

ARIZONA DEPARTMENT OF AGRICULTURE

SUBSTANTIVE POLICY STATEMENT

Environmental Services Division

**Responsible Individuals
OPM Licensed Applicators**

DIVISION/

PROGRAM

4

POLICY

SP 10-01


SIGNATURE

December 3, 2010

EFFECTIVE DATE

This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona administrative procedure act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

1. BACKGROUND

A pesticide seller must designate a responsible individual for each location that sells any restricted use pesticide. A.A.C. R3-3-203(F). A responsible individual must pass the core examination prescribed in A.A.C. R3-3-202. See A.A.C. R3-3-101 (defining "responsible individual"). A passing score on the exam requires at least 75% correct. A.A.C. R3-3-202(A). Each year, the responsible individual must retake and pass the exam or complete three continuing education units. A.A.C. R3-3-203(F)(2).

The Office of Pest Management licenses pesticide applicators who engage in structural pest control. These licensees must pass a core examination related to pesticides and pesticide use with a score of at least 75% correct. A.A.C. R4-29-203(F) & R4-29-205. The licensee must also complete six continuing education units in the 13 months prior to license renewal to keep the license active. A.A.C. R4-29-207(D)(1)(i) & R4-29-215(A).

Federal law requires that states only license commercial pesticide applicators that show through written examinations a practical knowledge of the principles and practices of pest control and safe use of pesticides in labeling and label comprehension, safety, environment, pests, pesticides, equipment, application techniques, and laws and regulations. 40 CFR § 171.4. This practical knowledge is what the core examinations for the Department and the Office of Pest Management test for. Compare 40 CFR § 171.4(b) with A.A.C. R3-3-202(B) & R4-29-205(E). Thus, the core examination given by the Department and the Office of Pest Management serve the same purpose.

2. POLICY

A person possessing an active applicator license issued by the Office of Pest Management satisfies the Department's core examination requirement for the purpose of being designated as a "responsible individual." The date of licensure with the Office of Pest Management constitutes the date of passing the Department's core examination.

Accordingly, R3-3-203(F)(2) means a person qualifying as a responsible individual pursuant to this policy must either complete three continuing education units that calendar year or take and pass the Department's core examination by December 31 to continue as a responsible individual in the following calendar year, except that if a person was licensed by the Office of Pest Management between October 1 and December 31, then the requirements to continue as a responsible individual do not apply until the following calendar year.

3. EFFECTIVE DATE

This Substantive Policy Statement is effective as of the date indicated above.