

Chapter 4

Private Applicator Certification

Introduction

This chapter describes DPR's Private Applicator Certification Program.

- DPR licensing and certification of commercial pesticide applicators are discussed in Compendium Volume 1, *General Administration of the Pesticide Use Enforcement Program*.
 - This chapter does not address commercial pesticide applicators such as those certified by the California Department of Consumer Affairs (Structural Pest Control Board) and the California Department of Public Health (Vector-Borne Disease Section).
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About the Private Applicator Certification Program

The "Private Applicator Certification Program" was initially established in 1977 as a component of California's State Plan for Certification of Pesticide Applicators (commercial and private) who supervised or used restricted use pesticides. It resulted from amendments to FIFRA in 1972.

In 1996, the Food and Agricultural Code was amended (added FAC sections 14090 - 14099.5 to Division 6), separating the private applicator certification program from the restricted materials permitting process and establishing continuing education requirements for renewal. The program was designed to meet the U.S. EPA requirements for a private applicator certification program.

Private applicator, defined

Private applicator is defined as:

- An individual¹ who uses or supervises the use of a pesticide for the purpose of producing an agricultural commodity as defined by Title 40 Code of Federal Regulations, section 171.2(a)(5) (July 1, 2013)² on property owned, leased, or rented by him/her or his/her employer; or
- A householder who uses or supervises the use of a pesticide outside the confines of a residential dwelling for the purpose of controlling ornamental, plant, or turf pests on residential property owned, leased, or rented by that householder.

(Reference: *3 CCR section 6000*)

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¹ "Individual" can be the operator of the property, the operator's authorized representative (with written authorization), or the operator's employee.

² Due to a nonsubstantive change to the definition of *private applicator*, it is necessary to date the federal regulation code [40 CFR 171.2(a)(5)] referenced in the definition, since this is an incorporation by reference.

Private Applicator Certification, Continued

Certified private applicator, defined

Certified private applicator is defined as:

- A private applicator holding a valid private applicator certificate issued by the commissioner (or the director in any county where there is no commissioner).

(Reference: *3 CCR section 6000*)

Who may possess, use, or supervise the use of a restricted material

Certified private applicators and certified commercial applicators may possess, use, or supervise the use of pesticides classified as “restricted use pesticides” by the U.S. EPA or designated as “restricted materials” by DPR, without additional supervision.

It is unlawful for a private applicator to possess, use, or supervise the use of a restricted material in accordance with FAC section 14015 unless that person has a valid private applicator certificate.

(Reference: *FAC section 14090*)

Noncertified applicators may use restricted materials provided they are adequately supervised by a certified applicator.

Supervision of uncertified applicators

Whenever a noncertified applicator handles restricted use pesticides or restricted materials, they must be adequately supervised by a certified applicator. The level of supervision required is either specified on the restricted use pesticide label or in regulation.

For the most highly toxic pesticides, the label will define direct supervision to require the certified applicator to be *physically present* when the pesticide is handled by a noncertified applicator.

Federally restricted use pesticides are clearly identified by a box at the very top of the label’s front panel that states the classification, the need for applicator certification, and the supervision requirement.

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Private Applicator Certification, Continued

Supervision of uncertified applicators (continued)

Example:

RESTRICTED USE PESTICIDE

Due to Reproductive Effects

For retail sale to and use only by certified applicators or persons under their direct supervision and only for those uses covered by the certified applicator's certification. Direct supervision for this product is defined as the certified applicator being physically present during mixing, loading, equipment repair and equipment cleaning. Certified applicators must ensure that all persons involved in these activities under their direct supervision are informed of the precautionary statements.

