

**RULES  
OF THE  
TENNESSEE DEPARTMENT OF AGRICULTURE**

**CHAPTER 0080-09-04  
PEST CONTROL OPERATORS**

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**0080-09-04-.01 QUALIFICATIONS OF APPLICANTS.**

- (1) Applicants are required to have a commercial applicator certificate in the certification category before taking a license examination in that category, as provided in Tenn. Comp. R. & Regs. 0080-09-02-.04.
- (2) Applicants must be at least 18 years of age and a U.S. citizen or possess a current U.S. government issued visa prior to taking the license examination.
- (3) Qualification for examination based on education.
  - (a) Applicants are qualified to take any license examination, except the Wood Destroying Organisms license examination, if they have been awarded a baccalaureate degree with a major or minor in one or more of the following curricula: agriculture, biology, chemistry, forestry, horticulture, entomology, plant pathology and plant science, or other similar course of study. Satisfaction of these qualifications must be demonstrated by evidence of an official transcript from the institution of higher education that awarded the applicant's degree.
  - (b) Applicants are qualified to take the Pest Control Consultant license examination if they have graduated from an accredited institution with a baccalaureate degree in the field of pest control in which the applicant intends to offer consultation. A Pest Control Consultant license does not qualify the licensee to conduct pest control operations.
- (4) Qualification for examination based on combination of education and experience.
  - (a) Applicants are qualified to take the Wood Destroying Organisms license examination if:
    1. They have been awarded a baccalaureate degree as set forth in subparagraph (3)(a) of this rule and have completed one year of full-time work experience in the field of wood destroying organisms; or,
    2. They have been awarded a masters or doctoral graduate degree in entomology and have graduated from the Tennessee Apprentice Termite Technician School.
  - (b) Applicants who hold a current Horticulture – Lawn, and Turf (HLT); Horticulture Interior (HRI); Weed Control Right-of-Way and Industrial (WEC); or Agricultural – Ground Equipment (AGE) license are qualified to take the license examination in another of

(Rule 0080-09-04-.01, continued)

those four categories, provided the applicant is certified in the license category for which he has applied; has at least two years work experience in the license category for which he has applied; or has at least 12 college level semester hours or 24 continuing education units related to the license category for which he has applied.

- (c) Applicants are qualified to take the Agricultural – Ground Equipment (AGE) or Horticulture – Lawn and Turf (HLT) license examination if they have: completed two years of full-time work experience in the license category for which they have applied; been awarded a baccalaureate degree; and completed at least 12 college level semester hours or 24 continuing education units related to the categories of AGE or HLT.
- (5) Qualification for examination based on experience.
- (a) Applicants are qualified to take the Horticulture – Lawn and Turf (HLT) or Agricultural – Ground Equipment (AGE) license examination if they:
    1. Hold a valid Certified Crop Advisors (CCA) certificate;
    2. Have one year of full-time work experience applying pesticide in the category of license for which they have applied;
    3. Are certified in the category of license for which they have applied; or,
    4. Are registered with the department as a pest control technician or salesperson, as provided in Tenn. Code Ann. §62-21-109, for a period of 24 months of full-time work experience. If the applicant was not registered with the department through no fault of his own or if the applicant's work experience was obtained out of state, the applicant may satisfy this requirement through provision of documentary evidence of his employment.
  - (b) Applicants are qualified to take the Public Health Mosquito Control license examination if they hold a valid Public Health Mosquito Control certificate or a General Pest and Rodent Control certificate.
- (6) Applicants who misrepresent their work experience shall be ineligible to take any license examination for two years after the applicant meets the required qualifications.
- (7) If after an applicant is issued a license the department determines that the applicant's application contained inaccurate information, the license shall be revoked in accordance with the Uniform Administrative Procedures Act, and the applicant shall be prohibited from resubmitting an application for any license examination for two years.

