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Sequence Number: 01-20-16  
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# Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

<b>Agency/Board/Commission:</b>	Department of Agriculture
<b>Division:</b>	Consumer & Industry Services
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

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**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	Tennessee Department of Agriculture		
Address 2:	436 Hogan Road		
City:	Nashville, Tennessee		
Zip:	37220		
Hearing Date :	March 21, 2016		
Hearing Time:	9:00 a.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

**Additional Hearing Information:**

This rule is intended to create a new division heading for the Tennessee Department of Agriculture's rules and to update the department's general authority to administer civil penalties under Tenn. Code Ann. §4-3-204. The new heading will be 0080-09 Pesticides. In effect, this rule will move rules for the Pesticides program from their current location in 0080-06 Division of Regulatory Services; will amend those rules to clarify language; and will move those rules to the new Pesticides heading. Promulgation of these rules is also intended to create a new fee and licensing structure for the Pesticides program pursuant to amendment of Tenn. Code Ann. §§ 43-1-703; 43-8-104; 43-8-113; 43-8-201; 43-8-304; and 62-21-111.

**Revision Type (check all that apply):**

- Amendment
- New
- Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

<b>Chapter Number</b>	<b>Chapter Title</b>
0080-01-03	Civil Penalties
<b>Rule Number</b>	<b>Rule Title</b>
0080-01-03-.01	Civil Penalties

<b>Chapter Number</b>	<b>Chapter Title</b>
0080-06-14	Repealed
<b>Rule Number</b>	<b>Rule Title</b>

<b>Chapter Number</b>	<b>Chapter Title</b>
0080-06-15	Repealed
<b>Rule Number</b>	<b>Rule Title</b>

<b>Chapter Number</b>	<b>Chapter Title</b>
0080-06-16	Repealed
<b>Rule Number</b>	<b>Rule Title</b>

<b>Chapter Number</b>	<b>Chapter Title</b>
0080-06-27	Transferred
<b>Rule Number</b>	<b>Rule Title</b>

<b>Chapter Number</b>	<b>Chapter Title</b>
0080-09-01	Classification of Pesticides
<b>Rule Number</b>	<b>Rule Title</b>
0080-09-01-.01	Reserved

<b>Chapter Number</b>	<b>Chapter Title</b>
0080-09-02	Restricted Use Pesticides
<b>Rule Number</b>	<b>Rule Title</b>
0080-09-02-.01	Scope
0080-09-02-.02	Definitions
0080-09-02-.03	Certification Requirements
0080-09-02-.04	License Requirements
0080-09-02-.05	Certification Categories
0080-09-02-.06	Recertification Requirements
0080-09-02-.07	Recordkeeping Requirements of Private Applicators
0080-09-02-.08	Use of Restricted Use Pesticides
0080-09-02-.09	Exemptions
0080-09-02-.10	Violations
0080-09-02-.11	Pesticide Management and Disposal
0080-09-02-.12	Pesticide Product Registration Fee

<b>Chapter Number</b>	<b>Chapter Title</b>
0080-09-03	Commercial Aerial Application of Pesticides
<b>Rule Number</b>	<b>Rule Title</b>
0080-09-03-.01	General
0080-09-03-.02	Denial of License

<b>Chapter Number</b>	<b>Chapter Title</b>
0080-09-04	Pest Control Operator Regulations
<b>Rule Number</b>	<b>Rule Title</b>
0080-09-04-.01	Qualifications of Applicants
0080-09-04-.02	Certification of Qualifications
0080-09-04-.03	Examination of License Applicants
0080-09-04-.04	License Categories

0080-09-04-.05	License Requirement for Active Practice and Certification
0080-09-04-.06	Requirements for Licensees in Fumigation
0080-09-04-.07	Requirements for Licensees in Wood Destroying Organisms
0080-09-04-.08	Certification of Commercial Pesticide Applicators
0080-09-04-.09	Recordkeeping Requirements for Commercial Pest Control Operators and Commercial Applicators
0080-09-04-.10	Requirements for Licensee in Aquatic Weed Control
0080-09-04-.11	Requirements for Spot Treatment Only in Lawn Maintenance
0080-09-04-.12	Fees

Chapter Number	Chapter Title
0080-09-05	Worker Protection [transferred from 0080-06-27]
Rule Number	Rule Title
0080-09-05-.01	Definitions [transferred from 0080-06-27-.01]
0080-09-05-.02	Worker Protection Standards [transferred from 0080-06-27-.02]
0080-09-05-.03	WPS Trainer Requirements [transferred from 0080-06-27-.03]
0080-09-05-.04	Notice to Farm Labor Contractors [transferred from 0080-06-27-.04]

New

Division 0080-09 Pesticides is created.

Authority: T.C.A. §4-3-203.

Chapter 0080-09-01  
Classification of Pesticides

0080-09-01-.01 Reserved

Authority: T.C.A. §§ 4-3-203; 43-8-106; 62-21-118.

Chapter 0080-09-02  
Restricted Use Pesticides

0080-09-02-.01 Scope

- (1) This chapter applies to any person who buys, sells, or uses a restricted use pesticide.
- (2) Any person who buys, sells, or uses a restricted use pesticide must be licensed by the department as a commercial pest control operator, certified by the department as a certified applicator, or acting under the direct supervision of a license or certificate holder.

Authority: T.C.A. §§ 4-3-203; 43-8-106; 62-21-118.

0080-09-02-.02 Definitions

- (1) Terms in this chapter share those meanings of terms set forth in the Tennessee Insecticide, Fungicide, and Rodenticide Act, compiled in title 43, chapter 8, parts 1 and 2 of the Tennessee Code, and the Tennessee Application of Pesticides Act of 1978, compiled in title 62, chapter 21 of the Tennessee Code.
- (2) When used in this chapter, unless the context requires otherwise:
  - (a) Act means the Tennessee Insecticide, Fungicide, and Rodenticide Act and the Tennessee Application of Pesticides Act of 1978, collectively or individually;

- (b) Commercial applicator means a person who uses, supervises the use of, sells, or buys restricted use or general use pesticides for any purpose other than as defined under Private Applicator. Commercial applicators must be certified in the category of service being offered prior to taking its license examination;
- (c) External training means:
  - 1. Training that is conducted outside of a commercial pest control operator's place of business;
  - 2. Training that is open to the public; or,
  - 3. Training that is conducted by a presenter who is not employed by the pest control operator requesting continuing education credit for the training.
- (d) General use pesticide means a pesticide that may be purchased and used by individuals without obtaining prior certification or licensing.
- (e) In-house training means training that is conducted within the employer's place of business and attendance is limited to those persons employed by that employer. In-house training may include but is not limited to satellite attendance through the use of internet, computer software, or video presentations.
- (f) Reciprocity or words of similar import refer to an agreement or recognition of an agreement between the department and another state for the purpose of mutually accepting each state's certification of a certified applicator.
- (g) Restricted use pesticide dealer means an individual who is certified in the category of Pesticide Dealer and who sells or offers for sale restricted use pesticides.

Authority: T.C.A. §§ 4-3-203; 43-8-106; 62-21-118.

#### 0080-09-02-.03 Certification Requirements

- (1) Applicants for certification as a private applicator or commercial applicator must be 18 years of age or older and be a United States citizen or possess current proof of qualified alien status prior to receiving certification.
- (2) All certifications issued under this rule shall expire on June 30 of the third year of the certification period in which the certification was issued.
- (3) Private Applicator Certification.
  - (a) Applicants for private applicator certification from the department must successfully complete a specialized training course provided by the University of Tennessee Extension Service on the proper use of restricted use pesticides. Applicants must submit to the department a copy of the three-part form signed by the extension agent verifying completion of the training course and payment of a Tier 1 certification fee under T.C.A. §43-1-703(f).
  - (b) Applicants for private applicator certification under reciprocity with another state must hold valid certification in the reciprocating state and must submit application to the department for a reciprocal Private Applicator card.
- (4) Commercial Applicator Certification.
  - (a) Applicants for commercial applicator certification from the department must submit a completed application to sit for a commercial certification exam in the certification category(ies) of service in

which the applicator desires to engage.

1. Applicants must remit with their application payment of a Tier 2 examination fee under T.C.A. §43-1-703(f) for each exam to be taken by the applicant.
  2. Applicants must score 70% or higher on the commercial certification exam. Individuals who score below 70% are ineligible to retake the exam for two weeks.
  3. Applicants who exhibit unethical behavior during the commercial certification exam shall immediately fail the exam and are ineligible to retake the exam for one year.
  4. An applicant who cannot take a scheduled exam due to circumstances beyond his control may reschedule the exam without payment of an additional examination fee, provided that the applicant contact the department more than 48 hours prior to the previously scheduled exam. Applicants who reschedule an exam with less than 48 hours' notice shall forfeit the examination fee for the previously scheduled exam.
- (b) Applicants for commercial applicator certification under reciprocity with another state must hold valid certification in the reciprocating state. Applicants must also submit to the department an application for reciprocity and a copy of the front and back of the commercial applicator card issued by the reciprocating state.

Authority: T.C.A. §§ 4-3-203; 43-1-703; 43-8-106; 62-21-118.

#### 0080-09-02-.04 License Requirements

- (1) Any person who offers or performs custom applications of pesticide as a commercial pest control operator must hold a valid pest control operator's license.
- (2) Applicants for licensure as a commercial pest control operator must, prior to sitting for the license exam, be certified as a commercial applicator in the category of service to be offered.
- (3) Applicants for licensure as a commercial pest control operator must meet all applicable requirements of the Act.
- (4) Applicants for licensure as a commercial pest control operator must remit to the department payment of a Tier 1 biennial license fee under T.C.A. §43-1-703(f) for each category license held by the applicant. Applicants for any pesticide dealer license must remit to the department payment of a Tier 2 annual license fee under T.C.A. §43-1-703(f) for each location where restricted use pesticides are sold or offered for sale at wholesale or retail.
- (5) All commercial pest control operator licenses issued under this chapter shall first expire on June 30 of the second year following their issuance.

Authority: T.C.A. §§ 4-3-203; 43-1-703; 43-8-106; 62-21-111; 62-21-118.

#### 0080-09-02-.05 Certification Categories

Prior to certification or licensure, commercial applicators and commercial pest control operators must successfully pass examination in one or more of the following certification categories:

- (1) Agricultural Pest Control (C01).
  - (a) Description. This category includes commercial applicators who use or supervise the use of general or restricted use pesticides in production of agricultural crops, including but not limited to tobacco, peanuts, cotton, feed grains, soybeans, forage, small fruits, tree fruits, nuts, grasslands, and non-crop agricultural land.

