

**RULES
OF
THE TENNESSEE DEPARTMENT OF AGRICULTURE
DIVISION OF PLANT INDUSTRIES**

**CHAPTER 0080-06-14
PEST CONTROL OPERATORS**

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0080-06-14-.01 QUALIFICATIONS OF 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 0080-06-16-.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.

(Rule 0080-06-14-.01, continued)

- (c) 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 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, or 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 Tenn. Code Ann. § 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. **Administrative History:** Original rule certified June 5, 1974. Amendment filed June 25, 1975; effective July 25, 1975. Amendment filed November 16, 1978; effective January 1, 1979. Repealed and rule filed September 22, 1982; effective October 22, 1982. Amendment filed August 8, 1984; effective September 7, 1984. Amendment filed November 13, 1986; effective December 28, 1986. Amendment filed October 30, 1987; effective December 14, 1987. Amendment filed January 5, 1989; effective February 19, 1989. Amendment filed October 11, 1991; effective November 26, 1991. Amendment filed June 28, 2007; effective September 11, 2007. Amendment filed May 29, 2008; effective September 26, 2008.

0080-06-14-.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:

(Rule 0080-06-14-.02, continued)

- (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 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. **Administrative History:** Original rule certified June 5, 1974. Amendment filed June 25, 1975; effective July 25, 1975. Repeal filed September 22, 1982; effective October 22, 1982. New rule filed October 26, 1988; effective December 10, 1988. Amendment filed June 28, 2007; effective September 11, 2007. Amendment filed May 29, 2008; effective September 26, 2008.

0080-06-14-.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

(Rule 0080-06-14-.03, continued)

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. **Administrative History:** Original rule certified June 5, 1974. Amendment filed June 25, 1975; effective July 25, 1975. Amendment filed February 14, 1977; effective March 16, 1977. Amendment filed November 16, 1978; effective January 1, 1979. Repeal and new rule filed September 22, 1982; effective October 22, 1982. Amendment filed January 5, 1989; effective February 19, 1989. Amendment filed June 28, 2007; effective September 11, 2007.

0080-06-14-.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.

(Rule 0080-06-14-.04, continued)

- (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) - Control of pests and diseases that normally 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, but no other pests that normally invade the inside of a structure and which are not specifically covered by other categories of licenses described herein. 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.

(Rule 0080-06-14-.04, continued)

Authority: T.C.A. §§62-21-105 and 62-21-118. **Administrative History:** Original rule certified June 5, 1974. Repeal and new rule filed September 22, 1982; effective October 22, 1982. Amendment filed January 5, 1989; effective February 19, 1989. Amendment filed October 11, 1991; effective November 26, 1991. Amendment filed August 22, 1995; effective December 30, 1995. Amendment filed October 28, 2002; effective February 28, 2003. Amendment filed June 28, 2007; effective September 11, 2007. Amendment filed May 29, 2008; effective September 26, 2008.

0080-06-14-.05 REPEALED.

Authority: T.C.A. §§62-21-118 and 62-21-119. **Administrative History:** Original rule certified June 5, 1974. Amendment filed November 16, 1978; effective January 1, 1979. Repeal and new rule filed September 22, 1982; effective October 22, 1982. Repeal filed January 5, 1989; effective February 19, 1989.

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. **Administrative History:** Original rule certified June 5, 1974. Amendment filed June 25, 1975; effective July 25, 1975. Amendment filed November 16, 1978; effective January 1, 1979. Repeal and new rule filed September 22, 1982; effective October 22, 1982. Amendment filed June 28, 2007; effective September 11, 2007.

0080-06-14-.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.

(Rule 0080-06-14-.07, continued)

Authority: T.C.A. §§ 4-3-203, 62-21-105 and 62-21-118. **Administrative History:** Original rule certified June 5, 1974. Amendment filed November 16, 1978; effective January 1, 1979. Repeal and new rule filed September 22, 1982; effective October 22, 1982. Amendment filed January 5, 1989; effective February 19, 1989. Amendment filed June 28, 2007; effective September 11, 2007.