**Authority:** T.C.A. §§ 4-3-203 and 62-21-118. **Administrative History:** Original rule filed April 1, 2016; effective June 30, 2016.

#### **0080-09-04-.02 CERTIFICATION OF QUALIFICATIONS.**

- (1) Upon application to take a license examination, or at such other time as the Pest Control Board may require, the applicant shall present a certified statement or letter from persons or firms in whose employment the applicant received any qualifying experience.
- (2) Upon application to take a license examination, or at such other time as the Pest Control Board may require, the applicant shall present a copy of a transcript or certificate properly evidencing a qualifying degree, professional standing, course hours, or continuing education units.

(Rule 0080-09-04-.02, continued)

**Authority:** T.C.A. §§ 4-3-203 and 62-21-118. **Administrative History:** Original rule filed April 1, 2016; effective June 30, 2016.

**0080-09-04-.03 EXAMINATION OF LICENSE APPLICANTS.**

- (1) Applications to take a license examination shall be submitted by the tenth day of the month preceding the month of the scheduled examination.
- (2) License examinations will be given the first month of each quarter at Ellington Agricultural Center in Nashville, Tennessee or at a place and date determined by the Pest Control Board.
- (3) Qualified applicants who have submitted an application will be notified of the date, place, and time of the examination(s). Applicants who are determined by the department to be unqualified will be notified in writing that their application was denied and the department's reason(s) for the denial.
- (4) License examinations shall be given in two parts, as follows:
  - (a) The first part of the examination will test applicants in the following areas of competency as they apply to the specific categories of licensure: state and federal laws and regulations; insects; weeds and disease; plant management decision making; herbicide technology; pesticide safety; adjuvants; fumigation and soil fumigation; integrated pest management; environmental considerations; principles of vegetation management; plant growth regulators; calibration of application equipment; common problems encountered during application; professionalism and public relations in vegetation management; pest, bird, plant, tree, and disease identifications; pesticides and human health; drift management; navigation (aerial, using GPS, DGPS, OmniSTAR); calculating area of target site; pesticide measurement systems; operations (aerial, pilot and ground crews and aircraft crash response); mosquitoes and human diseases; life cycle of mosquitoes; wood destroying organisms; vertebrates and invertebrates; pests on or near food; urban IPM programs; and implementing urban pest management programs.
  - (b) The second part of the examination will test applicants on specimen identification as it relates to the particular license category.
- (5) To pass the license examination, applicants must score 70% or higher on both parts, individually.
- (6) Applicants will be allowed two hours to complete the first part of the examination and three hours to complete the second part.
- (7) While there is no limitation on the number of categories for which a license applicant may be examined during any examination period; the above-stated time limits shall apply.
- (8) Applicants approved to take the license examination(s) are required to present a photo ID on the day of testing.
- (9) Applicants must pass the first part of the examination before they can take the second part. Applicants that fail the second part shall only be required to retake that part of the examination.
- (10) Applicants exhibiting unethical behavior during an examination shall be ineligible to take another license examination for two years.

(Rule 0080-09-03-.03, continued)

- (11) Applicants who cannot take a scheduled examination due to circumstances beyond their control must contact the department more than 48 hours prior to the scheduled examination to reschedule the exam or their examination fee will be forfeited.

**Authority:** T.C.A. §§ 4-3-203 and 62-21-118. **Administrative History:** Original rule filed April 1, 2016; effective June 30, 2016.

