

**SUBCHAPTER 9L - PESTICIDE SECTION  
SECTION .0100 - ORGANIZATIONAL RULES**

**SECTION .0500 - PESTICIDE LICENSES**

**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);  
Eff. February 1, 1976;  
Readopted Eff. August 1, 2020;  
Amended Eff. November 1, 2024.*

## **02 NCAC 09L .0504 DEFINITIONS**

The following definitions apply to **pesticide applicators**:

- (1) "Agricultural pest control" and it's subcategories shall apply to the following:
- (a) **Crop pest control** means pesticide applicators using or supervising the use of pesticides in the production of agricultural crops, including tobacco, peanuts, cotton, feed grains, soybeans and forage; vegetables; small fruits; tree fruits and nuts; grasslands and non-crop agricultural lands; and
- (b) **Livestock pest control** means pesticide applicators using or supervising the use of pesticides on animals, and to places where 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. The following subcategories are defined as follows:**
- (i) **livestock:** means the application of pesticides to domesticated animals being raised as an agricultural commodity or for the purpose of producing an ag commodity;
- (ii) **poultry:** means the application of pesticides to domestic fowl and to the areas in which they are confined; and
- (iii) **small animal:** means the application of pesticides to pets or the areas where they are confined.
- (2) "Forest pest control" means using or supervising the use of pesticides in forests, forest nurseries, and forest seed **production**.
- (3) "Ornamental and turf pest control" means using or supervising the use of pesticides to control pests in the maintenance and production of ornamental **plants** and turf.
- (4) "Aquatic pest control" means using or supervising the use of any pesticide applied to standing or running water, excluding applicators engaged in public health related activities included in Items (6) and (7) of this Rule.
- (5) "Right-of-way pest control" means using or supervising the use of pesticides in the maintenance of public roads, electric powerlines, pipelines, railway rights-of-way, or other similar areas.
- (6) "Public health pest control" **means state, tribal, federal, or other governmental employees and contractors using or supervising the use of pesticides in government sponsored public health programs for the management and control of pests having medical and public health importance.**
- (7) "Commercial Public Health pest control" **means using or supervising the use of pesticides commercially for the management and control of pests having medical and public health importance.**
- (8) "Regulatory pest control" means state, tribal, federal, or other governmental employees who use or supervise the use of pesticides in **government-sponsored programs** for the control of regulated pests.
- (9) "Demonstration and research pest control" means the following:
- (a) persons who demonstrate to the public the use and techniques of application of pesticides, or supervise such demonstration, including extension specialists and county agents; commercial representatives demonstrating pesticide products; persons demonstrating methods used in public programs; and

- (b) persons who use or supervise the use of pesticides while conducting field research with pesticides. This includes state, federal, commercial, and other persons conducting field research on or utilizing pesticides.
- (10) "Seed treatment" means using or supervising the use of pesticides on seeds in seed treatment facilities.
- (11) "Wood treatment" means applying pesticides to wood products such as crossties, poles, logs, shingles, posts or other wood products that are not part of a structure when treated, and are or will be exposed to insects, fungi, marine pests, or weather. This category does not include treatment for the control of termites and other wood destroying organisms in houses or in an area as pretreatment prior to the construction of a structure.
- (12) "Soil and growing media fumigation pest control" means using or supervising the use of any fumigant pesticide injected or applied to soils or growing media. Growing media is defined below in Item (14) of this Rule. This category excludes fumigation of raw agricultural commodities and all structural fumigation such as:
  - (a) boxcars;
  - (b) warehouses;
  - (c) tractor trailers; and
  - (d) grain bins.
- (13) "Aerial pest control" means the category of commercial applicators who use or supervise the use of pesticides applied by fixed or rotary wing aircraft.
- (14) "Growing media" means a substance or substances through which roots grow and extract water and nutrients.
- (15) "Noncertified applicator" means any person who does not meet the requirements set forth in Rule 02 NCAC 09L .0503 to be a pesticide applicator, but who has met the requirements set forth in Rule 02 NCAC 09L .0503(d)(2), and who is using a pesticide under the direct supervision of a pesticide applicator in accordance with Rule 02 NCAC 09L .0503(c).

