



Rule Changes - OPM

Effective March 3, 2015

Changes are underlined; comments in italics.

R4-29-102. Certification Categories; Scope:

"1. Industrial and institutional: pest management in, on, around or adjacent to a structure not covered by another category; pest management in or on asphalt, concrete, gravel, rocks and similar surfaces, including man holes, not covered by another certification category; pest management of health related pests wherever found; but excluding antimicrobial pest management and fungi inspection." *Individuals that possess an Industrial and Institutional certification can perform all forms of treatments for mosquitoes to include aquatic applications.*

2. Ornamental and turf: pest management, including weeds, in the maintenance of turf or bare ground not covered by the right-of-way category and ornamental trees, shrubs, and flowers by a means other than use of a fumigant. *"or bare ground": people with this certification can now treat bare ground.*

R4-29-103. Fees; Charges; Exemption

A. A person shall pay.....

1. the applicator certification fee is reduced from \$100 to \$75;
2. the applicator certification broadening application fee is reduced from \$50 to \$0;
3. the QA certification fee is reduced from \$200 to \$100;
4. the QA certification broadening application fee is reduced from \$100 to \$25;
5. the QP fee for registration, at a different time than application for renewal of the business license, is reduced from \$100 to \$50;
6. the QP registration broadening fee is reduced from \$50 to \$25;
7. the business license fee is reduced from \$300 to \$250;
8. the applicator registration fee is reduced from \$25 to \$0;
9. the branch office registration fee is reduced from \$100 to \$50 per branch;
10. the fee for branch supervisor registration, at a different time than branch office registration, is reduced from \$50 to \$25.

B. There is a 10% discount for "renewals" submitted for a two year period.

R4-29-202. Business License

A. - G. no change

H. "If an applicant's proof of financial security includes an insurance policy which provides for a deductible in excess of one percent of the total financial security for each occurrence, the applicant shall provide other evidence of financial security for the excess deductible amount as required by A.R.S. § 32-2313. Financial security in the following forms will be acceptable, provided that the nature of the security provides adequate protection for persons who may suffer bodily injury or property damage as a result of the operations of the applicant:

1. Liability insurance, self-insured retention or surety bond issued by an insurer that holds a valid certificate of authority or that is permitted to transact surplus lines insurance in this state;
2. Bank statement evidencing a deposit of money in an amount equal to, or greater than, the excess deductible amount;

or

3. Certified Check in an amount equal to, or greater than, the excess deductible amount."

R4-29-203 Applicator Cert., R4-29-204 QA Cert. and R4-29-207 Applicator Registration :

Proof of citizenship is required for applicator certification, QA licenses and applicator registration.

R4-29-208 (E-6) *There is an allowance for renewing a certification up and until August 31 IF:*

"Notwithstanding subsections (E)(1) & (E)(2)(a), an applicator who fails to renew by June 30 may renew by submitting a complete renewal application, including the renewal fee and the late fee, by August 31 if:

- a. The applicator has not received discipline from the Office within 5 years immediately preceding the renewal application; and
- b. The applicator has not previously renewed their certification after June 30. "

R4-29-208 (G). Surrendering a certification or license.

1. "An applicator or business licensee may surrender their certification or license at any time, except for the following situations:"

- a. "The applicator or business licensee is currently the subject of an investigation; or"
- b. "The applicator or business licensee owes civil penalties or termite action registration form fees."

2. "An applicator or business licensee that has surrendered their certification or license is not absolved of any termite action registration form fees or civil penalties based on actions or omissions that occurred prior to surrendering their certification or license.

3. "The office shall not refund any certification or licensing fees paid prior to the applicator or business license surrendering their certification or license."

R4-29-304: "Devices Exempt from Licensure and Registration;"

B: "An unlicensed person who engages in the business of pest management, but is exempt from licensure and registration because the person does not apply any pesticides and only uses devices listed in subsection (A) shall prominently display or include the phrase "Not licensed to apply pesticides" in all written and oral advertisements."

R4-29-307: Performing Wood-destroying Insect Inspection; WDIIRs

A. no change

B. "An applicator completing a WDIIR shall inspect all areas of a structure including crawlspaces that are visible or accessible at the time of the inspection. The applicator may use techniques such as non-destructive probing and sounding."

C. No change

D.

1. No change
2. "Inaccessible sub-area such as an area with less than **24** inches of clear space between the bottom of a floor joist and grade level;"

R4-29-308: Performing Wood-destroying Insect Management

A. No change

B. "An applicator shall not perform wood-destroying insect management, issue a treatment proposal, or quote a fee for service until the business licensee that employs the applicator ensures that:"

1. "An on-site inspection of the property is performed, in accordance with R4-29- 307, by a certified applicator meeting the training requirement under A.R.S. § 32-2332(E),"
2. "A treatment proposal is prepared, based upon the on-site inspection, on a form approved by the OPM and contains the information required under A.R.S. § 32-2332(B) and (C) and"
3. No change

C. - H. No change

I. Post-construction treatment for commercial or residential construction.

1. - 2. No change
3. "Unless precluded by label directions, any application to treat the soil along the exterior of foundation walls shall be made at an effective treatment rate of four gallons of chemical preparation per ten linear feet in a trench six inches wide or other method of treatment prescribed by the label to achieve the effective treatment rate."

4. "All post construction treatments shall be made in accordance with the treatment proposal delivered as required under subsection (B). Any deviations to the original proposal shall be redelivered in writing in a revised treatment proposal and shall be approved prior to performing the treatment by the person who requested the original proposal or their authorized agent."

R4-29-501. Applicator Recordkeeping

A. "An applicator shall make all records required by law and provide the records to the business licensee or political subdivision that supervises, directs, or employs the applicator within five business days."

B. "Service records. An applicator shall make a record of each pest management service provided. The applicator shall include the following information in the service record:"

1. - 6. No change

7. "Amount of pesticide applied, in terms of percent active ingredient and total amount of diluent (water, etc.); total amount of concentrate and total amount of diluent (water, etc.); or total amount of ready-to-use product by weight or volume (e.g. lbs, grams, ounces, etc.) and"

8. No change

R4-29-503. Business Licensee and Political Subdivision Recordkeeping and Retention

A. "In addition to ensuring that the records required under R4-29-501 and R4-29-502 are made and maintained, a business licensee and political subdivision shall make and maintain records of the following:"

1. "The specimen label and SDS for each registered pesticide currently used by an applicator supervised, directed or employed by the business licensee or political subdivision;"

2. - 9. No change

10. "Personnel records including for each applicator supervised, directed or employed by the business licensee or political subdivision:"

a. "Date of hire or beginning of relationship;"

b. (same) Date on which pest management services are first performed;

c. (same) Training and continuing education received;

d. (same) Supervision received;

e. (same) Protective clothing, safety supplies, and equipment issued to employee;

f. (same) Name of supervisor; and

g. Employment or relationship ending date.

B. No change

C. When an applicator supervised, directed or employed by a business licensee submits a WDIIR, the business licensee shall record the following on the WDIIR:

D. No changes

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This brief is not intended to be a complete listing of all law and regulations governing the use of pesticides in the State of Arizona. Nor, is it to be construed to be any sort of legal opinion. This brief is dated material and therefore subject to change. It is the responsibility of individuals to be fully aware of all current laws and associated regulations governing pesticide use in the State of Arizona.

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