0080-06-14-.08 REQUIREMENTS FOR LICENSEES IN WOOD DESTROYING ORGANISMS.

- (1) Persons operating under licenses for wood destroying organisms shall conform to the following regulations or shall use other department approved methods.
 - (a) A written contract (warranty optional) with all blanks completed shall be executed in duplicate on every control job for wood destroying organisms, other than termites. A written contract with a warranty shall be issued on every job for control of termites. In each case one copy is to be left with the property owner or his agent, and a copy retained by the operator. These contracts shall be numbered to assure that both parties hold identical documents. All such contracts and warranties, shall be transferable so as to remain with the treated property for the remainder of the current year's contract term.
 - (b) When a contract with a warranty is issued on any structure for control of termites that does not meet state specifications, those areas or portions thereof not meeting state specifications must be treated and brought up to state specifications.
 - (c) A graph shall be drawn and attached to each contract as described in (1)(a) and said graph shall show the condition of the property as it relates to termite infestation and damage at the time of the initial contract.
- (2) Unless authorized by paragraph (6) of this rule or unless prohibited by the label, the operator shall give the following minimum services on each job for control of termites:
 - (a) All applications of pesticides for the purpose of controlling wood destroying organisms shall be done in accordance with label directions. 40 C.F.R. (2)(ee) shall not apply when mixing or applying termiticides.
 - (b) All pretreatments shall be completed according to label directions within one (1) year of the date the initial treatment or to coincide with the completion of the backfill.
- (3) Each property under contract by a termite control operator shall be examined by the operator at least once per year if the owner or agent makes the property available. A report of the re-examination and all subsequent inspections showing the condition of the property with respect to the absence or presence of termites and/or other wood destroying organisms shall be filed with the property owner and a copy kept in the operator's file, subject to inspection by the Department.
- (4) At such time as he may deem desirable, the Commissioner or his authorized representative, shall examine records and properties treated for the purpose of determining the efficiency of the treatment given. Whenever unsatisfactory or substandard treatments are found, the operator and/or charter holder will be notified and will be given a reasonable length of time in which to correct such conditions. If the operator shall neglect or refuse to make such corrections, his license and/or charter or both may be suspended as provided for by law, unless he can show to the satisfaction of the Department of Agriculture why such action should not be taken. While his license is suspended for this cause, the operator or charter holder shall have the privilege of retreating all properties on which he has current contracts, but shall not solicit any new business. He shall notify the Department of Agriculture of the

(Rule 0080-06-14-.08, continued)

dates of any such reexaminations and retreatments. When all properties previously reported to be in an unsatisfactory condition have been re-examined and retreated, the Department of Agriculture shall then make the reinspections at its earliest convenience. If the Department of Agriculture, upon reinspection shall find all of the properties in satisfactory condition, then the suspension may be removed. Otherwise, the license and/or charter or both may be permanently revoked. A 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:
 - (a) Physical reasons or conditions prevent a full treatment, such as, well beneath building, heat/air duct pipe embedded in slab, plenum air space, crawl space too low or;
 - (b) When the label prohibits and;
 - (c) The owner of the treated property is fully informed.
- (7) No warranty or guarantee need be given for less than complete treatment of non-commercial buildings. However, the contract covering such work shall have the stipulation that no guarantee is given. In addition, the words "No guarantee" shall be stamped or printed in letters one-half inch high on both sides of the invoice and guarantee/agreement form referring to this treatment.
- (8) Wood Destroying Beetles
 - (a) When treatment will be permitted - When it is determined that an active infestation exists, treatment will be permitted for the control or prevention of reinfestation of the families of beetles which are known to reinfest seasoned wood, i.e., Anobiidae, Lyctidae, Bostrichidae, Cerambycidae, (old house borer and flat oak borer only) and Curculionidae. Preventive treatment in the absence of an infestation is prohibited. Treatment for the control or prevention of other beetles, such as bark beetles, that do not cause structural damage to seasoned wood is prohibited.
 - (b) Determining Active Infestations:
 1. Anobiidae (Anobiid Powder Post) Beetles:
 - (i) The presence of fresh frass will be acceptable as evidence of an active infestation of the Anobiidae.
 - (ii) The presence of holes alone or holes and dull colored frass will not be acceptable evidence of an active infestation of the Anobiidae except in such cases when live larvae and pupae are found in wood members.
 - (iii) Anobiidae Beetles usually infest products older than 10 years and most infestations are confined to softwoods, whereas the Lyctidae only actively infest recently processed hardwoods.
 2. Powder Post Beetles (Lyctidae):

