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18 AAC 90.205 is repealed and readopted to read:

18 AAC 90.205. Pesticide product registration. (a) A product registration issued under 18 AAC 90.200 – 18 AAC 90.235 is valid for the calendar year for which the registration is issued, and is subject to the renewal requirements of 18 AAC 90.205(c).

(b) A producer seeking to register a pesticide for the first time under 18 AAC 90.215 shall submit an application to the department on a form or in the format required by the department and the fee required by 18 AAC 90.850. The application must include

(1) the applicant's name, telephone number, address, and, if available, electronic mail address;

(2) the name, telephone number, and address of the person whose name appears on the EPA label, if not the applicant's;

(3) the name and EPA registration number of the pesticide;

(4) a complete copy of the most current registration label stamped by the EPA;

(5) a complete copy of the most current product labeling;

(6) the correct name and total percentage of each active ingredient;

(7) the total percentage of inert ingredients;

(8) the most current safety data sheet; and

(9) other information that the department requests and that the department considers pertinent to product registration.

(c) A producer seeking to renew registration of a currently registered pesticide under 18 AAC 90.215 shall submit an application to the department on a form or in the format required by the department and the fee required by 18 AAC 90.850. The application must include

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- (1) the applicant's name and address;
- (2) the name and EPA registration number of the pesticide;
- (3) a complete copy of the most current product labeling if any changes to the label have been made since the previous registration; and
- (4) other information that the department requests and that the department considers pertinent to product registration. (Eff. 2/15/98, Register 145; am 2/15/2006, Register 177; am 9/30/2007, Register 183; am 4/10/2010, Register 194; am ___/___/___, Register ___)

Authority: AS 46.03.010 AS 46.03.320 AS 46.03.730
 AS 46.03.020 AS 46.03.330

18 AAC 90.300(a) is amended to read:

(a) Certification under 18 AAC 90.300 – 18 AAC 90.315 for the applicable category of use described in (c) of this section is required before an individual may

(1) use a restricted-use pesticide [, UNLESS THAT USE IS UNDER THE DIRECT SUPERVISION OF A CERTIFIED APPLICATOR FOR THE APPLICABLE CATEGORY OF USE];

- (2) supervise the use of a restricted-use pesticide;
- (3) purchase a restricted-use pesticide, unless that purchase is authorized in writing by a certified applicator for the applicable category of use;
- (4) act as a restricted-use pesticide dealer;

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(5) engage in the custom, commercial, or contract use of a pesticide unless that use is under the direct, **on the job** supervision of a certified applicator **certified in** [FOR] the applicable category of use;

(6) supervise the custom, commercial, or contract use of a pesticide;

(7) act as a pesticide consultant;

(8) use or supervise the use of **a** pesticide [S] at a school unless the pesticide is **a general-use antimicrobial pesticide, rodenticide in a tamper resistant bait station, or application of silica gel and other ready-to-use paste, foam, or gel** [AN ANTIMICROBIAL PESTICIDE]; or

(9) use or supervise the use of a pesticide at a public place unless the pesticide is **a general-use antimicrobial pesticide, rodenticide in a tamper resistant bait station, or application of silica gel and other ready-to-use paste, foam, or gel** [AN ANTIMICROBIAL PESTICIDE].

18 AAC 90.300(c) is repealed and readopted to read:

(c) The department may certify an applicant for one or more categories of use listed in this subsection if the applicant meets the requirements of 18 AAC 90.305:

(1) Category 1 - Regulatory Pest Control: state, federal, or other government employees, or their agents, who use or supervise the use of pesticides for the control of regulated pests;

(2) Category 2 - Pesticide Consultation and Demonstration: individuals such as government employees, extension specialists, or extension agents who use or supervise the use

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of pesticides or who advise, demonstrate, supervise demonstrations, or make pesticide recommendations;

(3) Category 3 - Private Pest Control: individuals who apply restricted-use pesticides, excluding soil fumigants, only on property owned or leased by the individual or the individual's employer;

(4) Category 4 - Ornamental and Turf Pest Control: individuals who apply pesticides to control pests in the maintenance and production of ornamental plants and turf;

(5) Category 5 - Antifouling Paint: individuals who apply EPA registered antifouling paints;

(6) Category 6 - Aquatic Pest Control: individuals who apply pesticides to water;

(7) Structural Pest Control includes two subcategories:

(A) Category 7A - General Structural Pest Control: individuals who apply pesticides, excluding fumigants and general-use antimicrobial pesticides, in, on, or around structures and adjacent areas to control pests;