- (b) Standards of competency. Applicators must demonstrate a practical knowledge of: the crops on which the applicator may be using restricted use pesticides and the pests incident to those crops; soil and water problems; pre-harvest intervals; re-entry intervals; phytotoxicity; potential for environmental contamination; non-target injury; and community problems resulting from the use of restricted use pesticides in agricultural areas.
- (2) Forest Pest Control (C02).
- (a) Description. This category includes commercial applicators who use or supervise the use of general or restricted use pesticides to control pests in forests, forest nurseries, and forest seed producing areas.
  - (b) Standards of competency. Applicators must demonstrate practical knowledge of: the types of forests, forest nurseries, and seed production in the state and the pests incident to those areas; the cyclic occurrence of certain pests and specific population dynamics that are basic to programming pesticide applications; relative biotic agents and their vulnerability to specific pesticides; control methods to minimize unintended effects of pesticide application; and proper use of specialized equipment, particularly as it may relate to meteorological factors and adjacent land use.
- (3) Ornamental and Turf Pest Control (C03).
- (a) Description. This category includes commercial applicators who use or supervise the use of general or restricted use pesticides to control pests in the maintenance and production of ornamental trees, plants, and grasses, including but not limited to fruit trees, shrubs, flowers, turf, residential and commercial lawns, golf courses, and athletic fields.
  - (b) Standards of competency. Applicators must demonstrate practical knowledge of: pesticide problems associated with the production and maintenance of ornamental trees, shrubs, plantings, and turf; awareness of potential phytotoxicity due to a wide variety of plant material, drift, and persistence of pesticide chemicals beyond the intended period of pest control; and application methods that minimize or prevent potential hazards to humans, pets, and other animals.
- (4) Seed Treatment (C04).
- (a) Description. This category includes commercial applicators who use or supervise the use of general or restricted use pesticides on seeds.
  - (b) Standards of competency. Applicators must demonstrate practical knowledge of: types of seeds that require chemical protection against pests; seed coloration; carriers; surface active agents that influence pesticide binding; factors that may affect germination; hazards associated with handling, sorting, and mixing of treated seed; misuse of treated seed into food and feed channels; and proper disposal of unused treated seeds.
- (5) Aquatic Pest Control (C05).
- (a) Description. This category includes commercial applicators who use or supervise the use of general or restricted use pesticides in aquatic environments.
  - (b) Standards of competency. Applicators must demonstrate practical knowledge of: secondary effects of restricted use pesticides, including but not limited to those effects caused by improper application rates, incorrect formulations, and faulty application; various water-use situations; potential for downstream effects; effects on plants, fish, birds, beneficial insects, and other organisms present in aquatic environments; and principles of limited-area application.
- (6) Right-of-Way Pest Control (C06).
- (a) Description. This category includes commercial applicators who use or supervise the use of general or restricted use pesticides to control pests in the maintenance of public roads, electric power lines, pipelines, railway rights-of-way, industrial sites, highways, transmission lines,

drainage ditches, and the like. This category includes the control of plants, whether woody or herbaceous.

- (b) Standards of competency. Applicators must demonstrate practical knowledge of: a wide variety of environments where rights-of-way may be treated; problems with runoff, drift, and excessive foliage destruction; ability to recognize target organisms; the nature of herbicides; the need for herbicide containment within the right-of-way; and the impact of herbicide application to adjacent areas and communities.
- (7) Industrial, Institutional, Structural and Health Related Pest Control (C07).
- (a) Description. This category includes commercial applicators who use or supervise the use of general or restricted use pesticides in, on, or around food-handling establishments, human dwellings, schools, hospitals, industrial establishments, warehouses, grain elevators, and any other similar institutions, facilities, structures or adjacent areas, public or private. Schools refer to child-serving facilities, for children through 12th grade, public or private. Children are physiologically more vulnerable to pesticides. Children can spend long hours at school and therefore have an increased risk of pesticide exposure if pesticides have been applied in a manner incompatible with integrated pest management (IPM). This category also includes pesticide application for the protection of stored, processed, or manufactured products, and the control of birds, imported fire ants, or rodents.
  - (b) Standards of competency. Applicators must demonstrate a practical knowledge of: a wide variety of pests and their life cycles; types of formulations appropriate for their pest control; methods of application to avoid contamination of food, damage or contamination of habitat, and exposure of people and pets; specific factors that may lead to a hazardous condition, including continuous exposure; and environmental conditions related to the activity of this category. In addition, applicators should be knowledgeable about the components in an Integrated Pest Management (IPM) program in child-serving facilities. Integrated Pest Management is a process for achieving long-term, environmentally sound, pest suppression by using a variety of technologies and management practices including preventing pest populations using sanitation, exclusion and habitat modification and applying pesticides in the least hazardous manner only when needed to correct verified problems to manage targeted pests effectively and economically.
- (8) Public Health Pest Control (C08).
- (a) Description. This category includes all governmental employees and commercial applicators who use or supervise the use of pesticides relative to public health programs on public land and public waters that are not specifically covered by other categories of certification described under this rule.
  - (b) Standards of competency. Applicators must demonstrate practical knowledge of: vector-disease transmission as it relates to and influences application programs; pests incident to this field; understanding of the pests' life cycles and habitats necessary to develop a control strategy; a great variety of environments ranging from streams to conditions found in buildings; and nonchemical control methods such as sanitation, waste disposal, and drainage.
- (9) Limited Herbicide Applicator.
- (a) Description. This category includes persons who incidentally apply herbicide with the sole active ingredient 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.
  - (b) Standards of competency. Applicators must demonstrate practical knowledge of: safety in handling, mixing, and applying pesticides; environmental hazards in using pesticides; calculations; calibrations; and label comprehension.
- (10) Demonstration, Research, and Regulatory Pest Control (C10).

- (a) Description. This category includes state, federal, and other governmental employees, including but not limited to extension specialists and county agents, who recommend, use, or supervise the use of general or restricted use pesticides in the control of regulated pests. This category also includes individuals, including but not limited to commercial representatives demonstrating pesticide products and application methods, who conduct or supervise public demonstrations of proper use and application techniques for general or restricted use pesticides. This category also includes persons, including but not limited to state, federal, commercial, and other agents, who use or supervise the use of general or restricted use pesticides in the conduct of field research.
  - (b) Standards of competency. Persons demonstrating the safe and effective use of pesticides to other applicators and the public must meet comprehensive standards reflecting a broad spectrum of pesticide uses. Many different pest problem situations will be encountered in the course of activities associated with demonstration, and practical knowledge is required regarding problems, pests, and population levels occurring in each demonstration situation. Persons in this category must also demonstrate an understanding of pesticide-organism interactions and the importance of integrating pesticide use with other control methods. Applicators shall demonstrate practical knowledge of regulated pests, applicable laws relating to quarantine and other regulation of pests, and the potential impact on the environment by restricted use pesticides used in suppression and eradication programs. Persons in this category shall also demonstrate knowledge of factors influencing introduction, spread, and population dynamics of relevant pests. Required knowledge shall extend beyond that required by the persons' immediate duties because their services are frequently used in other areas of the country where emergency measures are invoked to control regulated pests and where individual judgments must be made in new situations.
- (11) Wood Preservatives (C11).
- (a) Description. Applicators in this category must demonstrate practical knowledge of, and shall meet, the specific standards required for categories (C01) through (C07) that are applicable to the applicator's particular activity, including the use or supervision of use of general or restricted use pesticides.
  - (b) Standards of competency. Applicators must demonstrate practical and technical knowledge of: wood preservatives; the type of pests controlled by the preservatives; methods of applying preservatives to wood; safety equipment necessary to protect persons involved in application of the preservatives; and the after effects of applications as they pertain to plants, humans, pets, and other domestic animals.
- (12) Pesticide Dealers (C12).
- (a) Description. For each location where restricted use pesticides are sold at wholesale or retail, a person licensed as a pesticide dealer must be employed at the location. The licensed pesticide dealer shall bear responsibility for the actions of every person at the location who sells restricted use pesticides. Persons holding a Pesticide Dealer certification are permitted to purchase and use restricted use pesticides. However, a Pesticide Dealer certification does not permit custom applications of pesticides.
  - (b) Standards of competency. Pesticide dealers must demonstrate practical knowledge necessary to advise applicators and the public on the safe and effective use of pesticides. Pesticide dealers must meet comprehensive standards reflecting a broad knowledge of pesticide uses. Pesticide dealers must also demonstrate an understanding of pesticide-organism interactions and the importance of integrating pesticide use with other control methods.
- (13) Antifouling Marine Paint (C13).
- (a) Description. This category includes commercial applicators who use or supervise the use of general or restricted use antifouling marine paints.
  - (b) Standards of competency. Applicators must demonstrate practical knowledge of: tributyltin product labels and understanding of why the products are classified as restricted use pesticides; health and environmental hazards associated with the use of antifouling paints; application,

testing equipment, and personal protective equipment associated with antifouling paints; and proper storage, handling, transport, and disposal of antifouling paints, including disposal of excess material, waste, and containers.

(14) Microbial Pest Control (C14).

- (a) Description. This category includes commercial applicators who use or supervise the use of general or restricted use pesticides to control 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 water systems, and other similar structures or facilities.
- (b) Standards of competency. Applicators must demonstrate practical knowledge of: antimicrobial agents in the control of bacteria, fungi, algae, and viruses; health and environmental hazards associated with the use of antimicrobial agents in cooling towers, water treatment plants, and restoration treatments targeting mold and fungus; application, testing equipment, and personal protective equipment associated with the use of antimicrobial agents; and proper storage, handling, transport, and disposal of antimicrobial agents, including disposal of excess material, waste, and containers.

(15) Reserved.

(16) Sewer Line Treatment (C16).

- (a) Description. This category includes commercial applicators who use or supervise the use of general or restricted use pesticides in sewer lines and wastewater treatment facilities.
- (b) Standards of competency. Applicators must demonstrate practical knowledge of: metam-sodium products for root control; health and environmental hazards associated with metam-sodium in sewer lines and wastewater treatment facilities; personal protective equipment associated with use of metam-sodium products; and proper storage, handling, transport, spills cleanup, and waste disposal of metam-sodium products.

Authority: T.C.A. §§ 4-3-203; 43-8-106; 62-21-118.

0080-09-02-.06 Recertification Requirements

- (1) Recertification of any private applicator or commercial applicator shall expire on June 30 of every third year.
- (2) Certified applicators must notify the department in writing of any change to their name or address within 30 days after the change takes place.
- (3) Private Applicator. To obtain recertification, a private applicator must successfully complete an instructional course offered by the University of Tennessee Extension Service in the last calendar year during which the applicator's original certification is valid.
- (4) Commercial Applicator.
  - (a) To obtain recertification, a commercial applicator must obtain every three years the required number of continuing education units in his certification category.
  - (b) Continuing Education Units (CEU).
    - 1. The following number of CEUs are required for recertification in each respective certification category:
      - (i) Agricultural Pest Control (C01): 18 CEUs;

- (ii) Forest Pest Control (C02): 12 CEUs;
- (iii) Ornamental and Turf Pest Control (C03): 18 CEUs;
- (iv) Seed Treatment (C04): 12 CEUs;
- (v) Aquatic Pest Control (C05): 12 CEUs;
- (vi) Right-of-Way Pest Control (C06): 18 CEUs;
- (vii) Industrial, Institutional, Structural and Health Related Pest Control (C07): 30 CEUs;
- (viii) Public Health Pest Control (C08): 18 CEUs;
- (ix) Limited Herbicide Applicator: requirements equivalent to certification under Ornamental and Turf Pest Control (C03), 18 CEUs;
- (x) Demonstration, Research, and Regulatory Pest Control (C10): 18 CEUs;
- (xi) Wood Preservatives (C11): 9 CEUs;
- (xii) Pesticide Dealers (C12): 18 CEUs;
- (xiii) Antifouling Marine Paint (C13): 9 CEUs;
- (xiv) Microbial Pest Control (C14): 9 CEUs;
- (xv) Reserved;
- (xvi) Sewer Line Treatment (C16): 9 CEUs.

2. The number of CEUs required for recertification shall be prorated for persons obtaining original certification during a recertification period.
3. An applicator shall accrue one CEU for each hour of attendance at CEU approved training on certification related topics.
4. No more than 50% of the required number of CEUs may be accrued at in-house training.
5. No more than 75% of the required number of CEUs may be accrued at any one external training.
6. CEUs shall only be awarded for electronic media used in conjunction with a presentation as part of in-house training.
7. Applications for approval of CEU training must be filed with the department at least 30 days prior to the date of the training. Applications submitted by educational institutions must be submitted to the University of Tennessee, Pesticide Safety Education Program (PSEP).
8. All attendance rosters for CEU approved training must be submitted to the department no later than 30 days after the training. A violation of this requirement is grounds for denial of any future application for approval of CEU training by the sponsor or facilitator.
9. Representatives of the department and PSEP employees may attend any CEU approved training without incurring registration fees.

- (c) An applicator who does not accrue the required number of CEUs prior to expiration of his certification must, in order to maintain valid certification, successfully retake the exam in his certification category. The fee for re-certification testing is a Tier 6 examination fee under T.C.A.

§43-1-703(f) for each exam to be taken by the applicant.