When the pesticide labeling or regulations require that the certified applicator be physically present, the certified applicator must be physically located on the application site or contiguous parcel where the pesticide-handling activity is taking place. In addition:

- When two or more noncertified handlers are at the pesticide-handling site, the certified applicator must maintain either visual or two-way voice contact with the handlers.
- When only one noncertified handler is at the pesticide-handling site, the certified applicator must maintain the direct supervision and physically present "in-line of sight" visual standard. The certified applicator must be able to see the noncertified applicator and be assured that the applicator is safe. Voice contact alone to one noncertified handler does not meet this standard because of the possibility that a lone applicator may be unable to seek help should a medical emergency occur.

In addition, the certified applicator must comply with the supervision standards in 3 CCR section 6406, which requires the certified applicator to be aware of the conditions at the use site and be available to direct and/or control activities of the noncertified applicator. The proximity of the certified applicator to the use site shall be directly related to the actual or potential hazard of the situation.

(Reference: 3 CCR section 6406)

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Private Applicator Certification, Continued

Obtaining the Private Applicator Certificate

A private applicator must become certified by the CAC or the Director in any county in which there is no CAC. Certification is accomplished through a written examination process designed to evaluate the knowledge and abilities of a private applicator.

Each applicant must complete the *Private Applicator Certificate Application* form (PR-PML-045) prior to taking the examination. There is no fee for taking the Private Applicator Certificate (PAC) examination, obtaining the PAC card, or renewing the PAC card (recertification).

To become certified, a private applicator must demonstrate competency to use and supervise the use of restricted use pesticides and restricted materials properly and safely, by passing the written examination with a minimum score of 70%. Private applicators that pass the examination receive a DPR PAC card issued by CAC staff.

The examination is available in both English and Spanish. The only part of the Spanish examination written in English is the pesticide label. Federal law requires all certified applicators to be able to read and understand the registered labeling. U.S. EPA currently registers only labeling written in English.

What information is on the examination?

Applicants shall be examined on the requirements of statutes and regulations concerning pesticide use and pest control operations including, but not limited to, knowledge of all of the following:

- Label directions and restrictions on use
 - Calibration
 - Pest control equipment
 - Pest problems and identification
 - Worker protection, including protective clothing and equipment
 - Environmentally sensitive areas
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Private Applicator Certification, Continued

Study guide

The study guide for the PAC examination is the publication *Pesticide Safety-- A Reference Manual for Private Applicators*, Publication 3383.

This publication may be purchased from the local Cooperative Extension Office; ordering from the Division of Agriculture and Natural Resources website at: <http://anrcatalog.ucdavis.edu>; or by writing to:

Division of Agriculture and Natural Resources
University of California
6701 San Pablo Avenue
Oakland, California 94608

Request Publication 3383.

Examination administration and security

Examination administration and security is recognized nationally as a critical feature of effective programs for certification and recertification of pesticide applicators.

The PAC examination must be administered and proctored by authorized CAC staff. **It is not a take-home examination or open book examination.** The examination is confidential, therefore, it must be kept under lock and key, accounted for, and accessed only by authorized CAC staff.

At a minimum, examination proctoring for Pesticide Applicator Certificates must include the following:

1. Only authorized persons from the CAC office may administer exams.
 2. Secure the questions and the answer keys in a location unavailable to test takers and unauthorized staff.
 3. Examinations will begin with positive identification with photo ID of examination candidates.
 4. Individuals taking the exam must not have cell phones, personal calculators, notebooks, study materials, etc.
 5. Examinees must not be allowed to take any notes during the exam, unless these are left in the exam room when they leave.
 6. Individuals taking the exam must not be allowed to sit adjacent to each other or in such a position that would allow them to share answers.
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Private Applicator Certification, Continued

How is the examination administered?

CAC staff provides the applicants with the examination questions, a separate answer sheet, and scratch paper. Applicants must not write or mark on the examination. Examination aids must not be used during the examination or any notes taken to prevent cheating or collusion.

Upon completion of the examination, county staff collects all examination materials, reviews the answer sheet, and determines whether the applicant passed or failed. Applicants who pass the examination are issued a PAC card. Applicants who fail the examination must wait at least seven calendar days before they may take the examination again.

