

**RULES  
OF GEORGIA  
PESTICIDE USE AND APPLICATION  
ACT OF 1976**



**GEORGIA DEPARTMENT OF AGRICULTURE**

**Gary W. Black  
Commissioner**

RULES  
OF  
GEORGIA DEPARTMENT OF AGRICULTURE  
**PESTICIDE USE AND APPLICATION**

CHAPTER 40-21-2  
**CATEGORIES AND SUBCATEGORIES FOR CERTIFIED  
APPLICATORS**

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**40-21-2-.02 Private Applicators**

**40-21-2-.01 Commercial Applicators.**

Commercial applicators may be certified in one or more of the following categories.

(a) Agricultural Plant Pest Control. This category includes commercial applicators using or supervising the use of restricted use pesticides or State restricted pesticide uses in production of agricultural crops, including, without limiting the foregoing, tobacco, peanuts, cotton, feed grains, soybeans, and forage, vegetables, small fruits, tree fruits and nuts, as well as on grasslands and noncrop agricultural lands.

(b) Agricultural Animal Pest Control. This category includes commercial applicators using or supervising the use of restricted use pesticides, or State restricted pesticide uses, on animals, including, without limiting the foregoing, beef cattle, dairy cattle, swine, sheep, horses, goats, poultry and livestock, and to places on or in which animals are confined; and also includes Doctors of Veterinary Medicine engaged in the business of applying pesticides for hire, publicly holding themselves out as pesticide applicators, or engaged in large-scale use of pesticides.

(c) Forest Pest Control. This category includes commercial applicators using or supervising the use of restricted use pesticides, or State restricted pesticide uses, in forests, forest nurseries, and forest seed producing areas.

(d) Ornamental and Turf Pest Control. This category includes commercial applicators using or supervising the use of restricted use pesticides, or State restricted pesticide uses, to control pests in the maintenance and production of ornamental trees, shrubs, flowers, and turf.

(e) Seed Treatment. This category includes commercial applicators using or supervising the use of restricted use pesticides, or State restricted pesticide uses, on seeds.

(f) Aquatic Pest Control. This category includes commercial applicators using or supervising the use of any restricted use pesticide, or State restricted pesticide uses, purposefully applied to standing or running water, excluding applicators engaged in public health related activities included in category (i) below.

(g) Right-of-Way Pest Control. This category includes commercial applicators using or supervising the use of restricted use pesticides, or State restricted pesticide uses, in the maintenance of public roads, electric powerlines, pipelines, railway rights-of-way or other similar areas.

(h) Industrial, Institutional, Structural and Health Related Pest Control. This category includes commercial applicators using or supervising the use of restricted use pesticides, or State restricted pesticide uses, in, on, or around food handling establishments, human dwellings, institutions, such as schools and hospitals, industrial establishments, including warehouses and grain elevators, and any other structures and adjacent area, public or private; and for the protection of stored, processed, or manufactured products.

(i) Public Health Pest Control. This category includes State, Federal or other governmental employees using or supervising the use of restricted use pesticides, or State restricted pesticide uses, in public health programs for the management and control of pests having medical and public health importance.

(j) Regulatory Pest Control. This category includes State, Federal or other governmental employees who use or supervise the use of restricted use pesticides, or State restricted pesticide uses, in the control of regulated pests.

(k) Demonstration and Research Pest Control. This category includes:

1. individuals who demonstrate to the public the proper use and techniques of application of restricted use pesticides, or State restricted pesticide uses, or supervise such demonstration, and includes such persons as extension specialists and county agents, commercial representatives demonstrating pesticide products, and those individuals demonstrating methods used in public programs.
2. persons conducting field research with pesticides, and in doing so, use or supervise the use of restricted use pesticides; and also includes State, Federal, commercial and other persons conducting field research on or utilizing restricted use pesticides.
3. to be certified in Demonstration and Research would require prior certification in one or more of categories (a) through (j), above.

(L) Aerial Methods. This category includes individuals who have been licensed by the FAA for Agricultural Aircraft Operations, and who are certified in one or more of the categories (a) through (j), and (o).

(m) Wood Treatment. This category includes Commercial Applicators engaged in the business of pressure treating lumber and timber with preservatives classified as restricted use pesticides, to protect such products from attack by such pests as termites, powder post beetles, other wood destroying insects, as well as, surface molds and wood destroying fungi.

(n) Antimicrobial Pest Control. This category includes Commercial Applicators who apply pesticides (Disinfectants, Sanitizers, Algeacides, Fungicides, etc.) to control undesirable or harmful algae, bacterial, fungi and viruses in homes, institutions, medical facilities, industrial and other sites.

