

THE ALABAMA RESTRICTED USE PESTICIDE DEALER'S EXAMINATION STUDY GUIDE

Publication date: October 1, 2000

Updated: October 15, 2014

**Prepared by:
Alabama Department of Agriculture & Industries
Plant and Pesticide Division
Pesticide Management Section**

Table of Contents

Introduction.....	1
About the Examination.....	1
Pesticide Laws & Regulations	1
Federal.....	1
State.....	1
Storage, Display and Handling of Pesticide Products.....	2
Product Packaging & Labeling.....	2
Pesticide Product Classifications	3
Federal Restricted Use Pesticide Products	3
Alabama Restricted Use Pesticide Products.....	3
Unclassified Pesticides	4
Experimental Use Pesticides	4
FIFRA Section 18 Pesticides.....	4
FIFRA Section 24(c) Pesticides	4
Pesticide Product Labeling & Registration.....	5
Label Components.....	5
Worker Protection Standard (Part 156) Labeling.....	6
Other Labeling.....	6
Pesticide Registration	6
Restricted Use Pesticide Sales	7
Obtaining A License To Sell RUPs	8
Responsibilities Of A RUP Dealer	8
Record Keeping Requirements.....	9
Certified Applicator Permits	10
Private Applicator Permits	10
Emergency Use Permits	11
Commercial Applicator Permits.....	12
Certification Permits Issued By Other States	13
Licensing Requirements for Custom Applicators.....	13
Commercial Applicator License.....	13
Record Keeping Requirements.....	14
Penalties For Violations Of Pesticide Laws & Regulations.....	15
Federal Penalties.....	15
State Penalties.....	15
Contacts	16
Alabama Department of Agriculture & Industries	16
Alabama Cooperative Extension Service	16

Sources of Information Used in Writing This Guide	17
Bibliography	17

Introduction

The primary purpose for developing this **Study Guide** is to assist the reader in preparations to take and pass the Alabama Restricted Use Pesticide Dealer's License Examination as part of the State's licensing procedures for companies who wish to distribute and sell restricted use pesticides in Alabama.

The secondary purpose for developing this **Study Guide** is to provide Restricted Use Pesticide Dealers and other pesticide sales outlets with suitable materials for training employees who actively sell or handle pesticide products as part of their assigned duties.

About the Examination

The Alabama Restricted Use Pesticide Dealer's Examination consists of fifty (50) questions that are taken directly from the material covered in this study guide. The questions are divided into the following sections.

1. Six (6) record keeping questions designed to illustrate competency in recognizing improper sales and completing the required restricted use pesticide sales logs for legal sales. Applicants will be required to complete representative sales logs with the information furnished in the questions.
2. Forty-four (44) True/False and Multiple Choice questions designed to illustrate competency in the basic knowledge necessary to safely handle, store, display and sell pesticide products, and demonstrate a basic understanding of some of the laws and regulations associated with the sale and use of pesticides.

Pesticide Laws & Regulations

Federal

Pesticides are regulated under Federal law by the *Federal Insecticide, Fungicide & Rodenticide Act (FIFRA)* and under the *Code of Federal Regulations (CFR) 40 Parts 150 to 189*. The Administrator of the US Environmental Protection Agency is responsible for administration and enforcement of the Federal pesticide laws and regulations.

State

Pesticides are regulated in Alabama under the *Alabama Pesticide Act of 1975, Chapter 80-1-13 Rules Governing Sale and Use of Pesticides*, and *Chapter 80-1-14 Rules for Application of Pesticides by Aircraft*. The Commissioner of the Alabama Department of Agriculture & Industries is responsible for the administration and enforcement of the State pesticide laws and regulations.

Storage, Display and Handling of Pesticide Products

Pesticides are chemical products that are intended to kill, control or mitigate pests; therefore, every pesticide is toxic to one or more living organisms. Pesticides vary widely in toxicity, some are less toxic to ingest than common table salt while others may require a teaspoon or less to kill an adult human. Many pesticides also present significant hazards associated with breathing in vapors from the pesticide and/or contact with the skin or eyes. Pesticides present the greatest hazard when handled in concentrated form, and present the least hazard when handled in a diluted (for use) form. Employees of pesticide distributors and sales outlets should be made aware of the potential hazards related to improper handling of pesticide concentrates, and receive the proper safety and hygiene training needed to protect them from accidental exposure. In addition, each pesticide sales outlet should develop a plan for responding to minor accidental pesticide concentrate spills which can result from leaking, punctured or broken containers. Minor spill containment equipment and supply kits are available and can be purchased through most wholesale pesticide distributors. The labeling of each pesticide product contains handling and storage instructions and safety equipment requirements specific to that product. Additional handling and safety information related to cleaning up minor accidental spills of pesticide products may be available through the registrant or the Cooperative Extension Service. Generally, pesticide products should be stored in dry, well lighted, well ventilated areas that are not accessible to children or domestic animals.