*History Note: Authority G.S. 143-437; 143-452(d); 143-460(29); 40 C.F.R. 171.3; Eff. February 1, 1976; Amended Eff. June 1, 2016; November 1, 1984; August 1, 1982; October 27, 1979; Readopted Eff. August 1, 2020; Amended Eff. November 1, 2024.*

## **02 NCAC 09L .0505 CLASSIFICATIONS**

(a) The North Carolina Pesticide Board hereby incorporates by reference, for all Pesticide Applicators, Part 171.101 "Commercial applicator certification categories" 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/>. The following classifications shall apply in North Carolina:

- (1) neither the sodium cyanide predator control nor the sodium fluoroacetate predator control categories shall be created in North Carolina;
- (2) additional classifications and their respective subclassifications, not established by the federal guidelines referenced in Paragraph (a) of this Rule, that shall be created in North Carolina, are as follows:
  - (A) commercial public health pest control;
  - (B) wood treatment;
  - (C) livestock pest control, which shall include the subsections of livestock; poultry; and small animals.
- (b) The following classifications and subclassifications shall apply to the licensing of pesticide applicators:
  - (1) pesticide applicators and public operators utilizing ground equipment:
    - (A) agricultural pest control, including the subsections of crop pest control and livestock pest control (including subcategories of livestock, poultry, and small animals);
    - (B) forest pest control;
    - (C) ornamental and turf pest control;

- (D) aquatic pest control;
- (E) right-of-way pest control;
- (F) public health pest control;
- (G) [commercial public health pest control](#);
- (H) regulatory pest control;
- (I) demonstration and research pest control, with the subsections of agricultural crop pest control; agricultural livestock pest control (including subcategories of livestock, poultry, and small animals); forest pest control; ornamental and turf pest control; aquatic pest control; right-of-way pest control; commercial public health pest control; public health pest control; regulatory pest control; wood treatment; spoil and growing media fumigation pest control; aerial pest control;
- (J) seed treatment;
- (K) wood treatment;
- (L) soil and growing media fumigation pest control; and
- (M) aerial pest control;
- (2) pesticide applicators and public operators utilizing aerial equipment:
  - (A) agricultural pest control: [crop pest control](#);
  - (B) forest pest control;
  - (C) ornamental and turf pest control;
  - (D) aquatic pest control;
  - (E) right-of-way pest control;
  - (F) public health pest control;
  - (G) [commercial public health pest control](#);
  - (H) regulatory pest control;
  - (I) demonstration and research pest control, which shall include the subsections of agricultural pest control; [crop pest control](#); forest pest control; ornamental and turf pest control; aquatic pest control; right-of-way pest control; regulatory pest control; public health pest control; and aerial pest control; and
  - (J) aerial pest control.

*History Note: Authority G.S. 143-437; 143-452(d); 143-460(29);  
 Eff. February 1, 1976;  
 Amended Eff. June 1, 2016; November 1, 1984; August 26, 1976;  
 Readopted Eff. August 1, 2020;  
 Amended Eff. November 1, 2024.*

## **02 NCAC 09L .0506 GOVERNMENTAL WORKERS**

Persons in job classifications in the government unit or agencies listed below are required to be licensed as public operators:

- (1) North Carolina Department of Transportation, division of highway (14 divisions);
- (2) United States Department of Agriculture, Animal and Plant Health Inspection Service:
  - (a) [staff specialist for witchweed control](#),
  - (b) [assistant district director](#),
  - (c) [work unit supervisors](#),
  - (d) [designated inspectors who supervise pesticide applications](#),
  - (e) [witchweed methods development laboratory supervisor](#),
  - (f) [witchweed methods development assistant laboratory supervisor](#);
- (3) North Carolina Department of Agriculture and Consumer Services plant industry division:
  - (a) [plant pest administrator](#),
  - (b) [entomological program specialist](#),
  - (c) [plant pathologist](#),
  - (d) [greenhouse manager](#),
  - (e) [area supervisors](#),
  - (f) [pest control specialists](#),
  - (g) [all plant pest inspectors who have supervision of pesticide applications as part of their job assignments](#);