Authority: T.C.A. §§ 4-3-203; 43-8-106; 62-21-118.

#### 0080-09-02-.07 Recordkeeping Requirements of Private Applicators

As state standards for pesticide recordkeeping requirements of private applicators using restricted use pesticides, the department adopts by reference, as if fully stated herein, those federal standards for recordkeeping on restricted use pesticides by certified applicators, compiled at 7 C.F.R. 110, as the part may be amended from time to time.

Authority: T.C.A. §§ 4-3-203; 43-8-106; 62-21-118.

#### 0080-09-02-.08 Use of Restricted Use Pesticides

- (1) No person shall use or buy a restricted use pesticide unless certified as a private applicator or a commercial applicator or unless licensed as a commercial pest control operator.
- (2) No person shall act as a private applicator unless he is certified by the department as a private applicator.
- (3) No person shall act as a commercial applicator unless he is certified by the department as a commercial applicator. A commercial applicator may only act within the certification category for which he is certified.
- (4) No person shall act as a commercial pest control operator unless he is licensed by the department as a commercial pest control operator. A commercial pest control operator may only act within the category for which he is licensed.
- (5) Pesticide dealers.
  - (a) No one shall sell restricted use pesticides at wholesale or retail unless certified in the category of Pesticide Dealers (C12) and obtain a Restricted Use Pesticide Dealer license.
  - (b) A licensed pesticide dealer shall not sell or allow the sale of a restricted use pesticide to any person who is not certified or licensed by the department for the purchase of restricted use pesticides.
  - (c) Pesticide dealers shall submit with their applications for license renewal all yearly sales records of restricted use pesticides sold, including for each sale: the date of the sale, the name and quantity of the pesticide purchased, the name of the purchaser, the purchaser's certification or license number, and the expiration date of the purchaser's license, certificate, or private applicator card.

Authority: T.C.A. §§ 4-3-203; 43-8-106; 62-21-118.

#### 0080-09-02-.09 Exemptions

Persons licensed pursuant to T.C.A. §43-8-301 et. seq. are exempt from the requirements of this chapter for aerial applications of pesticides.

Authority: T.C.A. §§ 4-3-203; 43-8-106; 62-21-118.

#### 0080-09-02-.10 Violations

- (1) Violations of the Act or this chapter are actionable against any person when committed by either the person or his agent.
- (2) Each violation of the Act or this chapter is grounds for issuance of a stop sale, stop use, or removal order against the violator, in addition to or in lieu of any other lawful disciplinary action.
- (3) In addition to all other requirements of the Act and this chapter, each occurrence of the following shall constitute a separate violation of this chapter:
  - (a) Label violations.
    1. Lacks signal word or caution: "Keep out of reach of children."
    2. Lacks required precautionary labeling;
    3. Deficient precautionary statement, lacks symbols or statements;
    4. Lacks directions for use;
    5. Defective ingredient statement;
    6. Failure to bear required statement of net weight or content;
    7. Failure to bear name and address of producer, registrant, or person for whom manufactured;
    8. Labeling is detached, altered, defaced, or destroyed;
    9. Ingredient statement absent on immediate container;
    10. Ingredient statement does not appear on front panel of immediate container;
    11. Label does not bear a registration number or established number;
    12. Net weight not stated on label;
    13. Label does not bear name, brand, or trademark under which product was sold.
  - (b) Formulation violations.
    1. Chemical deficiencies;
    2. Net weight inaccuracies;
    3. Chemical contamination;
    4. Over-formulated.
  - (c) Use violations.
    1. Use or disposal of a pesticide in a manner inconsistent with its labeling;
    2. Violation of stop sale, use or removal order.
  - (d) Records, books, documentation violations.
    1. Failure to maintain as required by the Act;
    2. Failure to produce for inspection.
  - (e) Product registration violations. Failure to have products registered.

Authority: T.C.A. §§ 4-3-203; 43-8-106; 62-21-118.

#### 0080-09-02-.11 Pesticide Management and Disposal

The department adopts by reference, as if fully stated herein, those federal standards for pesticide management and disposal and standards for pesticide containment structures, compiled at 40 C.F.R. 165, Subparts A and E, as either subpart may be amended from time to time.

Authority: T.C.A. §§ 4-3-203; 43-8-106; 62-21-118.

#### 0080-09-02-.12 Pesticide Product Registration Fee

The fee for each pesticide product registration shall be a Tier 5 fee under T.C.A. §43-1-703(f).

Authority: T.C.A. §§ 4-3-203; 43-1-703; 43-8-104; 43-8-106; 62-21-118.

### Chapter 0080-09-03 Commercial Aerial Application of Pesticides

#### 0080-09-03-.01 General

- (1) Insurance required by T.C.A. §43-8-304 must cover any liability arising out of the commercial aerial applicator's application of pesticides.
- (2) Any pesticide applied by a commercial aerial applicator must be applied in a manner consistent with its label and label restrictions. Upon request of the department, a commercial aerial applicator must submit evidence that pesticide label restrictions have been fully met.
- (3) Applicants for licensure as a commercial aerial applicator must remit to the department payment of a Tier 5 biennial license fee under T.C.A. §43-1-703(f) for each category license held by the applicant.
- (4) The fee for each aerial decal shall be a Tier 4 fee under T.C.A. §43-1-703(f).

Authority: T.C.A. §§ 4-3-203; 43-1-703; 43-8-302; 43-8-304.

#### 0080-09-03-.02 Denial of License

In addition to or in lieu of any other lawful disciplinary action, violation of any statute or regulation regarding the use, purchase, or sale of pesticides shall be grounds for denial or revocation of any license issued under authority of T.C.A. §43-8-301, et seq.

Authority: T.C.A. §§ 4-3-203; 43-8-302.

### Chapter 0080-09-04 Pest Control Operators

#### 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 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; 62-21-118.

#### 0080-09-04-.02 Certification of Qualifications

Upon application to take a license examination, or at such other time as the Pest Control 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,
- (2) A copy of a transcript or certificate properly evidencing a qualifying degree, professional standing, course hours, or continuing education units.

Authority: T.C.A. §§ 4-3-203; 62-21-118.

#### 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.
- (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.
- (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; 62-21-118.

#### 0080-09-04-.04 License Categories

The substance of license examinations will be taken from study material developed by the University of Tennessee or other sources approved by the commissioner. Applicants may purchase study material by contacting the university directly. License categories are as follow:

- (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 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; 62-21-118.

#### 0080-09-04-.05 License Requirement 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).
- (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; 62-21-118.

#### 0080-09-04-.06 Requirements for Licensees in Fumigation

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. The licensee shall ensure that:

- (1) 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.
- (2) 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.
- (3) 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.
- (4) The building, structure, or area at the fumigation site is properly cleared of fumigants in accordance with the pesticide label before re-entry of the site is authorized without satisfaction of the requirements of this rule.

Authority: T.C.A. §§ 4-3-203; 62-21-118.

#### 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 transferrable 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 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 one-half inch in height on both sides of the invoice and agreement form regarding the less than complete treatment.
- (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 reinfestation 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 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; 62-21-118.

- (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; 62-21-118.

#### 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;
  - (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; 62-21-118.

#### 0080-09-04-.10 Requirements for Licensee 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; 62-21-118.

#### 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.
  - (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; 62-21-118.

#### 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 5 fee under T.C.A. §43-1-703(f).
- (3) The fee for registration and issuance of solicitor and technician cards shall be a Tier 1 fee under T.C.A. §43-1-703(f) for each 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).

Authority: T.C.A. §§ 4-3-203; 43-1-703; 62-21-111; 62-21-118.

#### Chapter 0080-09-05 Worker Protection

Rule 0080-09-05-.01 Definitions is created by transfer of 0080-06-27-.01 Definitions in its entirety.

Rule 0080-09-05-.02 Worker Protection Standards is created by transfer of 0080-06-27-.02 in its entirety.

Rule 0080-09-05-.03 WPS Trainer Requirements is created by transfer of 0080-06-27-.03 in its entirety.

Rule 0080-09-05-.04 Notice to Farm Labor Contractors is created by transfer of 0080-06-27-.04 in its entirety.

#### Amendment

#### Chapter 0080-01-03 Civil Penalties

Rule 0080-01-03-.01 Civil Penalties is amended by deleting the rule in its entirety and substituting instead the following language:

#### 0080-01-03-.01 Civil Penalties

(1) The department, or any board or commission attached to the department, may in a lawful proceeding respecting licensing, as defined in the Uniform Administrative Procedures Act, in addition to or in lieu of any other lawful disciplinary action, assess a civil penalty under T.C.A. §4-3-204 of not more than \$500 for each violation of statute, rule, or order enforceable by the department, board, or commission in accordance with the following schedule:

(a) Plant Pest Act.

1. T.C.A. §43-6-106. Minimum penalty \$0. Maximum penalty \$500.
2. T.C.A. §43-6-109. Minimum penalty \$0. Maximum penalty \$500.
3. T.C.A. §43-6-110. Minimum penalty \$0. Maximum penalty \$500.
4. T.C.A. §43-6-112. Minimum penalty \$0. Maximum penalty \$500.
5. Tenn. Comp. R. & Regs. 0080-06-01-.03. Minimum penalty \$0. Maximum penalty \$500.
6. Tenn. Comp. R. & Regs. 0080-06-01-.04. Minimum penalty \$0. Maximum penalty \$500.
7. Tenn. Comp. R. & Regs. 0080-06-01-.05. Minimum penalty \$0. Maximum penalty \$500.
8. Tenn. Comp. R. & Regs. 0080-06-01-.07. Minimum penalty \$0. Maximum penalty \$500.
9. Tenn. Comp. R. & Regs. 0080-06-03-.01. Minimum penalty \$0. Maximum penalty \$500.
10. Tenn. Comp. R. & Regs. 0080-06-03-.02. Minimum penalty \$0. Maximum penalty \$500.
11. Tenn. Comp. R. & Regs. 0080-06-03-.03. Minimum penalty \$0. Maximum penalty \$500.
12. Tenn. Comp. R. & Regs. 0080-06-03-.04. Minimum penalty \$0. Maximum penalty \$500.
13. Tenn. Comp. R. & Regs. 0080-06-03-.05. Minimum penalty \$0. Maximum penalty \$500.
14. Tenn. Comp. R. & Regs. 0080-06-03-.06. Minimum penalty \$0. Maximum penalty \$500.
15. Tenn. Comp. R. & Regs. 0080-06-03-.07. Minimum penalty \$0. Maximum penalty \$500.
16. Tenn. Comp. R. & Regs. 0080-06-03-.08. Minimum penalty \$0. Maximum penalty \$500.
17. Tenn. Comp. R. & Regs. 0080-06-03-.09. Minimum penalty \$0. Maximum penalty \$500.
18. Tenn. Comp. R. & Regs. 0080-06-04-.01. Minimum penalty \$0. Maximum penalty \$500.

