

Pursuant to due publication and public hearing required by the provisions of Chapter 42-35 of the Laws of the State of Rhode Island, the director has adopted the following rules and regulations:

RULE A RESTRICTED USE AND STATE LIMITED USE PESTICIDES

1. Restricted Use Pesticides - Any Pesticide which is classified for restricted use by EPA, as published in the Federal Register, is a restricted use pesticide under the Rhode Island Pesticide Control Act. A listing of such restricted uses shall be maintained with the Division of Agriculture.
2. State Limited Use Pesticides
 - a. The registration of Products containing Chlordane shall be classified for State Limited Use effective January 31, 1984. The following conditions of sale & use shall be included in the State Limited Use Registration:
 1. Products containing Chlordane shall not be distributed in containers of less than one gallon.
 2. Products containing Chlordane shall not be distributed by any person unless such person is licensed as a pesticide dealer.
 3. Products containing Chlordane shall not be distributed to, or used by any person unless such person is appropriately certified or under the direct supervision of a certified applicator.
 4. Certified Commercial Applicators shall maintain, for a period of at least five (5) years from date of application, records of applications of Chlordane for the control of termites. Such records shall contain the following:
 - a. Date of Application.
 - b. Municipality in which application was made.
 - c. Address of Application.
 - b. The registration of products containing Alar (daminozide) shall be classified for State Limited Use effective May 15, 1986.

RULE B RECORD KEEPING REQUIREMENTS

1. Dealer Records - Any person issued a dealers license is required to keep, for at least two full calendar years, true and accurate records containing the following information:
 - a. The delivery, movement, or holding of any restricted use or state limited use pesticide, including the quantity;
 - b. The date of shipment and receipt;
 - c. The name of consignor and name and certification number of the consignee.

2. Every commercial applicator is required to keep, for two years from the date of application, true and accurate records containing the following information on his application of pesticides:
 - a. The brand names or registered names of the pesticides;
 - b. The formulation used and the quantity of that formulation used per day by each applicator when less than one (1) gallon of use dilution spray or one (1) pound of dusts, powders or prepared rodenticide baits are used at any one location. When more than these amounts are used at one location, complete records for that location shall be kept;
 - c. The purposes for which the pesticides were applied;
 - d. The dates of application; and
 - e. The places of application.
3. Certified private applicators are required to keep, for a period of at least two full calendar years, true and accurate records containing the following information on their yearly use of each restricted use and state limited use pesticide:
 - a. The brand name or registered name of the pesticide;
 - b. The EPA registration number of the pesticide;
 - c. The amount of pesticide applied;
 - d. The purpose for which the pesticide was applied.
4. Records required by paragraphs 1-3 shall be made promptly available to the Director, or his agent, upon a reasonable demand.

RULE C CATEGORIES FOR COMMERCIAL APPLICATORS

1. Every commercial applicator who uses or supervises the use of a restricted use or state limited use pesticide in any of the following categories and sub-categories must be certified for that category and sub-category. The categories and sub-categories for commercial applicators are:
 - Category 1. Agricultural Pest Control
 - a. Plant - This category includes commercial applicators using or supervising the use of restricted use or state limited use pesticides in the production of agricultural crops, such as feed grains, forage, vegetables, fruits & nuts, as well as on grasslands and non-crop agricultural lands.
 - b. Animal - This category includes applicators using or supervising the use of restricted use or state limited use pesticides on animals, such as beef cattle, dairy cattle, swine, sheep, horses, goats, poultry, and livestock, and to places on or in which animals are confined. Veterinarians and physicians who only apply pesticides as drugs or medication during the course of their normal practice need not become

certified (or licensed). This exclusion is not applicable to physicians and veterinarians who apply pesticides for hire, who publicly hold themselves out as pesticide applicators, or who engage in large-scale use of pesticides in this category.

Category 2. Forest Pest Control

This category includes commercial applicators using or supervising the use of restricted use or state limited use pesticides in forests, forest nurseries, and forest seed producing areas.

Category 3. Ornamental and Turf Pest Control

This category includes applicators using or supervising the use of pesticides as stated in the sub-categories below:

- a. Shade Tree (Arborist)
Applicators using or supervising the use of pesticides in the maintenance and production of ornamental trees.
- b. Custom Grounds
Applicators using or supervising the use of pesticides in the maintenance and production of ornamental shrubs, flowers and turf.

Category 4. Seed Treatment

This includes commercial applicators using or supervising the use of restricted use or state limited use pesticides on seeds.

Category 5. Aquatic Pest Control

This category includes commercial applicators using or supervising the use of restricted use or state limited use pesticides purposefully applied to standing or running water, excluding applicators engaged in public health related activities included in Category 8.

Category 6. Right-of-Way Pest Control

This category includes commercial applicators using or supervising the use of restricted use or state limited use pesticides in the maintenance of public roads, electric powerlines, pipelines, railway rights-of-way or other similar areas.