- (4) North Carolina Department of Agriculture and Consumer Services, North Carolina Forest Service staff, as outlined in their job descriptions:
  - (a) foresters and forest technicians tasked with forest management duties such as writing, reviewing and approving herbicide application recommendations;
  - (b) forest health program head and staff;
  - (c) nursery program managers, technicians, and equipment operators; and
  - (d) tree improvement program supervisors, technicians, and equipment operators.
- (5) County boards of health and municipal governments:
  - (a) at least one county environmental health specialist must be licensed where the health department employees apply all the pesticides or supervise, on a weekly or more frequent basis, the activities of all municipal employees applying pesticides;
  - (b) one county environmental health specialist and one municipal employee for each municipality must be licensed in counties where the health department personnel apply pesticides but have no direct control over municipal employees who apply pesticides; and
  - (c) one licensed supervisor for each municipality, sanitary district, or mosquito control district must be licensed in counties where only municipal, sanitary district, or mosquito control district personnel apply pesticides.

*History Note:* Authority G.S. 143-437; 143-453(c)(1); 143-460(33);  
 Eff. February 1, 1976;  
 Amended Eff. May 1, 1991; August 1, 1982; January 27, 1978;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018;  
 Amended Eff. November 1, 2024.

## **02 NCAC 09L .0507 CATEGORIES OF CONSULTANTS**

Each person acting as a pest control consultant as defined in G.S. 143-460(27) shall be licensed. The categories requiring a license shall include the following:

- (1) agricultural pest control:
  - (a) crop pest control;
  - (b) livestock pest control;
- (2) forest pest control;
- (3) ornamental and turf pest control;
- (4) aquatic pest control;
- (5) right-of-way pest control;
- (6) public health pest control;
- (7) regulatory pest control;
- (8) seed treatment;
- (9) wood treatment; and
- (10) soil and growing media fumigation pest control.

*History Note:* Authority G.S. 143-437; 143-455; 143-460(27);  
 Eff. February 1, 1976;  
 Amended Eff. June 1, 2016; November 1, 1984; October 28, 1978; January 27, 1978;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018;  
 Amended Eff. November 1, 2024.

## **02 NCAC 09L .0512 AGE REQUIREMENT**

A pesticide applicator must be at least 18 years old.

*History Note:* Authority G.S. 143-437; 143-449(b); 143-453(b);  
 Eff. February 1, 1976;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018;

*Amended Eff. November 1, 2024.*

*Readopted Eff. August 1, 2020*

## **02 NCAC 09L .0522      RECERTIFICATION OPTIONS**

(a) Pesticide applicators, public operators, and pest control consultants may be recertified by completion of approved continuing certification credit requirements in the pest control category in which the individual is certified and desires to retain certification. A "continuing certification credit" is defined as one hour of approved continuing certification training. Continuing certification training shall be approved by the Board based upon the U.S. Environmental Protection Agency "Standards for certification of commercial applicators," as contained in 40 CFR 171.103, and "Standards for recertification of certified applicators," as contained in 40 CFR 171.107. Such training may consist of grower meetings, seminars, short courses, or other presentations taught by extension pesticide personnel, or other privately or publicly sponsored training organizations approved by the Board, as set forth in 40 CFR 171.103 and 40 CFR 171.107. Continuing certification requirements for each pest control category are as follows:

- |      |   |                                     |
|------|---|-------------------------------------|
| (1)  | agricultural pest control – <b>crop pest control</b>      | 10 credits per 5-year period;       |
| (2)  | agricultural pest control – <b>livestock pest control</b> | 6 credits per 5-year period;        |
| (3)  | forest pest control                                       | 6 credits per 5-year period;        |
| (4)  | ornamental and turf pest control                          | 10 credits per 5-year period;       |
| (5)  | aquatic pest control                                      | 6 credits per 5-year period;        |
| (6)  | right of way pest control                                 | 4 credits per 5-year period;        |
| (7)  | public health pest control                                | 6 credits per 5-year period;        |
| (8)  | <b>commercial public health pest control</b>              | <b>6 credits per 5-year period;</b> |
| (9)  | regulatory pest control                                   | 6 credits per 5-year period;        |
| (10) | demonstration and research pest control                   | 10 credits per 5-year period;       |

The **continuing certification credits** required for demonstration and research shall consist of any combination of credits divided between training in the primary categories, set forth in Subparagraph (a)(1) through (a)(9) and (a)(11) through (a)(14) of this Rule, and training in demonstration and research.