19. Tenn. Comp. R. & Regs. 0080-06-04-.02. Minimum penalty \$0. Maximum penalty \$500.
20. Tenn. Comp. R. & Regs. 0080-06-04-.03. Minimum penalty \$0. Maximum penalty \$500.
21. Tenn. Comp. R. & Regs. 0080-06-04-.04. Minimum penalty \$0. Maximum penalty \$500.
22. Tenn. Comp. R. & Regs. 0080-06-06-.04. Minimum penalty \$0. Maximum penalty \$500.
23. Tenn. Comp. R. & Regs. 0080-06-06-.05. Minimum penalty \$0. Maximum penalty \$500.
24. Tenn. Comp. R. & Regs. 0080-06-06-.06. Minimum penalty \$0. Maximum penalty \$500.
25. Tenn. Comp. R. & Regs. 0080-06-10-.01. Minimum penalty \$0. Maximum penalty \$500.
26. Tenn. Comp. R. & Regs. 0080-06-10-.05. Minimum penalty \$0. Maximum penalty \$500.
27. Tenn. Comp. R. & Regs. 0080-06-10-.07. Minimum penalty \$0. Maximum penalty \$500.
28. Tenn. Comp. R. & Regs. 0080-06-10-.09. Minimum penalty \$0. Maximum penalty \$500.
29. Tenn. Comp. R. & Regs. 0080-06-11-.01. Minimum penalty \$0. Maximum penalty \$500.
30. Tenn. Comp. R. & Regs. 0080-06-11-.06. Minimum penalty \$0. Maximum penalty \$500.
31. Tenn. Comp. R. & Regs. 0080-06-11-.07. Minimum penalty \$0. Maximum penalty \$500.
32. Tenn. Comp. R. & Regs. 0080-06-11-.11. Minimum penalty \$0. Maximum penalty \$500.
33. Tenn. Comp. R. & Regs. 0080-06-11-.12. Minimum penalty \$0. Maximum penalty \$500.
34. Tenn. Comp. R. & Regs. 0080-06-12-.04. Minimum penalty \$0. Maximum penalty \$500.
35. Tenn. Comp. R. & Regs. 0080-06-12-.05. Minimum penalty \$0. Maximum penalty \$500.
36. Tenn. Comp. R. & Regs. 0080-06-17-.02. Minimum penalty \$0. Maximum penalty \$500.
37. Tenn. Comp. R. & Regs. 0080-06-17-.03. Minimum penalty \$0. Maximum penalty \$500.
38. Tenn. Comp. R. & Regs. 0080-06-17-.04. Minimum penalty \$0. Maximum penalty \$500.
39. Tenn. Comp. R. & Regs. 0080-06-17-.05. Minimum penalty \$0. Maximum penalty \$500.
40. Tenn. Comp. R. & Regs. 0080-06-17-.06. Minimum penalty \$0. Maximum penalty \$500.
41. Tenn. Comp. R. & Regs. 0080-06-17-.07. Minimum penalty \$0. Maximum penalty \$500.
42. Tenn. Comp. R. & Regs. 0080-06-17-.08. Minimum penalty \$0. Maximum penalty \$500.
43. Tenn. Comp. R. & Regs. 0080-06-17-.09. Minimum penalty \$0. Maximum penalty \$500.
44. Tenn. Comp. R. & Regs. 0080-06-17-.10. Minimum penalty \$0. Maximum penalty \$500.
45. Tenn. Comp. R. & Regs. 0080-06-17-.11. Minimum penalty \$0. Maximum penalty \$500.
46. Tenn. Comp. R. & Regs. 0080-06-17-.12. Minimum penalty \$0. Maximum penalty \$500.
47. Tenn. Comp. R. & Regs. 0080-06-17-.13. Minimum penalty \$0. Maximum penalty \$500.
48. Tenn. Comp. R. & Regs. 0080-06-19-.01. Minimum penalty \$0. Maximum penalty \$500.

49. Tenn. Comp. R. & Regs. 0080-06-19-.05. Minimum penalty \$0. Maximum penalty \$500.
50. Tenn. Comp. R. & Regs. 0080-06-19-.06. Minimum penalty \$0. Maximum penalty \$500.
51. Tenn. Comp. R. & Regs. 0080-06-19-.08. Minimum penalty \$0. Maximum penalty \$500.
52. Tenn. Comp. R. & Regs. 0080-06-19-.09. Minimum penalty \$0. Maximum penalty \$500.
53. Tenn. Comp. R. & Regs. 0080-06-20-.01. Minimum penalty \$0. Maximum penalty \$500.
54. Tenn. Comp. R. & Regs. 0080-06-20-.05. Minimum penalty \$0. Maximum penalty \$500.
55. Tenn. Comp. R. & Regs. 0080-06-20-.06. Minimum penalty \$0. Maximum penalty \$500.
56. Tenn. Comp. R. & Regs. 0080-06-20-.08. Minimum penalty \$0. Maximum penalty \$500.
57. Tenn. Comp. R. & Regs. 0080-06-20-.09. Minimum penalty \$0. Maximum penalty \$500.
58. Tenn. Comp. R. & Regs. 0080-06-20-.12. Minimum penalty \$0. Maximum penalty \$500.
59. Tenn. Comp. R. & Regs. 0080-06-23-.01. Minimum penalty \$0. Maximum penalty \$500.
60. Tenn. Comp. R. & Regs. 0080-06-23-.05. Minimum penalty \$0. Maximum penalty \$500.
61. Tenn. Comp. R. & Regs. 0080-06-23-.06. Minimum penalty \$0. Maximum penalty \$500.
62. Tenn. Comp. R. & Regs. 0080-06-23-.09. Minimum penalty \$0. Maximum penalty \$500.
63. Tenn. Comp. R. & Regs. 0080-06-23-.10. Minimum penalty \$0. Maximum penalty \$500.
64. Tenn. Comp. R. & Regs. 0080-06-23-.11. Minimum penalty \$0. Maximum penalty \$500.
65. Tenn. Comp. R. & Regs. 0080-06-24-.02. Minimum penalty \$0. Maximum penalty \$500.
66. Tenn. Comp. R. & Regs. 0080-06-24-.03. Minimum penalty \$0. Maximum penalty \$500.
67. Tenn. Comp. R. & Regs. 0080-06-26-.01. Minimum penalty \$0. Maximum penalty \$500.
68. Tenn. Comp. R. & Regs. 0080-06-26-.03. Minimum penalty \$0. Maximum penalty \$500.
69. Tenn. Comp. R. & Regs. 0080-06-26-.05. Minimum penalty \$0. Maximum penalty \$500.
70. Tenn. Comp. R. & Regs. 0080-06-26-.08. Minimum penalty \$0. Maximum penalty \$500.
71. Tenn. Comp. R. & Regs. 0080-06-26-.09. Minimum penalty \$0. Maximum penalty \$500.
72. Tenn. Comp. R. & Regs. 0080-06-26-.11. Minimum penalty \$0. Maximum penalty \$500.

(b) Eradication of Johnson Grass.

1. T.C.A. §43-6-205. Minimum penalty \$0. Maximum penalty \$500.
2. T.C.A. §43-6-207. Minimum penalty \$0. Maximum penalty \$500.

(c) Eradication of the Cotton Boll Weevil.

1. T.C.A. §43-6-404. Minimum penalty \$0. Maximum penalty \$500.
2. T.C.A. §43-6-405. Minimum penalty \$0. Maximum penalty \$500.
3. T.C.A. §43-6-410. Minimum penalty \$0. Maximum penalty \$500.

4. T.C.A. §43-6-426. Minimum penalty \$0. Maximum penalty \$500.
5. Tenn. Comp. R. & Regs. 0080-06-22-.07. Minimum penalty \$0. Maximum penalty \$500.
6. Tenn. Comp. R. & Regs. 0080-06-22-.08. Minimum penalty \$0. Maximum penalty \$500.
7. Tenn. Comp. R. & Regs. 0080-06-22-.10. Minimum penalty \$0. Maximum penalty \$500.
8. Tenn. Comp. R. & Regs. 0080-06-22-.11. Minimum penalty \$0. Maximum penalty \$500.
9. Tenn. Comp. R. & Regs. 0080-06-22-.12. Minimum penalty \$0. Maximum penalty \$500.
10. Tenn. Comp. R. & Regs. 0080-06-22-.14. Minimum penalty \$0. Maximum penalty \$500.

(d) Tennessee Insecticide, Fungicide, and Rodenticide Act.

1. T.C.A. §43-8-103. Minimum penalty \$0. Maximum penalty \$500.
2. T.C.A. §43-8-104. Minimum penalty \$0. Maximum penalty \$500.
3. T.C.A. §43-8-105. Minimum penalty \$0. Maximum penalty \$500.
4. T.C.A. §43-8-107. Minimum penalty \$0. Maximum penalty \$500.
5. T.C.A. §43-8-108. Minimum penalty \$0. Maximum penalty \$500.
6. T.C.A. §43-8-110. Minimum penalty \$0. Maximum penalty \$500.
7. T.C.A. §43-8-111. Minimum penalty \$0. Maximum penalty \$500.
8. T.C.A. §43-8-116. Minimum penalty \$0. Maximum penalty \$500.
9. T.C.A. §43-8-201. Minimum penalty \$0. Maximum penalty \$500.
10. T.C.A. §43-8-205. Minimum penalty \$0. Maximum penalty \$500.
11. T.C.A. §43-8-206. Minimum penalty \$0. Maximum penalty \$500.
12. T.C.A. §43-8-304. Minimum penalty \$0. Maximum penalty \$500.
13. T.C.A. §43-8-306. Minimum penalty \$0. Maximum penalty \$500.
14. T.C.A. §43-8-311. Minimum penalty \$0. Maximum penalty \$500.
15. T.C.A. §43-8-312. Minimum penalty \$0. Maximum penalty \$500.
16. T.C.A. §43-8-313. Minimum penalty \$0. Maximum penalty \$500.
17. T.C.A. §43-8-314. Minimum penalty \$0. Maximum penalty \$500.
18. Tenn. Comp. R. & Regs. 0080-09-02-.01. Minimum penalty \$0. Maximum penalty \$500.
19. Tenn. Comp. R. & Regs. 0080-09-02-.03. Minimum penalty \$0. Maximum penalty \$500.
20. Tenn. Comp. R. & Regs. 0080-09-02-.04. Minimum penalty \$0. Maximum penalty \$500.
21. Tenn. Comp. R. & Regs. 0080-09-02-.06. Minimum penalty \$0. Maximum penalty \$500.
22. Tenn. Comp. R. & Regs. 0080-09-02-.07. Minimum penalty \$0. Maximum penalty \$500.

23. Tenn. Comp. R. & Regs. 0080-09-02-.08. Minimum penalty \$0. Maximum penalty \$500.
24. Tenn. Comp. R. & Regs. 0080-09-02-.10. Minimum penalty \$0. Maximum penalty \$500.
25. Tenn. Comp. R. & Regs. 0080-09-02-.11. Minimum penalty \$0. Maximum penalty \$500.
26. Tenn. Comp. R. & Regs. 0080-09-03-.01. Minimum penalty \$0. Maximum penalty \$500.

(e) Tennessee Seed Law of 1986.

1. T.C.A. §43-10-104. Minimum penalty \$0. Maximum penalty \$500.
2. T.C.A. §43-10-105. Minimum penalty \$0. Maximum penalty \$500.
3. T.C.A. §43-10-106. Minimum penalty \$0. Maximum penalty \$500.
4. T.C.A. §43-10-107. Minimum penalty \$0. Maximum penalty \$500.
5. T.C.A. §43-10-108. Minimum penalty \$0. Maximum penalty \$500.
6. T.C.A. §43-10-109. Minimum penalty \$0. Maximum penalty \$500.
7. T.C.A. §43-10-111. Minimum penalty \$0. Maximum penalty \$500.
8. T.C.A. §43-10-112. Minimum penalty \$0. Maximum penalty \$500.
9. T.C.A. §43-10-118. Minimum penalty \$0. Maximum penalty \$500.
10. Tenn. Comp. R. & Regs. 0080-05-06-.02. Minimum penalty \$0. Maximum penalty \$500.
11. Tenn. Comp. R. & Regs. 0080-05-06-.03. Minimum penalty \$0. Maximum penalty \$500.
12. Tenn. Comp. R. & Regs. 0080-05-06-.04. Minimum penalty \$0. Maximum penalty \$500.
13. Tenn. Comp. R. & Regs. 0080-05-06-.06. Minimum penalty \$0. Maximum penalty \$500.
14. Tenn. Comp. R. & Regs. 0080-05-06-.07. Minimum penalty \$0. Maximum penalty \$500.
15. Tenn. Comp. R. & Regs. 0080-05-06-.08. Minimum penalty \$0. Maximum penalty \$500.
16. Tenn. Comp. R. & Regs. 0080-05-06-.09. Minimum penalty \$0. Maximum penalty \$500.
17. Tenn. Comp. R. & Regs. 0080-05-06-.10. Minimum penalty \$0. Maximum penalty \$500.
18. Tenn. Comp. R. & Regs. 0080-05-06-.12. Minimum penalty \$0. Maximum penalty \$500.
19. Tenn. Comp. R. & Regs. 0080-05-06-.13. Minimum penalty \$0. Maximum penalty \$500.
20. Tenn. Comp. R. & Regs. 0080-05-06-.14. Minimum penalty \$0. Maximum penalty \$500.
21. Tenn. Comp. R. & Regs. 0080-05-06-.16. Minimum penalty \$0. Maximum penalty \$500.
22. Tenn. Comp. R. & Regs. 0080-05-06-.17. Minimum penalty \$0. Maximum penalty \$500.

