

NC Pesticide Regulation changes, summary of changes.

Who's in Charge of Applying Pesticides? (02 NCAC 09L .0503)

If a business uses pesticides for routine pest control, here's the main idea:

- **You need at least one license holder.** Every business location that applies pesticides must have at least one person with a **pesticide applicator license**. This person is responsible for ensuring that all pesticides are applied safely and correctly.
- **The license holder supervises everyone else.** If there are other unlicensed employees making pesticide applications, the licensed applicator is responsible for guiding and overseeing their work. They're responsible for making sure everyone follows the rules.

What "Direct Supervision" Really Means:

When a licensed pesticide applicator supervises someone who isn't licensed, referred to as a non-certified applicator (nCA), it's a big deal. The licensed supervisor has many responsibilities before, during, and after the application:

1. **Know all of the regulations:** The supervisor must be aware of all federal, state rules related to supervision and any instructions included in the specific pesticide's label.
2. **Be certified for the specific job:** The supervisor needs to hold the right license category for the type of pesticide application being done (for example, if they're doing landscaping/lawn care spraying, their category needs to be "Ornamentals and Turf").
3. **Make sure the nCA is prepared:** Before a noncertified applicator can even touch a pesticide, the supervisor must ensure they meet these requirements:
 - **Eligible:** They've completed specific nCA training or met other qualification standards within the last 12 months.
 - **Equipment training:** They've been taught how to safely operate all the equipment they'll use for mixing, loading, or applying pesticides within the last year.
 - **Old enough:** They **must be at least 18 years old**.
 - **Access to instructions:** They need to have the pesticide's EPA approved **product label** (which is a detailed instruction manual and safety guide) available to them at all times while working.
 - **Proper safety gear (PPE):** If the pesticide label requires **Personal Protective Equipment (PPE)** like gloves, masks, or special clothing, the supervisor must

make sure the noncertified applicator has clean, working PPE and knows how to use it correctly.

- **Clear instructions:** The supervisor has to give them specific instructions for the site and the pesticide being used. This includes all the directions, precautions, and how to determine if the surrounding area (like nearby water, protected species, or people) might affect the risks. These instructions *must* be provided in a way the noncertified applicator can easily understand.
- **Safe equipment daily:** Before each day of use, the supervisor needs to verify that all pesticide equipment is in good working order and can be used safely without risk to anyone or the environment.
- **Stay connected:** The noncertified applicator needs a way to immediately communicate with their supervising licensed applicator at all times.
- **Be physically present (if required):** If the pesticide's label says the licensed applicator *must* be physically present during the application, then they absolutely have to be there.
- **Keep records:** The supervisor has to create and keep records proving that the noncertified applicator met all the necessary qualifications.

How Noncertified Applicators Become Qualified:

Before someone who isn't licensed can use pesticides under supervision, they need to meet at least one of these requirements:

- Complete a specific nCA training program approved by the Structural Pest Control & Pesticides Division within the last 12 months.
- Complete the WPS handler training within the last 12 months.
- Currently be certified, but in a state that NC doesn't have reciprocity with.
- Currently be certified, but in the wrong category for that application.

What Noncertified Applicator Training Covers:

Noncertified applicator trainings need to be:

- **Understandable:** Presented verbally from written materials or visually (like with videos), in a way that the noncertified applicators can understand.
- **Led by a live trainer:** A qualified person must be present for the entire training program to answer questions.
- **Comprehensive safety:** The training *must* cover how noncertified applicators can protect themselves, other people, and the environment. This includes:

- Potential dangers of pesticides (how toxic they are, what exposure can do, long-term effects, allergic reactions).
- How pesticides can enter the body.
- Signs of pesticide poisoning and what to do in an emergency.
- How to clean yourself if pesticides get on you (like emergency eye flushing and washing thoroughly with soap and water).
- When and how to get emergency medical care.
- Hygiene after working with pesticides (washing hands, showering, changing clothes, washing work clothes separately).
- Understand that you shouldn't bring work pesticides or containers home.
- Potential dangers specific to children and pregnant women.
- Taking off work boots/shoes before entering your home and cleaning up before physical contact with family.
- How to report suspected pesticide rule violations.
- Understanding pesticide labels and safety equipment (PPE).
- Recognizing and preventing heat-related illnesses and providing first aid.
- Safe ways to handle, transport, store, and dispose of pesticides, including spill cleanup.
- Environmental concerns like pesticide drifting, runoff, and potential harm to wildlife.
- Understanding that restricted use pesticides (RUPs) can only be used by licensed applicators or someone under their direct supervision.
- A clear understanding of the supervising applicator's responsibilities, like providing specific instructions, ensuring access to labels and PPE, checking equipment, and having a way to communicate immediately.

Keeping Records:

- **Proof of Eligibility:** Before a noncertified applicator starts spraying, the supervising applicator *must* create or confirm that records exist showing how the nCA became eligible. This record includes information like the nCA's name, signature, date of training, trainer's name, and a description of the training.

- **Accessible Records:** These records must be kept at the supervising applicator's main business location for **three years** from the date the noncertified applicator uses the pesticide.
-

How Old Do You Need to Be? (02 NCAC 09L .0512)

This one's very straightforward:

- A **pesticide applicator must be at least 18 years old.**
-

Keeping Pesticides from Drifting (02 NCAC 09L .1003)

This rule is short but extremely important, especially for those applying pesticides from the air:

- **No Harmful Drift:** You **cannot** apply pesticides from an airplane or helicopter in a way that causes the pesticide particles or vapors to drift off and harm people, other animals, or the environment in unintended areas.
-

Special Rules for Farmers (02 NCAC 09L .1100 - Private Pesticide Applicator Certification)

Supervision Rules for Farmers (02 NCAC 09L .1105):

Just like commercial applicators, licensed private applicators also have strict rules when supervising noncertified helpers, especially when using **restricted use pesticides**:

- North Carolina again refers to a federal EPA rule (40 CFR 171.201) for the details on this supervision.
- **Record Keeping:** Before a noncertified helper applies a restricted use pesticide, the supervising certified applicator *must* create or verify records proving the helper's qualifications. These records need to include specific details about how the helper became qualified and must be accessible at the applicator's main business location for **three years**.
- **Always Available:** The supervising certified applicator must be reachable by the noncertified helper whenever needed.
- **Clear and Full Instructions:** It's the certified applicator's job to ensure the noncertified helper fully understands all directions and safety warnings for any restricted use pesticide they are told to apply.

- **Info On-Site:** Any noncertified helper applying restricted use pesticides under supervision must have the following at the application site (or where they mix the pesticides):
 - **Detailed written instructions** for applying the pesticide (the pesticide product label usually works for this).
 - **Detailed written instructions** on how to prevent injury and harm to the environment (again, the pesticide label is often enough).
 - **Clear instructions on how to immediately contact their certified supervisor** (like their name, location, and phone number).
-

Age for Private Applicators (02 NCAC 09L .1107)

And finally, another simple rule:

- To become a **private pesticide applicator** (like a certified farmer), you **must be at least 18 years old**.