(Rule 0080-06-14-.08, continued)

- (i) If hardwoods are less than 10 years old, they are much more likely to be infested with Lyctidae Beetles, but fresh frass should still be present to warrant treatment.
 - (ii) If wood is over 10 years old, only fresh frass and/or live larvae or pupae in wood will be acceptable evidence of activity.
3. Old House Borer (*Hylotrupes bajulus* L.):
- (i) The presence of adult beetles and oval exit holes with fresh sawdust-like frass in softwoods will be evidence of an active infestation.
 - (ii) The presence of live larvae or pupae in softwoods will be evidence of an active old house borer infestation, if the frass is sawdust-like.
- (c) Treatment Procedures:
- 1. When wood destroying beetles are present at or below the subfloor level, then control measures should be applied from underneath the structure using any approved pesticide labeled for that use.
 - 2. If there is evidence to indicate or reasonable cause to suspect that a substantial active infestation of wood destroying beetles exists above the subfloor level, then fumigation with an approved fumigant is permitted, provided the property owner has been informed of other alternative treatments such as removal and replacement of infested wood members or treatment of the substructure only if it is actively infested.
- (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 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 in controlling the carpenter ant infestation, the moisture problem should also be corrected.
 - (b) Carpenter Bee (*Xyocopa* spp.). These bees often burrow into the exposed, dry wood of buildings, posts, wooden fences, etc. Since the bees often colonize the same piece of wood, the damage to timber can be quite extensive. Control can be had by applying any approved chemical into the entrance holes. Holes should not be filled until fall as the bees entering the holes will come in contact with the dust.
- (10) (a) All infestations of *Coptotermes Formosanus Shiaki* or any other members of the genus *Coptotermes*, known as the Formosan termite, shall be reported to the Tennessee Department of Agriculture, Plant Industries, or to any employee or agent thereof.
- (b) All known infestations of *Coptotermes* termites are to be treated. This treatment is to be carried out utilizing accepted industry methods, with appropriately labeled pesticides.

Authority: T.C.A. §§62-21-105 and 62-21-118. **Administrative History:** Original rule certified June 5, 1974. Amendment filed November 16, 1978; effective January 1, 1979. Repeal and new rule filed September 22, 1982; effective October 22, 1982. Amendment filed August 8, 1984; effective September

(Rule 0080-06-14-.08, continued)

7, 1984. Amendment filed March 15, 1985; effective June 14, 1985. Amendment filed January 5, 1989; effective February 19, 1989. Amendment filed October 11, 1991; effective November 26, 1991.

0080-06-14-.09 REPEALED.

Authority: T.C.A. §§62-21-105 and 62-21-118. **Administrative History:** Original rule certified June 5, 1974. Amendment filed June 25, 1975; effective July 25, 1975. Amendment filed February 14, 1977; effective March 16, 1977. Repeal and new rule filed September 22, 1982; effective October 22, 1982. Repeal filed October 11, 1991; effective November 26, 1991.

0080-06-14-.10 NOTIFICATION TO BEEKEEPERS.

- (1) Notification shall be given as far in advance as possible to all beekeepers in the area where agricultural ground application of pesticides is to be done. Notification to the Department of Agriculture as far in advance as possible of the time the pesticide application shall be sufficient notice to comply with this regulation. The materials having the least toxic qualities to honeybees shall be used whenever possible.

Authority: T.C.A. §62-21-118. **Administrative History:** Original rule certified June 5, 1974. Repeal and new rule filed September 22, 1982; effective October 22, 1982.

