

Laws and Regulations for TDA: SPCS and AG

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Understanding Your Role as Applicator

- Follow rules
 - It's not just TDA who is watching
- Do the Right Thing
 - Adhere to the rules, labels, requests
- Ensure you protect the environment
 - Bees, water, birds, man
- Be respectful and honest – it's easier
 - Honesty is the best Policy
- An Ounce of Prevention is worth a pound of cure
 - IPM helps you outline all of this.



Making Law into Rule



- Texas is considered a "Law" state
 - Many states are considered a "Label" state
 - 7.150 **requires all pesticides be used consistent with the pesticide labeling**, and prohibits use of any pesticide missing a complete label when the identity of that pesticide is unknown
 - Under U.S. FIFRA code each state must only enforce what is written and defined by pesticide label rules
 - Directions for use
 - Areas for use
 - Restricted entry – restricted use – other guides
- Each State Agency is given the allowance to write rules that can be enforced by that Agency
- Food Protection Safety Acts – several state & federal laws that protect humans and animals from pests/ pesticides
 - Dept. of State Health Services, Local Health Departments

Agency Oversight



- Texas Department of Agriculture Current Agency
 - Brief History <http://texasagriculture.gov/>
 - Established in 1907
 - Texas Structural Pest Control Board: 1971-2007
 - Oversees – pesticide registrations, licenses, rule implementation and much more
- Dept. of State Health Services
 - Inspects food service, food production, cafeterias
 - School cafeterias must be inspected 2 a year
- Texas Parks and Wildlife (Game Warden)
 - Wildlife trapping, removing and redistribution

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Texas Administrative Code

TITLE 4 AGRICULTURE
PART 1 TEXAS DEPARTMENT OF AGRICULTURE
CHAPTER 7 PESTICIDES

Subchapters

SUBCHAPTER A GENERAL
SUBCHAPTER B REGISTRATION
SUBCHAPTER C LICENSING
SUBCHAPTER D USE AND APPLICATION
SUBCHAPTER E REGULATED HERBICIDES
SUBCHAPTER F ENFORCEMENT
SUBCHAPTER G PENALTIES
SUBCHAPTER H STRUCTURAL PEST CONTROL SERVICE
SUBCHAPTER I STRUCTURAL PEST CONTROL SERVICE

HOME TEXAS REGISTER TEXAS ADMINISTRATIVE CODE OPEN MEETINGS

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Texas Administrative Code

TITLE 4 AGRICULTURE
PART 1 TEXAS DEPARTMENT OF AGRICULTURE
CHAPTER 7 PESTICIDES
SUBCHAPTER H STRUCTURAL PEST CONTROL SERVICE

Divisions

DIVISION 1 GENERAL PROVISIONS
DIVISION 2 LICENSES
DIVISION 3 COMPLIANCE AND ENFORCEMENT
DIVISION 4 UNLAWFUL ACTS AND GROUNDS FOR REVOCATION
DIVISION 5 TREATMENT STANDARDS
DIVISION 6 STRUCTURAL PEST CONTROL ADVISORY COMMITTEE
DIVISION 7 INTEGRATED PEST MANAGEMENT PROGRAM FOR SCHOOL DISTRICTS

HOME TEXAS REGISTER TEXAS ADMINISTRATIVE CODE OPEN MEETINGS

Applicator Licensing AG Updates



TDA Ag TAC: Title 4, Part 1, Chapter 7, Subchapter C,
§ 7.21. Applicator Certification

1 agricultural pest control:

- (A) field crop:
- (B) fruit, nut and vegetable (category 1G Citrus Pest Control),
- (C) pasture and rangeland
- (D) vertebrate pest
- (E) farm commodity pest control:
- (F) animal health
- (G) Citrus:
- (H) livestock protection collar
- (I) M-44 device

Licensing TAC Subchapter C



- § 7.21. Applicator Certification TDA – Ag Code
 - 3A landscape maintenance
 - * athletic fields, residential properties, industrial sites, golf courses, parks, and cemeteries
 - 3B nursery plant production
 - * plants in field production, greenhouses, shade houses, or similar structures
 - 5 vegetation management
 - * rights-of-way, parking lots, utility lines, wind generator sites, pipelines, railways, airports
 - 12 public health pest control (vector control)
 - * federal, state, county, city, mosquito or vector control district or other political subdivision

Applicator Licensing SPCS

SPCS TAC: Title 4 Part 1, Chapter 7, Subchapter H, Division 2
RULE § 7.121 Persons Required to Secure License

- SPCS – Structural Code
 - Business License
 - Responsible Certified Commercial Applicator
 - Certified Commercial Applicator
 - Certified Noncommercial Applicator
 - Technician
 - Apprentice
- 7.122 Changes in wording that include giving **power to the Department to deny a license to anyone who holds a similar license that has been revoked**, suspended, probated or denied within the last five years by another state or by the federal government.