Product Packaging & Labeling

In order for a pesticide product to be legally sold, it must be contained within the manufacturer's original, unbroken, and properly labeled container.

DEALER NOTE:



*A pesticide distributor or sales outlet is **not** allowed to:*

- 1. repackage or relabel any pesticide product for the purpose of resale;*
- 2. break the manufacturer's container for the purpose of selling a portion of the contents;*
- 3. sell a pesticide whose container has been broken or is leaking;*
- 4. sell a pesticide product whose label has been removed or defaced;*
- 5. store or display pesticides over, under or immediately adjacent to human or animal food;*
- 6. accept returns of pesticide products from purchasers unless it can be verified that none of the contents have been used*
- 7. make recommendations regarding the use of a pesticide on crop/sites, or at rates which are not contained in the "Directions for Use" statement of the pesticide product label;*
- 8. custom (for hire) apply pesticides without first obtaining certification and a Commercial Pesticide Applicator license from the Alabama Department of Agriculture & Industries.*

Pesticide Product Classifications

The US Environmental Protection Agency holds the primary authority for classifying active ingredients of pesticides, and has established criteria for determining if a specific use of an active ingredient should be classified as restricted-use. States cannot reduce the EPA classification of a product, and must ensure that any sale or use of the product within the state comply with the provisions of the EPA classification. States have some authority for classifying pesticide products sold or used within their boundaries. State classifications may be more restrictive, but they cannot be less restrictive than the EPA classification for any pesticide product.

Federal Restricted Use Pesticide Products (RUP)

When the EPA determines that a specific use of a pesticide active ingredient exceeds one or more of their established hazard criteria, then that use of the active ingredient is classified as *restricted-use*. If a pesticide product contains the active ingredient and has label directions for the specified use, then the manufacturer of the product is required to include a statement on the front panel of the label which indicates that the product is a *restricted use pesticide*. An example of a restricted use pesticide legend as it would appear on the product label is as follows:

RESTRICTED USE PESTICIDE: For retail sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's certification.
--

Alabama Restricted Use Pesticide Products

The Commissioner of the Alabama Department of Agriculture & Industries with the approval of the Board of Agriculture has designated certain pesticide active ingredients as restricted-use in Alabama. The Alabama restricted-use pesticide list is published in regulation form as *Chapter 80-1-15 Restricted Use Pesticides*. Most of the active ingredients listed on the Alabama restricted-use list are also federal restricted-use pesticides, and as such would have the Restricted Use Pesticide legend printed on the front panel of the product label. Products that are designated as Alabama restricted use pesticides only do not have the Federally required Restricted Use Pesticide legend on the labeling of the products, so Dealers must be aware that these products are restricted in Alabama.

DEALER NOTE:



All formulations and all concentrations of the following three active ingredients are classified restricted-use in Alabama:

1. *Clomazone (Trade names include: COMMAND HERBICIDE)*
2. *Picloram (Trade names include: Tordon RTU and Grazon P+D)*
3. *Strychnine and its salts - Strychnine Sulfate (No current registrations).*

Unclassified Pesticides

Often referred to as *general use pesticides*, these pesticide products are believed to pose fewer hazards to man, domestic animals or the environment when used according to the label directions of the product than those classified as *restricted-use*. EPA usually does not formally classify a pesticide as *general use*, so the products would be more accurately described as *unclassified pesticides*. Unclassified or general use pesticides are labeled to allow any adult individual to purchase, possess and use them.

Experimental Use Pesticides

Experimental Use Pesticides are new pesticide products which have not completed the Federal Registration process. The registrant may wish to conduct field testing of these pre-registration products to obtain the necessary data to support the application for Federal registration of the new product. If these products are used on food or feed commodities, then the commodities cannot be used and must be destroyed.

FIFRA Section 18 Pesticides

Under certain emergency conditions, the Administrator of the EPA may grant an exemption from registration of an unregistered pesticide product or expand the uses of a currently registered pesticide product in order to address an emergency situation. *Section 18* exemptions from registration are generally limited to a specific time periods and specific areas of the State where the Administrator has reason to believe that the potential risks associated with the use of the product are outweighed by the potential benefits. *Section 18* exemptions for *unregistered pesticides* usually require that the pesticide product be sold as a *restricted use pesticide*; and require the purchaser to be a certified private or commercial pesticide applicator. *Section 18* exemptions that expand the uses of a registered pesticide product usually do not change the classification of the product. The registrant supplied *Section 18* labeling must accompany the pesticide at the time of the sale, and must be in the possession of the end user/applicator at the time of the exempted use.

