

Regulations Under Act 389 of 1975 as Amended

Regulation No. 1. Categories of Applicators

The following categories have been established for licensing and applicator certification purposes:

I. Commercial Applicator Categories

A. Agricultural Pest Control

(1). Plants

1. Agricultural Produce and Lands Pest Control

(2). Animals

B. Forest Pest Control

(1). Wood Treatment

C. Right-of-Way Pest Control

D. Aquatic Pest Control

E. Demonstration and Research Pest Control

F. Public Health Pest Control

G. Seed Treatment

H. Regulatory Pest Control

II. Non-Commercial Applicator Categories Same as Commercial Applicator

Regulation No. 2. Commercial Applicator

- I. All herbicide spray applications made by air to field crops (does not include forestry) shall be done in accordance with the following requirements unless otherwise required by the Plant Board:
 - (A) When applying a herbicide, an aircraft may not exceed 145 miles per hour. Higher airspeeds may be utilized if the operator can document that the setup combination and airspeed selected will allow compliance with the spray classification as identified in paragraph (1)(i) below. Such compliance must be verified by a person or entity that is independent of the applicator/firm, has specific education and training and experience in the application of herbicides to field crops, and whose curriculum vitae is acceptable to the Plant Board. Documentation of such verification must be recorded on a form provided by the Plant Board. Upon the effective date of these regulations, said documentation must be provided to the Plant Board by June 2, 2002. All subsequent verification documentation must be provided to the Plant Board prior to use of the setup.

- (B) The spray boom height at the time of product release shall not exceed 15 feet above the crop canopy. Where obstructions in or adjacent to the field of application will not safely allow application at the 15 foot level, a higher elevation may be used in the vicinity of such obstructions. However, where the product label imposes more restrictive application elevations, those elevations must be complied with.
- (A) Herbicide applications may not be made under conditions where the spray may possibly be entrained in an inversion layer. As an indicator that an inversion is unlikely to exist, the applicator shall record the ambient temperature measured at the airstrip from which he/she is working for each application. Inversions are much less likely to exist if the temperature has increased three (3) degrees Fahrenheit from the morning low at the
- (B) time of application for applications made before noon or has not decreased more than three (3) degrees Fahrenheit from the afternoon high for applications made after noon. The applicator should also use other legal means available to him/her to verify that an inversion does not exist.
- (C) All spray nozzle discharges must be pointed toward the rear of the aircraft and a minimum of ten (10) inches below the trailing edge of the wing.
- (D) The spray boom length divided by the wing span shall not be greater than 0.7 for fixed wing aircraft and 0.8 for rotary wing aircraft.
- (E) The wind shear angle of the spray nozzle discharge may not exceed thirty (30) degrees. However, the spray classification category requirements of paragraph (1)(i) below must be met.
- (F) Drift reduction nozzles such as Reglo Jet, CP drift reduction tips, narrow angle (65 degrees or less) flat fans, straight stream or other nozzle/configurations that are able to meet the spray classification category requirements set out in paragraph (1)(i) below must be used. Documentation verifying the latter's compliance must be made available to the Plant Board upon request.
- (G) Application rate must be greater than two (2) gallons per acre, unless otherwise required by the label.
- (I) Spray classification category must be in the Medium or larger category in accordance with the August 1999 issue of ASAE S572 report entitled Spray Nozzle Classification by Droplet Spectra.
- (J) Where the product label is more restrictive than these regulations, the label must take precedence.

II All herbicide spray applications made by ground to field crops (does not include forestry) shall be done in accordance with the following requirements unless otherwise required by the Plant Board :

(A) Vehicle speed while making an application shall be as follows:

- | | |
|-------------------------------|----------------------------|
| (a) Medium Droplet Size | 10 mph or less |
| (b) Coarse Droplet Size | 15 mph or less |
| (c) Extra Coarse Droplet Size | May be Greater Than 15 mph |

The above spray classification categories are as defined in the August 1999 issue of ASAE S572 report entitled Spray Nozzle Classification by Droplet Spectra.

- (B) Spray boom height shall not exceed 30 inches above the crop canopy with a medium droplet size but may go to 60 inches above the canopy with a coarse or larger droplet size. If the product label or other restrictions imposed by the Plant Board requires a lower level, then that elevation must be used.
- (C) Herbicide applications may not be made under conditions where the spray may possibly be entrained in an inversion layer. As an indicator that an inversion is unlikely to exist, the applicator shall record the ambient temperature measured at the field of application for each application. Inversions are much less likely to exist if the temperature has increased three (3) degrees Fahrenheit from the morning low at the time of application for applications made before noon or has not decreased more than three (3) degrees Fahrenheit from the afternoon high for applications made after noon. The applicator should also use other legal means available to him/her to verify that an inversion does not exist.
- (D) Applications are restricted to hydraulic style nozzles that initiate droplet movement in the direction of the plant canopy. Rotary or Control Droplet Application equipment that emits droplets in a horizontal fashion may be used only if the spray classification meets the medium or greater spray classification categories set out in the document referenced in paragraph (1)(i) above. Such compliance must be verified by a person or entity that is independent of the applicator/firm, has specific education and training and experience in the application of herbicides to field crops, and whose curriculum vitae is acceptable to the Plant Board. Upon the effective date of these regulations, said documentation must be provided to the Plant Board by June 2, 2002. All subsequent verification documentation must be provided to the Plant Board prior to use of the setup.
- (E) The application rate must be a minimum of two (2) gallons per acre unless otherwise required by the label.