Licensing Fees Structural

○ Applicants and licensees will be charged the following fees:

1. \$300 for a business license (\$224);
2. \$125 for a certified applicators license (\$108);
3. \$125 for a certified non-commercial applicator (\$85)
4. \$125 for a technician license (\$81)
5. \$64 for administering exams in each category (\$52);
 - a renewal fee for applications received 90 days or less after expiration date equal to 1-1/2 times the normally required renewal fee; and
 - a renewal fee for applications received greater than 90 days but less than one year after expiration date equal to 2 times the normally required renewal fee.
 - There are **no more fees for providing a continuing education course.**

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Licensing Fees Agricultural

○ Applicants and licensees will be charged the following fees:

1. \$600 for a Pesticide Registration (\$420/2yrs)
2. \$260 for a pesticide dealers (\$250/2yrs)
3. \$200 for a commercial/non commercial (\$180);
4. \$75 for a NonCommercial Political Subdiv. (\$12)
5. \$100/5 years for Private Applicator (\$60/5 yrs)
6. \$64 for administering exams in each category (\$24);
 - a renewal fee for applications received 90 days or less after expiration date equal to 1-1/2 times the normally required renewal fee; and
 - a renewal fee for applications received greater than 90 days but less than one year after expiration date equal to 2 times the normally required renewal fee.
 - There are **no more fees for providing a continuing education course.**

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Top 10 Violation – still – No Name and License or person applying pesticides and devices

- Every applicator is assigned a license number, this number is NOT a drivers license number or social security number!
- This information protects you and your company from fraud
- Shows professionalism – especially when the customer can read the name!



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Continuing Education for all AG holders

TDA Ag TAC: Title 4, Part 1, Chapter 7, Subchapter C
§ 7.24. Applicator recertification.

- a) All applicators must meet recertification requirements through completion of approved continuing education activities.
- b) Each activity must be approved by the department. No activity may claim to be approved or accepted by the department or use any other such term that would lead an applicator to believe that it has been approved by the department for recertification unless it is so approved

**** No more fees for providing a continuing education course.**

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Continuing Education for all AG holders

TDA Ag TAC: Title 4, Part 1, Chapter 7, Subchapter C
§ 7.24. Applicator recertification.

- s) Applicators will recertify through a self-certification program. **Each applicator will be required to maintain proof of the number of CEUs necessary to renew a license or certificate.** Certificates of completion verifying attendance at approved activities during the previous licensing period **must be maintained by the applicator for a period of 12 months after the most recent renewal of their license or certificate.** The department may audit the CEUs an applicator has obtained during an onsite inspection or by letter requesting that copies of certificates of completion be mailed to the department. Certificates of completion will be compared with course attendance rosters on file with the department. **Credits obtained at a single course cannot be split or divided between licensing periods.**



Continuing Education for all AG holders

TDA Ag TAC: Title 4, Part 1, Chapter 7, Subchapter C
§ 7.24. Applicator recertification

- t) Except as provided in paragraph (1) of this subsection, each commercial or noncommercial applicator must obtain **at least five CEUs prior to the expiration of the license.** A minimum of one hour each must be obtained from two of the following categories: integrated pest management, laws and regulations or drift minimization.
- (v) Private applicators must recertify as follows:
- (1) Each licensed private applicator must obtain 15 CEUs within a five-year period including at least two CEUs in laws and regulations and two CEUs in integrated pest management



Training of new employees SPCS

- With an SPCS license no one can work under that license
 - Be sure to document on training on the SPCS form
- Certified Applicators cannot supervise an employee who is not licensed as a technician or registered as an apprentice
- Certified applicators must be able to supervise technicians and apprentices
 - Must be physically present 3 days a week



TDA- Ag - § 7.31(f)