Category 7. Industrial, Structural and Health Related Pest Control

This category includes applicators using or supervising the use of pesticides as stated in the sub-categories below:

- a. General Pest
Applicators who use or supervise the use of pesticides for the control of general household pests such as fleas, cockroaches, bedbugs, ants, ticks, chiggers, mites, etc.
- b. Termite and Structural Pest
Applicators who use or supervise the use of pesticides for control of termites, carpenter

ants, powder post beetles, dry rot and other wood destroying organisms.

c. Fumigation

Applicators who use or supervise the use of pesticides that vaporize, or are in a gaseous phase, and kill by action of a toxic gas in houses, warehouses, box cars, etc.

d. Vertebrate

Applicators who use or supervise the use of pesticides for the control of rats, mice, bats, birds, etc.

e. Mosquitoes and Biting Flies

Applicators who use or supervise the use of pesticides for the control of such biting or stinging arthropods mosquitoes, black flies, horseflies, yellow jackets, hornets, etc.

Category 8. Public Health Pest Control

This category includes State, Federal or other governmental employees using or supervising the use of restricted use or state limited use pesticides in public health programs for the management and control of pests having medical and public health importance.

Category 9. Regulatory Pest Control

This category includes State, Federal or other governmental employees who use or supervise the use of restricted use or state limited use pesticides in the control of regulated pests.

Category 10. Demonstration and Research Pest Control

This category includes: (i) individuals who demonstrate the proper use and techniques of application of restricted use or state limited use pesticides or supervise such demonstration, and (ii) persons conducting field research with restricted use or state limited use pesticides, and, in doing so, use or supervise the use of restricted use or state limited use pesticides. Included in the first group are such persons as extension specialists and county agents, commercial representatives demonstrating pesticide products, and those individuals demonstrating methods used in public programs. The second group includes: State, Federal, commercial and other persons conducting field research on or utilizing pesticides.

2. The Director may, after a public hearing, add additional categories or sub-categories as needed for the certification of commercial applicators.

RULE D COMMERCIAL APPLICATOR CERTIFICATION PROCEDURE

3. On and after October 21, 1977, each person engaged in the application of any "restricted use" or "state limited use pesticide" as a commercial applicator shall possess a valid

commercial applicator certificate issued by the Director, except that a person who is applying a restricted use or state limited use pesticide under the direct supervision of an appropriately certified commercial applicator shall not be required to possess such a certificate.

4. Application for certification shall be filed with the department on forms supplied by the department, and shall contain such information as the Director shall require.
5. A fee of \$45.00 shall be charged prior to the issuance of the initial certification document and at the time of each annual renewal or re-certification thereafter.
6. A certification document shall be valid for a period beginning with the actual date of issuance and ending on January 31st, unless it has been revoked or suspended prior thereto by the Director for cause; provided, that any certification document issued prior to February 1, 1978, shall be valid for a period beginning with the actual date of issuance and ending on January 31, 1979, unless revoked or suspended prior thereto by the Director.
7. Competence in the use and handling of pesticides by commercial applicators, who wish to become certified shall be determined on the basis of written examinations, and, as appropriate, performance testing, based upon standards set forth in Rules E and F. Such examination and testing shall include the general standards applicable to all categories and the additional standards specifically identified for each category or sub-category in which an applicator is to be classified under RULE C.
8. A person shall not be determined certifiable in any category or sub-category until such person passes the required examinations as provided by paragraph (5) of this rule.
9. The Director may deny certification or may suspend, revoke, or otherwise modify a certificate once issued for reasons including the following:
 1. That the applicant made a false or misleading statement in the application for certification;
 2. that the applicant or certificate holder has violated any provision of RIPCA or the regulations promulgated thereunder;
 3. that the applicant or certificate holder does not have in effect or fails to maintain in effect financial responsibility in the amounts specified in RULE Q.
 4. that the applicant or certificate holder uses or applies a pesticide, excluding pesticides for which an EPA experimental use permit has been issued, which has not been duly registered under the provisions of @23-25-6.

RULE E GENERAL STANDARDS FOR ALL CATEGORIES AND SUB-CATEGORIES OF
COMMERCIAL APPLICATORS

All commercial applicators must demonstrate practical knowledge of the principles and practices of pest control and safe use of pesticides. Testing shall be based on examples of problems and situations appropriate to the particular category or sub-category, if any, in which the applicant wishes to be certified in the following areas:

1. Label and Labeling Comprehension

- a. General format and terminology;
- b. Understanding of instruction, warnings, terms, symbols, and other information commonly appearing on pesticide labels;
- 5. Classification of the products, general or restricted; and
- 6. Necessity for use consistent with the label, or as otherwise allowed by interpretations or regulations.

2. Safety

- 7. Pesticide toxicity and hazard to man and common
- 8. exposure routes;
- c. Common types and causes of pesticide accidents; Precautions necessary to guard against injury to applicators and other individuals in or near treated areas;
- d. Need for and use of protective clothing and equipment;
- e. Symptoms of Pesticide poisoning;
- f. First aid and other procedures to be followed in case of a pesticide accident; and
- 9. Proper identification, storage, transport, handling, mixing procedures and disposal methods for pesticides and used pesticide containers, including precautions to be taken to prevent children from having access to pesticides and pesticide containers.