FIFRA Section 24(c) Pesticides

A State may approve registration for additional uses of federally registered pesticide products for use within that State to meet "*special local needs*." In effect the State, with the approval of the EPA, can expand the labeling of a pesticide product to include sites and uses not listed on the original product label. Supplemental labeling describing the *24(c)* approved use must accompany the pesticide product when sold to the end user/applicator. The end user/applicator must possess a copy of the supplemental labeling during the use of the product on sites covered by the *24(c)* labeling. *24(c)* labeling usually does not affect or change the classification of the pesticide product. If the product is not labeled as *restricted use*, then it may be purchased, possessed and used by any adult person.

Pesticide Product Labeling & Registration

The pesticide product label is the primary source of information regarding the proper and safe handling, storage, use and disposal of the pesticide product, and is a binding legal contract between the registrant, state and federal pesticide regulatory agencies and the end user/applicator of the product. The pesticide label must be approved by EPA and is either printed on or attached to each pesticide container which has been packaged, labeled and released for distribution by the registrant.

Label Components

Parts of the Pesticide Label, as required by law:

1. Classification Statement: **Restricted Use Pesticide** (if the label has no classification statement, then the product is considered general-use)
2. Product brand or trade name
3. Type of formulation (L - liquid; WP - wettable powder; G - granular)
4. **Ingredient Statement** (includes the concentration of each ingredient listed as a percentage)
 - Active Ingredients (common name and/or chemical name)
 - Inert Ingredients
5. The net weight or volume of the contents
6. The name and address of the registrant/manufacturer
7. The **EPA Registration Number** (proof of federal product registration)
8. The **EPA Establishment Number** (identifies the site where the product was produced or manufactured)
9. A **Signal Word** (a one word summary of the product's potential toxicity to humans written in English and in Spanish for the two more toxic Signal Words)
 - **DANGER!** - **PELIGRO!** (signifies a highly toxic pesticide)
 - **WARNING!** - **AVISO!** (signifies a moderately toxic pesticide)
 - **CAUTION!** (signifies a slightly toxic pesticide)
10. The **Precautionary Statement**
 - **Hazards to Humans and Domestic Animals**
 - Routes of entry into the body statement (ingestion, inhalation, skin or eye contact)
 - **Personal Protective Equipment (PPE)** statement
 - The **KEEP OUT OF REACH OF CHILDREN** statement (all pesticide products are required to have this statement on the label regardless of the toxicity)
11. The **Statement of Practical Treatment** (First Aid instructions)
12. The **Environmental Hazards** statement (relative toxicity to fish, birds, etc.)
13. The **Physical and Chemical Hazard** statement (flammability, explosiveness, corrosiveness, etc.)
14. The **Directions For Use**

- Misuse statement (*It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.*)
- Application Statements (prohibits applications in ways that will contact workers or other persons directly or through drift)
- **Storage and Disposal** statement (instructions for safely storing the product and disposing of pesticide wastes and the pesticide container)
- **40 CFR Part 170** statement (requires farm, forest, nursery and greenhouse users to comply with the generic requirements of the Federal *Worker Protection Standard - Part 170*)
- **Restricted-Entry Interval (REI)** statement specifies a time period, from 0 to 48 hours during and after an application, when entry into the target site is limited to properly trained and equipped workers
- Application & mixing rates, target sites (crop, animal or location), target pests, and application equipment instructions and other use directions

15. Warranty Disclaimers

Worker Protection Standard (Part 156) Labeling

CFR-40 Part 156 of the *Worker Protection Standard* requires *WPS* specific label statements on pesticide product labels that contain instructions for uses on farms, forests, nurseries or greenhouses. One of those *WPS* statements requires the user to wear the personal protective equipment (PPE) specified on the label when mixing, loading and applying the pesticide and when entering the target area during the label specified Restricted-Entry Interval (REI). Pesticide dealers are encouraged to maintain an adequate stock of the label required PPE for the products that they sell, and to remind users that the use of the PPE is required by the label. Just as retail paint dealers also stock and sell painting supplies (i.e., sandpaper, dust masks, paintbrushes, paint rollers, drop cloths, etc.), pesticide sales outlet should stock application supplies (i.e., rubber gloves, rubber aprons, goggles, dust masks, respirators, etc.). To determine the types of supplies (PPE) needed by potential pesticide purchasers, the sales outlet should review the labeling of the products that are in stock.

Other Labeling

In addition to the label attached to the pesticide product during distribution and sale, any printed or graphic materials used to market or advertise a pesticide product is considered to be part of the “labeling.” Labeling would also include any supplemental label which may accompany the product at the time of sale to the end user/applicator.

Pesticide Registration

EPA Establishment Registration: EPA assigns all pesticide-producing establishment sites an EPA Establishment Number. The producer establishment is then required to print this number either on the label or immediate container of each pesticide product

prior to distribution. The EPA Establishment Number allows EPA to track any potential violative product back to its point of origin.