- (F) Drift reduction nozzles that produce medium or greater spray classifications must be used .
- (G) Where the product label is more restrictive than these regulations, the label must take precedence.

III All commercial pesticide applications made by ground must be done under the supervision (as defined in ACA 20-20-203(27) of a certified, licensed commercial applicator. The driver/operator of the vehicle must be either a certified, licensed commercial applicator licensed by the Plant Board or a licensed Commercial Applicator Technician licensed by the Plant Board.

- (A) A Commercial Applicator Technician works under the supervision of a certified, commercial applicator.
- (B) A Commercial Applicator Technician must be licensed by the Plant Board. Said license shall expire on December 31st of each year.
- (C) To obtain a Commercial Applicator Technician (CAT) license the applicant must provide proof of completion of the CAT ground application training course established by the Plant Board within four (4) months of application and have paid the application review fee as specified by the Plant Board.

IV License application review fees shall be as follows:

- | | | |
|-----|--|-------|
| (A) | License to apply seed, fertilizer, and pesticides | \$100 |
| | Plus for each aircraft or article of ground equipment | \$20 |
| (B) | Individual Commercial Applicator license, per category | \$35 |
| (C) | Seed treatment license | \$100 |
| | If restricted use pesticides used - additional | \$35 |
| (D) | Commercial Applicator Technician license | \$25 |

A fee of \$5 from each license issued to a CAT by the Plant Board shall be transferred to the University of Arkansas Cooperative Extension Service for the purpose of developing and providing CAT training subject to approval by the Plant Board.

V Financial Responsibility - Financial responsibility shall be established in one of the four following ways: (1) a letter of credit from an Arkansas Bank guaranteeing financial responsibility; (2) a surety bond; (3) an escrow account with an Arkansas Bank; or (4) an insurance policy or certification thereof. The minimum financial responsibility shall be \$100,000. The deductible clause shall not exceed \$5,000 for an insurance policy.

Exemption: This requirement shall not apply to Seed Treatment Applicators and Regulatory Pest Control Applicators.

VI Decals - A decal shall be issued for each air craft or article of ground equipment upon approval of application. Such decal shall be attached to or displayed on the aircraft and/or article of ground equipment prior to its use under the license granted.

Regulation No. 3. Non-Commercial Applicator's License.

The review fee for a Non-Commercial Applicator's license shall be \$35 per category. At the discretion of the ASPB Director this fee may be waived for Cooperative Extension employees actively involved in supporting the ASPB's regulatory programs.

Regulation No. 4. Private Applicator License.

I. Initial Certification

All first time applicants for a Private Applicator's license must have been "certified" within the 12 months prior to license application. Certification for a first time applicant can be obtained in one of two ways:

- (A) Applicant may attend the Pesticide Applicator Training offered by the County Cooperative Extension Office each year.
- (B) Applicant may take an examination given by the State Plant Board. Applicant must achieve a minimum score of 70% of total possible points.

This certification will be valid for one five-year license or five consecutive one-year licenses. In no case shall a certification make a person eligible for licensure in excess of five years.

II Recertification

All applicants for a subsequent five year Private Applicator license must have been "recertified" within the 12 months prior to license application. All applicants for a one year license must have been "recertified" within the 48 months prior to license application. Recertification can be obtained in one of two ways:

- (A) Applicant may attend the Pesticide Applicator Training offered by the County Cooperative Extension Office each year.
- (B) Applicant may take an examination given by the State Plant Board. Applicant must achieve a minimum score of 70% of total possible points.

III One other option available for recertification is that the applicant may attend other

approved training classes that address the certification requirements for private applicator certification cited in 40 CFR, Part 171.5. Each approved class will be assigned a point value by the Plant Board and at least five (5) points must be accumulated during the 36 months prior to license application. Course facilitators must provide the Plant Board with a list of all who attended the class that want the class points to be applied to private applicator recertification. The applicant will be required to fill out a course verification form for each class and submit it with their private applicator license application form.

Recertification will be valid for one five-year license or five consecutive one-year licenses. In no case shall recertification make a person eligible for licensure in excess of five years.

- IV The fee for private applicator's license shall be as specified in the Arkansas Pesticide Use and Application Act of 1975, as amended.
- V. The license will permit the certified private applicator to purchase and use restricted use pesticides in any category under the amended FIFRA as well as state restricted pesticides such as hormone-type herbicides.
- VI A fee of \$2.00 from each license issued to a private applicator by the Plant Board for each year of the license period shall be transferred to the University of Arkansas Cooperative Extension Service for the purpose of developing and providing training for certification and recertification of private pesticide applicators in accordance with the requirements of 40CFR, Part 171.5.
- VII The transfer of such funds shall be made quarterly by a cooperative agreement contract between the State Plant Board and the University of Arkansas Cooperative Extension Service.
- VIII Private applicators using aircraft to apply herbicides must comply with the criteria set out for commercial applicators in Regulation 2, Paragraph 1 of these regulations

Regulation No. 5. Pilot License

Fee - \$35.00

Regulation No. 6. Pesticide Dealer's License

Fee - \$65.00 for dealers handling restricted use pesticides and state restricted pesticides.

Note: If license-holding dealers have branches which sell or distribute restricted use pesticides, each branch must have a dealer's license.

The enactment of regulations under this Act is not intended nor shall they have the effect of repealing regulations promulgated under the authority of Acts 410 or 488 of 1975.