

Rulemaking Hearing Rules  
of  
Tennessee Department of Agriculture  
Division of Regulatory Services

Chapter 0080-06-14  
Pest Control Operators

Amendments

Rule 0080-06-14-.01 Qualifications of Applicants is amended by deleting the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

0080-6-14-.01 Qualifications of License Applicants.

- (1) Applicants are required to have a Commercial Pesticide Applicator Certificate in the particular license category before taking a license examination as provided in Rule 0080-6-16-.03.
- (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) Education – Except for the license examination for Wood Destroying Organisms, applicants are qualified to take any license examination(s) based on their education, as follows:
  - (a) Applicants are qualified to take a license examination based on their education if they have a Bachelor’s degree with a major or minor, as evidenced by an official transcript, in at least one or more of the following curricula: Agriculture, Biology, Chemistry, Forestry, Horticulture, Entomology, Plant Pathology and Plant Science or other similar degree.
  - (b) Applicants are qualified to take the Pest Control Consultant license examination if they are a graduate of an accredited college or university with a Bachelor’s degree in the field of pest control in which the consultation is being offered. A license in this category does not qualify the holder to conduct pest control operations.
- (4) Education and Experience: Applicants are qualified to take any license examination(s) based on a combination of their education and experience as follows:
  - (a) Applicants with a degree as set forth in 3(a) above and one (1) year of full-time work experience in Wood Destroying Organisms are qualified to take the license examination in that category.
  - (b) Applicants with a Masters or PhD degree in entomology that have graduated from the Tennessee Apprentice Termite Technician School are qualified to take the license examination in the category of Wood Destroying Organisms.
  - (c) Applicants who hold a current Horticulture, Lawn and Turf Maintenance (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 those four categories, provided they are certified in the license category applied for, have two or more years work experience in the license category applied for, and have at least twelve (12) college-level semester hours or twenty-four (24) Continuing Education Units (CEU) related to the license category applied for.
  - (d) Applicants are qualified to take the Agricultural - Ground Equipment or Horticulture - Lawn and Turf license examination if they have twenty-four (24) months’ work

experience, a BA degree, a minimum of twelve (12) college-level semester hours or twenty-four (24) continuing education units (CEU) related to the categories of Agricultural - Ground Equipment or Horticulture - Lawn and Turf.

- (5) Experience – Applicants who wish to take a license examination based only on experience must have been registered with the department as a pest control technician or salesperson, as provided in T.C.A. § 62-21-109, for twenty-four (24) months of full-time work experience, or provide documentary evidence of such employment if the registration failed to occur at no fault of the applicant, or if the experience was obtained out-of-state.

Applicants are qualified to take the license examinations below as follows:

- (a) Applicants with a valid Certified Crop Advisors (CCA) Certificate are qualified to take the Horticulture - Lawn and Turf (HLT) or Agricultural - Ground Equipment (AGE) examinations, provided they have satisfied the requirements above, have one (1) year of full-time work experience applying pesticide in the category of license applied for and are certified in the category of same.
  - (b) Applicants with a current General Pest and Rodent Control license and a Public Health Mosquito Control certificate are qualified to take the license examination in the latter category.
- (6) Applicants who misrepresent their work experience shall be ineligible to take the examination for two (2) years after the applicant meets the required qualifications.
  - (7) If the Department determines that the application contained inaccurate information after a person passes the examination and is issued a license, the license shall be revoked in accordance with the Uniform Administrative Procedures Act, and the person shall not be allowed to resubmit an application for the license examination for two (2) years.

Authority: T.C.A. §§ 62-21-105 and 62-21-118.

Rule 0080-06-14-.02 Certification of Qualifications is amended by deleting the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

0080-6-14-.02 Certification of Qualifications. Upon application to take a license examination, or at such other time as the Pest Control Board (hereinafter referred to as Board) may require, the applicant shall present:

- (1) A certified statement or letter from persons or firms in whose employment the applicant received any qualifying experience; and/or
- (2) A copy of a diploma, transcript, or certificate properly evidencing a qualifying degree, professional standing, course hours or continuing education units (CEU).

Authority: T.C.A. §§ 62-21-105 and 62-21-118.

Rule 0080-06-14-.03 Examination of Applicants is amended by deleting the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

0080-6-14-.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 when and where the Board decides.