EPA Product Registration: Before a pesticide product can be distributed and sold, the product must be registered with the U.S. Environmental Protection Agency. Most pesticide products offered for sale and distribution have successfully completed comprehensive registration under Section 3 of *FIFRA*. Section 3 registration means that EPA has received sufficient data from the producer to support the full registration of the product. The EPA assigns an EPA Registration Number for the product which specifically identifies that particular pesticide product. The registrant is then required to print the EPA Registration Number on the label of each container of the product that is packaged and released for distribution. All pesticide labeling must be registered with EPA before distribution of the product, but EPA does not “approve” pesticide products. For this reason, pesticide products cannot be advertised as “EPA Approved.”

State Registration: After a product has been registered with the Environmental Protection Agency and before distribution and sale of the pesticide product can commence, the registrant must register the product with the appropriate State agency in every state in which the product will be distributed, sold and used. States generally use the Brand (trade) Name and the EPA Registration Number of the product to track State registrations, and there is no indication on the label or container that the product is State registered. Agents of the Commissioner make periodic inspections of the products offered for sale at pesticide sales outlets to determine if all products are State registered. The State registration fees collected from the registrant are used to help fund compliance activities of the State agency.

Restricted Use Pesticide Sales

Before any person sells or offers for sale any pesticide product designated as a restricted use pesticide, such person shall apply for and obtain an annual license from the Commissioner which authorizes the sale of restricted use pesticides to persons who have been issued certified pesticide use permits by the Commissioner.

DEALER NOTE:



Only individuals who possess a valid certification permit issued by the Department of Agriculture in Alabama or another State may purchase, possess and use products labeled as Restricted Use Pesticides.

Unclassified pesticide products are believed to present no significant hazard to man or the environment when used according to the label directions of the product, but restricted use pesticides can be hazardous even when used according to label directions. For this reason a restricted use pesticide is treated as a “controlled substance.” To reduce the risk of harmful effects to man or the environment, use of these products is limited to individuals who have successfully completed certification training and possess a valid certified applicator permit. The role of the restricted use pesticide dealer

is to ensure that only individuals who possess valid certified applicator permits are allowed to obtain pesticide products that have been classified as restricted-use.

**DEALER
NOTE:**



If a company has more than one sales outlet location, then a separate Restricted Use Pesticide Dealer's License is obtained for each outlet that will sell or offer for sale restricted use pesticides.

Obtaining a License to Sell RUPs

To apply for the license, an applicant must be a current full-time employee of the sales outlet and must take and pass the Dealer's Examination. The Examination must be taken and passed (by a grade of 70% or better) at least once every three years by the applicant. Once the examination is passed, the sales outlet may obtain an annual *Restricted Use Pesticide Dealer's License* by submitting the application and annual license fee (\$45.00/year) to the Department of Agriculture & Industries prior to February 15 of each year. If during the term of an annual license period the certified record keeper should leave the employment of the sales outlet, then the license shall be held in abeyance until such time that another current full-time employee has taken and passed the Dealer's Examination.

**DEALER
NOTE:**



The Dealer's License must be renewed annually by submitting the required application and License fee to the Department of Agriculture & Industries, but the Dealer's Exam must be taken and passed by a designated employee of the company once every three year.

There is no examination fee, so Dealers are encouraged to have more than one person from the sales outlet to take the Examination. Dealer examinations can be taken either at the annual *RUP Dealer's Meetings*, which are usually scheduled during the last week of November or the first week of December, or an applicant can contact the Department to schedule an exam. The *RUP Dealer's Meetings* are held at selected sites around the State, and feature presentations on various topics by representatives of the Cooperative Extension Service, the pesticide industry, the Alabama Department of Agriculture & Industries, and others. Currently, Licensed Dealers are mailed a schedule and program agenda 30 days before the *Meetings*. Dealers are encouraged to send one or more of their employees to the nearest *RUP Dealer's Meeting* in order to stay abreast of the latest developments in the pesticide industry.

Responsibilities of a RUP Dealer

The role of limiting the access of restricted use pesticide products to only certified applicators or persons under their direct supervision is a joint venture between the licensed dealer and the Commissioner of the Alabama Department of Agriculture & Industries. The dealer must maintain proper storage and display of his stock of restricted use pesticides to ensure that the products do not present a hazard to his employees, customers, domestic animals or the local environment. It is recommended

that the dealer maintain restricted use pesticide in a secured area of his business to prevent theft and reduce access to non-certified applicators. The Commissioner, through his agents, will inspect storage and display areas of the dealer's premises during periodic inspections to ensure that the areas are in compliance. When making a sale of restricted use pesticide, the dealer should visually verify that the purchaser possesses a valid certification permit. For "regular" or "repeat" customers, it is permissible to maintain a photocopy of the certification permit or a list of customers that possess certification permits which include the applicator's name, permit number, and expiration date on file.