#### **0080-09-04-.04 LICENSE CATEGORIES.**

- (1) Agricultural – Ground Equipment (AGE). This category includes the control of agricultural pests by means other than fumigation. Applicants for this license must be certified in Agricultural Plant Pest Control.
- (2) Aquatic Pest Control (APC). This category includes the control of aquatic plants and algae through the application of pesticides. Applicants for this license must be certified in Aquatic Pest Control.
- (3) Bird Control (BDC). This category includes the control of bird pests through the use of pesticides. Applicants for this license must be certified in Industrial, Institutional, Structural and Health-Related Pest Control.
- (4) Forest Pest Control (FPC). This category includes the control of tree pests and diseases in institutional and non-agricultural locations. Applicants for this license must be certified in Forest Pest Control.
- (5) Fumigation – Soil (FUS). This category includes the control of agricultural pests through the soil application of a gas. This category includes pesticides that are in a solid or liquid state when handled or applied but which turn to gas upon being dispensed. Applicants for this license must be certified in Agricultural Plant Pest Control.
- (6) Fumigation – Structural (FUM). This category includes the control of pests by application of a gas. This category includes pesticides that are in a solid or liquid state when handled or applied but which turn to gas upon being dispensed. Applicants for this license must be certified in Industrial, Institutional, Structural, and Health-Related Pest Control.
- (7) General Pest and Rodent Control (GRC). This category includes the control of vertebrate and invertebrate pests, including fire ants, that are generally known to invade a structure, and that are not specifically included under other categories of licenses in this rule. Applicants for this license must be certified in Industrial, Institutional, Structural, and Health-Related Pest Control.
- (8) Horticultural – Interior (HRI). This category includes the control of plants pests and diseases. The category applies to residential and commercial locations, but does not include greenhouses. Applicants for this license must be certified in Ornamental and Turf Pest Control.
- (9) Horticulture – Lawn and Turf (HLT). This category includes the control of pests and diseases generally known to invade turf, lawns, and landscape in non-agricultural locations such as residential and commercial lawns and landscapes, parks and athletic fields. This category includes fire ants, fleas, and ticks, and other pests not specifically included under other categories of licenses in this rule, but not other pests generally known to invade the inside of a structure. Applicants for this license must be certified in Ornamental and Turf Pest Control.
- (10) Microbial Pest Control – (MPC). This category includes the control of microorganisms, e.g. bacteria, fungi, algae, and viruses, in industrial cooling towers, air washers, evaporative condensers, pulp and paper mills, sewer treatment facilities, cutting tool lubricants, potable

(Rule 0080-09-03-.04, continued)

water systems, and other similar structures or facilities. Applicants for this license must be certified in Microbial Pest Control.

- (11) Mold Remediation – (MRC) – This category includes the control of mold and fungus in structures due to water damage. Applicants for this license must be certified in Industrial, Institutional, Structural and Health Related Pest Control or Microbial Pest Control.
- (12) Pest Control Consultant (PCC). This category of license is available to a graduate of an accredited college or university with a baccalaureate degree in the field of pest control in which consultation is offered. A license in this category does not qualify the holder to conduct pest control operations.
- (13) Public Health Mosquito Control (PHMC). This category includes management of mosquitoes in all stages of their development on public land and public waters. Applicants for this license must be certified in Public Health Pest Control.
- (14) Weed Control – Right-of-Way Industrial (WEC). This category includes the control of plants, whether wood or herbaceous, by the application of chemicals generally classified as herbicides to industrial sites and rights-of-way such as, but not limited to, highways, transmission lines, drainage ditches, etc. Applicants for this license must be certified in Right-of-Way Pest Control.
- (15) Wood Destroying Organisms (WDO). This category includes the control of termites, wood borers, carpenter bees, carpenter ants, and decay, without regard to the type or use of the structure involved. Applicants for this license must be certified in Industrial, Institutional, Structural, and Health-Related Pest Control.
- (16) Wood Preservatives (WPC). This category includes the control of insects, fungi, marine borers, and the effects of weather on wood products that may damage or degrade the wood, whether controlled at the manufacturing or distributing stage. Applicants for this license must be certified in Wood Preservation Pest Control.
- (17) Special (SPC). This category includes the control of pests in special situations by methods not included in other license categories listed in this rule. This license category may or may not require an examination in the discretion of the Pest Control Board and licenses issued under this category may be limited to specific pesticide uses and circumstances as determined by the Pest Control Board.