(o) Agricultural Commodity Fumigation. This category includes Commercial Applicators applying or supervising the application of fumigants to control insect pests in raw or processed agricultural commodities.

(p) Antifoulant Paints. This category includes Commercial Applicators who are applying antifouling paints that have been classified for restricted use to watergoing vessels to inhibit the growth of aquatic organisms such as barnacles and algae.

(q) Worker Protection Standard. This subcategory is for those engaged in training workers and handlers as required by EPA's Worker Protection Standard

Authority Ga. L. 1976, p. 369. **History.** Original Rule entitled "Commercial Applicators" was filed on July 10, 1978; effective July 30, 1978. **Amended:** F. Apr. 19, 1999; eff. May 9, 1999.

#### **40-21-2-.02 Private Applicators.**

This category includes any certified applicator who uses or supervises the use of any restricted use pesticide or State restricted pesticide use in the production of an agricultural or forestry commodity on property owned, rented or otherwise under the control of him or his employer or (if applied without compensation other than trading of personal services between producers of such commodities) on the property of another person.

**EXAMPLES ARE:** farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floraculturists, orchardists, foresters and other comparable persons.

Authority Ga. L. 1976, p. 369. **Administrative History.** Original Rule entitled "Private Applicators" was filed on July 10, 1978; effective July 30, 1978.

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CHAPTER 40-21-3  
**STANDARDS OF COMPETENCY**

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**40-21-3-.02 Private Applicators**

**40-21-3-.01 Commercial Applicators. Amended.**

Every applicant for commercial applicator certification shall demonstrate a practical knowledge of the principles and practices of pest control and the safe use of pesticides based upon satisfactory passing of a written examination with a score of seventy (70) percent, and, as appropriate, performance testing. Such examination shall include the general standards of competency applicable to all categories and additional standards specific for each category or subcategory in which the applicant requests certification. Any particular examination may not be taken more than once in any month or more than twice in any six (6) month period. Records of examination scores on the General Standards and Category Standards shall be maintained by the Department of Agriculture for one (1) year from the date of first examination. If an applicant fails to pass both the General Standards Examination and at least one (1) Category Standards Examination within a one (1) year period, all test scores will be destroyed and applicant will be required to retake and pass both the General Standards Examination and the Category Standards Examination. To the extent that they are relevant to a given category, standards of competency may include:

(a) General Standards for all Categories.

1. Label and Labeling Comprehension:

- (i) The general format and terminology of pesticide labels and labeling;
- (ii) The understanding of instructions, warning, terms, symbols and other information commonly appearing on pesticide labels;
- (iii) Classification of the product, general or restricted; and
- (iv) Necessity for use consistent with the label.

2. Safety-Factors including:

- (i) Pesticide toxicity and hazard to man and common exposure routes;
- (ii) Common types and causes of pesticide accidents;
- (iii) Precautions necessary to guard against injury to applicators and other individuals in or near treated areas;
- (iv) Need for and use of protective clothing and equipment;
- (v) Symptoms of pesticide poisoning;

(vi) First aid and other procedures to be followed in case of a pesticide accident; and

(vii) 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;

(i) Weather and other climatic conditions;

(ii) Types of terrain, soil or other substrate;

(iii) Presence of fish, wildlife and other nontarget organisms; and

(iv) Drainage patterns.

4. Pests—Factors such as:

(i) Common features of pest organisms and characteristics of damage needed for pest recognition;

(ii) Recognition of relevant pests; and

(iii) Pest development and biology as it may be relevant to problem identification and control.

5. Pesticides-Factors such as:

(i) Types of pesticides;

(ii) types of formulations;

(iii) Compatibility, synergism, persistence and animal and plant toxicity of the formulations;

(iv) Hazards and residues associated with use;

(v) Factors which influence effectiveness or lead to such problems as resistance to pesticides; and

(vi) Dilution procedures.

6. Equipment-Factors including:

(i) Types of equipment and advantages and limitations of each type; and

(ii) Uses, maintenance and calibration.

7. Application Techniques-Factors including:

(i) Methods of procedure 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;

(ii) Relationship of discharge and placement of pesticides to proper use, unnecessary use, and misuse; and

(iii) Prevention of drift and pesticide loss into the environment.

8. Laws and Regulations—Applicable State and Federal laws and regulations, including the legal responsibility for supervision of uncertified persons.

(b) Category Specific Standards.

