

**Title 2—DEPARTMENT OF
AGRICULTURE
Division 70—Plant Industries
Chapter 25—Pesticides**

PROPOSED AMENDMENT

2 CSR 70-25.100 Certification Categories for Certified Commercial Applicators, Certified Noncommercial Applicators, and Certified Public Operators. The department is amending the rule title, amending sections (1), (3), and (5), and removing sections (2) and (4).

PURPOSE: This amendment lists certification categories for certain pesticide applicators.

(1) To qualify for a certified commercial applicator license, [a] certified noncommercial applicator license, or [a] certified public operator license, [*applicators of pesticides*]**individuals** shall be certified in one (1) or more of the following pesticide applicator categories: Category 1—Agricultural Pest Control, Subcategory a—Agricultural Plant Pest Control, Subcategory b—Agricultural Animal Pest Control; Category 2—Forest Pest Control; Category 3—Ornamental and Turf Pest Control; Category 4—Seed Treatment; Category 5—Aquatic Pest Control, **Subcategory b—Sewer Root Pest Control**; Category 6—Right-of-Way Pest Control; Category 7—Structural Pest Control, Subcategory a—General Structural Pest Control, Subcategory b—Termite Pest Control, Subcategory c—Fumigation Pest Control; Category 8—Public Health Pest Control; Category 9—Regulatory Pest Control; Category 10—Demonstration and Research Pest Control; Category 11—Wood Products Pest Control; **Category 12—Soil Fumigation Pest Control; and Category 13—Aerial Pest Control.**

[(2) Commercial applicators, noncommercial applicators and public operators must be certified in at least one (1) of the categories provided in section (1) and may be certified in any number of or any combination of those categories.]

[(3)] **(2)** Those individuals who wish to obtain a certified commercial applicator license, a certified noncommercial applicator license, or a certified public operator license as authority to conduct demonstrations involving pesticides and devices must be certified in Category 10—Demonstration and Research Pest Control. In addition, those individuals must be certified in the [*category, or those*] categories[,] which relate to the area[s] of expertise in which they wish to conduct these demonstrations.

(3) Those individuals who wish to obtain a certified commercial applicator license, certified noncommercial applicator license, or certified public operator license as authority to use any pesticide with any manned or unmanned aircraft, either fixed wing or rotary wing, must be certified in Category 13—Aerial Pest Control, as well as the proper category(ies) of use.

[(4) Commercial applicators, noncommercial applicators and public operators shall be certified in the respective categories only after they have passed an examination based on the standards of competence as provided in 2 CSR 70-25.110.]

[(5)] **(4)** Description of Commercial Applicator, Noncommercial Applicator, and Public Operator Certification Categories.

(A) Category 1—Agricultural Pest Control

1. Subcategory a—Agricultural Plant Pest Control. This category is provided for *[public operators, noncommercial applicators and commercial applicators who use or supervise the use of]* pesticide[s] **use relating** to agricultural commodities, including, but not limited to, tobacco, peanuts, cotton, corn, cereal grain, feed grains, soybeans, forages and forage crops, vegetables, small fruits, tree fruits and nuts, grassland and noncrop agricultural lands, greenhouse products, Christmas tree plantings, sod nurseries, *[and]* plant nurseries, and *[who apply pesticides for the conversion of]* forested areas to **be converted to** agricultural lands.

2. Subcategory b—Agricultural Animal Pest Control. This category is provided for *[public operators, noncommercial applicators and commercial applicators who use or supervise the use of]* pesticide[s] **use relating** to animals, including, but not limited to, cattle, swine, sheep, furbearing animals, horses, goats, poultry, **honey bees**, *[and]* other livestock, *[and]* wild **or exotic** animals in captivity, and *[to]* places *[on or in which]* **where** animals are confined with the exception of aquatic harborages. This includes those agricultural animals used as work or draft animals and those used as pleasure animals.

(B) Category 2—Forest Pest Control. This category is provided for *[public operators, noncommercial applicators and commercial applicators who use or supervise the use of]* pesticide[s] **use relating to** *[in]* forests, forest nurseries, and forest seed producing areas for the purpose of the propagation and maintenance of those forests, forest nurseries, and forest seed producing areas.

(C) Category 3—Ornamental and Turf Pest Control. This category is provided for *[public operators, noncommercial applicators and commercial applicators who use, supervise the use of or determine the need for the use of pesticides to control]* **pesticide use, excluding fumigants, relating to the control of** pests in the care and maintenance of ornamental trees, shrubs, flowers, and turf.