- |      |                                   |                                  |
|------|-----------------------------------|----------------------------------|
| (11) | seed treatment                    | 3 credits per 5-year period;     |
| (12) | wood treatment                    | 4 credits per 5-year period;     |
| (13) | soil and growing media fumigation | 3 credits per 5-year period; and |
| (14) | aerial                            | 4 credits per 5-year period.     |

The Continuing Certification Credits required for aerial applicators shall include one credit obtained through training aerial methods. The Continuing Certification Credits established for each ground application pest control category shall be obtained in at least two years of the five-year period.

(b) Pesticide applicators, public operators, and pest control consultants shall be recertified by passing a written comprehensive examination administered by North Carolina Department of Agriculture and Consumer Services personnel.

*History Note:      Authority G.S. 143-437(1); 143-440(b); 143-453(c)(2); 143-455(d);  
Eff. September 10, 1980;  
Amended Eff. June 1, 2016; November 1, 1984;  
Readopted Eff. August 1, 2020;  
Amended Eff. November 1, 2024.*

## **02 NCAC 09L .0531      PESTICIDE LICENSE EXAMINATION REQUIREMENT**

(a) The North Carolina Pesticide Board, hereby incorporates by reference for all Pesticide Applicators, Part 171.103 (a) through (e) "Standards for certification of commercial 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/>.

(b) Core requirements, as described in 40 CFR 171.103, must be met for all categories and subcategories.

(c) The competency standards for additional categories established in North Carolina are as follows:

- (1) **commercial public health pest control:** applicators must demonstrate practical knowledge of pests that are important vectors of disease, including recognizing the pests and signs of their presence, their habitats, their life cycles, biology, and behavior as it may be relevant to problem identification and



- control; the required knowledge on how to minimize damage to and contamination of areas treated; acute and chronic exposure of people and pets; and non-target exposures;
- (2) wood treatment: applicators must demonstrate a practical knowledge of the different types of wood, tree anatomy, physiology, and be able to identify what treatment factors are specific to each; common disease and insect problems and factors, such as moisture, that must be considered prior to beginning a treatment; knowledge of the different types of wood preservatives, and the specific PPE requirements and cautions associated with each; and proper disposal of treated and unused wood;
- (3) livestock pest control and its subcategories are established as follows:
  - (A) livestock: applicators must demonstrate practical knowledge of the various types of livestock, the area where they're housed, and their associated pests; specific pesticide toxicity and residue potential; and the hazards associated with such factors as formulation, application techniques, age of animals, stress, and extent of treatment;
  - (B) poultry: applicators must demonstrate practical knowledge of poultry, typical poultry operations and their associated pests; specific pesticide toxicity and residue potential, and the hazards associated with such factors as formulation, application techniques, age of animals, stress, and extent of treatment; and
  - (C) small animal: applicators must demonstrate practical knowledge of small companion animals and their associated pests; specific pesticide toxicity and residue potential, and the hazards associated with such factors as formulation, application techniques, age of animals, stress, and extent of treatment.

*History Note:* Authority G.S. 143-437; 143-449(b); 143-4523(b); 143-452(f); 143-453(b); Eff. November 1, 2024.