(B) Category 7B - Limited Structural Pest Control – Indoor Mold and Fungus: individuals who apply pesticides in, on, or around structures to control indoor populations of fungus;

(8) Category 8 - Public Health Pest Control: individuals such as environmental health officers, public health nurses, entomologists, and others in a preventive medicine or health care field who use or recommend pesticides for control of pests with medical or public health importance;

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(9) Category 9 - Right-of-Way Pest Control: individuals who use pesticides to control pests along the rights-of-way of roads, waysides, railroads, airfields, pipelines, or power lines;

(10) Category 10 - Mosquito and Biting Fly Pest Control: individuals who apply pesticides to control mosquitoes or biting flies;

(11) Category 11 - Aerial Pest Control: pilots of manned or unmanned aircraft who apply pesticides by air;

(12) Category 12 - Forest Pest Control: individuals who use pesticides in forests, forest nurseries, or forest seed production;

(13) Category 13 - Restricted-Use Pesticide Dealer: individuals who distribute or sell restricted-use pesticides;

(14) Category 14 - Pesticide Research: individuals who conduct field research on pesticide use;

(15) Category 15 - Soil Fumigation: individuals who apply fumigants to soil to control pests;

(16) Category 16 - Non-Soil Fumigation Pest Control: individuals who apply fumigants to fumigate anything other than soil;

(17) Vertebrate Pest Control includes two subcategories:

(A) Category 17A - Full Vertebrate Pest Control: individuals who apply pesticides to control various species of vertebrate animals, whether indoors or outdoors;

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(B) Category 17B - Limited Vertebrate Pest Control – Rodents:

individuals who apply pesticides to control only rodent populations, whether indoors or outdoors;

(18) Category 18 - Oilfield Biocides: individuals who apply biocides during the process of oil and gas exploration, production, storage, or transport;

(19) Category 19 - Pesticide Technician: individuals who apply general use pesticides only under the direction of an applicator certified in the appropriate category 1-17.

The certified applicator shall

(A) make all decisions related to pest control;

(B) be immediately available for consultation by telephone or other means if and when needed; and

(C) prior to pesticide application, provide written instructions which identify

(i) the complete pesticide product name;

(ii) the EPA registration number of the pesticide;

(iii) the date of application;

(iv) the address of the application;

(v) the method of application;

(vi) the rate of application;

(vii) the dilution of the pesticide;

(viii) the total amount of pesticide product to be applied;

(ix) the target pests;

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- (x) the site of the application;
- (xi) the name and current certification number of the pesticide technician to apply the pesticide; and
- (xii) the name and current certification number of the certified applicator directing the pesticide application.

18 AAC 90.300(g)(3) is amended to read:

(3) the use is not in a public place **or a school except for applications of general-use antimicrobial pesticides, rodenticides in tamper-resistant bait stations, or applications of silica gels and other ready-to-use pastes, foams, or gels.**

18 AAC 90.300 is amended by adding a new subsection to read:

(h) An individual certified as a Pesticide Technician under 18 AAC 90.300(c)(19) shall have a copy of the written instructions provided by the directing certified applicator in that individual's possession when conducting an activity described in (a) of this section. (Eff. 2/15/98, Register 145; am 3/31/2002, Register 161; am 11/30/2003, Register 168; am 9/30/2007, Register 183; am ___/___/___, Register ___)

Authority: AS 41.17.100 AS 46.03.020 AS 46.03.330
 AS 46.03.010 AS 46.03.320 AS 46.03.730

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18 AAC 90.305(b)(3) is amended to read:

(3) demonstrates knowledge of pesticide statutes, regulations, hazards, and safety by passing a written [OR ORAL] examination administered by the department or the department's representative.

(Eff. 2/15/98, Register 145, am 2/15/2006, Register 177; am 9/30/2007, Register 183; am ___/___/___, Register ___)

Authority: AS 46.03.010 AS 46.03.320 AS 46.03.730
AS 46.03.020 AS 46.03.330

18 AAC 90.310(a) is amended to read:

(a) An individual who seeks to renew a certification issued under 18 AAC 90.300 shall

(1) submit an application on a form supplied by the department **no later than 30 days after expiration of certification;**

(2) attend a training session, complete an Internet or other correspondence course, or obtain a minimum of 12 continuing education hours, all approved by the department, **prior to expiration of certification;** and

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(Eff. 2/15/98, Register 145; am 3/31/2002, Register 161; am 9/30/2007, Register 183; am ___/___/___, Register ___)

Authority: AS 46.03.010 AS 46.03.320 AS 46.03.730
AS 46.03.020 AS 46.03.330

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The introductory language of 18 AAC 90.410 is amended to read

18 AAC 90.410. Recordkeeping requirements for private [AGRICULTURAL] applicators of restricted-use pesticides. A private [AGRICULTURAL] applicator shall keep accurate records of all uses of restricted-use pesticides for at least two years after each use.