1. Agricultural Plant Pest Control:

(i) Practical knowledge of:

(I) crops grown in operational area;

(II) specific pests to be controlled;

- (III) soil and water problems;
- (IV) pre-harvest intervals;
- (V) reentry intervals;
- (VI) phytotoxicity;
- (VII) potential for environmental contamination, non-target injury and community problems arising from use of pesticides in agricultural areas.

## 2. Agricultural Animal Pest Control:

(i) Practical knowledge of:

- (I) animals to be treated;
- (II) specific pests to be controlled;
- (III) specific pesticide toxicity and residue potential;
- (IV) relative hazards associated with formulation, application techniques, age of animals, stress and extent of treatment.

## 3. Forest Pest Control:

(i) Practical knowledge of:

- (I) forests, forest nurseries and forest seed production;
- (II) pests to be controlled;
- (III) cyclic occurrence of certain pests;
- (IV) specific population dynamics as a basis for programming pesticides applications;
- (V) relative biotic agents and their vulnerability to pesticides applied;
- (VI) control methods which will minimize unintended effects on wildlife;
- (VII) proper use of specialized equipment as it may relate to meteorological factors and adjacent land use.

## 4. Ornamental and Turf Pest Control:

(i) Practical knowledge of:

- (I) pesticide problems associated with production and maintenance of ornamental trees, shrubs, plantings, and turf;
- (II) potential phytotoxicity to a wide range of plant material;
- (III) pesticide drift;
- (IV) pesticide persistence beyond period of pest control;
- (V) application methods which will minimize or prevent hazards to humans, pets and other domestic animals.

## 5. Seed Treatment:

(i) Practical knowledge of:

- (I) types of seeds commonly requiring protection from pests in operational area;
- (II) requirements for seed coloration and special labeling;
- (III) carriers and surface active agents which influence pesticide binding and may affect germination;
- (IV) hazards associated with handling, sorting and mixing;
- (V) potential misuse of treated seed such as introduction into food and feed channels;
- (VI) proper methods for disposal of unused treated seed.

## 6. Aquatic Pest Control:

(i) Practical knowledge of:

(I) various water use situations and potential for downstream effects;

(II) secondary effects from improper application rates, incorrect formulations and faulty application of pesticides;

(III) potential effects of pesticides on plants, fish, birds, beneficial insects and other organisms present in aquatic environments;

(IV) principles of limited area application.

7. Right-of-Way Pest Control:

(i) Practical knowledge of:

(I) a wide variety of environments including waterways;

(II) problems arising from runoff, drift, and excessive foliage destruction;

(III) target pests to be controlled;

(IV) nature of herbicides and need for their containment in area to which applied;

(V) impact of application on adjacent areas and communities.

8. Industrial, Institutional, Structural and Health Related Pest Control:

(i) Practical knowledge of:

(I) wide variety of pests and their life cycles;

(II) types of formulations appropriate for their control;

(III) methods of application which will avoid contamination of food, damage and contamination of habitat and exposure of people, pets and other animals;

(IV) other factors such as continuous exposure, which may lead to a hazardous condition for babies, children, pregnant women and the elderly;

(V) environmental conditions related to activities within this category.

9. Public Health Pest Control:

(i) Practical knowledge of:

(I) vector-disease transmission as it relates to and influences pesticide application;

(II) life cycles and habitats as a basis for strategy in control of a wide variety of pests;

(III) wide variety of environments ranging from enclosed structures to streams;

(IV) importance and use of non-chemical methods such as sanitation, drainage and waste disposal.

10. Regulatory Pest Control:

(i) Practical knowledge of:

(I) applicable laws relating to quarantine and regulations of pests;

(II) regulated pests;

(III) potential environmental impact of pesticides used in suppression and eradication programs;

(IV) factors influencing introduction, spread and population dynamics of relevant pests;

(V) variations among different geographic areas which would permit valid individual judgments to be made in new situations where emergency measures may be invoked to control regulated pests.

11. Demonstration and Research:

(i) This category is considered to be an add-on and would require prior certification in one or more of categories 1. through 10. of this section (b). Since this category covers demonstration of the safe and effective use of pesticides to other applicators and the public it would also require:

- (I) knowledge of broad spectrum of pesticide uses;
- (II) pesticide—organism interactions;
- (III) knowledge of importance of integrating non-chemical methods of pest control with pesticide use.

#### 12. Aerial Methods:

(i) This category is considered to be an add-on and would require prior certification in one or more of categories 1. through 10. of this section (b). To be certified in this category, applicant would be required to show proof of compliance with the requirements of Title 14, CFR, Part 137 (Agriculture Aircraft Operations). Applicant would also demonstrate by passing of a written examination a practical knowledge of:

- (I) aerial application equipment including pesticide dispersal accessories, their operation and calibration;
- (II) flight safety requirements for protection of the public including flight patterns, swath marking, turnaround and obstructions;
- (III) personal safety precautions necessary for protection of pilot and ground personnel including flagmen and loading personnel.