- (3) Qualified applicants who have submitted an application will be notified of the date, place and time of the examination(s). Applicants who are not qualified will be notified in writing that the application was not approved with the reason(s) stated.
- (4) License examinations shall be given in two (2) 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:
    1. State and Federal Laws & Regulations
    2. Insects
    3. Weeds & Disease
    4. Plant Management Decision Making
    5. Herbicide Technology
    6. Pesticide Safety
    7. Adjuvants
    8. Fumigation and Soil Fumigation
    9. Integrated Pest Management
    10. Environmental Considerations
    11. Principles of Vegetation Management
    12. Plant Growth Regulators
    13. Calibration of Application Equipment
    14. Common Problems Encountered During Application
    15. Professionalism and Public Relations in Vegetation Management
    16. Pest, Bird, Plant, Tree and Disease Identifications
    17. Pesticides and Human Health
    18. Drift Management
    19. Navigation (Aerial - using GPS, DGPS, OmniSTAR)
    20. Calculating Area of Target Site
    21. Pesticide Measurement Systems
    22. Operations (Aerial - pilot & ground crews, aircraft crash response)
    23. Mosquitoes & Human Diseases
    24. Life Cycle of Mosquitoes

- 25. Wood Destroying Organisms
  - 26. Vertebrates and Invertebrates
  - 27. Pests on or Near Food
  - 28. Urban IPM Programs
  - 29. 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 seventy (70) percent or higher on both parts.
  - (6) Applicants will be allowed two (2) hours to complete the first part of the examination and three (3) 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 (2) years.
  - (11) Applicants who cannot take a scheduled examination due to circumstances beyond their control must contact the Department within forty-eight (48) hours of the scheduled examination to reschedule or their examination fee will be forfeited.

Authority: T.C.A. §§ 62-21-105, 62-21-112 and 62-21-118.

Rule 0080-06-14-.04 License Categories is amended by deleting the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

0080-6-14-.04 License Categories. The substance of the license examinations will be taken from study material developed by the University of Tennessee. Such material can be purchased by contacting the University of Tennessee at (865) 974-7138 or at the University's website at <http://eppserver.ag.utk.edu/psep/psep.htm>. The license categories are as follows:

- (1) Agricultural - Ground Equipment (AGE) – is 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) – is 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) – is 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) – is 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) – is the control of agricultural pests found in 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) – is 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) – is the control of vertebrate and invertebrate pests that invade or are normally known to invade a structure, and which are not specifically covered by other categories of licenses described herein. Applicants for this license must be certified in Industrial, Institutional, Structural and Health-Related Pest Control.
- (8) Horticultural - Interior (HRI) – is the control of plant 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) – is the control of pests and diseases of shrubs, trees, lawns and other turfgrasses. This category includes non-agricultural locations such as residential and commercial lawns and landscapes, parks and athletic fields. These pests include, but are not limited to, bagworms, grubs, moles, voles, scale insects, weeds and diseases of turf, ornamental trees and shrubs, or others similar in nature. Applicants for this license must be certified in Ornamental and Turf Pest Control.
- (10) Pest Control Consultant (PCC) – is a graduate of an accredited college or university with a Bachelor’s 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.
- (11) Public Health Mosquito Control (PHMC) – is the 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.
- (12) Weed Control - Right-of-Way and Industrial (WEC) – is the control of plants, whether woody 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.
- (13) Wood Destroying Organisms (WDO) – is the control of termites, various wood borers, carpenter bees, carpenter ants and decay, without regard to the type or use of structure involved. Applicants for this license must be certified in Industrial, Institutional, Structural and Health-Related Pest Control.
- (14) Wood Preservatives (WPC) – is the control of insects, fungi, marine borers and the effects of weather on wood products at the manufacturing or distribution stage that may damage or degrade the wood. Applicants for this license must be certified in Wood Preservation Pest Control.
- (15) Special (SPC) – is the control of pests in special situations by methods not included in the other license categories listed above. These licenses may or may not require an examination

in the discretion of the Board and are limited to specific pesticide uses and situations as determined by the Board.

Authority: T.C.A. §§ 62-21-105 and 62-21-118.

Rule 0080-06-14-.06 Licenses – Requirement of Active Practice and Certification is amended by deleting the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

0080-06-14-.06 Licenses - Requirement of Active Practice and Certification.

