

FAQ on Proposed Pesticide Control Program Regulations

June 29, 2017

Questions received are in black with ADEC Pesticide Control Program responses in italics.

1. What is the reason for these regulations changes?

The federal certification and training regulations were changed by EPA. While the effective date of these regulations has been extended until May 22, 2018, ADEC has decided to put these changes into effect in regulation now, both in preparation for this effective date, and because many of the changes are ones that provide flexibility for Alaska's certified applicators. Some additional changes are also needed at this time to eliminate loopholes, clarify intent, conform the regulation to current technology and practice, or to address developing pesticide issues.

2. What are the changes to recordkeeping requirements for certified applicators?

The new certification and training regulations include a few new requirements regarding recordkeeping, including:

- *time of application,*
- *size of treatment area,*
- *certification number of applicator,*
- *name of the client, and*
- *address of the client*

Additional modifications to recordkeeping requirements were made to help clarify requirements.

3. What are the changes to the certification categories?

We have changed several categories to help clarify what is covered under each category. Additionally, we have added several additional categories in response to industry need, to allow for flexibility for applicators, such that an applicator who only has specific duties related to pesticide use does not need to demonstrate knowledge in completely unrelated pesticide areas. The following existing categories have been modified, as follows:

- *Category One: Clarify the purpose of this category by adding the words "for the control of regulated pests". This change will bring it in line with the federal intent for this category and with its application in other states.*
- *Category Two: Divide this category, Demonstration and Research Pest Control, into two separate categories. The knowledge and training requirements for pesticide research are dramatically different than those needed for consultation and demonstration and should be tested and certified separately.*
- *Category Three: Eliminate the agricultural references in this category, Private Agricultural Pest Control. The need for private use of pesticides is not limited to agriculture. This certification, which allows use of restricted use pesticides, should not be specific only for agricultural uses.*
- *Category Seven: Divide this category into two sub-categories.*

- *Establish the sub-Category Seven-A, General Structural Pest Control, which is identical to the current Category.*
- *Establish the sub-Category Seven-B, Limited Structural Pest Control for Indoor Mold and Fungus This sub-category would apply to individuals who apply only fungicides to properties other than their own (e.g. mold remediation or HVAC workers). These applicators are required to be certified because they apply pesticides on property other than their own. However, they address only a specific type of pest, and therefore do not need the extensive knowledge of other structural pests and pest control methods required of a full General Structural Pest Control applicator.*
- *The current Category 13, Wood Preservatives, has been eliminated, as this category is obsolete.*

These changes include the following new categories:

- *Add a new Category Fourteen, Pesticide Research to provide a category specific to research on pesticides. This type of use is currently included in Category Two, Demonstration and Research Pest Control. As noted above the knowledge and training requirements for pesticide research are dramatically different than those needed for consultation and demonstration and should be tested and certified separately.*
- *Add a new Category Fifteen, Soil Fumigation Pest Control to address developing technology and practice, and address federal regulations requiring fumigation categories*
- *Add a new Category Sixteen, Non-soil Fumigation Pest Control to address developing technology and practice, and address federal regulations requiring fumigation categories.*
- *Add a new sub-Category Seventeen-A, Vertebrate Pest Control to address the need for this type of pest control, which does not fit well in any other category.*
- *Add a new sub-Category Seventeen-B, Limited Vertebrate Pest Control for Rodents. Individuals who apply only rodenticides to properties other than their own are required to be certified. They are currently certified through Category Seven, Structural Pest Control. However, they do not need to demonstrate the extensive knowledge of other structural pests and pest control methods required of a General Structural Pest Control applicator, or those that will be required for general Vertebrate Pest Control.*
- *Add a new Category Eighteen, Oilfield Biocides. Individuals who apply only anti-microbial pesticides to oil pipelines are required to be certified. They are currently certified through Category Seven, Structural Pest Control. However, they do not need to demonstrate the extensive knowledge of other structural pests and pest control methods required of a General Structural Pest Control applicator. This industry has specifically asked that we develop a category appropriate for their uses.*
- *Add a new Category Nineteen, Pesticide Technician, which allows a technician to perform commercial application of general use pesticides under direction of an applicator certified in Category 1-17. Technician certification is common in other states. There is a high demand for it in Alaska in many sectors, including lawn care and other simple applications that do not require extensive pesticide knowledge, but currently require full certification.*

