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18 AAC 90.300(a)(5) is amended to read:

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

18 AAC 90.300(b) is amended to read:

(b) **An** [UNLESS SPECIFICALLY AUTHORIZED IN WRITING BY THE DEPARTMENT, AN] individual certified under (a) of this section may use pesticides only in a category of use for which that individual is certified.

18 AAC 90.300(c) is amended to read:

(c) The department may certify an applicant **who meets the requirements set out under 18 AAC 90.305** for one or more **of the following** categories of use [LISTED IN THIS SUBSECTION IF THE APPLICANT MEETS THE REQUIREMENTS OF 18 AAC 90.305]:

(1) regulatory pest control: state, federal, or other government employees, or their agency who use [OR SUPERVISE THE USE OF] pesticides for the control of [REGULATED] pests **that are regulated by state or federal law**;

(2) pesticide consultation and demonstration: individuals who demonstrate to the public the proper use and techniques of application of restricted-use pesticides [OR SUPERVISE THAT DEMONSTRATION]; those individuals include government employees, extension specialists, or extension agents who use [OR SUPERVISE THE USE OF] pesticides or who advise, demonstrate, [SUPERVISE DEMONSTRATIONS,] or make pesticide

recommendations;

(3) agricultural pest control: individuals who apply pesticides, **excluding fumigants, to**

(A) [TO] agricultural commodities or properties including greenhouses and nurseries; **or**

(B) [TO] the feed, bedding, or bodies of animals; [OR

(C) TO TREAT SEEDS GROWN AND STORED FOR DISTRIBUTION AND PLANTING;]

(4) ornamental and turf pest control: individuals who apply pesticides to control pests in the maintenance and production of **landscaping**, ornamental plants, **lawns**, and turf;

(5) antifouling paint: individuals who apply EPA-registered antifouling paints;

(6) aquatic pest control: individuals who apply pesticides to **waters of the state** [WATER];

(7) structural pest control: individuals who apply pesticides, excluding fumigants and general-use antimicrobial pesticides, in, on, and around structures and adjacent areas to control pests;

(8) public health pest control: individuals who use [OR SUPERVISE THE USE OF] pesticides in government-sponsored health programs for the control of pests **that are regulated by state or federal law**; those individuals include 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;

(9) right-of-way and industrial grounds pest control: individuals who use

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pesticides to control pests along the rights-of-way of roads, waysides, railroads, airfields, pipelines, or power lines, or at tank farms or industrial sites;

(10) mosquito and biting fly pest control: individuals who apply pesticides, **excluding aquatic application**, to control mosquitoes or biting flies;

(11) aerial pest control: pilots of manned or unmanned aircraft who apply pesticides by air;

(12) forest pest control: individuals who use pesticides in forests, forest nurseries, or forest seed production;

(13) restricted-use pesticide dealer: individuals who distribute or sell restricted-use pesticides;

(14) pesticide research: individuals who conduct field research on pesticide use;

(15) soil fumigation: individuals who apply fumigants to soil to control pests;

(16) non-soil fumigation: individuals who apply fumigants to anything other than soil;

(17) vertebrate pest control: individuals who apply pesticides to control vertebrate animals within one or more of the following categories:

(A) full vertebrate pest control: individuals who apply pesticides to control various species of vertebrate animals, whether indoors or outdoors, excluding the use of sodium cyanide ejectors or sodium fluoroacetate collars for predator control;

(B) limited vertebrate pest control - rodents: individuals who apply pesticides to control only rodent populations, whether indoors or outdoors;

(C) limited vertebrate pest control - predators: individuals who apply

sodium cyanide ejectors or sodium fluoroacetate collars for predator control;

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

(19) pesticide technician: individuals who apply general-use pesticides only under the direction of an applicator certified in the appropriate category under **(1) - (17) or (20) of this subsection** [(1) - (17) OF THIS SUBSECTION]; the certified applicator shall

(A) make all decisions related to pest control;

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

(C) before pesticide application, provide written instructions that identify

**the**

(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] estimated total amount of pesticide product to be applied;

(ix) [THE] target pests;

(x) [THE] site of the application;

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(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 pesticide applicator directing the pesticide application;

**(20) seed treatment: individuals who apply pesticides to treat seed or plant parts grown and stored for distribution and planting.** (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 10/27/2017, Register 224; am 7/5/2019, Register 231; 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