Licensed applicators employed by political subdivisions or cemeteries who supervise nonlicensed employees that make any pesticide application are responsible for assuring that the following requirements are met:

1. On an annual basis and prior to the nonlicensed employee making their first application, the nonlicensed employee must be trained in the specific use of the pesticide applied. The training requirement may be satisfied by either:
 - A. the nonlicensed employee obtaining five CEUs in accordance with the continuing education required for licensed commercial and noncommercial applicators pursuant to § 7.24 of this title (relating to Applicator Recertification); or
 - B. the nonlicensed employee is trained on the appropriate laws and regulations pertaining to pesticide use, the label information for the use of all pesticides that are applied and pesticide safety training.
2. A record of training received or CEUs obtained by the nonlicensed employee must be maintained for a period of two years and shall be made available to the department for inspection upon request. The record may be either a certificate of completion of training or CEUs obtained or on a form prescribed by the department.



Training of non-licensed employees TDA 3A

§ 7.31 Supervision

- Annual basis & prior to 1st application
- 5 CEUS (like today)

OR

- Training covers L&R, pesticide labels, and pesticide safety
- Records must be kept for 2 years of training

TEXAS DEPARTMENT OF AGRICULTURE
AGRICULTURAL MECHANICS DIVISION
TEXAS PESTICIDE REGULATOR
FOR THE TRAINING APPLICATOR ONLY. THIS CERTIFICATE IS NOT VALID WITHOUT A LICENSED APPLICATOR'S SIGNATURE.

SUBJECT: TRAINING AFFIDAVIT

1. This is an affidavit made by Licensed Applicator Non-Licensed Applicant

In order to verify the applicator under Section 7.31(d) of the Texas Agriculture Code to ensure the safe and proper handling under a licensed applicator's direct supervision is knowledgeable of the requirements governing the use of the particular pesticide being used by the applicant.

2. I, Licensed Applicator (print name) Non-Licensed Applicant (print name) hereby state that I have received training on or have instructed and/or instructed the applicant on the appropriate use of the Texas Pesticide Law and Texas Pesticide Regulations. I understand the applicant is applying pesticides in the following pesticide use or uses listed:

Product Name	EPA Reg. #	Activity	EPA subcategory

Trained on Application of Licensed Applicator

3. I hereby state that the applicant applied under my direct supervision and under my direct supervision received specific training on the proper use of the pesticide under my direct supervision, including the use of the appropriate pesticide for the use listed.

Trained on Application of Licensed Applicator

Initials Signature

Chemical # Unchemical # Other # Other #

A copy of this affidavit is available to the public upon request and the original shall be kept by the licensed applicator for at least two years after the date of completion.

Chemical # Unchemical # Other # Other #

TDA - § 7.31(g)

- Applicator Supervision
 - Both the supervising licensed Com or NonCom applicator and the person under the direct supervision of the licensed Com or NonCom applicator must perform applications from the same local office, unless the supervising licensed Com or NonCom applicator is **physically** present during the application.



<http://agrillife.org/aes/record-keeping-forms/>

- ☐ Records
 - ☐ inspection results
 - ☐ chemical and non-chemical records (kept for two years)

TEXAS DEPARTMENT OF AGRICULTURE
AGRICULTURAL MECHANICS DIVISION
TEXAS PESTICIDE REGULATOR
Pesticide Application Record

Business Name Address

Application Date	Fertilizer	Name of the person for whom the application was made	Location of Land Treated	Site Treated	Label Dilution	Label Volume	SP Temp
Licensed Applicator's Name and License Number <input type="text"/>							
Non-Licensed Applicant's Name, if applicable <input type="text"/>							
Additional Information <input type="text"/>							

Application Date	Fertilizer	Name of the person for whom the application was made	Location of Land Treated	Site Treated	Label Dilution	Label Volume	SP Temp
Licensed Applicator's Name and License Number <input type="text"/>							
Non-Licensed Applicant's Name, if applicable <input type="text"/>							
Additional Information <input type="text"/>							

TAC/General Requirements for Regulated Herbicide Applicators § 7.50

- Applications by an applicator licensed by the Texas Structural Pest Control Board in turf and weed control and a nurseryman licensed by the department in turf weed control for structural pest control applications are exempt from the permit requirements of this section.
- Regulated Herbicide Rule Under the Ag code must obtain permit if used in a regulated county.
 - Provides exception from Regulated Herbicide status for use of 2,4-D and Dicamba on transgenic crops tolerant to 2,4-D and/or Dicamba