(f) Tennessee Commercial Fertilizer Law of 1969.

1. T.C.A. §43-11-104. Minimum penalty \$0. Maximum penalty \$500.
2. T.C.A. §43-11-105. Minimum penalty \$0. Maximum penalty \$500.
3. T.C.A. §43-11-109. Minimum penalty \$0. Maximum penalty \$500.

4. T.C.A. §43-11-111. Minimum penalty \$0. Maximum penalty \$500.
5. T.C.A. §43-11-112. Minimum penalty \$0. Maximum penalty \$500.
6. T.C.A. §43-11-114. Minimum penalty \$0. Maximum penalty \$500.
7. T.C.A. §43-11-124. Minimum penalty \$0. Maximum penalty \$500.
8. Tenn. Comp. R. & Regs. 0080-05-10-.02. Minimum penalty \$0. Maximum penalty \$500.
9. Tenn. Comp. R. & Regs. 0080-05-10-.03. Minimum penalty \$0. Maximum penalty \$500.
10. Tenn. Comp. R. & Regs. 0080-05-10-.04. Minimum penalty \$0. Maximum penalty \$500.
11. Tenn. Comp. R. & Regs. 0080-05-10-.05. Minimum penalty \$0. Maximum penalty \$500.
12. Tenn. Comp. R. & Regs. 0080-05-10-.06. Minimum penalty \$0. Maximum penalty \$500.
13. Tenn. Comp. R. & Regs. 0080-05-10-.07. Minimum penalty \$0. Maximum penalty \$500.
14. Tenn. Comp. R. & Regs. 0080-05-10-.09. Minimum penalty \$0. Maximum penalty \$500.

(g) Anhydrous Ammonia Storage and Equipment Law of Tennessee.

1. T.C.A. §43-11-304. Minimum penalty \$0. Maximum penalty \$500.
2. Tenn. Comp. R. & Regs. 0080-05-07-.03. Minimum penalty \$0. Maximum penalty \$500.
3. Tenn. Comp. R. & Regs. 0080-05-07-.04. Minimum penalty \$0. Maximum penalty \$500.
4. Tenn. Comp. R. & Regs. 0080-05-07-.05. Minimum penalty \$0. Maximum penalty \$500.
5. Tenn. Comp. R. & Regs. 0080-05-07-.06. Minimum penalty \$0. Maximum penalty \$500.
6. Tenn. Comp. R. & Regs. 0080-05-07-.07. Minimum penalty \$0. Maximum penalty \$500.
7. Tenn. Comp. R. & Regs. 0080-05-07-.08. Minimum penalty \$0. Maximum penalty \$500.

(h) Tennessee Agricultural Liming Materials Act.

1. T.C.A. §43-11-403. Minimum penalty \$0. Maximum penalty \$500.
2. T.C.A. §43-11-404. Minimum penalty \$0. Maximum penalty \$500.
3. T.C.A. §43-11-405. Minimum penalty \$0. Maximum penalty \$500.
4. Tenn. Comp. R. & Regs. 0080-05-15-.01. Minimum penalty \$0. Maximum penalty \$500.
5. Tenn. Comp. R. & Regs. 0080-05-15-.02. Minimum penalty \$0. Maximum penalty \$500.
6. Tenn. Comp. R. & Regs. 0080-05-15-.04. Minimum penalty \$0. Maximum penalty \$500.
7. Tenn. Comp. R. & Regs. 0080-05-15-.05. Minimum penalty \$0. Maximum penalty \$500.
8. Tenn. Comp. R. & Regs. 0080-05-15-.07. Minimum penalty \$0. Maximum penalty \$500.

(i) Sale of Tobacco.

1. T.C.A. §43-19-302. Minimum penalty \$0. Maximum penalty \$500.

2. T.C.A. §43-19-303. Minimum penalty \$0. Maximum penalty \$500.
3. T.C.A. §43-19-304. Minimum penalty \$0. Maximum penalty \$500.
4. Tenn. Comp. R. & Regs. 0080-05-02-.01. Minimum penalty \$0. Maximum penalty \$500.
5. Tenn. Comp. R. & Regs. 0080-05-02-.02. Minimum penalty \$0. Maximum penalty \$500.
6. Tenn. Comp. R. & Regs. 0080-05-02-.03. Minimum penalty \$0. Maximum penalty \$500.

(j) Tennessee Right to Farm Act.

1. T.C.A. §43-26-103. Minimum penalty \$0. Maximum penalty \$500.
2. Tenn. Comp. R. & Regs. 0080-06-28-.02. Minimum penalty \$0. Maximum penalty \$500.
3. Tenn. Comp. R. & Regs. 0080-06-28-.03. Minimum penalty \$0. Maximum penalty \$500.
4. Tenn. Comp. R. & Regs. 0080-06-28-.04. Minimum penalty \$0. Maximum penalty \$500.
5. Tenn. Comp. R. & Regs. 0080-06-28-.05. Minimum penalty \$0. Maximum penalty \$500.

(k) Agriculture Commodities Promotion Act.

1. T.C.A. §43-29-109. Minimum penalty \$0. Maximum penalty \$500.
2. T.C.A. §43-29-110. Minimum penalty \$0. Maximum penalty \$500.
3. T.C.A. §43-29-116. Minimum penalty \$0. Maximum penalty \$500.

(l) Tennessee Commodity Dealer and Warehouse Law and Tennessee Commodity Producer Indemnity Law.

1. T.C.A. §43-32-103. Minimum penalty \$0. Maximum penalty \$500.
2. T.C.A. §43-32-104. Minimum penalty \$0. Maximum penalty \$500.
3. T.C.A. §43-32-105. Minimum penalty \$0. Maximum penalty \$500.
4. T.C.A. §43-32-106. Minimum penalty \$0. Maximum penalty \$500.
5. T.C.A. §43-32-108. Minimum penalty \$0. Maximum penalty \$500.
6. T.C.A. §43-32-109. Minimum penalty \$0. Maximum penalty \$500.
7. T.C.A. §43-32-206. Minimum penalty \$0. Maximum penalty \$500.
8. T.C.A. §43-32-212. Minimum penalty \$0. Maximum penalty \$500.
9. Tenn. Comp. R. & Regs. 0080-05-13-.02. Minimum penalty \$0. Maximum penalty \$500.
10. Tenn. Comp. R. & Regs. 0080-05-13-.03. Minimum penalty \$0. Maximum penalty \$500.
11. Tenn. Comp. R. & Regs. 0080-05-13-.04. Minimum penalty \$0. Maximum penalty \$500.
12. Tenn. Comp. R. & Regs. 0080-05-13-.07. Minimum penalty \$0. Maximum penalty \$500.
13. Tenn. Comp. R. & Regs. 0080-05-13-.08. Minimum penalty \$0. Maximum penalty \$500.
14. Tenn. Comp. R. & Regs. 0080-05-13-.09. Minimum penalty \$0. Maximum penalty \$500.

15. Tenn. Comp. R. & Regs. 0080-05-13-.10. Minimum penalty \$0. Maximum penalty \$500.
  16. Tenn. Comp. R. & Regs. 0080-05-14-.02. Minimum penalty \$0. Maximum penalty \$500.
  17. Tenn. Comp. R. & Regs. 0080-05-14-.03. Minimum penalty \$0. Maximum penalty \$500.
- (m) Biobased Products for Farmers and Rural Development Act of 2000.  
T.C.A. §43-37-103. Minimum penalty \$0. Maximum penalty \$500.
- (n) Prevention and Treatment of Animal Diseases; Tennessee Garbage Feeding Law; Registration of Cattle Brands; Tennessee Livestock Dealer Act; and Livestock Sales.
1. T.C.A. §44-2-103. Minimum penalty \$0. Maximum penalty \$500.
  2. T.C.A. §44-2-404. Minimum penalty \$0. Maximum penalty \$500.
  3. T.C.A. §44-7-206. Minimum penalty \$0. Maximum penalty \$500.
  4. T.C.A. §44-7-208. Minimum penalty \$0. Maximum penalty \$500.
  5. T.C.A. §44-7-403. Minimum penalty \$0. Maximum penalty \$500.
  6. T.C.A. §44-10-203. Minimum penalty \$0. Maximum penalty \$500.
  7. T.C.A. §44-10-206. Minimum penalty \$0. Maximum penalty \$500.
  8. T.C.A. §44-11-102. Minimum penalty \$0. Maximum penalty \$500.
  9. T.C.A. §44-11-105. Minimum penalty \$0. Maximum penalty \$500.
  10. T.C.A. §44-11-106. Minimum penalty \$0. Maximum penalty \$500.
  11. T.C.A. §44-11-107. Minimum penalty \$0. Maximum penalty \$500.
  12. T.C.A. §44-11-108. Minimum penalty \$0. Maximum penalty \$500.
  13. T.C.A. §44-11-109. Minimum penalty \$0. Maximum penalty \$500.
  14. Tenn. Comp. R. & Regs. 0080-02-01-.02. Minimum penalty \$0. Maximum penalty \$500.
  15. Tenn. Comp. R. & Regs. 0080-02-01-.03. Minimum penalty \$0. Maximum penalty \$500.
  16. Tenn. Comp. R. & Regs. 0080-02-01-.04. Minimum penalty \$0. Maximum penalty \$500.
  17. Tenn. Comp. R. & Regs. 0080-02-01-.05. Minimum penalty \$0. Maximum penalty \$500.
  18. Tenn. Comp. R. & Regs. 0080-02-01-.06. Minimum penalty \$0. Maximum penalty \$500.
  19. Tenn. Comp. R. & Regs. 0080-02-01-.07. Minimum penalty \$0. Maximum penalty \$500.
  20. Tenn. Comp. R. & Regs. 0080-02-01-.08. Minimum penalty \$0. Maximum penalty \$500.
  21. Tenn. Comp. R. & Regs. 0080-02-01-.09. Minimum penalty \$0. Maximum penalty \$500.
  22. Tenn. Comp. R. & Regs. 0080-02-01-.10. Minimum penalty \$0. Maximum penalty \$500.
  23. Tenn. Comp. R. & Regs. 0080-02-01-.11. Minimum penalty \$0. Maximum penalty \$500.
  24. Tenn. Comp. R. & Regs. 0080-02-01-.12. Minimum penalty \$0. Maximum penalty \$500.