**DEALER
NOTE:**



*Sales transactions involving restricted use pesticides must be limited to the general rule: **NO PERMIT, NO SALE, & NO EXCEPTION!***

Record Keeping Requirements

A dealer must maintain complete and accurate records of all sales of restricted use pesticides on forms either supplied by or approved by the Commissioner. To meet the record keeping requirements, the dealer must complete and maintain a log and a copy of the sales invoice or other acceptable record available for immediate inspection by agents of the Commissioner of Agriculture & Industries. Pesticide logs must be maintained on forms either supplied by the Commissioner or in a form that has the written approval of the Commissioner. It is not permissible for any licensed dealer to use an alternative log until he has received written permission from the Commissioner. The Dealer must maintain a copy of the written authorization received from the Department with his sales log.

**DEALER
NOTE:**



Sales Log records must show, at a minimum, the following information:

- (1) The date on which the restricted use pesticide was sold (month/day/year);*
- (2) The permit number of the certified applicator/purchaser;*
- (3) The name and address of the certified applicator/permit holder;*
- (4) The name and address of the person to whom delivery of the pesticide is made (if other than the permit holder);*
- (5) The trade name of the pesticide product and either the common name or the chemical name of the principal active ingredient(s);*
- (6) The concentration of the active ingredient(s) [listed either as a percentage (50%) or as pounds of active ingredient present in the product (2L or 15G)];*
- (7) The total amount sold [shown as either total pounds or gallons sold or the size and number of containers sold (2- 2.5 gals or 5 - 30#)].*

The following is an example of a properly completed restricted use pesticide sales log using the forms supplied by the Commissioner:

RESTRICTED USE PESTICIDE SALES

DATE: APRIL 20, 2013

PERMIT USE NUMBER: 030254999

NAME: JOHN Q. APPLICATOR

ADDRESS: 999 MAIN STREET, LOST SPRINGS, AL 36234

DELIVERY MADE TO: JOHN Q. APPLICATOR, JR.

ADDRESS: 999 MAIN STREET, LOST SPRINGS, AL 36234

NAME	✓	% ACTIVE INGREDIENT	QUANTITY
FURADAN			
GUTHION			
LANNATE			
MOCAP			
PARAQUAT			
TEMIK	✓	15%	3,000

Certified Applicator Permits

The only individuals who can legally purchase, possess and use restricted use pesticides are individuals who either hold a valid certified applicator permit or work under the direct supervision of a certified applicator. Certification permits are issued by the Commissioner of the Department of Agriculture & Industries to individuals who received training and have demonstrated competency by passing a certification examination. Each certification permit is identified by a permit number that is unique to that individual permit holder. The certification number and its date of expiration are recorded on the dealer's sales log during the sales transaction to document that the purchaser possessed a valid permit at the time of the transaction.

Private Applicator Permits

The legal definition of a Private Applicator as defined in *Rules 80-1-13-.02(6)* "is a permitted applicator who uses or supervises the use of any pesticide which is classified for restricted use for the purpose of producing any agricultural commodity on

property owned or leased by him or his employer or (if applied without compensation other than trading of personal services between producers of agricultural commodities) on the property of another person.” Private applicator permits may be obtained by any competent adult of the State, and can be applied for at the local offices of the County Agent (Alabama Cooperative Extension Service). The applicant will undergo the required training and pass a competency examination based on the training received. After successful conclusion of the training and examination process, and submission of an application and permit fee (\$25.00), a Private Applicator Permit will be issued by the Commissioner of the Alabama Department of Agriculture & Industries. The permit expires after three years, and a new permit must be obtained following the same application process. Processing of the application for a Private Applicator’s permit can take approximately two weeks, so it is extremely important that the applicant apply for the permit well in advance of his need to use a restricted use pesticide product.

**DEALER
NOTE:**



When completing the sale log for the transaction, the Dealer must record the private applicator permit number in the permit number blank on the log. Alabama private applicator permit numbers consist of a nine-digit number. The first four digits of the number indicate the month and year that the permit will expire (example: Permit #031600011 will expire at the end of the day on March 31, 2016).

Emergency Use Permits

The Commissioner recognizes that there may be certain emergency situations when an applicant for a private applicator permit would suffer serious economic losses to his agricultural crop if he were required to delay application of a restricted use pesticide until his private applicator permit was mailed to him. In these situations the applicant may apply for an Emergency Use Permit. To obtain the Emergency Use Permit, the applicant must complete the process of training and competency examination, and submit the required application and permit fee. The County Agent will then phone the Alabama Department of Agriculture & Industries, and request an emergency use permit for the applicant. The Pesticide Administrator will review the request, and determine if the situation constitutes a real emergency; if so, the Pesticide Administrator will contact the area licensed dealer where the applicant wishes to purchase the restricted use pesticide by phone. He will instruct the Dealer to make a one-time sale of restricted use pesticides to the applicant. Once the transaction is completed, the applicant cannot make further purchases of restricted use pesticides until he has received his Private Applicator Permit.