Authority Ga. L. 1976, p. 369. **History.** Original Rule entitled "Commercial Applicators" was filed on July 10, 1978; effective July 30, 1978. **Amended:** F. Nov. 26, 1996; eff. Dec. 17, 1996

#### **40-21-3-.02 Private Applicators.**

(1) A private applicator must demonstrate a practical knowledge of pest problems and pest control practices associated with his agricultural operations, the proper storage, use, handling and disposal of pesticides and containers and his legal responsibility to prevent unreasonable adverse effects on the environment. This practical knowledge shall include an ability to:

- (a) Recognize common pests to be controlled and the damage caused by them;
- (b) Read and understand the label and labeling information;
- (c) Apply pesticides in accordance with label instructions and warnings;
- (d) Recognize local environmental situations which must be considered during application to avoid adverse effects from contamination.
- (e) Recognize common symptoms of pesticide poisoning and procedures to follow in case of accident;
- (f) Understand the legal responsibilities under State and Federal Law, including, supervision of uncertified persons.

(2) Competence of private applicators shall be verified by a written or oral test administered by the Commissioner or by attendance at and evidence of participation in a training program approved by the Commissioner, including, but

not limited to formal classroom presentation, auto-tutorial presentation or programmed learning methods.

(3) In any case where an applicant is unable to read a label, the Commissioner may administer an oral examination as a basis for limited certification. Such certification shall be limited to purchase and use of specific pesticides and the examination must be based on the specific pesticides to be authorized. Applicant must demonstrate:

(a) an understanding of the label and labeling information including the common name of the pesticide, pests to be controlled, timing and methods of application, safety precautions, preharvest or reentry restrictions, and any specific disposal requirements.

(b) that he is aware of sources of advice and guidance necessary for the safe and proper use of each pesticide for whose use he is to be certified.

Authority Ga. L. 1976, p. 369. **Administrative History.** Original Rule entitled "Private Applicators" was filed on July 10, 1978; effective July 30, 1978.

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CHAPTER 40-21-4  
**RECERTIFICATION AND APPLICATOR  
LICENSE**

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**40-21-4-.01 Recertification Requirements and Commercial Applicator License Renewals.**

In order to insure that certified commercial pesticide applicators continue to meet the needs of changing technology necessary for the safe and effective use of pesticides, they shall be subject to recertification and licensing requirements as follows:

(a) Commercial Pesticide Applicators. All commercial pesticide applicators shall be licensed for a period of five years. All licenses shall be subject to renewal on the day following their expiration date, subject to licensee's completion of either option 1 or 2 below, and the payment of the twenty five (25) dollar renewal fee, when applicable. Those electing to be relicensed on the basis of earned training must have accumulated the required hours at least ninety (90) days prior to their license expiration date; otherwise, they will be required to pass a new written examination. No written examinations as a basis for relicensing may be taken more than ninety (90) days prior to the expiration date. The license of any person who has not completed the required training or passed a new written examination and paid any required fee prior to the expiration date, will be subject to a penalty of 50% and the renewal fee for such license shall be thirty seven (37) dollars and fifty (50) cents. Any license for which the renewal requirements have not been met within sixty (60) days after expiration shall be cancelled. The Commissioner may, as he deems necessary, provide commercial pesticide applicators with information on changes in pesticides and pesticide application technology and may require such applicators to acknowledge in writing that they have become familiar with such new information. The Commissioner may require such acknowledgements as a condition for renewal of their commercial pesticide applicator's license. In no event will a commercial certified applicator's license be

renewed unless the applicator has been recertified through one of the following procedures:

1. Completion of training in each of the pest control categories in which he is currently certified and desires to retain certification as follows:

(i) Agricultural Plant	10 hours
(ii) Agricultural Animal	6 hours
(iii) Forest	6 hours
(iv) Ornamental and Turf	10 hours
(v) Seed Treatment	6 hours
(vi) Aquatic	6 hours
(vii) Right of Way	6 hours
(viii) Industrial, Institutional, Structural and Health Related	6 hours
(Excluding Pest Control operators regulated under the Georgia Structural Pest Control Act)	
(ix) Public Health	10 hours
(x) Regulatory	6 hours
<u>(xi) Mosquito Control</u>	<u>10 hours</u>

For those applicators also certified in Demonstration and Research, and Aerial methods, the hours of training required for the primary categories (i) through (x) above, may consist of any combination of hours divided between training in the primary category and training in Demonstration and Research and/or Aerial Methods. Any training credited toward recertification must be approved by and assigned a value for credit hours by the Commissioner of Agriculture prior to presentation. Such training may consist of grower meetings, seminars, short courses and other private or publicly sponsored training programs.