25. Tenn. Comp. R. & Regs. 0080-02-01-.14. Minimum penalty \$0. Maximum penalty \$500.
26. Tenn. Comp. R. & Regs. 0080-02-01-.17. Minimum penalty \$0. Maximum penalty \$500.
27. Tenn. Comp. R. & Regs. 0080-02-03-.01. Minimum penalty \$0. Maximum penalty \$500.
28. Tenn. Comp. R. & Regs. 0080-02-03-.03. Minimum penalty \$0. Maximum penalty \$500.
29. Tenn. Comp. R. & Regs. 0080-02-03-.04. Minimum penalty \$0. Maximum penalty \$500.
30. Tenn. Comp. R. & Regs. 0080-02-03-.05. Minimum penalty \$0. Maximum penalty \$500.
31. Tenn. Comp. R. & Regs. 0080-02-03-.06. Minimum penalty \$0. Maximum penalty \$500.
32. Tenn. Comp. R. & Regs. 0080-02-03-.07. Minimum penalty \$0. Maximum penalty \$500.
33. Tenn. Comp. R. & Regs. 0080-02-03-.08. Minimum penalty \$0. Maximum penalty \$500.
34. Tenn. Comp. R. & Regs. 0080-02-03-.09. Minimum penalty \$0. Maximum penalty \$500.
35. Tenn. Comp. R. & Regs. 0080-02-03-.10. Minimum penalty \$0. Maximum penalty \$500.
36. Tenn. Comp. R. & Regs. 0080-02-03-.11. Minimum penalty \$0. Maximum penalty \$500.
37. Tenn. Comp. R. & Regs. 0080-02-04-.02. Minimum penalty \$0. Maximum penalty \$500.
38. Tenn. Comp. R. & Regs. 0080-02-05-.03. Minimum penalty \$0. Maximum penalty \$500.
39. Tenn. Comp. R. & Regs. 0080-02-05-.04. Minimum penalty \$0. Maximum penalty \$500.
40. Tenn. Comp. R. & Regs. 0080-02-05-.05. Minimum penalty \$0. Maximum penalty \$500.
41. Tenn. Comp. R. & Regs. 0080-02-05-.06. Minimum penalty \$0. Maximum penalty \$500.
42. Tenn. Comp. R. & Regs. 0080-02-05-.07. Minimum penalty \$0. Maximum penalty \$500.
43. Tenn. Comp. R. & Regs. 0080-02-05-.08. Minimum penalty \$0. Maximum penalty \$500.
44. Tenn. Comp. R. & Regs. 0080-02-05-.09. Minimum penalty \$0. Maximum penalty \$500.
45. Tenn. Comp. R. & Regs. 0080-02-05-.10. Minimum penalty \$0. Maximum penalty \$500.
46. Tenn. Comp. R. & Regs. 0080-02-05-.12. Minimum penalty \$0. Maximum penalty \$500.
47. Tenn. Comp. R. & Regs. 0080-02-06-.01. Minimum penalty \$0. Maximum penalty \$500.
48. Tenn. Comp. R. & Regs. 0080-02-08-.01. Minimum penalty \$0. Maximum penalty \$500.
49. Tenn. Comp. R. & Regs. 0080-02-08-.02. Minimum penalty \$0. Maximum penalty \$500.
50. Tenn. Comp. R. & Regs. 0080-02-08-.03. Minimum penalty \$0. Maximum penalty \$500.
51. Tenn. Comp. R. & Regs. 0080-02-08-.04. Minimum penalty \$0. Maximum penalty \$500.
52. Tenn. Comp. R. & Regs. 0080-02-08-.05. Minimum penalty \$0. Maximum penalty \$500.
53. Tenn. Comp. R. & Regs. 0080-02-08-.07. Minimum penalty \$0. Maximum penalty \$500.
54. Tenn. Comp. R. & Regs. 0080-02-10-.01. Minimum penalty \$0. Maximum penalty \$500.
55. Tenn. Comp. R. & Regs. 0080-02-10-.02. Minimum penalty \$0. Maximum penalty \$500.

- 56. Tenn. Comp. R. & Regs. 0080-02-10-.03. Minimum penalty \$0. Maximum penalty \$500.
- 57. Tenn. Comp. R. & Regs. 0080-02-10-.04. Minimum penalty \$0. Maximum penalty \$500.
- 58. Tenn. Comp. R. & Regs. 0080-02-11-.01. Minimum penalty \$0. Maximum penalty \$500.
- 59. Tenn. Comp. R. & Regs. 0080-02-13-.01. Minimum penalty \$0. Maximum penalty \$500.
- 60. Tenn. Comp. R. & Regs. 0080-02-14-.02. Minimum penalty \$0. Maximum penalty \$500.
- 61. Tenn. Comp. R. & Regs. 0080-02-14-.04. Minimum penalty \$0. Maximum penalty \$500.
- 62. Standing orders of the state veterinarian. Minimum penalty \$0. Maximum penalty \$500.

(o) Tennessee Commercial Feed Law of 1972.

- 1. T.C.A. §44-6-104. Minimum penalty \$0. Maximum penalty \$500.
- 2. T.C.A. §44-6-105. Minimum penalty \$0. Maximum penalty \$500.
- 3. T.C.A. §44-6-108. Minimum penalty \$0. Maximum penalty \$500.
- 4. T.C.A. §44-6-113. Minimum penalty \$0. Maximum penalty \$500.
- 5. Tenn. Comp. R. & Regs. 0080-05-05-.02. Minimum penalty \$0. Maximum penalty \$500.
- 6. Tenn. Comp. R. & Regs. 0080-05-05-.03. Minimum penalty \$0. Maximum penalty \$500.
- 7. Tenn. Comp. R. & Regs. 0080-05-05-.04. Minimum penalty \$0. Maximum penalty \$500.
- 8. Tenn. Comp. R. & Regs. 0080-05-05-.05. Minimum penalty \$0. Maximum penalty \$500.
- 9. Tenn. Comp. R. & Regs. 0080-05-05-.06. Minimum penalty \$0. Maximum penalty \$500.
- 10. Tenn. Comp. R. & Regs. 0080-05-05-.07. Minimum penalty \$0. Maximum penalty \$500.
- 11. Tenn. Comp. R. & Regs. 0080-05-05-.08. Minimum penalty \$0. Maximum penalty \$500.
- 12. Tenn. Comp. R. & Regs. 0080-05-05-.09. Minimum penalty \$0. Maximum penalty \$500.
- 13. Tenn. Comp. R. & Regs. 0080-05-05-.10. Minimum penalty \$0. Maximum penalty \$500.
- 14. Tenn. Comp. R. & Regs. 0080-05-05-.11. Minimum penalty \$0. Maximum penalty \$500.
- 15. Tenn. Comp. R. & Regs. 0080-05-05-.13. Minimum penalty \$0. Maximum penalty \$500.
- 16. Tenn. Comp. R. & Regs. 0080-05-05-.14. Minimum penalty \$0. Maximum penalty \$500.
- 17. Tenn. Comp. R. & Regs. 0080-05-05-.15. Minimum penalty \$0. Maximum penalty \$500.
- 18. Tenn. Comp. R. & Regs. 0080-05-05-.16. Minimum penalty \$0. Maximum penalty \$500.
- 19. Tenn. Comp. R. & Regs. 0080-05-05-.18. Minimum penalty \$0. Maximum penalty \$500.
- 20. Tenn. Comp. R. & Regs. 0080-05-05-.19. Minimum penalty \$0. Maximum penalty \$500.

(p) Tennessee Apiary Act of 1995.

- 1. T.C.A. §44-15-105. Minimum penalty \$0. Maximum penalty \$500.

2. T.C.A. §44-15-106. Minimum penalty \$0. Maximum penalty \$500.
3. T.C.A. §44-15-108. Minimum penalty \$0. Maximum penalty \$500.
4. T.C.A. §44-15-109. Minimum penalty \$0. Maximum penalty \$500.
5. T.C.A. §44-15-110. Minimum penalty \$0. Maximum penalty \$500.
6. T.C.A. §44-15-112. Minimum penalty \$0. Maximum penalty \$500.
7. T.C.A. §44-15-113. Minimum penalty \$0. Maximum penalty \$500.
8. T.C.A. §44-15-114. Minimum penalty \$0. Maximum penalty \$500.
9. T.C.A. §44-15-119. Minimum penalty \$0. Maximum penalty \$500.
10. T.C.A. §44-15-120. Minimum penalty \$0. Maximum penalty \$500.

(q) Baby Chicks.

1. T.C.A. §44-16-201. Minimum penalty \$0. Maximum penalty \$500.
2. T.C.A. §44-16-203. Minimum penalty \$0. Maximum penalty \$500.
3. Tenn. Comp. R. & Regs. 0080-02-02-.01. Minimum penalty \$0. Maximum penalty \$500.
4. Tenn. Comp. R. & Regs. 0080-05-03-.01. Minimum penalty \$0. Maximum penalty \$500.

(r) Dogs and Cats.

1. T.C.A. §44-17-104. Minimum penalty \$0. Maximum penalty \$500.
2. T.C.A. §44-17-107. Minimum penalty \$0. Maximum penalty \$500.
3. T.C.A. §44-17-108. Minimum penalty \$0. Maximum penalty \$500.
4. T.C.A. §44-17-109. Minimum penalty \$0. Maximum penalty \$500.
5. T.C.A. §44-17-110. Minimum penalty \$0. Maximum penalty \$500.
6. T.C.A. §44-17-111. Minimum penalty \$0. Maximum penalty \$500.
7. T.C.A. §44-17-112. Minimum penalty \$0. Maximum penalty \$500.
8. T.C.A. §44-17-113. Minimum penalty \$0. Maximum penalty \$500.
9. T.C.A. §44-17-114. Minimum penalty \$0. Maximum penalty \$500.
10. T.C.A. §44-17-115. Minimum penalty \$0. Maximum penalty \$500.
11. T.C.A. §44-17-117. Minimum penalty \$0. Maximum penalty \$500.
12. T.C.A. §44-17-118. Minimum penalty \$0. Maximum penalty \$500.
13. T.C.A. §44-17-303. Minimum penalty \$0. Maximum penalty \$500.
14. T.C.A. §44-17-304. Minimum penalty \$0. Maximum penalty \$500.

(s) Dairy Industry Promotion Act.

1. T.C.A. §44-19-113. Minimum penalty \$0. Maximum penalty \$500.

2. T.C.A. §44-19-119. Minimum penalty \$0. Maximum penalty \$500.

3. T.C.A. §44-19-121. Minimum penalty \$0. Maximum penalty \$500.

(t) Kerosene and Motor Fuels Quality Inspection Act of 1989.

1. T.C.A. §47-18-1304. Minimum penalty \$0. Maximum penalty \$500.

2. T.C.A. §47-18-1306. Minimum penalty \$0. Maximum penalty \$500.

3. T.C.A. §47-18-1307. Minimum penalty \$0. Maximum penalty \$500.

4. Tenn. Comp. R. & Regs. 0080-05-12-.02. Minimum penalty \$0. Maximum penalty \$500.

5. Tenn. Comp. R. & Regs. 0080-05-12-.03. Minimum penalty \$0. Maximum penalty \$500.

6. Tenn. Comp. R. & Regs. 0080-05-12-.04. Minimum penalty \$0. Maximum penalty \$500.

7. Tenn. Comp. R. & Regs. 0080-05-12-.05. Minimum penalty \$0. Maximum penalty \$500.

8. Tenn. Comp. R. & Regs. 0080-05-12-.06. Minimum penalty \$0. Maximum penalty \$500.

9. Tenn. Comp. R. & Regs. 0080-05-12-.08. Minimum penalty \$0. Maximum penalty \$500.

(u) Moisture-Measuring Devices.

1. T.C.A. §47-26-704. Minimum penalty \$0. Maximum penalty \$500.

2. T.C.A. §47-26-705. Minimum penalty \$0. Maximum penalty \$500.

3. T.C.A. §47-26-706. Minimum penalty \$0. Maximum penalty \$500.

4. T.C.A. §47-26-707. Minimum penalty \$0. Maximum penalty \$500.

(v) Testing and Sealing – Use of Weights and Measures.