- (1) Applicants who have passed the license examination(s) must pay all fees within one year of the examination date to obtain the license(s) or be required to re-take the examination(s). Individuals with extenuating circumstances, such as a medical condition or military service, are required to provide documented proof of such circumstances and will be evaluated on a per case basis.
- (2) License holders with expired licenses and certifications must re-take the license and certification examinations before they can renew their license. Individuals with extenuating circumstances, such as a medical condition or military service, must provide documented proof and will be evaluated on a per case basis.
- (3) Licenses will be suspended upon the expiration of the license holder's certification and reinstated when certification is obtained again, provided that the certification has not been expired for more than one year. Individuals with extenuating circumstances, such as a medical condition or military service, must provide documented proof and will be evaluated on a per case basis.

Authority: T.C.A. §§ 4-3-203, 62-21-105, 62-21-118 and 62-21-123.

Rule 0080-06-14-.07 Requirements for Licensees in Fumigation is amended by deleting the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

0080-6-14-.07 Requirements for Licensees in Fumigation. When a gas poisonous to human beings is used in fumigation, a certified applicator licensed in the category of fumigation, as provided in Rule 0080-06-14-.04 (5) and (6), shall be present, actively in charge of work and shall ensure that the following requirements are adhered to:

- (1) A gas mask that protects against the gas being used shall be kept at the location where the fumigation is being done.
- (2) Signs shall be prominently displayed at all entrances to the building, structure, or other fumigation site, declaring that the property is being fumigated and that no one should enter.
- (3) A guard shall be maintained at any building or structure that is entered by the public. All doors shall be locked, posted and patrolled by the guard, who shall have access to a gas mask at all times.
- (4) The certified and licensed applicator shall be responsible for clearing the structure of fumigants by following all label directions prior to re-entry.

Authority: T.C.A. §§ 4-3-203, 62-21-105 and 62-21-118.

Rule 0080-06-14-.11 Certification of Pest Control Technicians is amended by deleting the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

0080-6-14-.11 Certification of Commercial Pesticide Applicators

- (1) No charter holder or licensed applicator shall allow an uncertified person to apply pesticides except in accordance with this rule.
- (2) Pesticides must be applied by a certified applicator or in the presence of an applicator certified in accordance with Rule 0080-6-16-.03 in the category in which services are being provided.
- (3) Commercial Pesticide Applicators who apply pesticides under the direct supervision of a licensed pest control operator must be certified in accordance with Rule 0080-6-16-.03 in the category in which services are being provided.
- (4) Commercial Pesticide Applicators will be issued an individual commercial certification card and are responsible for maintaining their certification as provided in Rule 0080-6-16-.04.

Authority: T.C.A. §§ 4-3-203, 62-21-105 and 62-21-118.

Rule 0080-06-14-.12 Recordkeeping Requirements for Commercial Pest Control Operators and Commercial Applicators is amended by deleting the rule in its entirety and substituting the following language so that as, amended, the rule shall read:

0080-6-14-.12 Recordkeeping Requirements for Commercial Pest Control Operators and Commercial Applicators.

- (1) All commercial applicators and pest control operators shall keep true and accurate records of both restricted and non-restricted pesticide use, retain such record for two (2) years, and make the original records and copies thereof available to the Commissioner of Agriculture or his designee.
- (2) The records must show:
  - (a) The applicator name(s) and TDA-assigned ID number;
  - (b) The pesticide used;
  - (c) The target pest(s);
  - (d) The crop, plant, house, business, or building the pesticide is applied on or to and the location thereof; including the physical address or Farm Services Agency number;
  - (e) The application rate;
  - (f) The percentage of mixed-use dilution;
  - (g) The landowner, agent or other person employing such applicator;
  - (h) The date of service, and
  - (i) The amount of pesticide used.

Authority: T.C.A. §§ 62-21-105, 62-21-118.

Rule 0080-06-14-.14 Requirements for Licensee in Aquatic Weed Control is amended by deleting the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

0080-6-14-.14 Requirements for Licensee in Aquatic Weed Control. Any person or government entity applying herbicides in state waters for the control of aquatic weeds must be under the direct supervision of one licensed in Aquatic Pest Control under the provisions of this chapter.

Authority: T.C.A. § 62-21-118.

The rulemaking hearing rules set out herein were properly filed in the Department of State on the 28th day of June, 2007 and will become effective on the 11th day of September, 2007. (06-36-07: DBID 2529)