## **SECTION .1000 - AERIAL APPLICATION OF PESTICIDES**

### **02 NCAC 09L .1002 GENERAL REQUIREMENTS**

- (a) All agricultural aircraft operations in North Carolina shall comply with the Federal Occupational Safety and Health Act of 1971 (OSHA), Title 29 U.S.C. Chapter 15; the North Carolina Occupational Safety and Health Law, G.S. Chapter 95 Article 16, all and rules promulgated thereunder; and the Federal Aviation Regulations, 14 CFR Part 137. In any case of conflict, the aforementioned authorities takes precedence over any of these Rules.
- (b) Each aerial application business shall have a licensed contractor.
- (c) All agricultural aircraft operations (pilot or contractor) shall keep a written record to be completed within 72 hours after each application, unless requested sooner by an employee of the Pesticide Section for the purposes of a pesticide incident investigation. The record shall contain the following:
  - (1) name of contractor;
  - (2) name and address of the person for whom the pesticide was applied;
  - (3) identification of farm or land sites treated with pesticide(s);
  - (4) name of crop which was treated;
  - (5) total number of acres treated;
  - (6) the year, month, date, and the specific time of day when each pesticide application was completed;
  - (7) the brand name of the pesticide(s) and EPA registration number;
  - (8) amount of formulated product or active material applied per acre shall be specified;
  - (9) total gallons or pounds per acre of the final tank mix applied per acre;
  - (10) name of pilot; and
  - (11) signature of the person completing this record.
- (d) Each day of application shall be recorded as a separate record.
- (e) The pilot shall, prior to application, learn and confirm:
  - (1) the boundaries and exact location of the target area(s); and
  - (2) the identity of nontarget areas and safety hazards located on or adjacent to the target areas.
- (f) Spray and spreading equipment shall be rinsed after each agricultural aircraft operation, except when the next agricultural aircraft operation will be made using the same pesticide, or another pesticide compatible with the previous pesticide, according to the manufacturer's recommendations, was previously used in the equipment and will not result in

any adverse effects, or created by the drainage or disposal of waste materials, and will not create an adverse effect as defined in Rule 02 NCAC 09L .1001(2).

(g) During application, the flow and mixture of the pesticide(s) shall be uniform. Pilots and contractors shall utilize equipment which will maintain a uniform mixture and flow during application.

(h) Pilots and contractors shall use and operate, in any agricultural aircraft operation, aircraft equipped with spray or spreading equipment suited according to its manufacturer's recommendations for the pesticide(s) to be applied. All aerial spray or spreading equipment shall be free of leaks and shall have a positive shutoff system to prevent leaking and dissemination of pesticides on any nontarget areas over which the flight is made. Such equipment shall not allow spillage, dripping, backflow, or create a hazard from vapors or drift.

(i) The loading area shall be kept free of pesticide contamination.

(j) No pesticide(s) shall be applied by an aerial applicator while any persons other than those assisting in the application are in the target area.

(k) The shape of the tank, hopper of the spray, or spreading equipment shall be such as to allow complete drainage during flight and on ground.

(l) The contractor or pilot shall notify the Secretary of the Board within 24 hours of any emergency or accidental release of pesticide(s) from the application or auxiliary equipment. They shall provide the following information:

- (1) the name of the pilot;
- (2) the contractor involved;
- (3) the name of the property owner or operator;
- (4) the location of the incident;
- (5) the name of the pesticide;
- (6) the estimated amount of pesticide involved;
- (7) the estimated size of the area that received the spill;
- (8) the description of what is located within 300 feet from the edge of the spill in all directions;
- (9) the number of humans or animals known to have been contaminated; and
- (10) the weather conditions at the site of the emergency or accidental release of pesticide(s).

*History Note:* Authority G.S. 143-147; 143-458; 143-466;  
Eff. July 2, 1976;  
Amended Eff. May 1, 2009; February 1, 1989; January 1, 1985; August 1, 1982;  
Readopted Eff. August 1, 2020;  
Amended Eff. November 1, 2024.

## **02 NCAC 09L .1003 DRIFT CONTROL**

No person shall apply a pesticide or pesticides aurally under such conditions that drift from pesticide particles or vapors results in adverse effect.

*History Note:* Authority G.S. 143-458; 143-463;  
Eff. July 2, 1976;  
Amended Eff. January 1, 1985;  
Readopted Eff. August 1, 2020;  
Amended Eff. November 1, 2024.

## **SECTION .1100 - PRIVATE PESTICIDE APPLICATOR CERTIFICATION**

### **02 NCAC 09L .1102 DEFINITIONS**

The following definitions apply in this Section.