18 AAC 90.305(b) is amended to read:

(b) Subject to (f) of this section, the department will certify an applicant who

(1) is at least 18 years of age;

(2) attends a training session or completes an Internet or other correspondence course approved by the department; and

(3) demonstrates knowledge of **state and federal** pesticide statutes [,] **and** regulations, **as well as pesticide** hazards [,] and safety **precautions**, by passing [A] written **examinations** [EXAMINATION] administered by the department or the department's representative **as described in (c) of this section.**

18 AAC 90.305(c) is repealed and readopted to read:

(c) Written examinations under (b)(3) of this section include

(1) written core competency examinations for all commercial pesticide applicators that address, at a minimum, all the areas of competency specified in 40 C.F.R. 171.103(c), as amended through May 22, 2018 and adopted by reference;

(2) written category competency examinations for all commercial pesticide applicators that address, at a minimum, all the areas of competency specified in 40 C.F.R. 171.103(d), as amended through May 22, 2018 and adopted by reference, for each category in which the applicant intends to become certified; and

(3) written examinations for all designated private applicators of restricted-use pesticides that address all the areas of competency specified in this subsection, as well as 40 C.F.R. 171.105(a), as amended through May 22, 2018 and adopted by reference. (Eff. 2/15/98, Register 145; am 2/15/2006, Register 177; am 9/30/2007, Register 183; am 10/27/2017, Register 224; 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 is repealed and readopted to read:

**18 AAC 90.310. Certification renewal.** (a) To renew a certification issued under 18 AAC 90.300, before expiration of the certification an individual must

(1) submit a certification renewal application on a form supplied by the department; and

(2) obtain a minimum of 12 continuing education hours approved by the

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department under (b) of this section.

(b) The department will approve one or more applicable portions of a course for pesticide applicator certification renewal continuing education hours if

(1) a course sponsor submits a detailed agenda for approval at least annually;

(2) a course sponsor documents how it will verify attendance throughout the duration of an approved portion of the course;

(3) a course topic relates to pests, pest control, pesticides, or pesticide laws and regulations; and

(4) the department staff is able to review content or attend a course at any time, free of charge, to verify suitability and quality of content, attendance, and verification procedures.

(c) The provisions of 18 AAC 90.305(d) - (f) apply to an individual seeking to renew certification under this section and to a certification that is renewed under this section. (Eff. 2/15/98, Register 145; am 3/31/2002, Register 161; am 9/30/2007, Register 183; am 10/27/2017, Register 224; am 7/5/2019, Register 231; 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(2)(F) is amended to read:

(F) the **crop, commodity, stored product, or** site of the use;

(Eff. 2/15/98, Register 145; am 9/30/2007, Register 183; am 10/27/2017, Register 224; am \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.010 AS 46.03.320 AS 46.03.730

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AS 46.03.020 AS 46.03.330

18 AAC 90.420(5) is amended to read:

(F) the **crop, commodity, stored product, or** site of the use;

(Eff. 3/31/2002, Register 161; am 10/27/2017, Register 224; 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 90.990(48) is amended to read:

(48) "restricted-use pesticide" means a pesticide that may be legally purchased **and used** only by a certified applicator [AND THAT MAY BE USED ONLY BY A CERTIFIED APPLICATOR OR A PERSON UNDER THE DIRECT SUPERVISION OF A CERTIFIED APPLICATOR BECAUSE IT HAS BEEN DESIGNATED FOR RESTRICTED USE UNDER FIFRA OR THIS CHAPTER];

18 AAC 90.990 is amended by adding a new paragraph to read:

(63) "use," with respect to a pesticide, means

(A) the application of a general-use pesticide or state-designated restricted-use pesticide; and

(B) the utilization of a federally designated restricted-use pesticide, as well as additional activities related to federally designated restricted-use pesticides including

(i) pre-application activities involving mixing and loading the



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pesticide;

(ii) applying the pesticide; and

(iii) other pesticide-related activities, including transporting or storing pesticide containers that have been opened, cleaning equipment, and disposing of excess pesticides, spray mix, equipment wash waters, pesticide containers, and other pesticide-containing materials. (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 10/27/2017, Register 224; am 7/5/2019, Register 231; am \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 41.17.100            AS 46.03.020            AS 46.03.330  
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