2. Satisfactory passing of a written examination administered by the Commissioner of Agriculture.

Authority Ga. L. 1976, p. 369. **Administrative History.** Original Rule entitled "Recertification Requirements and Commercial Applicator License Renewals" was filed on July 10, 1978; effective July 30, 1978. **Amended:** Rule repealed and a new Rule of the same title adopted. Filed March 3, 1982; effective March 23, 1982.

#### **40-21-4-.02 Exemption of Fees for Commercial Applicators.**

Commercial Certified Applicators employed by State, Municipal, or other governmental agencies shall be exempt from the annual license fee for pesticide application activities conducted in the normal course of their employment. They shall, however, be subject to the same requirements for acknowledging that they have become familiar with any new information on pesticides and pesticide

technology, furnished to them by the Commissioner and shall be subject, at the end of five years to the recertification requirements set forth above.

Authority Ga. L. 1976, p. 369. **Administrative History.** Original Rule entitled "Exemption of Fees for Commercial Applicators" was filed on July 10, 1978; effective July 30, 1978.

#### **40-21-4-.03 Recertification of Private Applicators.**

In order to insure that certified private pesticide applicators continue to meet the needs of changing technology necessary for the safe and effective use of pesticides, they shall be subject to continuing certification and recertification as follows:

(a) All private pesticide applicators shall be certified and licensed for a period of five years. During such period the Commissioner may, when he deems necessary, provide private certified applicators with information on changes in pesticides and pesticide application technology and may require such applicators to acknowledge in writing that they have become familiar with such new information. Failure to provide such acknowledgements may be considered by the Commissioner to be grounds for cancellation of a private applicator's certification and license. In no event will a private applicator be recertified and licensed for more than five (5) years unless he has been recertified through one of the following procedures:

1. Completion of at least three (3) hours of training approved by the Commissioner and to which he has assigned a credit value prior to presentation. Such training may consist of grower meetings or other presentations by personnel of the Cooperative Extension Service or Seminars, short courses or other private or publicly sponsored training programs.
2. Satisfactory passing of a written examination or its equivalent including current information on pesticides and pesticide application technology and any other information which the Commissioner finds necessary for the safe and effective use of pesticides by private applicators.

Authority Ga. L. 1976, p. 369. **Administrative History.** Original Rule entitled "Recertification of Private Applicators" was filed on July 10, 1978; effective July 30, 1978.

#### **40-21-4-.04 Exemption of Fees for Private Applicators.**

There shall be no fee required for a certified private applicator's license.

Authority Ga. L. 1976, p. 369. **Administrative History.** Original Rule entitled "Exemption of Fees for Private Applicators" was filed on July 10, 1978; effective July 30, 1978.

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CHAPTER 40-21-5  
**RECORD KEEPING REQUIREMENTS**

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**40-21-5-.01 Persons Required to Keep Records.**

Every licensed pesticide contractor shall maintain true and accurate records of all pesticide applications performed as a part of his business operations. Every licensed commercial pesticide applicator not employed by or otherwise acting for a licensed pesticide contractor shall maintain true and accurate records of all applications of restricted use pesticides and pesticides with State restricted uses, whether applied by him or persons under his supervision. Licensed private pesticide applicators shall not be required to maintain records of pesticide application.

Authority Ga. L. 1976, p. 369. **Administrative History.** Original Rule entitled "Persons Required to Keep Records" was filed on July 10, 1978; effective July 30, 1978.

**40-21-5-.02 Content of Records.**

All records of pesticide application required by these regulations shall include the following information:

- (a) Date and time of application;
- (b) Name of person for whom applied;
- (c) Location of application site;
- (d) Crop or target to which applied;
- (e) Acreage, size of area treated, or total amount of pesticide applied;
- (f) Target pest for which applied;
- (g) Pesticide used and application rate;
- (h) Type of equipment used;
- (i) Name of applicator;
- (j) Notation of any unexpected occurrence at or during application, such as spillage, exposure of humans or non-target animals, or drift, and any corrective or emergency action taken;

(k) Names, concentrations and quantities of all pesticides disposed of and the manner of disposition.

Authority Ga. L. 1976, p. 369. **Administrative History.** Original Rule entitled "Content of Records" was filed on July 10, 1978; effective July 30, 1978.