TAC Title 4, Part 1, Chapter 7, Subchpt H, Division 2



- § 7.122 Changes in wording that include giving power to the Department to deny a license to anyone who holds a similar license that has been revoked, suspended, probated or denied within the last five years by another state or by the federal government
- 7.134 – CEU in process of changing to reflect the times
 - Currently 2 General, 1 in each category
 - In person only, no online credits
 - Good from January to December, no matter when license expires

TAC Title 4, Part 1, Chapter 7, Subchpt H, Division 3



- § 7.141 Identification of Licensees and Apprentices
 - Each individual licensee and apprentice shall carry their license or registration card with them at all times when performing structural pest control activities
- § 7.150 General Standards for Use of Pesticides
 - requires all pesticides be used consistent with the pesticide labeling, and prohibits use of any pesticide missing a complete label when the identity of that pesticide is unknown.
- § 7.151 General Standards for Storage and Disposal of Pesticides
 - prohibits anyone from hurting people or the environment, and making the pesticide owner, the applicator and/or the mixer equally responsible for proper storage and disposal of pesticide containers and contents. It also requires all pesticide containers to be labeled with the name of the pesticide. And it specifies that hard copies of all pesticides being stored shall be available for inspectors visiting the storage site.

Pesticide labeling

- Most important source of information
- The label is the law!
- Read the label
 - before you buy/sell the product
 - before you use the product
 - before you dispose of the product



Parts of a label

- Statement of practical treatment
- Side or back-panel precautionary statement
- Environmental, human and animal hazards
- Storage and disposal
- Directions for use



PPE Requirements

- Caution Label
- This is the **lowest** EPA toxicity category
- Requires the least restrictive PPE
 - Compared to Warning & Danger labels



PPE - Respirators

- For toxic dusts, sprays
- NIOSH approval number
- Rated for pesticides
- Look for tight seal
- Must have pre-filter and organic vapor cartridge
- Must PASS a fit test by licensed health authority

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Changes



- MSDS to SDS Format
- Labeling Requirements/Pictograms
- Hazard Classification

HCS Pictograms and Hazards



Health Hazard • Carcinogen • Mutagenicity • Reproductive Toxicity • Respiratory Sensitizer • Target Organ Toxicity • Aquatic Toxicity	Flame • Flammable • Pyrophoric • Self Heating • Oxidizing Gas • Self-Heating • Self-Reacting • Organic Peroxides	Exclamation Mark • Irritant (skin and eye) • Skin Sensitizer • Harmfully Inert • Acute Toxicity • Respiratory Tract Irritant • Hazardous to Ozone Layer (Non-Mandatory)
Gas Cylinder • Gases Under Pressure	Corrosion • Skin Corrosion/Irritation • Eye Damage • Corrosive to Metals	Explosive Bomb • Explosives • Self-Reacting • Organic Peroxides
Flame Over Circle • Oxidizers	Environment (No-Mandatory) • Aquatic Toxicity	Skull and Crossbones • Acute Toxicity (H302 or H332)

Section 1 Identification of Substance and Supplier

- Includes
 - Product identifier (Product Name).
 - Manufacturer's or distributor's name, address and phone number.
 - Emergency phone number.
 - Recommended use.
 - Restrictions on use.

1. PRODUCT AND COMPANY IDENTIFICATION	
Dow Corning Corporation South Saginaw Road Midland, Michigan 48686	24 Hour Emergency Telephone: (888) 496-5959 Customer Service: (888) 496-5008 Product Disposal Information: (888) 496-6311 CHEMTREC: (800) 424-9300
MSDS No: 01903128	Revision Date: -
Generic Description: Inorganic compound Physical Form: Crystalline Color: Translucent white Odor: Some odor	
NFPA Profile: Health 0 Flammability 1 Instability/Reactivity 0	
Note: NFPA = National Fire Protection Association.	

Section 3 Composition/Information on Ingredients

Includes:

- Composition/information on ingredients:
 - Common Name.
 - CAS number.
 - Concentration.
- Information on chemical ingredients.
- Trade secret claims.

