreasonable risk of harm to persons, property or domestic/wild animals.

(d) Until such time as the department promulgates specific rules and regulations governing the storage and disposal of pesticides and pesticide containers, the RECOMMENDED procedures detailed in 40 CFR, part 165 promulgated by the Administrator, U.S. EPA, shall be the recommended procedures for Wyoming. The department shall make copies of these procedures available to any person needing guidance for proper storage and disposal of pesticides and pesticide containers.

(e) All 1080 Livestock Protection Collars and M-44 Sodium Cyanide capsules shall be stored and transported in the original metal container, or comparable unit, and shall be locked at all times, except when collars or capsules are actually being removed or replaced. In addition, when in transit, the metal storage container(s) shall be placed inside a leak-proof, impact-resistant container which shall also be locked and secured. All containers shall be placarded with appropriate warning labels, indicating the presence of toxic chemicals within.

Section 17. Penalties. Any person who violates any provision of these Applicator Certification Rules and Regulations shall, in addition to those administrative sanctions provided for below, remain subject to those criminal sanctions provided for by W.S. 35-7-366, 1977, as amended (or any other appropriate Wyoming statutes). Any violation of these rules and regulations may be deemed as sufficient cause and

may result in the denial, revocation or suspension of any license, or permit issued pursuant to this act, after a hearing as prescribed in the Wyoming Administrative Procedures Act.