3. Environment

The potential environmental consequences of the use and misuse of pesticides as may be influenced by such factors as:

- a. Weather and other climatic conditions;
- b. Types of terrain, soil or other substrate;
- 10. Presence of fish, wildlife and other non-target organisms; and
- d. Drainage patterns.

4. Pests

- 11. Common features of pest organisms and characteristics of damage needed for pest recognition;
- b. Recognition of relevant pests; and
- c. Pest development and biology as it may be relevant to problem identification and control.

5. Pesticides

- a. Types of pesticides;
- b. Types of formulations;
- 12. Compatibility, synergism, persistence and animal and plant toxicity of the formulations;
- d. Hazards and residues associated with use; Factors which influence effectiveness or lead to such problems as resistance to pesticides; and
- f. Dilution procedures.

6. Equipment

- 13. Types of equipment and advantages and limitations of each type; and
- b. Uses, maintenance and calibration.

7. Application Techniques

- 14. Methods of procedures used to apply various formulations of pesticides, solutions, and gases, together with a knowledge of which technique of application to use in a given situation;
- 15. Relationship to discharge and placement of pesticides to proper use, unnecessary use, and misuse; and
- 16. Prevention of drift and pesticide loss into the environment.

8. Laws and Regulations

Applicable State and Federal Laws and Regulations.

RULE F SPECIFIC STANDARDS OF COMPETENCY FOR EACH CATEGORY AND SUB-CATEGORY OF COMMERCIAL APPLICATORS

Commercial applicators in each category shall be particularly qualified with the respect to the specific standards elaborated.

1. Agricultural Pest Control

- 17. Plant - Applicators must demonstrate practical knowledge of crops grown and the specific pests of those crops on which they may be using restricted use pesticides. The impact of such competency is amplified by the extensive areas involved, the quantities of pesticides needed, and the ultimate use of many commodities as food and feed. Practical knowledge is required concerning soil and water problems, pre-harvest intervals, re-entry intervals, phytotoxicity, and potential for environmental contamination, non-target injury and community problems resulting from the use of restricted use pesticides in agricultural areas.
- 18. Animal - Applicators applying pesticides directly to animals must demonstrate practical knowledge of such animals and their associated pests. A practical knowledge is also required concerning specific pesticide toxicity residue potential, since host animals will frequently be for food. Further, the

applicator must know the relative hazards associated with such factors as formulation, application techniques, age of animals, stress and extent of treatment.

10. Forest Pest Control - Applicators shall demonstrate practical knowledge of types of forests, forest nurseries, and seed production in their state and the pests involved. They should possess practical knowledge of the cyclic occurrence of certain pests and specific population dynamics as a basis for programming pesticide applications. A practical knowledge is required of the relative biotic agents and their vulnerability to the pesticides to be applied. Because forest stands may be large and frequently include natural aquatic habitats and harbor wildlife, the consequences of pesticide use may be difficult to access. The applicator must therefore demonstrate practical knowledge of control methods which will minimize the possibility of secondary problems such as unintended effects on wildlife. Proper use of specialized equipment must be demonstrated, especially as it may relate to meteorological factors and adjacent land use.
3. Ornamental and Turf Pest Control
 1. Shade Tree - Applicators shall demonstrate practical knowledge of pesticide problems associated with the production and maintenance of ornamental and shade trees, including cognizance of potential phytotoxicity due to a wide variety of plant material, drift, and persistence beyond the intended period of pest control. Because of the frequent proximity of human habitations to application activities, applicators in this sub-category must demonstrate practical knowledge of application methods which minimize or prevent hazards to humans, pets, and other domestic animals.
 2. Custom Grounds - Applicators shall demonstrate practical knowledge of pesticide problems associated with the production and maintenance of shrubs, plantings, and turf, including cognizance of potential phytotoxicity due to a wide variety of plant material, drift, and persistence beyond the intended period of pest control. Because of the frequent proximity of human habitations to application activities, applicators in this sub-category must demonstrate practical knowledge of application methods which will minimize or prevent hazards to humans, pets, and other domestic animals.
4. Seed-Treatment - Applicators shall demonstrate practical knowledge of types of seeds that require chemical protection against pests and factors such as seed coloration, carriers, and surface active agents which influence pesticide binding and may affect germination. They must demonstrate practical knowledge of hazards associated with handling, sorting and mixing, and misuse of treated seed such as introduction of treated seed into food and feed channels, as well as proper disposal of unused treated seeds.