- (1) "Certified applicator" means any individual who is certified to use or supervise the use of any restricted use pesticide.
- (2) "Noncertified applicator" means any person who is not certified in accordance with G.S. 143-440(b) to use or supervise the use of restricted use pesticides, but who has met the requirements set forth in 40

- C.F.R. 171.201(c), and who is using a restricted use pesticide under the direct supervision of a certified applicator in accordance with 40 C.F.R. 171.201.
- (3) "Private pesticide applicator" means a person who uses or supervises the use of any restricted use pesticide under the following conditions:
- (a) for the purpose of producing any agricultural commodity on property owned or rented by the person or the person's employer; or
  - (b) if the pesticide is applied without compensation other than the trading of personal services between producers of agricultural commodities on the property of another person.
- (4) "Private pesticide applicator certification standards review" means a training session designed by the North Carolina State University Pesticide Safety Extension Specialist to advance a private pesticide applicator's practical knowledge in areas such as:
- (a) the pest problems and pest control practices associated with agricultural operations;
  - (b) storage, use, handling, and disposal of pesticides and their containers;
  - (c) labels and labeling information;
  - (d) local environmental situations to consider during application to avoid contamination;
  - (e) recognition of poisoning symptoms and procedures to follow in case of a pesticide accident;
  - (f) protective clothing, equipment, and other worker protection standards;
  - (g) federal and state pesticide laws, rules, and regulations and the applicator's related legal responsibility;
  - (h) current agricultural production-related pesticide technology; and
  - (i) sources of advice and guidance necessary for the safe and proper use of each pesticide related to his or her certification including EPA guidance, extension publications and court decisions.

These training sessions shall be taught by Cooperative Extension Service pesticide training agents or other individuals approved by the Pesticide Board on a case-by-case basis, based upon the individual's education, experience, and knowledge of Sub-items (4)(a) through (i) of this Rule.

- (5) "Continuing certification credit" means one hour of continuing certification training. Such training may be offered during grower meetings, seminars, short courses, or other presentations taught by Cooperative Extension Service pesticide training agents, or other privately or publicly sponsored training organizations. Private applicators may also earn continuing certification credits by attending training sessions for which credit has been assigned in the following commercial categories and subcategories as set forth in Rule 02 NCAC 09L .0505(b):
- (a) agricultural pest control;
    - (i) crop pest control;
    - (ii) livestock pest control;
  - (b) forest pest control;
  - (c) ornamental and turf pest control;
  - (d) aquatic pest control;
  - (e) seed treatment;
  - (f) soil and growing media fumigation pest control; and
  - (g) aerial pest control.

*History Note: Authority G.S. 143-440; 143-453;*  
*Eff. December 1, 1976;*  
*Amended Eff. June 1, 2016; October 1, 2002; November 1, 1988; July 1, 1987; February 5, 1978;*  
*April 20, 1977;*  
*Readopted Eff. August 1, 2020;*  
*Amended Eff. November 1, 2024.*

## **02 NCAC 09L .1103 CERTIFICATION EXAMINATION**

(a) **ADOPTION BY REFERENCE.** The North Carolina Pesticide Board hereby incorporates by reference, including subsequent amendments and editions, Part 171.105 (a) through (i) "Standards for certification of private 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." Copies of this material may be obtained at no cost from the U.S. Government Printing Office website, <https://www.gpo.gov/>.

(b) A passing grade shall be 70 percent.

(c) Any applicant for initial certification in any private applicator certification subclass shall first become certified as a private pesticide applicator.

*History Note: Authority G.S. 143-440;  
Eff. December 1, 1976;  
Amended Eff. August 1, 2015; October 1, 2002; July 1, 1987; February 5, 1978;  
Readopted Eff. August 1, 2020;  
Amended Eff. November 1, 2024.*

## **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;  
Amended Eff. February 5, 1978;  
Readopted Eff. August 1, 2020;  
Amended Eff. November 1, 2024.

## **02 NCAC 09L .1109 CERTIFICATION OF PRIVATE APPLICATORS**

The following subclassifications are established for the certification of private pesticide applicators:

- (1) "Soil and growing media fumigation" means private pesticide applicators utilizing ground equipment applying restricted use fumigants to property they own or lease, their employer's property, or applied without compensation other than the trading of personal services between producers of agricultural commodities on the property of another person.
- (2) "Agricultural commodity fumigation" means private pesticide applicators applying restricted use fumigants to agricultural commodities on property they own or lease, their employer's property, or applied without compensation other than the trading of personal services between producers of agricultural commodities on the property of another person.
- (3) "Aerial" means private pesticide applicators applying restricted use pesticides from an aircraft onto agricultural commodities on property they own or lease, their employer's property, or applied without compensation other than the trading of personal services between producers of agricultural commodities on the property of another person.