**DEALER
NOTE:**



When recording the Emergency Use Permit transaction on the RUP sales log, the Dealer must record the name of the ALDA employee who phones in the Permit Number blank on the RUP sales log.

Commercial Applicator Permits

The definition for a Commercial Applicator as defined in *Rules 80-1-13-.02(4)* is “*a permitted applicator (whether or not he is a private applicator with respect to some pesticide uses) who uses or supervises the use of restricted use pesticides for any purpose or on any property other than that provided by subrule (6) of this rule*” [see the definition of a private applicator for the provisions of Subrule (6)]. Commercial Applicator permits holders are further identified by the type of application that they engage in as follows:

- (1.) **Custom Pesticide Applicators** are individuals that engage in the business of pesticide application (for hire). These applicators are divided into several separate categories:
 - (a) Agricultural Pest Control (Plant and Animal)
 - (b) Forest Pest Control
 - (c) Ornamental and Turf Pest Control
 - (d) Seed Treatment
 - (e) Aquatic Pest Control
 - (f) Right-of-way Pest Control
 - (g) Industrial, Institutional, Structural and Health-Related Pest Control
 - (h) Fumigation Pest Control
 - (I) Public Health Pest Control
 - (j) Regulatory Pest Control
 - (k) Demonstration & Research Pest Control
 - (l) Wood Treatment (preservative)
 - (m) Aerial and ground application are subcategories under all of the categories where appropriate.
- (2.) **Custodial Pesticide Applicators** are individuals that apply restricted use pesticides for other purposes than to produce an agricultural commodity on property controlled by his employer as part of his permanent salaried employment.
- (3.) **Government Pesticide Applicators** are individuals that apply restricted use pesticides as part of their permanent employment with a Federal, State, County or municipal government agency.
- (4.) **Resident Pesticide Applicators** are individuals that apply restricted use pesticides for other purposes than to produce an agricultural commodity on property controlled by another person if applied without compensation other than trading of personal services with the property owner.
- (5.) **Pesticide Consultants** are individuals that advise, consult or make recommendations for applications of any pesticides on property controlled by another person.

Applicants for commercial applicator permits must demonstrate competency in each category of work that they will engage in by taking and passing a certification examination administered by agents of the Commissioner. Study materials for each category are available, and can be purchased through the Cooperative Extension Service at Auburn University. After passing the certification examination and submission of the required application and permit fee, the applicant will be issued a commercial applicator certification permit by the Commissioner. The permit is valid for three years. The permit renewal process includes attending at least two (per three year period) of the many training meeting approved by the Department of Agriculture & Industries at different sites throughout the year, and submission of the application and permit renewal fees.

**DEALER
NOTE:**



When completing the sale log for the transaction, the dealer must record the permit number and the expiration date on the log. The commercial applicator permit number is a five digit number that does not have a “built-in” expiration date, but the expiration date is shown on the permit card.

Certification Permits Issued By Other States

It is common for certified applicators from surrounding States to purchase restricted use pesticides from Alabama Restricted Use Pesticide Dealers located near the border areas of the State. To legally sell restricted use pesticides to out-of-State certified applicators, the dealer should visually verify that the individual possesses a valid certification permit, and record the transaction on the sales log.

**DEALER
NOTE:**



When completing the sale log for the out-of-State transaction, the dealer must record the permit number, the expiration date, and the State that issued the certification on the log. Permit numbers (both private and commercial) issued by other States may not contain a “built-in” expiration date, but the expiration date is shown on the permit card.

Licensing Requirements for Custom Applicators

Certified applicators who wish to engage in custom pesticide application (for monetary compensation) must first obtain an annual license or permit from the Commissioner of the Alabama Department of Agriculture & Industries.

Commercial Applicator License

An applicant must possess a valid certification permit (card) in the category of custom application work in which he wishes to engage prior to applying for the annual license. The applicant must purchase insurance or a surety bond to cover potential damage which might be caused by his pesticide application operations, and submit the license or permit fee which is based on the type of work to be performed. Any person who engages in

custom (for hire) application of pesticides without first obtaining the required license/permit has violated the law and may be subject to regulatory, civil and/or criminal penalties as prescribed under the law.

**DEALER
NOTE:**



Do not confuse the certification permit with the applicator's license. A certified applicator permit is a card that will fit inside the permittee's wallet or purse. An Alabama Commercial Pesticide Applicator's License is printed on an 8 2 X 11 inch sheet of paper and is required to be posted at a conspicuous location of the applicator's business location. To engage in custom (for hire) pesticide application the applicator company must have both the certification card and the license.