1. T.C.A. §47-26-909. Minimum penalty \$0. Maximum penalty \$500.

2. T.C.A. §47-26-910. Minimum penalty \$0. Maximum penalty \$500.

3. T.C.A. §47-26-912. Minimum penalty \$0. Maximum penalty \$500.

4. T.C.A. §47-26-913. Minimum penalty \$0. Maximum penalty \$500.

5. T.C.A. §47-26-914. Minimum penalty \$0. Maximum penalty \$500.

6. T.C.A. §47-26-915. Minimum penalty \$0. Maximum penalty \$500.

7. T.C.A. §47-26-916. Minimum penalty \$0. Maximum penalty \$500.

8. T.C.A. §47-26-917. Minimum penalty \$0. Maximum penalty \$500.

9. T.C.A. §47-26-918. Minimum penalty \$0. Maximum penalty \$500.

10. T.C.A. §47-26-919. Minimum penalty \$0. Maximum penalty \$500.

11. T.C.A. §47-26-920. Minimum penalty \$0. Maximum penalty \$500.

12. T.C.A. §47-26-921. Minimum penalty \$0. Maximum penalty \$500.

13. Tenn. Comp. R. & Regs. 0080-08-01-.01. Minimum penalty \$0. Maximum penalty \$500.
14. Tenn. Comp. R. & Regs. 0080-08-01-.02. Minimum penalty \$0. Maximum penalty \$500.

(w) Public Weighmaster.

1. T.C.A. §47-26-1004. Minimum penalty \$0. Maximum penalty \$500.
2. T.C.A. §47-26-1005. Minimum penalty \$0. Maximum penalty \$500.
3. T.C.A. §47-26-1010. Minimum penalty \$0. Maximum penalty \$500.
4. T.C.A. §47-26-1011. Minimum penalty \$0. Maximum penalty \$500.
5. T.C.A. §47-26-1013. Minimum penalty \$0. Maximum penalty \$500.
6. T.C.A. §47-26-1015. Minimum penalty \$0. Maximum penalty \$500.
7. T.C.A. §47-26-1016. Minimum penalty \$0. Maximum penalty \$500.
8. T.C.A. §47-26-1017. Minimum penalty \$0. Maximum penalty \$500.
9. T.C.A. §47-26-1018. Minimum penalty \$0. Maximum penalty \$500.
10. T.C.A. §47-26-1021. Minimum penalty \$0. Maximum penalty \$500.
11. Tenn. Comp. R. & Regs. 0080-08-03-.01. Minimum penalty \$0. Maximum penalty \$500.

(x) Serviceperson Registration.

1. T.C.A. §47-26-1104. Minimum penalty \$0. Maximum penalty \$500.
2. T.C.A. §47-26-1105. Minimum penalty \$0. Maximum penalty \$500.
3. T.C.A. §47-26-1106. Minimum penalty \$0. Maximum penalty \$500.
4. T.C.A. §47-26-1107. Minimum penalty \$0. Maximum penalty \$500.
5. T.C.A. §47-26-1108. Minimum penalty \$0. Maximum penalty \$500.
6. T.C.A. §47-26-1110. Minimum penalty \$0. Maximum penalty \$500.
7. T.C.A. §47-26-1112. Minimum penalty \$0. Maximum penalty \$500.
8. Tenn. Comp. R. & Regs. 0080-08-04-.01. Minimum penalty \$0. Maximum penalty \$500.

(y) Tennessee Food, Drug and Cosmetic Act; Refrigerated Locker Plants; and Vending Machines and Commissaries.

1. T.C.A. §53-1-103. Minimum penalty \$0. Maximum penalty \$500.
2. T.C.A. §53-1-110. Minimum penalty \$0. Maximum penalty \$500.
3. T.C.A. §53-1-115. Minimum penalty \$0. Maximum penalty \$500.
4. T.C.A. §53-1-116. Minimum penalty \$0. Maximum penalty \$500.
5. T.C.A. §53-1-202. Minimum penalty \$0. Maximum penalty \$500.
6. T.C.A. §53-1-206. Minimum penalty \$0. Maximum penalty \$500.

7. T.C.A. §53-1-207. Minimum penalty \$0. Maximum penalty \$500.
8. T.C.A. §53-1-208. Minimum penalty \$0. Maximum penalty \$500.
9. T.C.A. §53-1-209. Minimum penalty \$0. Maximum penalty \$500.
10. T.C.A. §53-9-102. Minimum penalty \$0. Maximum penalty \$500.
11. T.C.A. §53-9-103. Minimum penalty \$0. Maximum penalty \$500.
12. T.C.A. §53-9-104. Minimum penalty \$0. Maximum penalty \$500.
13. T.C.A. §53-9-105. Minimum penalty \$0. Maximum penalty \$500.
14. T.C.A. §53-9-106. Minimum penalty \$0. Maximum penalty \$500.
15. T.C.A. §53-9-107. Minimum penalty \$0. Maximum penalty \$500.
16. T.C.A. §53-9-108. Minimum penalty \$0. Maximum penalty \$500.
17. T.C.A. §53-9-109. Minimum penalty \$0. Maximum penalty \$500.
18. T.C.A. §53-9-110. Minimum penalty \$0. Maximum penalty \$500.
19. T.C.A. §53-12-102. Minimum penalty \$0. Maximum penalty \$500.
20. T.C.A. §53-12-103. Minimum penalty \$0. Maximum penalty \$500.
21. T.C.A. §53-12-104. Minimum penalty \$0. Maximum penalty \$500.
22. T.C.A. §53-12-107. Minimum penalty \$0. Maximum penalty \$500.
23. T.C.A. §53-16-101. Minimum penalty \$0. Maximum penalty \$500.
24. Tenn. Comp. R. & Regs. 0080-04-04. Minimum penalty \$0. Maximum penalty \$500.
25. Tenn. Comp. R. & Regs. 0080-04-05-.01. Minimum penalty \$0. Maximum penalty \$500.
26. Tenn. Comp. R. & Regs. 0080-04-05-.02. Minimum penalty \$0. Maximum penalty \$500.
27. Tenn. Comp. R. & Regs. 0080-04-08-.04. Minimum penalty \$0. Maximum penalty \$500.
28. Tenn. Comp. R. & Regs. 0080-04-08-.07. Minimum penalty \$0. Maximum penalty \$500.
29. Tenn. Comp. R. & Regs. 0080-04-12-.03. Minimum penalty \$0. Maximum penalty \$500.
30. Tenn. Comp. R. & Regs. 0080-04-12-.04. Minimum penalty \$0. Maximum penalty \$500.
31. Tenn. Comp. R. & Regs. 0080-04-13-.03. Minimum penalty \$0. Maximum penalty \$500.
32. Tenn. Comp. R. & Regs. 0080-04-13-.05. Minimum penalty \$0. Maximum penalty \$500.

(z) Tennessee Egg Law.

1. T.C.A. §53-2-103. Minimum penalty \$0. Maximum penalty \$500.
2. T.C.A. §53-2-104. Minimum penalty \$0. Maximum penalty \$500.
3. T.C.A. §53-2-106. Minimum penalty \$0. Maximum penalty \$500.
4. T.C.A. §53-2-107. Minimum penalty \$0. Maximum penalty \$500.

5. T.C.A. §53-2-108. Minimum penalty \$0. Maximum penalty \$500.
6. T.C.A. §53-2-109. Minimum penalty \$0. Maximum penalty \$500.
7. T.C.A. §53-2-110. Minimum penalty \$0. Maximum penalty \$500.
8. Tenn. Comp. R. & Regs. 0080-05-04-.01. Minimum penalty \$0. Maximum penalty \$500.
9. Tenn. Comp. R. & Regs. 0080-05-04-.02. Minimum penalty \$0. Maximum penalty \$500.
10. Tenn. Comp. R. & Regs. 0080-05-04-.04. Minimum penalty \$0. Maximum penalty \$500.
11. Tenn. Comp. R. & Regs. 0080-05-04-.08. Minimum penalty \$0. Maximum penalty \$500.
12. Tenn. Comp. R. & Regs. 0080-05-04-.10. Minimum penalty \$0. Maximum penalty \$500.
13. Tenn. Comp. R. & Regs. 0080-05-04-.11. Minimum penalty \$0. Maximum penalty \$500.
14. Tenn. Comp. R. & Regs. 0080-05-04-.12. Minimum penalty \$0. Maximum penalty \$500.
15. Tenn. Comp. R. & Regs. 0080-05-04-.13. Minimum penalty \$0. Maximum penalty \$500.
16. Tenn. Comp. R. & Regs. 0080-05-04-.15. Minimum penalty \$0. Maximum penalty \$500.
17. Tenn. Comp. R. & Regs. 0080-05-04-.17. Minimum penalty \$0. Maximum penalty \$500.
18. Tenn. Comp. R. & Regs. 0080-05-04-.20. Minimum penalty \$0. Maximum penalty \$500.
19. Tenn. Comp. R. & Regs. 0080-05-04-.21. Minimum penalty \$0. Maximum penalty \$500.

(aa) Dairy Law of the State of Tennessee and Dairy Farmers Prosperity Act.

1. T.C.A. §53-3-104. Minimum penalty \$0. Maximum penalty \$500.
2. T.C.A. §53-3-105. Minimum penalty \$0. Maximum penalty \$500.
3. T.C.A. §53-3-106. Minimum penalty \$0. Maximum penalty \$500.
4. T.C.A. §53-3-109. Minimum penalty \$0. Maximum penalty \$500.
5. T.C.A. §53-3-110. Minimum penalty \$0. Maximum penalty \$500.
6. T.C.A. §53-3-113. Minimum penalty \$0. Maximum penalty \$500.
7. T.C.A. §53-3-114. Minimum penalty \$0. Maximum penalty \$500.
8. T.C.A. §53-3-118. Minimum penalty \$0. Maximum penalty \$500.
9. T.C.A. §53-3-202. Minimum penalty \$0. Maximum penalty \$500.
10. T.C.A. §53-3-306. Minimum penalty \$0. Maximum penalty \$500.
11. T.C.A. §53-3-307. Minimum penalty \$0. Maximum penalty \$500.
12. T.C.A. §53-3-308. Minimum penalty \$0. Maximum penalty \$500.
13. Tenn. Comp. R. & Regs. 0080-03-01-.02. Minimum penalty \$0. Maximum penalty \$500.
14. Tenn. Comp. R. & Regs. 0080-03-01-.03. Minimum penalty \$0. Maximum penalty \$500.

15. Tenn. Comp. R. & Regs. 0080-03-01-.04. Minimum penalty \$0. Maximum penalty \$500.
16. Tenn. Comp. R. & Regs. 0080-03-01-.05. Minimum penalty \$0. Maximum penalty \$500.
17. Tenn. Comp. R. & Regs. 0080-03-01-.06. Minimum penalty \$0. Maximum penalty \$500.
18. Tenn. Comp. R. & Regs. 0080-03-01-.07. Minimum penalty \$0. Maximum penalty \$500.
19. Tenn. Comp. R. & Regs. 0080-03-01-.09. Minimum penalty \$0. Maximum penalty \$500.
20. Tenn. Comp. R. & Regs. 0080-03-02-.02. Minimum penalty \$0. Maximum penalty \$500.
21. Tenn. Comp. R. & Regs. 0080-03-02-.03. Minimum penalty \$0. Maximum penalty \$500.
22. Tenn. Comp. R. & Regs. 0080-03-02-.04. Minimum penalty \$0. Maximum penalty \$500.
23. Tenn. Comp. R. & Regs. 0080-03-02-.05. Minimum penalty \$0. Maximum penalty \$500.
24. Tenn. Comp. R. & Regs. 0080-03-02-.06. Minimum penalty \$0. Maximum penalty \$500.
25. Tenn. Comp. R. & Regs. 0080-03-02-.07. Minimum penalty \$0. Maximum penalty \$500.
26. Tenn. Comp. R. & Regs. 0080-03-02-.08. Minimum penalty \$0. Maximum penalty \$500.
27. Tenn. Comp. R. & Regs. 0080-03-02-.09. Minimum penalty \$0. Maximum penalty \$500.
28. Tenn. Comp. R. & Regs. 0080-03-02-.10. Minimum penalty \$0. Maximum penalty \$500.
29. Tenn. Comp. R. & Regs. 0080-03-02-.11. Minimum penalty \$0. Maximum penalty \$500.
30. Tenn. Comp. R. & Regs. 0080-03-02-.12. Minimum penalty \$0. Maximum penalty \$500.
31. Tenn. Comp. R. & Regs. 0080-03-02-.13. Minimum penalty \$0. Maximum penalty \$500.
32. Tenn. Comp. R. & Regs. 0080-03-02-.14. Minimum penalty \$0. Maximum penalty \$500.
33. Tenn. Comp. R. & Regs. 0080-03-02-.15. Minimum penalty \$0. Maximum penalty \$500.
34. Tenn. Comp. R. & Regs. 0080-03-02-.17. Minimum penalty \$0. Maximum penalty \$500.
35. Tenn. Comp. R. & Regs. 0080-03-02-.18. Minimum penalty \$0. Maximum penalty \$500.
36. Tenn. Comp. R. & Regs. 0080-03-03-.02. Minimum penalty \$0. Maximum penalty \$500.
37. Tenn. Comp. R. & Regs. 0080-03-03-.03. Minimum penalty \$0. Maximum penalty \$500.
38. Tenn. Comp. R. & Regs. 0080-03-03-.04. Minimum penalty \$0. Maximum penalty \$500.
39. Tenn. Comp. R. & Regs. 0080-03-03-.05. Minimum penalty \$0. Maximum penalty \$500.
40. Tenn. Comp. R. & Regs. 0080-03-04-.01. Minimum penalty \$0. Maximum penalty \$500.
41. Tenn. Comp. R. & Regs. 0080-03-04-.03. Minimum penalty \$0. Maximum penalty \$500.
42. Tenn. Comp. R. & Regs. 0080-03-08-.01. Minimum penalty \$0. Maximum penalty \$500.
43. Tenn. Comp. R. & Regs. 0080-03-08-.02. Minimum penalty \$0. Maximum penalty \$500.
44. Tenn. Comp. R. & Regs. 0080-03-08-.03. Minimum penalty \$0. Maximum penalty \$500.
45. Tenn. Comp. R. & Regs. 0080-03-08-.04. Minimum penalty \$0. Maximum penalty \$500.