11. Aquatic Pest Control - Applicators shall demonstrated practical knowledge of the secondary effects which can be caused by improper application rates, incorrect formulations, and faulty application of restricted use pesticides used in this category. They shall demonstrate practical knowledge of various water use situations and the potential of downstream effects. Further, they must have practical knowledge concerning potential pesticide effects on plants, fish, birds, beneficial insects and other organisms which may be present in aquatic environments. These applicators shall demonstrate practical knowledge of The principles of limited area application.
12. Right-of-Way Pest Control - Applicators shall demonstrate practical knowledge of wide variety of environments, since rights-of-way can transverse many different terrains, including waterways. They shall demonstrate practical knowledge of problems on runoff, drift, and excessive foliage destruction and ability to recognize target organisms. They shall also demonstrate practical knowledge of the nature of herbicides and the need for containment of these pesticides within the right-of-way area, and the impact of their application activities in the adjacent areas and communities.
13. Industrial, Institutional, Structural and Health Related Pest Control
 - a. General Pest - Applicators must demonstrate a practical knowledge of a wide variety of pests, including their life cycles, types of formulations appropriate for their control, and methods of application that avoid contamination of habitat, and exposure of people and pets. Since human exposure, including babies, children, pregnant women, and elderly people, is frequently a potential problem, applicators must demonstrate practical knowledge of the specific factors which may lead to a hazardous condition, including continuous exposure in the various situations encountered in this sub-category. Because health related pest control may involve outdoor applications, applicators must also demonstrate practical knowledge of environmental conditions, particularly related to this activity.
 3. Termite and Structural Pest - Applicators must demonstrate a practical knowledge of a wide variety of wood destroying organisms, including their life cycles, types of formulations appropriate for their control, and methods of application that avoid contamination of food, wells, damage and contamination of habitat, and exposure of people and pets. Since human exposure, including babies, children, pregnant women, and elderly people is frequently a potential problem, applicators must demonstrate practical knowledge of the specific factors which may lead to a hazardous condition, including continuous exposure in the various situations encountered in this sub-category.
 - c. Fumigation - Applicators must demonstrate a practical knowledge of a wide variety of pests, including their life

cycles, types of fumigation materials appropriate for their control, and methods of application that avoid contamination of habitat, and exposure and people and pets. Since human exposure is frequently a potential problem, applicators must demonstrate practical knowledge of the specific factors which may lead to a hazardous condition, including continuous exposure in the various situations encountered in this sub-category.

- d. Vertebrate - Applicators must demonstrate a practical knowledge of a variety of rodents and birds including their life cycles, types of formulations appropriate for their control, and methods of application that avoid contamination of food, damage and contamination of habitat, and exposure of people and pets. Since human exposure, including babies, children and pregnant women, and elderly people is frequently a potential problem, applicators must demonstrate practical knowledge of the specific factors which may lead to a hazardous condition, including continuous exposure in the various situations encountered in this sub-category. Because vertebrate pest control may involve outdoor applications, applicators must also demonstrate practical knowledge of environmental conditions, particularly related to this activity.
4. Mosquitoes and Biting Flies - Applicators must demonstrate a practical knowledge of a variety of pests, including their life cycles, types of formulations appropriate for their control, and methods of application that avoid contamination of habitat, and exposure of people and pets. Since human exposure is frequently a potential problem, applicators must demonstrate practical knowledge of the specific factors which may lead to a hazardous condition, including continuous exposure in the various situations encountered in this sub-category. Because a health related pest control may involve outdoor applications, applicators must also demonstrate practical knowledge of environmental conditions, particularly related to this activity.
14. Public Health Pest Control - Applicators shall demonstrate practical knowledge of vector-disease transmission as it relates to and influences application programs. A wide variety of pests is involved and it is essential that they be known and recognized, and appropriate life cycles and habitats be understood as a basis for control strategy. These applicators shall have practical knowledge of a great variety of environments ranging from streams to those conditions found in buildings. They should also have practical knowledge of the importance and employment of such non-chemical control methods as sanitation, waste disposal and drainage.
15. Regulatory Pest Control - 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 of restricted use pesticides used in suppression and eradication programs. They shall demonstrate knowledge of factors influencing introduction, spread, and population dynamics of relevant pests. Their knowledge shall extend beyond that required by immediate duties, since their services are frequently required in other areas of the country where emergency measures are invoked to

control regulated pests and where individual judgements must be made in new situations.

16. Demonstration and Research Pest Control - Persons demonstrating the safe and effective use of pesticides to other applicators and the public will be expected to 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 of problems, pests, and population levels occurring in each demonstration situation is required. Further, they should demonstrate an understanding of pesticide-organism interactions and the importance of integrating pesticide use with other control methods. In general, it would be expected that applicators doing demonstration pest control work possess a practical knowledge of all of the standards detailed in the General Standards. In addition, they shall meet the specific standards required for categories (a) through (g) of this section as may be applicable to their particular activity. Persons conducting field research or method improvement work with restricted use pesticides should be expected to know the General Standards. In addition, they shall be expected to know the specific standards required for categories (a) through (i) of this section, applicable to their particular activity, or alternatively, to meet the more inclusive requirements listed under "Demonstration".