#### **40-21-5-.03 Duration of Records.**

All records required for pesticide application shall be maintained for a period of two (2) years.

Authority Ga. L. 1976, p. 369. **Administrative History.** Original Rule entitled "Duration of Records" was filed on July 10, 1978; effective July 30, 1978.

#### **40-21-5-.04 Inspection of Records.**

The Commissioner or his designated agent shall be permitted to inspect records during normal business hours at the place where they are maintained and upon request in writing, shall be furnished a copy of such records.

Authority Ga. L. 1976, p. 369. **Administrative History.** Original Rule entitled "Inspection of Records" was filed on July 10, 1978; effective July 30, 1978.

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CHAPTER 40-21-6  
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**40-21-6-.01 Supervision of Uncertified Persons.**

Uncertified persons may apply restricted use pesticides or pesticides with State restricted uses only if they are under the direct supervision of a certified applicator. Such direct supervision shall require that the uncertified person carry out all applications under specific instructions, written or oral, from the certified applicator, who shall be responsible for the actions of all persons under his supervision. Unless otherwise required by the label or labeling, the certified applicator is not required to be present at time of application but must be available, if needed by the uncertified person, within a reasonable time through conventional means of communication.

Authority Ga. L. 1976, p. 369. **Administrative History.** Original Rule entitled "Supervision of Uncertified Persons" was filed on July 10, 1978; effective July 30, 1978.

**40-21-6-.02 Limitations on Uncertified Persons.**

No uncertified person may lawfully apply, under any circumstances, any restricted use pesticide or any State restricted pesticide uses when the label for such pesticide or pesticide use or other restrictions imposed by the Commissioner require application only by a certified applicator.

Authority Ga. L. 1976, p. 369. **Administrative History.** Original Rule entitled "Limitations on Uncertified Persons" was filed on July 10, 1978; effective July 30, 1978.

**40-21-6-.03 Supervisory Restrictions on Certified Applicators.**

Certified private applicators may supervise uncertified persons in the application of restricted use pesticides or State restricted pesticide uses only as a "private applicator" as defined in the Act and its regulations. Certified commercial

applicators may supervise uncertified persons in the application of any pesticide only in the category (ies) in which they are certified.

Authority Ga. L. 1976, p. 369. **Administrative History.** Original Rule entitled "Supervisory Restrictions on Certified Applicators" was filed on July 10, 1978; effective July 30, 1978.

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CHAPTER 40-21-7  
**RECIPROCITY**

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**40-21-7-.01 Reciprocity**

**40-21-7-.01 Reciprocity.**

The Commissioner may waive all or any part of the examination requirements for certification for any person who is currently certified under another State Plan approved under Section 4, FIFRA, provided; that such certification shall be limited to such application activities covered by the applicant's initial certification. Any person requesting such reciprocal certification shall:

(a) Furnish proof of his current certification from the other State providing initial testing and certification.

(b) Demonstrate his knowledge of and agree to comply with the requirements of the Georgia Pesticide Use and Application Act and the regulations adopted thereunder. Such demonstration may be evidenced by an affidavit executed by the applicant to the effect that he has read and is familiar with such legal requirements.

(c) Submit an application, properly executed, and pay all required license fees.

(d) Designate a resident agent or Attorney-in-Fact for the purpose of receiving the service of legal process.

(2) The Commissioner may revoke the license of any certified applicator whose certification or license has been revoked by the State whose certification or licensing was used as a basis for reciprocal licensing in Georgia.

Authority Ga. L. 1976, p. 369. **Administrative History.** Original Rule entitled "Reciprocity" was filed on July 10, 1978; effective July 30, 1978.

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CHAPTER 40-21-8  
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**40-21-8-.01 Persons Subject to Regulations. Amended.**

Any individual, company, corporation or other business entity desiring to engage in the business of applying pesticides to the lands of another within this State shall secure a Pesticide Contractor's License. Granting of such license shall be conditioned on satisfactory proof of financial responsibility by all applicants other than those who are applying crop protection products to agricultural crops and who are requesting a Pesticide Contractor's License in only the Agricultural Plant Pest Category, with or without licensing in Aerial Methods.

Authority Ga. L. 1976, p. 369; O.C.G.A. Sec. [2-7-99](#). **Administrative History.** Original Rule entitled "Persons Subject to Regulations" was filed on June 24, 1974 as 40-21-1-.01; effective July 14, 1974. **Amended:** Rule repealed and a new Rule of same title adopted. Filed July 5, 1977; effective July 25, 1977. **Amended:** Rule renumbered as 40-21-8-.01. Filed July 10, 1978; effective July 30, 1978. **Repealed:** New Rule of same title adopted. F. Aug. 27, 1990; eff. Sept. 16, 1990.