**Authority:** T.C.A. §§ 4-3-203 and 62-21-118. **Administrative History:** Original rule filed April 1, 2016; effective June 30, 2016.

#### **0080-09-04-.05 LICENSE REQUIREMENTS FOR ACTIVE PRACTICE AND CERTIFICATION.**

- (1) Applicants who have passed a license examination must pay all licensure fees within one year of the license examination in order to obtain the license. The fee for each category of licenses is established at Tenn. Comp. R. & Regs. 0080-09-02-.04. Applicants who do not pay all licensure fees within one year of the license examination will be required to retake the license examination prior to receiving a license. Applicants with extenuating circumstances, such as a medical condition or military service, may receive in the department's discretion an extension in which to pay the license fee.
- (2) Individuals under expired licenses or certifications must retake the license and certification examinations before they will be eligible to renew the license(s) or certification(s).

(Rule 0080-09-04-.05, continued)

- (3) All licenses issued under this chapter shall expire upon expiration of the license holder's certification. Licenses may be reinstated where the license holder recertifies for the certification, provided that the certification has not been expired for more than one year.

**Authority:** T.C.A. §§ 4-3-203 and 62-21-118. **Administrative History:** Original rule filed April 1, 2016; effective June 30, 2016.

#### **0080-09-04-.06 REQUIREMENTS FOR LICENSEES IN FUMIGATION.**

- (1) When a gas that is poisonous to humans is being used in a fumigation application, a certified applicator licensed in the category of fumigation, FUS or FUM, must be present at the application site and actively in charge of work.
- (2) When a gas that is poisonous to humans is being used in a fumigation application, a certified applicator licensed in the category of fumigation, FUS or FUM, must ensure that:
  - (a) At least one gas mask, capable of protecting its wearer from the gas being applied, is readily available at the application site for each person present during the application.
  - (b) Warning signs are conspicuous and prominently displayed at all entrances to the building, structure, or other area at the fumigation site, declaring that the property is being fumigated with poisonous gas and that no one should enter.
  - (c) A guard is present at any publicly available entrance to the site to prevent entry by unauthorized persons and that all entry doors where a guard is not posted are locked, posted with a warning sign, and regularly patrolled by a guard. Any guard shall at all times have ready access to a gas mask, capable of protecting its wearer from the gas being applied.
  - (d) The building, structure, or area at the fumigation site is properly cleared of fumigants in accordance with the pesticide label before unrestricted re-entry of the site is authorized.

**Authority:** T.C.A. §§ 4-3-203 and 62-21-118. **Administrative History:** Original rule filed April 1, 2016; effective June 30, 2016.

#### **0080-09-04-.07 REQUIREMENTS FOR LICENSEES IN WOOD DESTROYING ORGANISMS.**

- (1) Persons operating under licenses for wood destroying organisms shall conform to the following regulations.
  - (a) On every control job for wood destroying organisms, a written contract shall be fully defined and executed in duplicate by all parties prior to any pesticide being applied in performance of the contract. On control jobs for termites, the contract shall contain a warranty for the service provided. The contract and any applicable warranty shall be transferable so as to remain with the treated property for the remainder of the contract term, which may be renewed or extended upon written agreement of the parties. One copy of the contract shall be retained by the commercial pest control operator and one copy of the contract shall be provided to the non-operator party contracting for the service. The contract shall be uniquely numbered in a manner necessary to distinguish it from other contract numbers issued by the pest control operator and different from any purchase order number, contact number, or other information related to the operator's provision of pesticide services.
  - (b) For each contract described in subparagraph (1)(a), a graph shall be attached to the contract prior to the contract being fully executed. The graph shall be drawn to show

(Rule 0080-09-04-.07, continued)

the condition of the property as it relates to termite infestation and damage at the time of the contract being executed by the commercial pest control operator.