RULE G PRIVATE APPLICATOR CERTIFICATION PROCEDURE

1. On and after October 21, 1977, each person engaged in the application of any "restricted use" or "state limited use pesticide" as a private applicator shall possess a valid private applicator certificate issued by the Director, except that a person who is applying a restricted-use or limited use pesticide under the direct supervision of an appropriately certified applicator shall not be required to possess such a certificate.
2. Application for certification shall be filed with the department on forms supplied by the department, and shall contain such information as the Director shall require.
3. A fee of \$20.00 shall be charged prior to the issuance of the initial certification document and at the time of each annual renewal or re-certification thereafter.
4. A certification document shall be valid for a period beginning with the actual date of issuance and ending on December 31st, unless it has been revoked or suspended prior thereto by the Director for cause; provided, that any certification document issued prior to January 1, 1978 shall be valid for a period beginning with the actual date of issuance and ending December 31, 1978, unless revoked or suspended prior thereto by the Director.
5. Competence in the use and handling of pesticides by private applicators who wish to become certified shall be determined primarily on the basis of written examinations. Oral examinations and performance testing may be utilized in conjunction with, and not in lieu of, written examinations. Such examinations and testing shall be based upon standards set forth in RULE H.

6. A person shall not be determined certifiable as a private applicator until such person passes the required examinations as provided by paragraph (5) of this rule.
7. The Director may deny certification or may suspend, revoke, or otherwise modify a certification once issued for reasons including the following:
 - a. that the applicant made a false or misleading statement in the application for certification;
 - b. that the applicant or certificate holder has violated any provision of RIPCA or the regulations promulgated thereunder;
 - c. that the applicant or certificate holder uses or applies a pesticide, excluding pesticides for which an EPA experimental use permit has been issued, which has not been duly registered under the provisions of @23-25-6.

RULE H STANDARDS OF COMPETENCY FOR PRIVATE APPLICATORS

A private applicator must show that he possesses a practical knowledge of the pest problems and pest control practices associated with his agricultural operations; proper storage, use, handling and disposal of the pesticides and containers; and his related legal responsibility appropriate to 40 CRF 171.5(a). This practical knowledge includes ability to:

1. Recognize common pests to be controlled and damage caused by them.
2. Read and understand the label and labeling information including the common name of pesticides he applied; pest(s) to be controlled, timing and methods of application; safety precautions; and pre-harvest or re-entry restrictions; and any specific disposal procedures.
3. Apply pesticides in accordance with label instructions and warnings, including the ability to prepare the proper concentration of pesticide to be used under particular circumstances taking into account such factors as area to be covered, speed at which application equipment will be driven, and the quantity dispersed in a given period of operation.
4. Recognize local environmental situations that must be considered during application to avoid contamination.
5. Recognize poisoning symptoms and procedures to follow in case of a pesticide accident.

RULE I REGISTRATION

1. No out-of-state manufacturer, producer, or distributor shall offer a pesticide for (Retail) sale through mail order catalogues, direct mail, or other media or advertising without first registering that pesticide according to the provisions of (Section 6) of this act.
2. Pesticide products which have the same formula, the same EPA registration number, are manufactured by the same person, the labeling of which contains the same claims, and the labels of which

bear a designation identifying the product as the same pesticide product may be registered as a single pesticide product; and additional names and labels shall be added by supplement statements during the current period of registration.

3. If during the current registration period, the manufacturer or producer changes or alters any part of the active ingredient statement of a pesticide product registered with the Director, he must register the pesticide product as a new product whether or not it receives a new EPA registration number.

RULE J EXPERIMENTAL USE PERMITS

1. Any person who intends to use a pesticide, for which an experimental use permit has been issued by EPA pursuant to Section 5(a) of FIFRA, in Rhode Island, shall, prior to its shipment to and/or use in Rhode Island notify the Director of his intent and shall apply for permission to do so. The applicant shall supply the Director with the following information:

- a. Type of product
- b. Name of product
- c. Name and address of permittee
- d. Active ingredient name and percentage
- e. Inert ingredient percentage
- f. Experimental permit no.
- g. Complete label and labeling
- h. Amount to be used
- i. Names and addresses of applicators involved
- j. Application sites or locations
- k. Such other information as the Director deems necessary to protect health and the environment

2. Any person who (after having received permission from the Director to do so) uses and/or applies a pesticide, for which EPA has issued an experimental use permit, shall submit to the Director within six months a report on the results of such use and/or application.

RULE K CERTIFICATION DOCUMENTS

1. Certified Commercial Applicators

- a. A commercial applicator may be issued certification documents only after he has paid the required fee and successfully complied with the procedure set forth in RULE D.
- b. The Director may issue two types of certification documents which may include the following information:
 1. Full size document: applicator's name, address, certification number, expiration date, categories or certification, and applicator's signature.
 2. Wallet size document: same information as in full size document plus applicator's photograph.
- c. The full size document shall be retained at the applicator's principal place of business.