**40-21-8-.02 Certification of Financial Responsibility. Amended.**

Proof of financial responsibility by the applicant for a Pesticide Contractor's license must be evidenced and furnished to the Commissioner of Agriculture by certification of liability insurance, by copy of an appropriate surety bond, or by certificate of deposit for a cash deposit. Forms for certification of liability insurance and for surety bonds shall be specified and furnished by the Commissioner of Agriculture.

Authority Ga. L. 1976, p. 369. **Administrative History.** Original Rule entitled "Certification of Financial Responsibility" was filed on June 24, 1974 as 40-21-1-.02; effective July 14, 1974. **Amended:** Rule repealed and a new Rule of same title adopted. Filed July 5, 1977; effective July 25, 1977. **Amended:** Rule renumbered as 40-21-8-.02. Filed July 10, 1978; effective July 30, 1978.

### **40-21-8-.03 Insurance. Amended.**

Liability Insurance policies may include pollution exclusions or other exclusions only to the extent that they are not inconsistent with O.C.G.A. [2-7-103](#), and shall be in the following minimum limits, including coverage for legal damages arising from the use of chemicals, dusting powders and the like, employed by the insured in his regular business operations:

(a) Aerial Contractors

Bodily Injury                \$50,000 Any One Occurrence

Property Damage        \$25,000 Any One Occurrence  
                                  \$100,000 Aggregate

Maximum Deductible \$1,000 Per Occurrence

(b) Ground Contractors

Bodily Injury                \$25,000 Any One Occurrence

Property Damage        \$10,000 Any One Occurrence  
                                  \$25,000 Aggregate

Maximum Deductible \$500 Per Occurrence

Authority Ga. L. 1976, p. 369. O.C.G.A. Secs. [2-7-90](#), et seq. 2-7-103. **Administrative History.** Original Rule entitled "Insurance" was filed on June 24, 1974 as 40-21-1-.03; effective July 14, 1974. **Amended:** Rule repealed and a new Rule entitled "Insurance Policy" adopted. Filed July 5, 1977; effective July 25, 1977. **Amended:** Rule renumbered as 40-21-8-.03. Filed July 10, 1978; effective July 30, 1978. **Amended:** Filed May 17, 1984; effective June 6, 1984. **Repealed:** New Rule of same title adopted. F. Aug. 27, 1990; eff. Sept. 16 1990.

### **40-21-8-.04 Surety Bond. Amended.**

Surety Bonds shall be in the following minimum amounts, to cover legal damages arising from the use of chemicals, dusting powders and the like, employed by the principal in his regular business operations:

(a) Aerial Contractors

Minimum Bond            \$50,000

Maximum Deductible \$1,000

(b) Ground Contractors

Minimum Bond            \$20,000

Maximum Deductible \$500

Authority Ga. L. 1976, p. 369. O.C.G.A. Sec. [2-7-90](#), et seq. **Administrative History.** Original Rule entitled "Surety Bonds" was filed on June 24, 1974 as 40-21-1-.04; effective June 14, 1974. **Amended:** Rule repealed and a new Rule entitled "Surety Bond" adopted. Filed July 5, 1977;

effective July 25, 1977. **Amended:** Rule renumbered as 40-21-8-.04. Filed July 10, 1978; effective July 30, 1978. **Amended:** Filed May 17, 1984; effective June 6, 1984.

#### **40-21-8-.05 Cash Deposit. Amended.**

(1) Cash deposits may be made in any bank of applicant's choice. Certificate of Deposit shall be made payable jointly to the depositor and the Georgia Commissioner of Agriculture; shall be endorsed by depositor and shall be maintained in the custody of the Commissioner of Agriculture during the period licensed and for 90 days thereafter. Deposits shall be in the following minimum amounts to cover legal damages arising from the use of chemicals, dusting powders and the like, employed by the depositor in his regular business operations:

(a) Aerial Contractors \$50,000

(b) Ground Contractors \$20,000

(2) Cash deposits shall be subject to the same deductible amounts as the liability insurance and surety bonds, namely:

(a) Aerial Contractors \$1,000

(b) Ground Contractors \$500

Authority Ga. L. 1976, p. 369, O.C.G.A. Sec. [2-7-90](#), et. seq. **Administrative History.** Original Rule entitled "Cash Deposits" was filed on June 24, 1974, as 40-21-1-.05; effective July 14, 1974. **Amended:** Rule repealed and a new Rule entitled "Cash Deposit" adopted. Filed July 5, 1977; effective July 25, 1977. **Amended:** Rule renumbered as 40-21-8-.05. Filed July 10, 1978; effective July 30, 1978. **Amended:** Filed May 17, 1984; effective June 6, 1984.