*History Note:* Authority G.S. 143-437; 143-440; 143-453;  
Eff. August 1, 2015;  
Readopted Eff. August 1, 2020;  
Amended Eff. November 1, 2024.

## **SECTION .1300 - AVAILABILITY OF RESTRICTED USE PESTICIDES**

### **02 NCAC 09L .1303 EXEMPTIONS**

- (a) Restricted use pesticides may be made available to a noncertified employee under the direct supervision of a certified private or licensed pesticide applicator, certified structural pest control applicator, or structural pest control licensee provided the noncertified employee is acting under the direct supervision of said applicators or licensees and provided further that said noncertified employee is [at least 18 years old](#).
- (b) The ability to make restricted use pesticides available to a noncertified employee, as set forth in Paragraph (a) of this Rule, also applies to restricted use pesticides in channels of trade prior to making them available for end use.
- (c) Prior to making available restricted use pesticides to a noncertified employee under the direct supervision of a certified private applicator, licensed pesticide applicator, certified structural pest control applicator, or structural pest control licensee, all persons shall require the noncertified employee to sign his or her name and list the certification number of employer under whose direction and supervision the noncertified employee is acting. Such information shall be available for routine inspection by the North Carolina Pesticide Board or its agent.

*History Note:* Authority G.S. 143-437; 143-440; 143-466;  
Eff. August 26, 1977;  
Amended Eff. November 1, 1988; February 5, 1978;  
Temporary Amendment Eff. November 1, 2001;  
Amended Eff. August 1, 2002;  
Readopted Eff. August 1, 2020;  
Amended Eff. November 1, 2024.

## **02 NCAC 09L .1305      RECORD KEEPING REQUIREMENTS**

All licensed pesticide dealers, as defined in G.S. 143-460, shall keep records of all sales of restricted use pesticides showing the following:

- (1) date of sale;
- (2) initials of sales clerk;
- (3) name of certified or licensed applicator, as set out in Rule .1302 of this Section, or noncertified employees, as set out in Rule .1303 of this Section;
- (4) certification or license number of certified or licensed applicator, as set out in Rule .1302 of this Section;
- (5) certification or license expiration date as shown on the certified or licensed applicator's certification card;
- (6) [categories held by certified or licensed applicator](#);
- (7) product brand name;
- (8) EPA registration number;
- (9) number of individual containers;
- (10) size of individual containers; and
- (11) total quantity sold.

*History Note:*      *Authority G.S. 143-437; 143-440; 143-466;*  
*Temporary Adoption Eff. November 1, 2001;*  
*Eff. August 1, 2002;*  
*Readopted Eff. August 1, 2020;*  
*Amended Eff. November 1, 2024.*

## **SECTION .1400 - GROUND APPLICATION OF PESTICIDES**

## **02 NCAC 09L .1402      RECORD KEEPING REQUIREMENTS**

All pesticide applicators, as defined in G.S. 143-460 utilizing ground equipment, shall keep for three years, records [created within 72 hours after each application](#) of all applications of restricted use pesticides. The records shall contain the following:

- (1) name of licensed pesticide applicator or licensed public operator;
- (2) name and address of the person for whom the pesticide was applied;
- (3) identification of farm or site(s) treated with pesticide(s);
- (4) name of crop, commodity, or object(s) that was treated with pesticide(s);
- (5) approximate acres, size, or number of other object(s) treated;
- (6) the year, month, date, and the specific time of day when each pesticide application was completed and each day of application shall be recorded as a separate record;
- (7) the brand name of the pesticide(s) and EPA registration number(s);
- (8) amount (volume or weight) of pesticide formulation(s) or active ingredient(s) applied per unit of measure; and
- (9) name(s) of person(s) applying pesticide(s).

*History Note:*      *Authority G.S. 143-458; 143-463; 143-466(a);*  
*Eff. October 21, 1977;*  
*Amended Eff. April 1, 2009;*  
*Readopted Eff. August 1, 2020;*  
*Amended Eff. November 1, 2024.*