- d. The wallet size document, shall be on the applicator's person at all times he is using a restricted use or state limited use pesticide. This document will also be utilized by the applicator as a means of identification for his purchase of restricted use or state limited use pesticides.
2. Certified Private Applicators
 - a. A private applicator may be issued certification documents only after he has paid the required fee and successfully completed with the procedure set forth in RULE G.
 - b. The director may issue two types of certification documents which may include the following information:
 1. Full size document: applicator's name, address, certification number, expiration date, limitations, and applicator's signature.
 2. Wallet size document: same information as in full size document plus applicator's photograph.
 - c. The full size document shall be retained at the applicator's principal place of business.
 - d. The wallet size document shall be on the applicator's person at all times he is using a restricted use or state limited use pesticide. This document will also be utilized by the applicator as a means of identification for his purchase of restricted use or state limited use pesticides.
3. All sales of restricted use or state limited use pesticides are limited to those who are certified or those who have been authorized by a certified applicator to purchase the same.

Authorization to purchase where purchase authority has been delegated by a certified applicator shall be in such form and contain such information as may be prescribed by the Director.

RULE L RENEWAL OF CERTIFICATION

1. All certified applicators must attend a least one training program, approved by the Director, during a five-year period, in order to:
 - a. ensure that they continue to meet the requirements of changing technology, covering uses for which they are certified;
 - b. assure that they maintain a continuing level of competence and ability to use pesticides safely and properly covering uses for which they are certified; and

- c. acquaint them with changes in Federal and State regulations.
2. Certified applicators who attend such a training program, as outlined in paragraph (1), shall be issued a certificate of attendance, a copy of which will be filed with the applicators records.
3. Certified applicators who fail to attend a training program, as required in paragraph (1), at least once every five years shall be required to take another examination before their certification will be renewed.

RULE M COMMERCIAL APPLICATOR LICENSES

1.
 - a. On and after October 21, 1977, each person engaged in the application of any pesticide, other than a "restricted-use" or "state limited use pesticide", as a commercial applicator shall possess a valid commercial applicator license, issued by the Director, except that a person who is applying such a pesticide on land owned or rented by the applicator or his employer shall not be required to possess such a license.
 - b. Each person who is the employee of a licensed or certified commercial applicator and who as a condition of employment applies pesticides, not in the physical presence of a licensed or certified applicator, shall possess a valid coial applicator's license or certification, except that that person shall not be required to provide separate financial responsibility as specified in RULE Q.
2. Application for licensing shall be filed with the Department on forms supplied by the Department, and shall contain such information as the Director shall require.
 - b. Storage actions for pesticides and pesticide containers.
 - c. Disposal actions for pesticides and pesticide containers.
3. A fee of \$30.00 shall be charged prior to the issuance of the initial license document and at the time of each annual renewal or reissuance thereafter.
4. A license document shall be valid for a period beginning with the actual date of issuance and ending on February 28th, unless it has been revoked or suspended prior thereto by the Director for cause; provided, that any license document issued prior to March 1, 1978 shall be valid for a period beginning with the actual date of issuance and ending on February 28, 1979, unless revoked or suspended prior thereto by the Director.
5. Competence in the use and handling of pesticides by commercial applicators, who wish to become licensed shall be determined on the basis of written examinations, and, as appropriate, performance testing, based upon the standards set forth in RULE E.
6. A person shall not be determined qualified for licensing until such person passes the required examinations as provided by paragraph (5) of this Rule.

7. The Director may deny licensing or may suspend, revoke, or otherwise modify a license once issued for reasons including the following:
 - a. That the applicant made a false or misleading statement in the application for licensing;
 - b. That the applicant or license holder has violated any provisions of RIPCA or the regulations promulgated thereunder;
 - c. That the applicant or license holder does not have in effect or fails to maintain in effect financial responsibility in the amounts specified in RULE Q.
 - d. That the applicant or license holder uses or applies a pesticide, excluding pesticides for which an EPA experimental use permit has been issued, which has not been duly registered under the provisions of @23-25-6.

RULE N DEALER LICENSES

1. On and after October 21, 1977, any person engaged in the distribution of any "restricted use" or "state limited use" pesticide as a pesticide dealer shall possess a valid pesticide dealer's license issued by the Director. A licensee shall be required for each location or outlet, within the State, from which such pesticides are distributed, sold, held for sale, or offered for sale.
2. Application for licensing shall be filed with the Department, and shall contain such information as the Director may require.
3. A fee of \$30.00 shall be charged to the issuance of the initial license and at the time of each annual renewal.
4. A license shall be valid for a period beginning with the actual date of issuance and ending on February 28th, unless it has been revoked or suspended prior thereto by the Director for cause; provided that any license issued prior to March 1, 1978, shall be valid for a period beginning with the actual date of issuance and ending on February 28, 1979, unless revoked or suspended prior thereto by the Director.
5. The Director shall require a person, who has a fixed distribution center within the State and who wishes to become licensed, to pass a written examination. Such examination will be designed to enable the person to demonstrate his knowledge of the types of information to be found on a pesticide label and that he is familiar with State and Federal laws governing his sale, storage and distribution of "state limited use" and "restricted use" pesticides.
6. The Director shall require out-of-state dealer representatives who physically operate and distribute within the State to pass the required examination as provided by paragraph (5) of this rule.
7. A manufacturer, registrant, or distributor of "state limited use" or "restricted use" pesticides who has no fixed distribution center within the State but who wishes to distribute such pesticides directly to certified applicators within the State may obtain a

dealer's license by paying the required fee and signing a form attesting to his knowledge of State and Federal laws governing such distribution.