(bb) Horsemeat.

T.C.A. §53-7-101. Minimum penalty \$0. Maximum penalty \$500.

(cc) Tennessee Meat and Poultry Inspection Act.

1. T.C.A. §53-7-203. Minimum penalty \$0. Maximum penalty \$500.

2. T.C.A. §53-7-204. Minimum penalty \$0. Maximum penalty \$500.

3. T.C.A. §53-7-205. Minimum penalty \$0. Maximum penalty \$500.

4. T.C.A. §53-7-206. Minimum penalty \$0. Maximum penalty \$500.

5. T.C.A. §53-7-207. Minimum penalty \$0. Maximum penalty \$500.

6. T.C.A. §53-7-208. Minimum penalty \$0. Maximum penalty \$500.

7. T.C.A. §53-7-216. Minimum penalty \$0. Maximum penalty \$500.

8. T.C.A. §53-7-220. Minimum penalty \$0. Maximum penalty \$500.

9. Tenn. Comp. R. & Regs. 0080-04-14-.03. Minimum penalty \$0. Maximum penalty \$500.

10. Tenn. Comp. R. & Regs. 0080-04-14-.04. Minimum penalty \$0. Maximum penalty \$500.

(dd) Tennessee Biological Residue Act of 1972.

T.C.A. §53-7-303. Minimum penalty \$0. Maximum penalty \$500.

(ee) Health and Sanitation.

1. T.C.A. §53-8-102. Minimum penalty \$0. Maximum penalty \$500.

2. T.C.A. §53-8-103. Minimum penalty \$0. Maximum penalty \$500.

3. T.C.A. §53-8-104. Minimum penalty \$0. Maximum penalty \$500.

4. T.C.A. §53-8-105. Minimum penalty \$0. Maximum penalty \$500.

5. T.C.A. §53-8-106. Minimum penalty \$0. Maximum penalty \$500.

6. T.C.A. §53-8-107. Minimum penalty \$0. Maximum penalty \$500.

7. T.C.A. §53-8-108. Minimum penalty \$0. Maximum penalty \$500.

8. T.C.A. §53-8-109. Minimum penalty \$0. Maximum penalty \$500.

9. T.C.A. §53-8-110. Minimum penalty \$0. Maximum penalty \$500.

10. T.C.A. §53-8-111. Minimum penalty \$0. Maximum penalty \$500.

11. T.C.A. §53-8-112. Minimum penalty \$0. Maximum penalty \$500.

12. T.C.A. §53-8-114. Minimum penalty \$0. Maximum penalty \$500.

13. T.C.A. §53-8-115. Minimum penalty \$0. Maximum penalty \$500.

14. T.C.A. §53-8-116. Minimum penalty \$0. Maximum penalty \$500.

15. T.C.A. §53-8-117. Minimum penalty \$0. Maximum penalty \$500.
16. Tenn. Comp. R. & Regs. 0080-04-11-.03. Minimum penalty \$0. Maximum penalty \$500.
17. Tenn. Comp. R. & Regs. 0080-04-11-.04. Minimum penalty \$0. Maximum penalty \$500.
18. Tenn. Comp. R. & Regs. 0080-04-11-.05. Minimum penalty \$0. Maximum penalty \$500.
19. Tenn. Comp. R. & Regs. 0080-04-11-.06. Minimum penalty \$0. Maximum penalty \$500.
20. Tenn. Comp. R. & Regs. 0080-04-11-.07. Minimum penalty \$0. Maximum penalty \$500.

(ff) Tennessee Retail Food Safety Act.

1. T.C.A. §53-8-206. Minimum penalty \$0. Maximum penalty \$500.
2. T.C.A. §53-8-207. Minimum penalty \$0. Maximum penalty \$500.
3. T.C.A. §53-8-208. Minimum penalty \$0. Maximum penalty \$500.
4. T.C.A. §53-8-214. Minimum penalty \$0. Maximum penalty \$500.
5. T.C.A. §53-8-215. Minimum penalty \$0. Maximum penalty \$500.
6. T.C.A. §53-8-216. Minimum penalty \$0. Maximum penalty \$500.
7. T.C.A. §53-8-217. Minimum penalty \$0. Maximum penalty \$500.
8. T.C.A. §53-8-218. Minimum penalty \$0. Maximum penalty \$500.
9. T.C.A. §53-8-219. Minimum penalty \$0. Maximum penalty \$500.
10. Tenn. Comp. R. & Regs. 0080-04-09-.02. Minimum penalty \$0. Maximum penalty \$500.
11. Tenn. Comp. R. & Regs. 0080-04-09-.03. Minimum penalty \$0. Maximum penalty \$500.
12. Tenn. Comp. R. & Regs. 0080-04-09-.04. Minimum penalty \$0. Maximum penalty \$500.
13. Tenn. Comp. R. & Regs. 0080-04-09-.05. Minimum penalty \$0. Maximum penalty \$500.
14. Tenn. Comp. R. & Regs. 0080-04-09-.06. Minimum penalty \$0. Maximum penalty \$500.
15. Tenn. Comp. R. & Regs. 0080-04-09-.07. Minimum penalty \$0. Maximum penalty \$500.
16. Tenn. Comp. R. & Regs. 0080-04-09-.08. Minimum penalty \$0. Maximum penalty \$500.

(gg) Tennessee Application of Pesticides Act of 1978.

1. T.C.A. §62-21-103. Minimum penalty \$0. Maximum penalty \$500.
2. T.C.A. §62-21-106. Minimum penalty \$0. Maximum penalty \$500.
3. T.C.A. §62-21-107. Minimum penalty \$0. Maximum penalty \$500.
4. T.C.A. §62-21-108. Minimum penalty \$0. Maximum penalty \$500.
5. T.C.A. §62-21-109. Minimum penalty \$0. Maximum penalty \$500.
6. T.C.A. §62-21-110. Minimum penalty \$0. Maximum penalty \$500.
7. T.C.A. §62-21-112. Minimum penalty \$0. Maximum penalty \$500.

8. T.C.A. §62-21-114. Minimum penalty \$0. Maximum penalty \$500.
9. T.C.A. §62-21-115. Minimum penalty \$0. Maximum penalty \$500.
10. T.C.A. §62-21-116. Minimum penalty \$0. Maximum penalty \$500.
11. T.C.A. §62-21-117. Minimum penalty \$0. Maximum penalty \$500.
12. T.C.A. §62-21-119. Minimum penalty \$0. Maximum penalty \$500.
13. T.C.A. §62-21-120. Minimum penalty \$0. Maximum penalty \$500.
14. T.C.A. §62-21-123. Minimum penalty \$0. Maximum penalty \$500.
15. T.C.A. §62-21-124. Minimum penalty \$0. Maximum penalty \$500.
16. T.C.A. §62-21-130. Minimum penalty \$0. Maximum penalty \$500.
17. T.C.A. §62-21-131. Minimum penalty \$0. Maximum penalty \$500.
18. T.C.A. §62-21-201. Minimum penalty \$0. Maximum penalty \$500.
19. T.C.A. §62-21-202. Minimum penalty \$0. Maximum penalty \$500.
20. T.C.A. §62-21-205. Minimum penalty \$0. Maximum penalty \$500.
21. Tenn. Comp. R. & Regs. 0080-09-04-.06. Minimum penalty \$0. Maximum penalty \$500.
22. Tenn. Comp. R. & Regs. 0080-09-04-.07. Minimum penalty \$0. Maximum penalty \$500.
23. Tenn. Comp. R. & Regs. 0080-09-04-.08. Minimum penalty \$0. Maximum penalty \$500.
24. Tenn. Comp. R. & Regs. 0080-09-04-.09. Minimum penalty \$0. Maximum penalty \$500.
25. Tenn. Comp. R. & Regs. 0080-09-04-.10. Minimum penalty \$0. Maximum penalty \$500.
26. Tenn. Comp. R. & Regs. 0080-09-04-.11. Minimum penalty \$0. Maximum penalty \$500.

(2) Civil penalty determination.

(a) In determining the amount of a civil penalty assessed for violation of a rule or statute under the department's authority, the department may consider any factor, including but not limited to the following:

1. Negligence, gross negligence, recklessness, willfulness, or wantonness of the violator;
2. History of violations assessed against or committed by the violator;
3. Risk of potential injury to persons or property arising out of the violation;
4. Magnitude of actual harm caused by the violation; and,
5. Corrective actions taken by the violator to prevent future violations.

(b) After assessment of the penalty and upon its informal review with the alleged violator, the department may reduce or eliminate any portion of the penalty for good cause shown.

Authority: T.C.A. §§ 4-3-203; 4-3-204.

Repeal

Chapter 0080-06-14  
Pest Control Operators

Chapter 0080-06-14 Pest Control Operators is repealed in its entirety.

Authority: T.C.A. §§ 4-3-203; 62-21-118.

Chapter 0080-06-15  
Rules and Regulations Governing Commercial Aerial Application of Pesticides

Chapter 0080-06-15 Rules and Regulations Governing Commercial Aerial Application of Pesticides is repealed in its entirety.

Authority: T.C.A. §§ 4-3-203; 43-8-106; 62-21-118.

Chapter 0080-06-16  
Regulations Governing Use of Restricted Use Pesticides

Chapter 0080-06-16 Regulations Governing Use of Restricted Use Pesticides is repealed in its entirety.

Authority: T.C.A. §§ 4-3-203; 43-8-106; 62-21-118.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: Jan 27, 2016

Signature: *Julius T. Johnson*

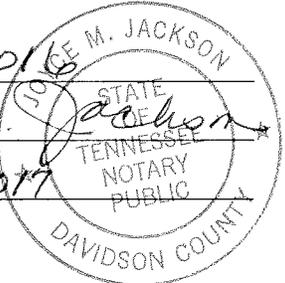
Name of Officer: Julius T. Johnson

Title of Officer: Commissioner

Subscribed and sworn to before me on: Jan 27, 2016

Notary Public Signature: *Joyce M. Jackson*

My commission expires on: 09/11/2017



**Department of State Use Only**

Filed with the Department of State on: 1/27/16

*Lee Hargett*  
Lee Hargett  
Secretary of State

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