Staff may not discuss the content of specific examination questions with applicants. If the applicant has any questions concerning the examination content during or after the examination, CAC staff may only give general advice in the subject area(s) that are giving the applicant difficulty.

The law provides that under exceptional circumstances an oral examination may be given. This may only be done in cases where in the CAC's opinion, a written examination would not accurately measure the competency or understanding by the applicant. CAC staff must document all examination results, whether written and oral.

Issuing the Private Applicator Certificate

CAC staff issues a DPR PAC card to all private applicators that pass the PAC examination. Signatures of both the private applicator and the issuing CAC authorized representative must be on the card. The PAC expiration date is specified on the card, based on the three-year renewal cycle that the applicant passing the examination falls into. (See *FAC section 14095*.)

The PAC number is issued using the following format:

- PA-two digit county code number-sequential 5 digit numbering system-- (Example: PA-00-00000).

A photocopy of the front and back of the card is kept in the CAC files, as well as the applicant's Scantron® examination answer sheet.

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Private Applicator Certification, Continued

Renewing the Private Applicator Certificate

PAC card holders have two renewal options:

1. Complete six hours of DPR-approved continuing education (CE) every three years, including at least two hours of laws and regulations*; **or**
2. Retake and pass the private applicator certification examination.

Applicators with certificates valid for:

- Less than 12 months at the time of renewal--are exempt from the continuing education requirement.
- 12 to 24 months at the time of renewal--must complete four hours of continuing education, including at least two hours in laws and regulations.
- 25 to 36 months at the time of renewal--must take at least six hours of continuing education, including at least two hours of laws and regulations.

*CE is prorated for private applicators renewing for the first time.

Completing continuing education

A course identification number is assigned when the course is approved for CE by DPR. Documented proof of CE course completion must be submitted at the same time with the PAC renewal application, *Private Applicator Certificate Application* form (PR-PML-045). All CE hours must be obtained during the period the PAC is valid.

If all renewal requirements are met, authorized CAC staff will renew the PAC for the applicant's specified valid period.

Soil fumigant training program

Any PAC holders who plan to apply certain soil fumigants³ must take the online registrant training as required by the soil fumigant label. Training is fumigant-specific, must be completed before using the fumigant, and must be completed every three years.

Online registrant training and training materials, including mandatory examinations, are available on the U.S. EPA web site, *Soil Fumigant Training for Certified Applicators* at

<http://www2.epa.gov/soil-fumigants/soil-fumigant-training-certified-applicators>.

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³ Soil fumigant products containing methyl bromide, metam sodium, metam potassium, chloropicrin (including combination with 1,3-D or methyl bromide), and Dazomet.

Private Applicator Certification, Continued

Soil fumigant training program
(continued)

The date and location of completing the EPA-approved soil fumigant training program must be included with each site-specific Fumigant Management Plan.

Refusing, revoking, or suspending the Private Applicator Certificate

The PAC may be refused, revoked, or suspended by the CAC or Director for any of the following:

1. Failure to comply with any applicable provision of the FAC, Division 7 (Agricultural Chemicals, Livestock, Remedies, and Commercial Feeds) or any regulations adopted pursuant thereto.
2. Failure to supervise the use of a restricted use pesticide or restricted material in a manner that ensures compliance with Division 7 or any regulations adopted pursuant thereto.
3. Making any false or fraudulent report.

Any action by the CAC or Director described above (1 - 3) may be appealed, consistent with the procedures for appealing the suspension of a restricted material permit as prescribed in FAC section 11512.5 (see Chapter 10, *Grounds for Refusal, Revocation, and Suspension*).

Additional information

Regardless of where it was issued, the PAC card is acceptable in any county when an applicant applies for a permit.

For additional information on CE and a listing of approved courses, see: <http://www.cdpr.ca.gov/docs/license/conted.htm>.