4. What other changes are proposed concerning pesticide certified applicator regulations?

We made a few additional changes to eliminate loopholes, clarify intent, provide better support for existing program practice, and come into compliance with the new federal regulations in 40 CFR 171. These changes include:

- *Eliminate the option of a non-certified applicator applying restricted use pesticides under a certified applicator's direction. New federal regulations require a complicated training and documentation program to allow this activity but there is little use of restricted use pesticides in Alaska, and therefor little demand for this option.*
- *Eliminate the option to obtain pesticide applicator certification through oral examination; federal regulations now require a written examination. Oral exams have not historically been offered in Alaska.*
- *Require that CEUs be completed prior to expiration of existing certification for certified applicators renewing certification. This is the current policy used by the Pesticide Program, which needs to be supported by regulation.*

5. What is the change concerning tenant notification of pesticide use?

We added regulations to require tenant notification when pesticides are applied in residences. This change is needed to address existing concerns over pesticide safety, in response to complaints and compliance concerns. The new regulation requires landlords to notify tenants when pesticides will be used. Notification can be verbal or posted, and reflects current notification requirements for public places.

6. What is the purpose of the change to the definition of "school"?

We revised the definition of school to include daycare and preschool facilities. This is needed to ensure that these facilities must also follow precautions related to pesticide use in schools. This addresses a pesticide safety issue. Daycares and preschools, which house some of the most vulnerable populations, should be subject to the same protective measures as schools for older children. These include using only certified pesticide applicators, and notifying parents when pesticides will be used. These requirements do not apply to the use of certain simple products if they are inaccessible to children, or to the use of sanitizers or rodent bait stations.

7. What are the regulatory changes concerning product registration?

We are making a few changes related to product registration, including:

- *Clarification in the regulations that a pesticide product registration is valid for the calendar year only. This has been the practice in Alaska since registration of products was initiated.*
- *Addition of text specifying information requirements for renewal of a pesticide registration.*

- *Elimination of the current \$90 fee for on-line registration, which is a \$30 discount from the fee for paper registration. The change will make the registration fee \$120 per product per year for each pesticide product registered in Alaska.*

8. What is the purpose for regulations concerning automatic misting systems?

We have added regulations to establish protective measures for outdoor automatic misting systems. Automatic misting systems must monitor conditions and cease operation when ambient conditions are unsafe or not conducive to pest control. Without these limits, it is not possible for these units to comply with regulatory requirements that prohibit drift, as well as specific label requirements for many products.

Proposed requirements for outdoor automatic sprayers or misters used for insect control include the following requirements which must be incorporated into the units:

- *Motion detectors which will suspend application of pesticide whenever people or pets are active in the application area;*
- *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;*
- *Rain monitors which will suspend application of pesticide during rainfall; and*
- *Thermometers which will suspend application of pesticide whenever ambient temperatures fall below 50 degrees Fahrenheit.*

9. What is the change to the regulations concerning insurance requirements?

We modified the insurance requirement to clarify that insurance is required in order for an applicant to obtain certification in the custom, commercial, or contract use of a pesticide. The change was made to provide the Department assurance that applicators in this high potential public exposure category are covered by liability insurance. The ultimate insurance requirement has not changed; however, the current requirement does not provide the Department with prior assurance that the applicator is insured.

10. What is the purpose of defining "aircraft"?

Some regulations, such as permitting or certification, require additional precautions for aircraft such as helicopters and airplanes. These regulations should not apply to lower flying airborne vehicles, such as drones, where risks are significantly lower.