

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

PROPOSED RULE

2 CSR 70-25.153 Stipulations and Training Requirements for Noncertified RUP Applicators

PURPOSE: This rule details stipulations and training requirements for noncertified RUP applicators.

(1) Applicants for a noncertified RUP applicator license shall complete one of the following options:

(A) Pass a written examination (CORE) based on the general standards of competence provided in 2 CSR 70-25.110(3). Passing the CORE examination provides a three-year (3-year) retraining period; or

(B) Complete an approved noncertified RUP applicator training program. Completing an approved program provides a one-year (1-year) retraining period.

1. Prior to training an individual as a noncertified RUP applicator, certified applicators or their employers must have an approved training program. Approved training programs shall be valid until revoked.

2. Noncertified RUP applicator training must be presented to applicants and noncertified RUP applicators either orally from written materials or audiovisually. The information must be presented live, whether in-person or virtual, in a manner that the applicants and noncertified RUP applicators can understand.

3. Individuals conducting training must be certified applicators of restricted use pesticides or designated by the department as educators with an institution of higher education or a professional association. The individuals conducting training must also be present during the entire training program and must respond to the noncertified applicators' questions.

4. The noncertified RUP applicator training materials must include the information that applicants and noncertified RUP applicators need in order to protect themselves, other people, and the environment before, during, and after making a restricted use pesticide application. The noncertified RUP applicator training materials must include, at a minimum, information regarding the following:

A. Potential hazards from toxicity and exposure that pesticides present to noncertified RUP applicators and their families, including acute and chronic effects, delayed effects, and sensitization;

B. Routes through which pesticides can enter the body;

C. Signs and symptoms of common types of pesticide poisoning;

D. Emergency first aid for pesticide injuries or poisonings;

E. Routine and emergency decontamination procedures, including emergency eye flushing techniques. Noncertified RUP applicators must be instructed that if pesticides are spilled

or sprayed on the body, to immediately wash or to rinse off in the nearest clean water. Noncertified RUP applicators must also be instructed to wash or shower with soap and water, shampoo hair, and change into clean clothes as soon as possible;

F. How and when to obtain emergency medical care;

G. After working with pesticides, wash hands before eating, drinking, using chewing gum or tobacco, or using the toilet;

H. Wash or shower with soap and water, shampoo hair and change into clean clothes as soon as possible after working with pesticides;

I. Potential hazards from pesticide residues on clothing;

J. Wash work clothes before wearing them again and wash them separately from other clothes;

K. Do not take pesticides or pesticide containers used at work to your home;

L. Potential hazards to children and pregnant women from pesticide exposure;

M. After working with pesticides, remove work boots or shoes before entering your home, and remove work clothes and wash or shower before physical contact with children or family members;

N. How to report suspected pesticide use violations to the appropriate state or tribal agency responsible for pesticide enforcement;

O. Format and meaning of information contained on pesticide labels and in labeling applicable to the safe use of the pesticide, including the location and meaning of the restricted use product statement, how to identify when the labeling requires the certified applicator to be physically present during the use of the pesticide, and information on personal protective equipment;

P. Need for, and appropriate use and removal of, personal protective equipment;

Q. How to recognize, prevent, and provide first aid treatment for heat related illness;

R. Safety requirements for handling, transporting, storing, and disposing of pesticides, including general procedures for spill cleanup;

S. Environmental concerns such as drift, runoff, and wildlife hazards;

T. Restricted use pesticides may be used only by a certified applicator or by a noncertified RUP applicator working under the direct supervision of a certified commercial applicator, certified noncommercial applicator, or certified public operator;

U. The certified applicator's responsibility to provide each noncertified RUP applicator instructions specific to the site and pesticide used. These instructions must include labeling directions, precautions, and requirements applicable to the specific use and site, and how the characteristics of the use site (e.g., surface and ground water, endangered species, local population, and risks) and the conditions of application (e.g., equipment, method of application, formulation, and risks) might increase or decrease the risk of adverse effects. The certified applicator must provide these instructions in a manner the noncertified RUP applicator can understand;

V. The certified applicator's responsibility to ensure that each noncertified RUP applicator has access to the applicable product labeling at all times during its use;

W. The certified applicator's responsibility to ensure that when the labeling of a pesticide product requires that personal protective equipment be worn for mixing, loading,

application, or any other use activities, each noncertified RUP applicator has clean, labeling-required personal protective equipment in proper operating condition and that the personal protective equipment is worn and used correctly for its intended purpose;

X. The certified applicator's responsibility to ensure that before each day of use, equipment used for mixing, loading, transferring, or applying pesticides is in proper operating condition as intended by the manufacturer, and can be used without risk of reasonably foreseeable adverse effects to the noncertified RUP applicator, other persons, or the environment;

Y. The certified applicator's responsibility to ensure that a means to immediately communicate with the certified applicator is available to each noncertified RUP applicator using restricted use pesticides under the certified applicator's direct supervision;

5. Employers or certified applicators must submit to the director a noncertified RUP applicator Notice of Training form provided by the director.

6. Employers or certified applicators shall keep and maintain a copy of the noncertified RUP applicator Notice of Training form and noncertified RUP applicator application for a period of two (2) years from the date the training was completed.

(2) Noncertified RUP applicators must pass the CORE exam or complete an approved training program prior to the expiration of their retraining date. Passing the CORE examination provides a three-year (3-year) retraining period. Completing an approved training program provides a one-year (1-year) retraining period.

(3) The CORE examination used to obtain a valid noncertified RUP applicator license may be used for eighteen (18) months from the examination date to meet the CORE examination requirement of a Certified Commercial Applicator, Certified Noncommercial Applicator, or Certified Public Operator license. The noncertified RUP applicator license will be cancelled upon issuance of the Certified Commercial Applicator, Certified Noncommercial Applicator, or Certified Public Operator license.

AUTHORITY: section 281.025, RSMo Supp. 1989. Original rule filed May 15, 2024.*

**Original authority: 281.025, RSMo 1974, amended 1977, 1988, 1993, 1995.*

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

PRIVATE COST: This proposed rule 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 rule 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.*