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(Eff. 2/15/98, Register 145; am ___/___/___, Register ___)

Authority: AS 46.03.010 AS 46.03.320 AS 46.03.730
 AS 46.03.020 AS 46.03.330

18 AAC 90.415 is repealed and readopted to read:

18 AAC 90.415. Recordkeeping requirements for other applicators of restricted-use pesticides. An applicator of restricted-use pesticides who is not subject to 18 AAC 90.400 or 18 AAC 90.410 shall keep accurate written records of all purchases and uses of restricted-use pesticides for at least two years after each purchase or use. The records must be available to the department upon request and must contain

- (1) for each purchase of a restricted-use pesticide by the applicator
 - (A) the product or brand name of the pesticide;
 - (B) the EPA registration number of the pesticide;
 - (C) the company name where the pesticide was purchased;
 - (D) the address where the pesticide was purchased;
 - (E) the date the pesticide was purchased; and
 - (F) the amount of pesticide purchased; and

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(2) for each use of a restricted-use pesticide by the applicator

- (A) the product or brand name of the pesticide;
- (B) the EPA registration number of the pesticide;
- (C) the date of use;
- (D) the time of use;
- (E) the address or location of use;
- (F) the site of use;
- (G) the size of the area treated;
- (H) the rate of application;
- (I) the dilution of the pesticide applied;
- (J) the total amount of pesticide product used;
- (K) the target pests;
- (L) the name of the person applying the pesticide;
- (M) the certification number of the person applying the pesticide;
- (N) the name of the person for whom the pesticide is being applied; and
- (O) the address of the person for whom the pesticide is being applied; and
- (P) if the pesticide is a fumigant, instead of application rate and dilution,
 - (i) the temperature during the exposure period;
 - (ii) the duration of the exposure period; and
 - (iii) pounds of gas released per 1,000 cubic feet of space. (Eff.

2/15/98, Register 145; am 9/30/2007, Register 183; am ___/___/___, Register ___)

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Authority: AS 46.03.010 AS 46.03.320 AS 46.03.730
AS 46.03.020 AS 46.03.330

18 AAC 90.420 is amended to read:

18 AAC 90.420. Recordkeeping requirements for custom, commercial, or contract applicators of pesticides. In addition to meeting the requirements of 18 AAC 90.415, a custom, commercial, or contract applicator of pesticides shall keep accurate written records of all uses of general use pesticides for at least two years after each use. The records must be available to the department upon request and contain [THE INFORMATION LISTED IN 18 AAC 90.415(2)(A) – (H).]

(1) the product or brand name of the pesticide;

(2) the EPA registration number of the pesticide;

(3) the date of use;

(4) the address or location of use;

(5) the site of use;

(6) the size of the area treated;

(7) the rate of application;

(8) the dilution of the pesticide applied;

(9) the total amount of pesticide product used;

(10) the target pests;

(11) the name of the person applying the pesticide;

(12) the certification number of the person applying the pesticide;

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(13) a copy of any instructions provided to pesticide technicians under a certified applicator's supervision; and

(14) if the pesticide is a fumigant, instead of application rate and dilution,

(A) the temperature during the exposure period;

(B) the duration of the exposure period; and

(C) pounds of gas released per 1,000 cubic feet of space. (Eff.

3/31/2002, Register 161; am ___/___/___, Register ___)

Authority: AS 46.03.010 AS 46.03.320 AS 46.03.730
 AS 46.03.020 AS 46.03.330

18 AAC 90.610 is amended by adding a new paragraph to read:

(4) use or install an automatic sprayer or mister intended for outdoor insect control unless that equipment incorporates the use of:

(A) wind speed monitors which will suspend application of pesticide whenever wind speeds are greater than 7 miles per hour, or a lower wind speed specified on the product label;

(B) rain monitors which will suspend application of pesticide during rainfall exceeding 0.1 inch per hour;

(C) thermometers which will suspend application of pesticide whenever ambient temperatures fall below 50 degrees Fahrenheit; and

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(D) motion detectors which will suspend application of pesticide

whenever people or pets are active in the application area. (Eff. 2/15/98, Register 145; am 11/30/2003, Register 168; am ___/___/___, Register ___)

Authority: AS 46.03.010 AS 46.03.320 AS 46.03.730
AS 46.03.020 AS 46.03.330

18 AAC 90.615(c) is amended to read:

(c) **Certified private** [PRIVATE AGRICULTURAL] applicators and dealers shall store restricted-use pesticides as required by (d) – (h) of this section.