- (2) Unless exempted by paragraph (6) of this rule or unless prohibited by the pesticide label, the operator shall give the following minimum services on each control job for wood destroying organisms:
  - (a) All applications of pesticides for the purpose of controlling wood destroying organisms shall be done in accordance with label directions. Allowances under 7 U.S.C.A. §136(ee) shall not apply when mixing or applying termiticides.
  - (b) All pretreatments shall be completed according to label directions within one year of the date of the initial treatment or to coincide with the completion of the backfill.
- (3) Each property under contract with a termite control operator shall be examined by the operator at least once per year, provided that the owner or agent of the property makes the property available for examination. A report of the annual examination and all subsequent inspections showing the condition of the property with respect to the presence or absence of wood destroying organisms shall be left with the property owner at the time of the examination or inspection and a copy of the report retained by the operator, subject to inspection by the Department.
- (4) The department may examine records and properties treated by any operator licensed in the category of wood destroying organisms for the purpose of determining the efficacy of the treatment given. Whenever unsatisfactory or substandard treatments are found, the operator or charter holder will be notified and will be given a reasonable length of time in which to correct the condition. If the operator fails to correct the condition within that time, his license and the corresponding charter may be suspended as provided by law unless the operator can show good cause why suspension should not be taken. During suspension of any license or charter under this paragraph, the operator and charter holder may retreat all properties on which they hold current contracts for pesticide services, provided that they notify the department of all dates of reexaminations and retreatments provided to properties previously deemed unsatisfactory by the department. However, in no event shall the operator or charter holder solicit new business during suspension of their license or charter. When all properties previously noticed to the operator as unsatisfactory have been re-examined and retreated, the department shall make re-inspection of the properties within a reasonable period. The department may lift the suspension of any license or charter under this paragraph if the department finds upon re-inspection that the condition of the properties has been corrected. If the department finds upon re-inspection that the condition of the properties has not been corrected, the license or charter suspended under this paragraph may be revoked. Any license or charter may be suspended or revoked for gross neglect of contracts, falsifying the presence of an insect pest, or general failure to give satisfactory service.
- (5) All contracts for termite control shall carry a one year warranty for retreatments of termites only. The issuance of a damage guarantee is optional.
- (6) Less than complete treatments may be given when physical reasons or conditions prevent a full treatment; when the label prohibits; or when the owner of the property requests that a less than complete treatment be provided.
- (7) Warranties and guarantees are not required for less than complete treatment of non-commercial buildings. However, the contract covering such work shall contain express and unambiguous language that no guarantee is provided for the treatment. Additionally, "No Guarantee" shall be printed in letters at least one-half inch in height on both sides of the invoice and agreement form regarding the less than complete treatment.

(Rule 0080-09-04-.07, continued)

- (8) Wood Destroying Beetles.
- (a) When it is determined that an active infestation of wood destroying beetles exists, treatment may be permitted for the control or prevention of re-infestation of the families of beetles that are known to reinfest seasoned wood, e.g. Anobiidae, Lyctidae, Bostrichidae, Cerambycidae, and Curculionidae.
- (b) Treatment procedures.
1. Active infestations may be treated only with a federal and state registered pesticide that is labeled for the remedial treatment of wood destroying beetles. All applications and safety procedures must be strictly followed according to label instructions. Persons who provide treatments for active wood destroying beetle infestations must have a valid Wood Destroying Organism or Fumigation license appropriate for the registered pesticides that are applied. Persons who provide treatments for active wood destroying beetle infestations must, prior to providing the treatment, inform property owners of alternative means of control such as removal and replacement of infested wood where the infestation is localized.
  2. Preventative treatments may be performed only with a federal and state registered pesticide that is labeled for application as a preventative treatment of wood destroying beetles.
    - (i) New construction. Preventative treatments of new framing or new log construction shall be performed with a federal and state registered pesticide that is labeled for the prevention of wood destroying beetles.
    - (ii) Existing structures. Preventative treatments of existing frame structures may be performed if:
      - (I) Prior to treatment, wood moisture content in the intended treatment area is tested using a moisture inspection instrument designed to read moisture content in wood;
      - (II) At least five locations where the wood moisture content is tested show moisture content of at least 18%;
      - (III) The commercial pest control operator provides a written report to the property owner listing and diagramming the conditions that warrant a preventative treatment; and,
      - (IV) The treatment is performed with a federal and state registered pesticide that is labeled for the preventative treatment of wood in existing frame structures.
    - (iii) Existing log structures. Preventative treatments of existing log structures shall be performed with a federal and state registered pesticide that is labeled for the preventative treatment of wood in log construction.
- (9) Carpenter Ants and Bees.
- (a) Carpenter Ants (*Camponotus*, Sp.) damage can be recognized by the presence of hollow, irregular, clean chambers cut across the grain, and by the presence of fine to coarse wood fibers, which are removed from the chamber by the ant as the nest is constructed. Treatment of carpenter ants may be localized treatments by an approved