Record Keeping Requirements

Record keeping requirements for individuals certified as commercial applicators, and who are required by the Department to purchase an annual business license for both ground and aerial application (i.e., Agricultural Plant, Forest, Right-of-way and Aquatic Pest Control, etc.) is regulated under *Chapter 80-1-14-.08(1)* of the *Rules For Application Of Pesticides By Aircraft*.

**DEALER
NOTE:**



The regulations state:

- (1) *“Licensee must maintain, for a minimum of three years, records of pesticide applications made in Alabama. These records shall be completed within 72 hours after each application or sooner if requested by the Commissioner or his designated representative for the purposes of a pesticide incident investigation. These books and reports shall be located at a pertinent place of business in Alabama and contain at least the following information:*
 - (a) Names of licensee;*
 - (b) Name and address of the individual for whom the application was made;*
 - (c) Identification of farm or land sites treated with pesticide(s);*
 - (d) Name of the crop which was treated;*
 - (e) Total number of acres treated;*
 - (f) The year, month, day and approximate time that the pesticide was applied;*
 - (g) The brand/or trade name, manufacturer, and formulation of the pesticide applied;*
 - (h) Amount of formulated product or active material applied per acre;*
 - (i) Total gallons or pounds per acre of the final tank mix applied;*
 - (j) Name of the person making the application of pesticide;*
 - (k) Signature of the person completing the record.”*

Penalties for Violations of Pesticide Laws & Regulations

Responsibility for enforcement of the pesticide laws and regulations in Alabama is shared by the US Environmental Protection Agency and the Alabama Department of Agriculture & Industries. By virtue of the provisions of a Cooperative Grant Agreement, the Department of Agriculture & Industries is the lead government agency in relation to pesticides within the boundaries of the State, but EPA reserves the power to unilaterally assess Federal penalties against violators of *FIFRA* within the State of Alabama.

Federal Penalties

The penalties for violation of the *Federal Insecticide, Fungicide and Rodenticide Act* involving distribution, possession, sale and use of pesticides are as follows:

CIVIL PENALTIES:

- (1.) Any commercial applicator, wholesaler, dealer, retailer or distributor found in violation of any provision of *FIFRA* can be fined up to \$5,500 per offense.
- (2.) Private Applicators found in violation of any provision of *FIFRA* can be fined up to \$1,000 per offense.

CRIMINAL PENALTIES:

- (1.) Any commercial applicator of a restricted use pesticide or any person who distributes or sells pesticides or devices who knowingly violates any provision of *FIFRA* can be fined up to \$25,000 and be imprisoned for up to 1 year, or both.
- (2.) Any private applicator that knowingly violates any provision of *FIFRA* can be fined up to \$1,000 and be imprisoned for up to 30 days, or both.

State Penalties

The penalties for violation of the *Alabama Pesticide Act (1975)* and Rules promulgated under this act involving distribution, possession, sale and use of pesticides are published in *Chapter 80-5-1* of the Department's regulations, and a summary the relevant section related to RUP Dealers and commercial pesticide applicators is as follows:

CIVIL PENALTIES:

- (1.) The Commissioner may revoke or modify any license, permit or certification issued by him for proven violation of any of the requirements for that license, permit or certification.
- (2.) The maximum penalty for operating without a required license, permit or certification (dealer or applicator) is \$3,000.

- (3.) The maximum penalty for failure to keep the required books and records is \$1,000.
- (4.) The maximum penalty for misuse of an unclassified pesticide is \$5,000.
- (5.) The maximum penalty for misuse of a restricted use pesticide is \$10,000.

CRIMINAL PENALTIES:

- (1.) A person found in violation of provisions of the *Alabama Pesticide Act (1975)* or any rule promulgated under the law shall be guilty of a misdemeanor. Penalties of a \$500 fine and imprisonment of not more than 1 year can be imposed by the court.
- (2.) The Commissioner may also seek a temporary restraining order or preliminary and/or permanent injunction enjoining any person from violating or continuing to violate provisions of the *Alabama Pesticide Act (1975)* or any rule promulgated under the law.

Contacts

For questions, additional information, requests for Restricted Use Pesticide Dealer examination or compliance assistance, please contact:

Alabama Department of Agriculture & Industries

Plant and Pesticide Division
Pesticide Management Section
1445 Federal Drive
Montgomery, Alabama 36107
Phone: (334) 240-7242
Fax: (334) 240-7168

For questions and information about pesticide use, handling and safety, please contact either the local offices of the Alabama Cooperative Extension Service or:

Alabama Cooperative Extension Service

Sonja Thomas
Dept. Of Entomology & Plant Pathology
301 Funchess Hall
Auburn University, Alabama 36849-5413
Phone: (334) 844-2563
Fax: (334) 844-2530

For assistance in obtaining Commercial Applicator Examination Study Materials, please contact:

Publication Distribution
Alabama Cooperative Extension System
Auburn University, Alabama 36849-5632
(334) 844-5326

Sources of Information Used in Writing This Guide

The guide contains information obtained from various sources, and contains direct quotes from applicable laws and regulations. Information obtained from other sources, while not quoted directly, may be recorded in a manner that is substantially similar to the information published by the original author. These original works are gratefully acknowledged below.