8. The Director may deny licensing or may suspend, revoke or otherwise modify a license once issued for reasons including the following:
 - a. That the applicant made a false or misleading statement in the application for licensing.
 - b. That the applicant or license holder has violated any provision of RIPCA or the regulations promulgated thereunder;

RULE 0 GENERAL RULES

1. Pesticide Anti-Siphon. All pest control equipment using pesticides and drawing water from the surface waters of the State shall have an effective antisiphon device approved by the Director to prevent back flow.
2. No pesticide shall be applied to public water supplies or their tributaries except by legally established water supply entities or their agents as authorized by the Director. Pesticide applications to lands near or adjacent to public water supplies shall be made in such a manner that no pesticides drift or flow into such water supplies.
3. No pesticide application may be made within 400 feet of gravel packed wells used for public water supply or within 250 feet of other wells so used, unless materials and methods to be employed have been approved by the Director.
4. Pesticide applications shall not be made on the watershed of a public water supply unless such applications have been approved by the Director.
5. No restricted-use or state limited use pesticide shall be applied to woodland areas exceeding 25 acres without the prior approval of the Director.
6. Pesticide applications to areas adjacent to crops or pasturage shall be such that contamination of crops or pasturage does not occur.
7. Pesticide application for agricultural purposes shall be such that contamination to adjacent lands does not occur.
8. Pesticide applications to any surface waters of the State for the control of aquatic nuisances or for any other reason shall not be made unless such applications have been approved by the Director.
9. No application of pesticides by means of aircraft shall be made within the State without prior approval of the Director or his designated representative.
10. No application of pesticides shall be made by mechanically powered equipment at such times as the wind velocity will cause a hazardous chemical to drift beyond the target area.

11. Pesticide containers shall not be used for any purpose, other than the storage of pesticides, unless such purpose has been approved by the Director and the containers have been properly cleaned.
12. Pesticide dealers displaying "Restricted Use" or "State Limited Use" pesticides, shall display such pesticides in an area separate from general use pesticides.
 1. Pesticide dealers displaying "Restricted Use" or "State Limited Use" pesticides, shall post a sign bearing the statement "for sale to certified applicators only", at the display in a prominent position. The statement shall be imprinted letters at least one inch high.
 - 2.
 3. No pesticide may be distributed if part or all of the label is missing, unreadable, or otherwise damaged beyond recognition.
 - 4.
 5. No pesticide may be distributed in containers which are unsafe due
 6. to corrosion, leakage, spillage, or other damage.

RULE P RECIPROCITY

1. Applicants for reciprocal certification must have successfully completed all necessary certification requirements in their resident state and must submit proof of such to the Director.
2. Applicants for reciprocal certification must complete all requirements of the Director relative to certification with the exception of taking the written examination.
3. All grantees of reciprocal certification shall be responsible for and bound by the provisions of RIPCA, the rules and regulations adopted thereunder, and of any lawful order of the Director.
4. Whenever a person's certification is denied, suspended, revoked or modified by his resident state, the reciprocal certification, granted by the Director, shall be at least similarly denied, suspended, revoked or modified.
5. Reciprocal certification shall only remain in effect as long as certification is maintained in the resident state.
6. Reciprocal certification documents shall bear a notation distinguishing them from other certification documents.

RULE Q FINANCIAL RESPONSIBILITY

1. Each applicant for commercial applicator licensing shall show proof of financial responsibility to consist of either:
 - a. A performance bond drawn payable to the State of Rhode Island in the amount of \$20,000 per job, or
 - b. The following minimum insurance coverage:
Comprehensive General Liability (ground application):

Bodily Injury Liability - \$20,000 each occurrence
- \$40,000 Aggregate

Property Damage Liability (Including completed operations and
chemical liability) - \$25,000

2. Each applicant for commercial applicator certification shall show proof of financial responsibility to consist of either:
 - a. A performance bond drawn payable to the State of Rhode Island in the amount of \$50,000 per job, or
 - b. The following minimum insurance coverage:

Comprehensive General Liability (ground application):

Bodily Injury Liability - \$50,000 each occurrence
- \$100,000 Aggregate

Property Damage Liability (Including completed operations and
chemical liability) - \$50,000
3. Each applicant for commercial applicator certification in Category 7(c) Fumigation shall show proof of financial responsibility to consist of either:
 - a. A performance bond drawn payable to the State of Rhode Island in the amount of \$100,000, or
 - b. The following minimum insurance coverage:

Comprehensive General Liability:

Bodily Injury Liability - \$100,000 each occurrence
- \$300,000 Aggregate

Property Damage Liability (Including completed operations and
chemical liability) - \$100,000
4. Each applicant for commercial applicator licensing or certification, who applies pesticides aerially, shall show proof of financial responsibility to consist of either:
 - a. A performance bond drawn payable to the State of Rhode Island in the amount of \$100,000, or
 - b. The following minimum insurance coverage:

General Liability:

Bodily Injury Liability - \$100,000 each occurrence
- \$200,000 Aggregate

Property Damage Liability (Including completed operations and
chemical liability) - \$100,000

5. Financial responsibility required by paragraphs (1) - (4), where appropriate, shall not be required of persons whose pesticide application activities are part of their duties as governmental employees.