(Rule 0080-09-04-.07, continued)

pesticide. The nest should be found and treated if possible. Carpenter ants are generally present due to excess moisture somewhere in the wooden structures. To help control a carpenter ant infestation, the moisture problem should also be corrected.

- (b) Carpenter Bees (*Xyocopa* spp.) often burrow into exposed, dry wood of buildings, posts, wooden fences, etc. Damage to the wood can be extensive because the bees often colonize the same piece of wood. Treatment of carpenter bees may be performed by applying any approved pesticide into the entrance holes.
- (10) Formosan Termites. All infestations of *Coptotermes*, *Formosanus*, *Shiaki*, or any other members of the genus *Coptotermes*, known as the Formosan termite, shall be treated with appropriately labeled pesticides and reported to the department.

**Authority:** T.C.A. §§ 4-3-203 and 62-21-118. **Administrative History:** Original rule filed April 1, 2016; effective June 30, 2016.

#### 0080-09-04-.08 CERTIFICATION OF COMMERCIAL PESTICIDE APPLICATORS.

- (1) No charter holder or licensed pest control operator shall allow an uncertified person to apply pesticides except in accordance with this rule.
- (2) Custom applications of pesticide must be applied by a pest control operator or certified applicator, licensed or certified in the category of services being provided, or by a person in the presence of a properly licensed pest control operator or certified applicator.
- (3) Commercial applicators who apply pesticides under the direct supervision of a licensed pest control operator must be certified in the category of services being provided.
- (4) Commercial applicators will be issued an individual commercial certification card and are responsible for maintaining their certification as provided in Tenn. Comp. R. & Regs. 0080-09-02.

**Authority:** T.C.A. §§ 4-3-203 and 62-21-118. **Administrative History:** Original rule filed April 1, 2016; effective June 30, 2016.

#### 0080-09-04-.09 RECORDKEEPING REQUIREMENTS FOR COMMERCIAL PEST CONTROL OPERATORS AND COMMERCIAL APPLICATORS.

- (1) All commercial pest control operators and commercial applicators shall maintain true and accurate records of both restricted and general use pesticides. Such records shall be kept legibly or electronically and shall be readily available for departmental inspection for two years following the pesticides' use. Upon request by the department, such records shall be made available within 48 hours.
- (2) The records must document each of the following:
  - (a) Applicator's first and last name(s) and departmental assigned identification number;
  - (b) Pesticide used;
  - (c) Target pest(s);
  - (d) Crop, plant, house, business, or building onto or around which the pesticide is applied;

(Rule 0080-09-04-.09, continued)

- (e) Location where the pesticide is applied, including physical address or Farm Services number;
- (f) Application rate;
- (g) Percentage of mixed-use dilution and quantity of pesticide used;
- (h) Landowner or other person who requested the custom application of pesticide; and,
- (i) Date of service.