(D) Category 4—Seed Treatment. This category is provided for *[public operators, noncommercial applicators and commercial applicators who use or supervise the use of]* pesticide[s] **use relating** to seeds.

(E) Category 5—Aquatic Pest Control. This category is provided for *[public operators, noncommercial applicators and commercial applicators who use or supervise the use of]* pesticide[s] *[purposefully]* **use relating** to standing or running water for the control of aquatic pests with the exception of health-related pests.

1. Subcategory b—Sewer Root Pest Control. This subcategory is provided for pesticide use relating to the control of roots within sewer systems.

(F) Category 6—Right-of-Way Pest Control. This category is provided for *[public operators, noncommercial applicators and commercial applicators who use or supervise the use of]* pesticide[s] *[in]* **use relating to** the maintenance of public roads, electric power lines, pipelines, **industrial sites, electric and gas substations, cell phone towers, riprap along banks and shorelines, parking lots, trails**, railroad rights-of-way, or similar areas.

(G) Category 7—Structural Pest Control. This category is provided for *[public operators, noncommercial applicators and commercial applicators who use or supervise the use of]* pesticide[s] **use** in, on, or around any structure.

1. Subcategory a—General Structural Pest Control. This subcategory is provided for *[public operators, noncommercial applicators and commercial applicators who use, supervise the use of or determine the need for the use of pesticides for]* **pesticide use relating to** the control of general structural pests with the exception of wood-destroying organisms.

2. Subcategory b—Termite Pest Control. This subcategory is provided for *[public operators, noncommercial applicators and commercial applicators who use, supervise the use of or determine the need for the use of pesticides for]* **pesticide use relating to** the control of wood-destroying organisms, including, but not limited to, termites, carpenter ants, and powder post beetles.

3. Subcategory c—Fumigation Pest Control. This subcategory is provided for *[public operators, noncommercial applicators and commercial applicators who use or supervise the use of]* **the use of fumigants for structural pest control and mole control**. *[Certification in this category is not required for those applicators certified in the category of General Structural Pest Control who use calcium cyanide dust for limited rodent fumigation.]*

(H) Category 8—Public Health Pest Control. This category is provided for *[public operators, noncommercial applicators and commercial applicators who use or supervise the use of]* pesticide[s] **use** in public health programs *[for]* **relating to** the management and control of pests having medical and public health importance.

(I) Category 9—Regulatory Pest Control. This category is provided for *[state or federal employees who use or supervise the use of]* pesticide[s *in*] **use relating to** the control of regulated pests.

(J) Category 10—Demonstration and Research Pest Control. This category is provided for individuals who demonstrate to the public the proper use *[and techniques of application]* of restricted use pesticides or supervise the demonstration. It is also provided for individuals **who** conduct^{*[ing]*} field research with pesticides, and in doing so, use or supervise the use of restricted[-]use pesticides. **The applicant must also be certified in the proper category(ies) of use.**

(K) Category 11—Wood Products Pest Control. This category is provided for *[public operators, noncommercial applicators and commercial applicators who use or supervise the use of]* pesticide[s] **use relating to the control or prevention of** wood-degrading organisms, including, but not limited to, insects and the fungi or bacteria causing surface molding, surface staining, sap staining, brown rot, white rot, dry rot, and soft rot.

(L) **Category 12—Soil Fumigation Pest Control. This category is provided for the use of fumigants to soil for the control of pests (excluding moles) found in or on labeled sites.**

(M) **Category 13—Aerial Pest Control. This category is provided for the use of pesticides applied by any manned or unmanned aircraft, either fixed or rotary wing. The applicant must also be certified in the proper category(ies) of use.**

AUTHORITY: sections 281.035 and 281.045, RSMo Supp. 1988. Original rule filed May 12, 1976, effective Oct. 21, 1976. Amended: Filed Sept. 6, 1977, effective Dec. 11, 1977. Amended: Filed March 13, 1978, effective June 11, 1978. Amended: Filed Aug. 14, 1989, effective Jan. 1, 1990.*

**Original authority: 281.035, RSMo 1974, amended 1977, 1988; 281.045, RSMo 1974, amended 1977, 1988.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for 10:00 a.m, July 22, 2024, Missouri Department of Agriculture, Third Floor Boardroom, 1616 Missouri Boulevard, Jefferson City, MO, 65109.*