3. COMPOSITION / INFORMATION ON INGREDIENTS

Chemical Identity	CAS number	Content in percent (%)
Aluminum hydroxide	1344-20-5	5.0%
Magnesium	7220-80-3	5.0%
Quartz	14808-80-7	5.0%
Titanium dioxide	13462-47-7	5.0%
Iron	7439-89-4	5.0%

* All concentrations are percent by weight unless ingredients is a gas. Gas concentrations are in percent by volume.
 Composition Comments: The term "Hazardous Ingredients" should be interpreted as a term defined in Hazard Communication standards and does not necessarily imply the existence of a welding hazard. The product may contain additional non-hazardous ingredients or may form additional compounds under the condition of use. Refer to Sections 2 and 8 for more information.

Section 5 Firefighting Measures

Includes:

- Suitable extinguishing techniques.
- Equipment needed.
- Chemical hazards from fire.

MATERIAL SAFETY DATA

SECTION 4 - FIRST AID

MF: Flush with large amounts of water for at least 15 minutes. Do not wash affected area gently with soap and water. Skin cream or ointment may irritate. Do not induce vomiting; drink plenty of water. Remove affected person to clean fresh air.
MF: If any of the symptoms persist, seek medical attention immediately.

SECTION 5 - FIRE FIGHTING MEASURES

H: Non-combustible
MF: Use extinguishing media appropriate to the surrounding fire.
H: None
MF: Wear full bunker gear including positive pressure self-contained breathing apparatus.

SECTION 6 - ACCIDENTAL RELEASE INFORMATION

MF: Avoid creating airborne dust. Follow routine housekeeping procedures for filtered equipment. If sweeping is necessary, use a dust suppressant. Do not use compressed air for clean-up. Personnel approved respirator. Avoid clean-up procedures that could create dust.

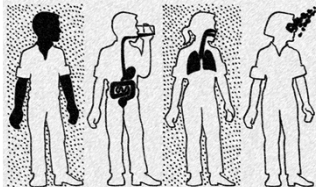
SECTION 7 - HANDLING AND STORAGE

Limit use of power tools unless in conjunction with local exhaust. Frequently clean the work area with HEPA filtered vacuum or accumulation of debris. Do not use compressed air for clean-up. This product is stable under all conditions of storage. Store in a cool, dry place.

Section 11 Toxicological Information

Includes:

- Routes of exposure.
- Related symptoms.
- Acute effects.
- Chronic effects.
- Numerical measures of toxicity.
 - LD₅₀ values and LC₅₀ values.



BIFENTHRIN 13% MUP 11. TOXICOLOGICAL INFORMATION

ACUTE TOXICITY/IRRITATION STUDIES:

- Acute Oral LD50 (Rat): > 300 mg/kg
- Acute Dermal LD50 (Rabbit): > 1000 mg/kg
- Acute Inhalation LC50 (Rat): > 10 mg/L (4 hrs.)
- Eye Irritation (Rabbit): Irritating
- Skin Irritation (Rabbit): Irritating
- Dermal Sensitization (Guinea Pig): Not a contact sensitizer

SYMPTOMS OF ACUTE EXPOSURE:

- Large doses may cause incoordination, tremor, salivation, vomiting, diarrhea and irritability to sound and touch.

CARCINOGENICITY:

- Bifenthrin: No evidence of cancer was observed. [EPA listed Bifenthrin as Group C--Possible]
- Human Carcinogen (2003 Report)

POTENTIAL HEALTH EFFECTS:

- Ingestion:** Ingestion of pyrethroids may cause a sore throat, nausea, abdominal pain and vomiting almost immediately after ingestion. Other reported symptoms included increased oral secretions, ulcerations in the mouth, difficulty swallowing, headache, dizziness and fatigue.
- Eye: Irritant.** Exposure may result in redness and tearing.
- Skin: Irritant.** Paresthesia is typically reported only at the site of dermal exposure and is not associated with systemic intoxication
- Inhalation:** Respiratory and nasal irritation may be caused by the inhalation of aerosol droplets or dust of pyrethroids.

Section 8 Precautions to Control Exposure/ Personal Protection

Includes:

- OSHA's Permissible Exposure Limits (PELs).
- Threshold Limit Values (TLVs).
- Appropriate engineering controls.
- Personal Protective Equipment (PPE) requirements.

OSHA does not regulate sections 12 to 16 since other Agencies (like the EPA) regulate information in these sections.