RULE R DEFINITIONS

As used in these rules and regulations, all terms not defined herein shall have the meaning given them by RIPCA.

1. RIPCA - Chapter 23-25 of the General Laws entitled the Rhode Island Pesticide Control Act of 1976.
2. Use of a pesticide - Any act of handling or release of a pesticide or the exposure of man or the environment to a pesticide, but excluding normal handling associated with pesticide distribution, through acts including but not limited to:
 - a. Application of a pesticide including mixing or loading of equipment and any required supervisory action in or near the area of application.
 - b. Storage actions for pesticides and pesticide containers.
 - c. Disposal actions for pesticides and pesticide containers.

RULE S STANDARDS FOR SUPERVISION OF NON-CERTIFIED APPLICATORS BY CERTIFIED PRIVATE AND COMMERCIAL APPLICATORS

1. Certified applicators whose activities indicate a supervisory role must demonstrate a practical knowledge of Federal and State supervisory requirements, including labeling, regarding the application of restricted use pesticides by non-certified applicators.
2. The availability of certified applicators must be directly related to the hazard of the situation.
 - a. In situations where the certified applicator is not required to be physically present, "direct supervision" shall include verifiable instruction to the competent person, as follows:
 1. Detailed guidance for applying the pesticide properly, and
 2. Provisions for contacting the certified applicator in the event he is needed.
 - b. In situations where labeling requires, the actual physical presence of a certified applicator shall be required when application is made by a non-certified applicator.
 - c. In situations in which sub-surface application of the following classes of termiticides are made, the actual physical presence of an applicator certified in Category 7(b) is required when application or any part thereof is made by any applicator not certified in Category 7(b):

Clyclocienes . . . including but not limited to chlordane, aldrin, dieldrin, and heptachlor.

Organo-Phosphates . . . including but not limited to chlorpyrifos.

Rule T is hereby superceded by the following rule:

RULE T

1. Definitions - Unless the context clearly indicates otherwise, the following terms shall have the following meanings:
 - a. Homeowner shall mean the owner or occupant of a private single family residence or the manager of a multi-unit dwelling.
 - b. Applicator shall mean the individual or company providing lawn care services.
 - c. Immediate Service Call shall include: 1) customer complaints, 2) lawn threatening pests - but shall not include regularly scheduled treatments.
 - d. End Use Product shall mean the pesticide(s) as applied and shall not mean the concentrate.
 - e. Public Recreation Facilities shall include golf courses, playgrounds, athletic facilities, schoolgrounds, and parks.
2. After entering into or renewing an agreement to apply pesticides to control lawn or turf pests and prior to the initial application of such pesticides, the applicator shall provide the homeowner with a list of those pesticides which may be used. Such list shall include common and most likely trade name of each pesticide and any post-application safety, environment or health instructions specified on the label for the end use product. In addition to said list the applicator must inform the homeowner, in writing, that they may request a copy of the label, and/or the material date sheet, and/or the EPA Fact Sheet, if available, on any pesticide which may be used. The Director may require the inclusion of any additional health, safety or environmental instructions generated by the EPA, department of environmental management or department of health.
3. Any contiguous neighbor to a property under an agreement in above may request the applicator to provide notice 48 hours in advance of each application. If notice by telephone, or mail or in person, cannot be given 48 hours before the application of pesticides the applicator shall leave written notice at that house following the application. Such advance notice shall not be required for immediate service calls. In those cases, written notification following the application shall be left at the requesting neighbor's house.

4. Upon completion of each application, the applicator shall leave written notice at the property treated containing the following information:
 - a. the common name of the pesticide(s) that were applied to the property.
 - b. a telephone number of the applicator.
 - c. the telephone number of the Department of Environmental Management.
5. At the time of each application, the applicator shall post signs, as prescribed in (7) below, in conspicuous points of access to the property and shall instruct the customer as to their appropriate removal. Conspicuous points of access shall include but not be limited to, unobstructed abutting yard, walkways, paths, etc.
6. Prior to commencing each application of a pesticide, the manager of a public recreation facilities shall post a notice in the place most likely to inform those who make use of the facility. Such notice shall remain in place for 72 hours after completion of the application.
7. Signs shall be no less than 20 square inches (4" X 5") and shall be printed with the following information on waterproof stock in dark letters on a white field:

Lawn Chemicals Applied (in letters at least 1/2" high)
Applicator Name
Phone Number of Applicator
Keep Posted for 72 Hours
(no smaller than 1/4" letters)
8. Each applicator shall make any written material required in this rule readily available to the Department upon request.

This regulation shall become effective May 15, 1987.

UNDERLINING INDICATES AMENDMENTS TO THE RULES & DASHES INDICATES DELETIONS FROM THE RULES.