Bibliography

Federal Insecticide, Fungicide & Rodenticide Act (FIFRA)
CFR-40 Parts 150 through 189
Alabama Pesticide Act (1975)
Chapter 80-1-13 Rules Governing Sale and Use of Pesticides
Chapter 80-1-15 Restricted Use Pesticides
Chapter 80-5-1 Standards for Assessment of Civil Penalties
G89-937-A; The Pesticide Label @ www.unl.edu/ianr/pat/labelgui.htm
ENT791R Handout on Pesticide Labeling and Formulations

Applicators Must Obtain Federal Certification to Apply Restricted Use Pesticides in Indian Country

EPA is now certifying private and commercial applicators of restricted use pesticides in Indian country. For application forms and more information, go to:
www2.epa.gov/pesticide-applicator-certification-indian-country

Who must be certified

Private and **Commercial** applicators applying restricted use pesticides (RUPs) in Indian country must be federally certified, unless the tribe is covered under another EPA-approved or EPA-implemented plan.

How to become certified

Submit to your EPA Regional Office a signed application form **and** a copy of your valid, current certificate from a state, tribe or federal agency that shares a border with the area of Indian country where you will be applying RUPs.

Private applicators also have the option of obtaining the federal certification by **submitting** a signed application form **and** proof of completing the training requirement. See the application or website for more details on the training requirement.

There is no fee for the federal certificate. Fees to obtain the state or tribal certificate or attend training still apply.

When you need to be certified

If you...	Today	Beginning August 6, 2014
Already have a certification for a state or tribe contiguous to the area of Indian country where you would like to apply RUPs	Apply for EPA certification. You may apply RUPs with a valid federal, state or tribal certification once you have submitted the application	You must have EPA certification card to apply RUPs in Indian country
Don't have a federal, state or tribal certification	Apply for EPA certification. You may not apply RUPs in Indian country until you have received the EPA certification card	You must have an EPA certification card to apply RUPs in Indian country

Additional details and information

- State certifications are generally not valid in Indian country.
- The federal certificates issued under this plan are not valid outside of the applicable areas of Indian country covered by the plan.
- Contact the tribal office to learn of any tribal regulations, codes or ordinances that may restrict or modify pesticide applications. All applicators must comply with all applicable federal and tribal rules and regulations.
- Indian country, defined at 18 U.S.C. § 1151, includes, among other things, all lands within the exterior boundaries of Indian reservations. See EPA Plan on the website for the complete definition.
- Commercial categories under the federal certification will generally match the federal, state or tribal categories with a few exceptions. See EPA Plan for these exceptions.

See other side for EPA Regional Contacts →

Contact Information for EPA Regions

Region 1: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

Mr. Rob Koethe
(617) 918-1535
koethe.robert@epa.gov

Region 2: New Jersey, New York, Puerto Rico, Virgin Islands

Mr. Adrian Enache
(732) 321-6769
enache.adrian@epa.gov

Region 3: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia

No federally recognized tribes

Region 4: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Kentucky, Tennessee

Ms. Christine Fortuin
(404) 562-9003
fortuin.christine@epa.gov

Ms. Pat Livingston
(404) 562-9171
livingston.patricia@epa.gov

Region 5: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

Ms. Amy Mysz
(312) 886-0224
mysz.amy@epa.gov

Mr. Dan Hopkins
(312) 886-5994
hopkins.dan@epa.gov

Region 6: Arkansas, Louisiana, New Mexico, Oklahoma, Texas

Ms. Elizabeth Reyes
(214) 665-3163
reyes.elizabeth@epa.gov

Region 7: Idaho, Iowa, Kansas, Missouri, Nebraska

Mr. Doug Jones
(913) 551-7592
jones.doug@epa.gov

Region 8: Colorado, Montana, North Dakota, South Dakota, Wyoming, Utah

Ms. Suzanne Stevenson
(303) 312-6030
stevenson.suzanne@epa.gov

Region 9: Arizona, California, Nevada

Ms. Katy Wilcoxen
(415) 947-4205
wilcoxen.katy@epa.gov

Region 10: Alaska, Idaho, Oregon, Washington

Ms. Juliann Barta
(206) 553-1495
barta.juliann@epa.gov

Mr. Derrick Terada
(206) 553-4768
terada.derrick@epa.gov