Section 12 Ecological Information

Includes:

- Eco-toxicity.
- Mobility.
 - Does it move in air, soil, or water.
- Degradability.
 - Is it biodegradable.
- Bioaccumulation.

Section 15 Regulatory Information

For pesticides this is the area where any FIFRA information would be included, for example:

Pesticide Registration:

This chemical is a pesticide product registered by the Environmental Protection Agency and is subject to certain labeling requirements under federal pesticide law. These requirements differ from the classification criteria and hazard information required for safety data sheets, and for workplace labels of non-pesticide chemicals. Following is the hazard information as required on the pesticide label:"

The differences between EPA's current requirements and the GHS are related to classification criteria, hazard statements, pictograms, and signal words.

For pesticide products, FIFRA labels approved by EPA pre-empt OSHA's label requirements, but not the requirements for SDS and worker training (except for certified applicators and agricultural workers for whom EPA has training requirements).

HazCom 2012 Compliance Dates and Deadlines:

- June 1, 2016 –
 - Employers should be fully compliant with HazCom 2012. That includes making any necessary updates to their HazCom program, training employees on any newly identified chemical hazards (identification of new hazards is likely during the reclassification process chemical manufacturers undertake), and updating SDS libraries and secondary labels.

TAC Title 4, Part 1, Chapter 7, Subchpt H, Division 3

- § 7.152 Advertising
 - A licensee must not use false, misleading or deceptive advertising. Examples of statements or representations which constitute false, misleading or deceptive advertising.
 - Companies cannot use multiple business names under the same business license, and to clarify that pest control advertising includes online ads such as might appear on sites like Facebook, Craigslist and Angie's List

Required Definitions for Partial, Pier & Beam, Slab construction, spot treatments, baiting systems and barriers § 7.174 (b) 6 (A-F).



- Structural regulation requires that certain definitions be present on the termite disclosure, which provided to the customer prior to a termite treatment.
- Noncompliance is due to disclosures lacking the barrier definition.
- Termite disclosure form sample on TDA website was lacking this definition,

Termite disclosure documents must include the following and must be issued prior to conducting a treatment.

- The termite treatment statement
- Definitions of treatments
- Diagram of the structure to be treated
- Warranty information
- Pesticide label of product used
- Concentration of termiticide or minimum number of bait stations to be installed
- Signature of CA or tech making the proposal

§ 7.174



Jurisdiction statement on documents § 7.145

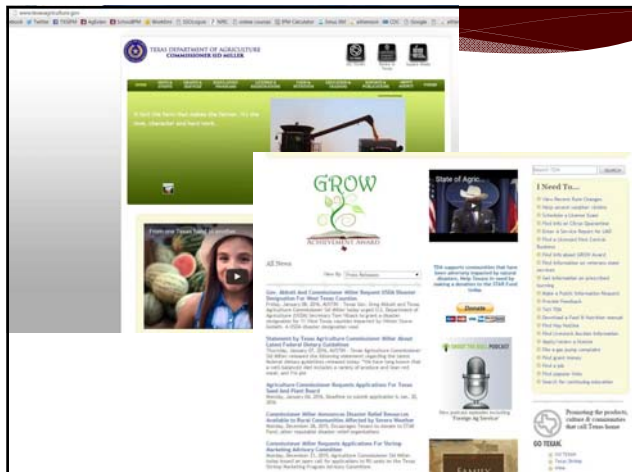
- Jurisdiction statement which is incorrect at inspection on contracts, guarantees, warranties, service agreements and termite disclosures a business may have.
- Jurisdiction statements still cite the SPCB (board) or have phone numbers which are not correct number for the SPCS
- Jurisdiction statement should read as follows: **“Licensed and Regulated by: Texas Department of Agriculture, P.O. Box 12847, Austin, TX 78711-2847, Phone (866) 918-4481, Fax (888) 232-2567”**



Recommended Tips From TDA



- When filling out pesticide application use records – be consistent, remember name, license number, target pest
- Keeping track of your license renewal, CEUs, certificates, etc.
 - If you move, your records need to move with you to ensure this, make copies of all of your certificates, license, etc
 - Make note of all on the job type training as it relates to pesticide safety as well.
- Worker Protection is for everyone



Thank You



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<http://ipmcalculator.com>