0080-06-14-.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 0080-06-16-.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 0080-06-16-.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 0080-06-16-.04.

Authority: T.C.A. §§ 4-3-203, 62-21-105 and 62-21-118. **Administrative History:** Original rule certified June 5, 1974. Repeal filed September 22, 1982; effective October 22, 1982. New rule filed October 26, 1988; effective December 10, 1988. Amendment filed June 28, 2007; effective September 11, 2007.

0080-06-14-.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);

(Rule 0080-06-14-.12, continued)

- (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. **Administrative History:** Original rule certified June 5, 1974. Repeal filed November 16, 1978; effective January 1, 1979. Amendment filed June 28, 2007; effective September 11, 2007.

0080-06-14-.13 REPEALED.

Authority: T.C.A. §62-2120. **Administrative History:** Original rule certified June 8, 1974. Repeal filed November 16, 1978; effective January 1, 1979.

0080-06-14-.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. **Administrative History:** Original rule filed January 23, 1995; effective May 31, 1995. Amendment filed June 28, 2007; effective September 11, 2007.

0080-06-14-.15 DENIAL, SUSPENSION OR REVOCATION OF LICENSE, CERTIFICATION OR PERMIT-PENALTIES.

- (1) If the Commissioner has reason to believe the holder of a permit, license or certificate has violated any provision of this chapter, including its rules and regulations, or has used any aquatic pesticide in violation of the provisions of the "Tennessee Insecticide, Fungicide and Rodenticide Act", including its rules and regulations, the Commissioner shall conduct a hearing to determine if any license, certification or permit should be denied, revoked, suspended, or modified, and/or impose civil penalties of up to one thousand dollars (1,000) for each violation.

Authority: T.C.A. §62-21-118. **Administrative History:** Original rule filed January 23, 1995; effective May 31, 1995.

0080-06-14-.16 REQUIREMENTS FOR SPOT TREATMENT ONLY – LAWN MAINTENANCE.

- (1) Any person incidentally applying a herbicide with the sole active ingredient of Glyphosate for the control of weeds in conjunction with commercial lawn and landscape maintenance practices such as 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 as applying a pesticide for a fee and shall not be required to be licensed as a commercial pest control operator when the person meets the following criteria:
 - (a) The applicator has obtained certification by successfully completing (score of 70) an exam demonstrating general knowledge of pesticides including safety in

(Rule 0080-06-14-.16, continued)

handling, mixing and applying pesticides, environmental hazards in using pesticide, calculations, calibrations and label comprehension. The certification category created specifically for such application is to be known as "Limited Herbicide Applicator". Recertification requirements are stipulated in rule 0080-06-16-.04. Any person exhibiting unethical behavior during an examination shall be ineligible to take another certification exam for two (2) years.

- (b) The application equipment is limited to a single, hand-held nozzle supplied by a tank with a maximum capacity of twenty-five (25) gallons; an electric or hand-powered pump with a maximum discharge rate of 1.5 gallons per minute; and a discharge hose no more than fifteen (15) feet long.
 - (c) The applicator or his or her employer has furnished 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/completed operations, and the policy has been endorsed to cover herbicide applications.
 - (d) The certificate number issued to the applicator is displayed in the upper right-hand corner of the applicator's vehicle used in the business or on both sides of any trailer used in the business. The name of the business shall be displayed on the right and left sides of all company vehicles or trailers. Lettering shall not be less than two inches (2") tall.
 - (e) Application records shall contain the date of application and the property address.
- (2) A person operating under this section is not authorized to:
 - (a) Advertise the application of herbicides or any other pesticide application.
 - (b) Supervise the application of any pesticide by an uncertified person.
 - (3) Persons certified as limited herbicide applicators are not required to obtain a business charter, bond, or license.
 - (4) A person is not required to meet the above requirements in order to apply a herbicide with the sole active ingredient of 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. § 62-21-118(a)(5). **Administrative History:** Original rule filed March 17, 2009; effective July 29, 2009.