#### **40-21-8-.06 Exclusion of Coverage. Amended.**

Surety Bonds, liability insurance, and cash deposits shall not apply to damages or injury to agricultural crops, plants, or land being worked upon by the pesticide contractor.

Authority Ga. L. 1976, p. 369. **Administrative History.** Original Rule entitled "Expiration of Insurance and Bonds" was filed on June 24, 1974 as 40-21-1-.06; effective July 14, 1974.

**Amended:** Rule repealed and a new Rule entitled "Exclusions of Coverage" adopted. Filed July 5, 1977; effective July 25, 1977. **Amended:** Rule renumbered as 40-21-8-.06. Filed July 10, 1978; effective July 30, 1978.

RULES  
OF  
GEORGIA DEPARTMENT OF AGRICULTURE  
**PESTICIDE USE AND APPLICATION**

CHAPTER 40-21-9  
**APPLICATION POSTING**

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**40-21-9-.01 Definitions.**

- (1) Commercial Application - Means application of a pesticide by a Pesticide Contractor or his employee.
- (2) Landscape - Means any maintained areas of turf, trees, shrubs or other ornamental plants, indoors or outdoors. This term does not include:
  - (a) rights-of-way, either public or private or;
  - (b) land areas used for agricultural production or research.
- (3) Public Non-Residential Properties - Means any public or privately owned property operated for public benefit and to which members of the public normally have access, including, but not limited to, parks, golf courses, cemeteries, sports fields, landscapes associated with public buildings, and interiorscapes.
- (4) Non Commercial Application - Means application of a pesticide by anyone other than a Pesticide Contractor or his employee.

Authority O.C.G.A. Sec. [2-7-97](#). **History.** Original Rule entitled "Definitions" was F. Jan. 6, 1993; eff. Jul. 1, 1993, as specified by the Agency.

**40-21-9-.02 Posting and Information.**

- All applications of pesticides to landscapes, whether commercial or noncommercial, and whether to residential or nonresidential properties, with the exception of applications made by the homeowner to the landscape at his own single-family residence, shall be subject to the following requirements:
- (a) At the time of application, the Pesticide Contractor or other person responsible for the pesticide application shall post a sign, not to be removed until the day after the application, at the primary point(s) of entry to the treated area.
  - (b) Sign specifications for all sites except golf courses shall include but need not be limited to the following requirements:
    - 1. The sign must be at least 4" x 5" in size and made of sturdy, weather resistant material.
    - 2. The printing shall be in contrasting colors to the background of the sign.

3. The bottom edge of the sign shall be eight (8) to twelve (12) inches above the ground.
4. The wording and format must include but need not be limited to the following:



(c) In lieu of the requirements for posting as specified in (a) and (b), golf courses treated with pesticides shall be posted as follows:

1. The sign must be at least 8" × 10" in size.
2. The printing shall be in contrasting colors to the background.
3. The sign must be posted at a conspicuous place in the golf shop, in the clubhouse, or at the first tee.
4. The wording and format must include but not be limited to the following:

PESTICIDE APPLICATION NOTICE  
PESTICIDES ARE PERIODICALLY APPLIED  
TO THIS GOLF COURSE

FOR ADDITIONAL INFORMATION, CONTACT  
(name and telephone number)

(d) Upon completion of each application of pesticides, the Pesticide Contractor or other person responsible for the application shall leave a statement containing the following information at the residence, or in the case of a multi-unit residence with the property manager, or in the case of a public non-residential property with the owner, manager or custodian:

1. Address and specific area(s) treated.

2. Name and telephone number of company.
3. Name of person making the application.
4. Complete brand name of pesticide as it appears on the label.
5. Application date.

Authority O.C.G.A. Sec. [2-7-97](#). **History.** Original Rule entitled "Posting and Information" adopted. F. Jan. 6, 1993; eff. Jul. 1, 1993, as specified by the Agency.

#### **40-21-9-.03 Exemptions.**

- (1) No provision of this rule shall apply to applications involving injections of pesticides directly into plants, nor to applications made by the homeowner to the landscape at his single-family residence.
- (2) No posting shall be required of any plants in interior landscapes which are treated with pesticides two (2) hours or more before the public has normal access to the area in which the plants are treated.

Authority O.C.G.A. Sec. 2-7-97. **History.** Original Rule entitled "Exemptions" adopted. F. Jan. 6, 1993; eff. Jul. 1, 1993, as specified by the Agency.