**Authority:** T.C.A. §§ 4-3-203 and 62-21-118. **Administrative History:** Original rule filed April 1, 2016; effective June 30, 2016.

#### **0080-09-04-.10 REQUIREMENTS FOR LICENSEES IN AQUATIC WEED CONTROL.**

Any person applying herbicides in state waters for the control of aquatic weeds must be under the direct supervision of pest control operator licensed and certified in Aquatic Pest Control.

**Authority:** T.C.A. §§ 4-3-203 and 62-21-118. **Administrative History:** Original rule filed April 1, 2016; effective June 30, 2016.

#### **0080-09-04-.11 REQUIREMENTS FOR SPOT TREATMENT ONLY IN LAWN MAINTENANCE.**

- (1) Any person who incidentally applies herbicide with the sole active ingredient Glyphosate for the control of weeds in conjunction with commercial lawn and landscape maintenance practices, e.g. spot treatments adjacent to fencing, driveways, parking lots, cemetery markers, and landscape borders and areas in lieu of or in conjunction with hand-weeding or mechanical weed trimming and edging, shall not be considered to be applying a custom application of pesticide, provided that the person meets the following criteria:
  - (a) The applicator has obtained and maintained certification in the category of Limited Herbicide Applicator;
  - (b) The application equipment is limited to a single, hand-held nozzle supplied by a tank with a maximum capacity of 25 gallons; an electric or hand-powered pump with a maximum discharge rate of 1.5 gallons per minute; and a discharge hose no longer than 15 feet long;
  - (c) The applicator or his employer has provided to the department proof of liability insurance with coverage for bodily injury and property damage of at least \$300,000 per occurrence and \$300,000 aggregate, including coverage for products and completed operations, and the policy has been endorsed to cover herbicide applications;
  - (d) The name of the business and certificate number is displayed on the right and left sides of all company vehicles or trailers, in lettering no shorter than two inches tall; and,
  - (e) Application records shall contain the date of application and the property address.
- (2) A person operating under this rule shall not advertise the application of herbicides or any other pesticide application. A person operating under this rule shall not supervise the application of any pesticide by an uncertified person.
- (3) Persons certified in the category of Limited Herbicide Applicator are not required to obtain a business charter, bond, or license.

(Rule 0080-09-04-.11, continued)

- (4) This rule shall not apply to any person who applies a herbicide with the sole active ingredient Glyphosate for the control of weeds in conjunction with lawn maintenance practices as spot treatments in lieu of, or in conjunction with, mechanical weed trimming or edging at a homeowner's or renter's residence when such product is stored, provided, and mixed by the homeowner or renter requesting such service. The homeowner or renter is responsible for instructing the applicator as to how and where to apply the product.

**Authority:** T.C.A. §§ 4-3-203 and 62-21-118. **Administrative History:** Original rule filed April 1, 2016; effective June 30, 2016.

**0080-09-04-.12 FEES.**

- (1) The fee for a special local need (24-C) shall be a Tier 6 fee under T.C.A. § 43-1-703(f).
- (2) The fee for a commercial pest control operator charter shall be a Tier 9 biennial fee under T.C.A. § 43-1-703(f).
- (3) The fee for registration of nonclerical employees and issuance of solicitor and technician cards shall be a Tier 2 biennial fee under T.C.A. § 43-1-703(f) for each employee, solicitor, or technician registered with the department.
- (4) The fee for each consultant or custom applicator license examination shall be a Tier 4 fee under T.C.A. § 43-1-703(f).
- (5) The fee for a pest control consultant license shall be a Tier 10 biennial fee under T.C.A. § 43-1-703(f).

**Authority:** T.C.A. §§ 4-3-203, 43-1-703, 43-8-113, 62-21-111, 62-21-112, and 62-21-118. **Administrative History:** Original rule filed April 1, 2016; effective June 30, 2016.