(Eff. 2/15/98, Register 145; am 11/30/2003, Register 168; am 9/30/2007, Register 183; am ___/___/___, Register ___)

Authority: AS 46.03.010 AS 46.03.320 AS 46.03.730
AS 46.03.020 AS 46.03.330

18 AAC 90.620(a) is amended to read:

(a) Except as provided in (c) of this section, a person may not **obtain certification for** [ENGAGE IN THE] custom, commercial, or contract use of a pesticide unless the person or the person's employer has furnished evidence to the department of a liability insurance policy of not less than \$500,000 per person for bodily injury, and not less than \$300,000 per incident for property damage. The person shall notify the department in writing each year of the current liability coverage, and within 30 days if coverage is changed.

(Eff. 2/15/98, Register 145; am 3/31/2002, Register 161; am ___/___/___, Register ___)

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Authority: AS 46.03.010 AS 46.03.320 AS 46.03.730
AS 46.03.020 AS 46.03.330

18 AAC 90 is amended by adding a new section to read:

18 AAC 90.635 Tenant notification of pesticide application. A person may not apply a pesticide within a dwelling unit used as a home, residence, or sleeping place leased to another person, without first notifying the tenant either

(a) by posting a written notice at each entrance to the treated area that complies with the requirements listed in 18 AAC 90.630; or

(b) verbally, including the date and time of application, the name of the pesticide, and instructions about when the structure may safely be reentered, based on the pesticide label instructions. (Eff. ___/___/___, Register ___)

Authority: AS 46.03.010 AS 46.03.320 AS 46.03.730
AS 46.03.020 AS 46.03.330

18 AAC 90.850(a) is amended to read:

(a) An initial or subsequent application for registration submitted under 18 AAC 90.205 must be accompanied by a fee of **\$120 for each product.**

[(1) \$90 FOR EACH PRODUCT FOR WHICH THE REGISTRATION APPLICATION IS SUBMITTED BY MEANS OF THE DEPARTMENT'S INTERNET REGISTRATION PROCESS; OR

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(2) \$120 FOR EACH PRODUCT FOR WHICH THE REGISTRATION APPLICATION IS SUBMITTED DIRECTLY TO THE DEPARTMENT.]

(Eff. 2/15/2006, Register 177; am 4/10/2010, Register 194; am ___/___/___, Register ___)

Authority: AS 37.10.050 AS 44.46.025 AS 46.03.330
AS 37.10.052 AS 46.03.020 AS 46.03.730
AS 37.10.058 AS 46.03.320

18 AAC 90.990(43) is repealed and readopted to read:

(43) “certified private applicator” means a certified applicator who applies restricted-use pesticides, excluding soil fumigants, only on property owned or leased by the individual or the individual’s employer;

18 AAC 90.990(50) is amended to read:

(50) “school” means **a licensed childcare facility or** a facility used for educational instruction from kindergarten through 12th grade; “school” includes associated playgrounds, playing fields, gardens, lawns, or other real property devoted to the functions of the facility; “school” does not include a private home or teacher residential area;

18 AAC 90.990 is amended by adding new paragraphs to read:

(59) “aircraft” means a an airplane, helicopter, or other machine capable of flight, that is used in application of pesticides at a height of one meter or greater above the ground or top of vegetation.

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(60) “fumigant” means a pesticide that delivers the active ingredient to the target in the form of a gas.

(61) “regulated pest” means a particular species of pest specifically subject to tribal, state, or federal regulatory restrictions, regulations, or control procedures intended to protect public health, safety, or welfare, animals, or the environment.

(Eff. 2/15/98, Register 145; am 3/31/2002, Register 161; am 11/30/2003, Register 168; am 9/30/2007, Register 183; am ___/___/___, Register ___)

Authority: AS 41.17.100 AS 46.03.020 AS 46.03.330
AS 46.03.010 AS 46.03.320 AS 46.03.730