



Arizona Department of Agriculture

Office of Pest Management

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How the new Laws and Rules affect You!

With the recent law and rule changes, we felt you needed some of the highlights.

Applicator Licensees: Changing from "Applicator License" to "**Certified Applicator**" (**CA**), expires 05/31 annually, renewable for 1 or 2 years, requires 6 hours of CE annually or 12 hours of CE bi-annually. See Arizona Administrative Code R4-29-203 & R4-29-208

Qualifying Party Licensees: Changing from "Qualifying Party License" to "**Certified Qualified Applicator**" (**QA or CQA**), expires 05/31 -annually, renewable for 1 or 2 years, requires 12 hours of CE annually or 24 Hours of CE bi-annually. See Arizona Administrative Code R4-29-204 & R4-29-208

Business Licensees: Expires 05/31 annually and renewable for 1 or 2 years. See Arizona Administrative Code R4-29-202

Branch Office: Registration expires 05/31 annually and renewable for 1 or 2 years (in accordance with the business renewal). Must have a Registered Branch Supervisor. See Arizona Revised Statute 32-2315 & Arizona Administrative Code R4-29-206

The "Qualifying Party" is no longer a license. It is now a registration/designation for those who are a certified qualified applicator (QA or CQA) registered with the OPM as the individual responsible for ensuring the training, equipping, and supervision of all applicators of a business licensee or school district. See A.R.S. 32-2301 (30), A.A.C. R4-29-201(B), and A.A.C. R4-29-205.

No need to maintain CA and CQA in the same category. The CQA will supersede the CA in the corresponding category.

No more inactive licenses. Licenses/certifications/ registrations will be "Active", "Suspended", "Expired", or "Revoked". There is no provision to place a license, certification, or registration on inactive status.

All Applicators, certified and uncertified, of an OPM Business Licensee or School District must be registered before providing pest management services. This requirement is in addition to certification requirements. The director shall assess a business licensee with a \$150 civil penalty for each unregistered applicator. See A.R.S. 32-2304 (B)(20), A.A.C. R4-29-201 (D), and R4-29-207

Only a Certified Applicator may provide pest management services at a school, child care facility, health care institution, or food-handling establishment. The applicator who is providing pest management services shall be certified in the certification categories for which the services are being provided. See A.A.C. R4-29-201 (C)(4)

The applicator categories have changed. The new names and scope of each certification category are as follows:

1. **Industrial and Institutional:** pest management in or about a residential or other structure excluding anti-microbial pest management, fungi inspection, or pest management covered by another certification category. This includes public health pest management such as adult mosquitos.
2. **Wood-Destroying Organism Management.**
 - a. **Wood-destroying organism treatment:** inspecting for the presence or absence of wood-destroying organisms and *treating for* wood-destroying organisms in or about a residential or other structure by a means other than use of a fumigant.
 - b. **Wood-destroying insect inspection:** inspecting for the presence or absence of wood-destroying insects only and excluding preparing treatment proposals.
3. **Ornamental & Turf:** pest management, including weeds, in the maintenance of ornamental trees, shrubs, flowers, and turf by a means other than use of a fumigant.
4. **Right-of-Way:** pest management, including weeds, in the maintenance of public roads, electric powerlines, pipelines, railway rights-of-way or other similar areas by means other than use of a fumigant.
5. **Aquatic:** pest management, including weeds and mosquito larvae, in standing or running water.
6. **Fumigation:** pest management using fumigants.
7. **Wood preservation:** application of pesticides directly to structural components of wood or wood products, which are not part of an existing structure normally habitable by persons, to prevent or manage wood degradation by wood-destroying organisms including fungi and bacteria.

If you held one or more of the following categories, you will now hold the corresponding New Category.

See A.R.S. 32-2312 and R4-29-102

B1 – General and Public Health Pest Management-----	Category 1 – Industrial & Institutional
B2 – Management of Wood-Destroying Insects-----	Category 2a – Wood-Destroying Organism Treatment & Category 7 – Wood Preservation
B3 – Right-of-Way & Weed Management-----	Category 3 – Ornamental & Turf and Category 4 – Right-of-Way
B4 – Fumigation-----	Category 6 - Fumigation
B5 – Turf & Ornamental Horticulture Pest Management-----	Category 3 – Ornamental & Turf
B6 – Antimicrobial Pest Management-----	N/A
B7 – Fungi Inspection-----	N/A
B8 – Wood-Destroying Insect Inspection-----	Category 2b – Wood-Destroying Insect Inspection (if you held the B8 Category only) or Category 2a – Wood-Destroying Organism Treatment & Category 7 – Wood Preservation (if you held the B2 & B8 Category)
B9 – Aquatic Pest Management-----	Category 5 – Aquatic

Testing Application is valid for 360 days; however you may only take the same exam 3 times in a six-month period.

See A.A.C. R4-29-107 (Table 1 – Applicant Response to Additional Information) and A.A.C. R4-29-211.

TARF fees have been reduced. To offset this reduction; license, certification, and registration fees have increased. See A.A.C. R4-29-103

There are automatic exclusions for licensing. Pursuant to Arizona Administrative Code R4-29-204 - An applicator **shall be** of good moral character. A conviction for a felony or a misdemeanor involving moral turpitude may demonstrate a lack of good moral character. A conviction for any of the following offenses shall be considered to demonstrate a lack of good moral character:

1. Murder involving the death of a law enforcement officer.
2. An offense described in A.R.S. § 13-2308.01 related to terrorism.
3. A sexual offense of any type where the victim is a minor that is a class 4 or higher felony.

The question “Have you ever had a license or permit to practice pest management denied, revoked, or suspended?” remains on the certification applications. Applicants that have previously been denied a license or permit, which includes certification, to practice pest management must answer the questions on the application accurately. Failure to do so would be misrepresenting a material fact in obtaining a license (A.R.S. §32-2325 (B)(3)) and demonstrates poor moral character and may result in denial of certification.

Political Subdivisions – defined as a state agency, county, city, town, municipal corporation or school district or a special district formed pursuant to title 48; are not required to have an OPM Business License.

A school district must have a Qualifying Party (QP) who is registered in the appropriate categories. All other political subdivisions are exempt from having a QP.

Those exempt from the QP requirement must register a Responsible Individual who is responsible for the following:

1. Responsible for responding to department inquiries or concerns regarding compliance with Arizona Revised Statute Title 32, Chapter 22.
2. Identifying for the Director or the Director’s designee where records are located, personal protective equipment is located, and where pesticides are stored.
3. Ensuring that all applicators are properly certified in accordance with A.R.S. Title 32, Chapter 22 and A.A.C. Title 4, Chapter 29.

Employees must be certified within 90 days from the first time they applied pesticides for the political subdivision.

All applicators must be registered with the OPM before they apply pesticides. There is no fee to register an applicator of a political subdivision.

Golf Course Employees are now under the jurisdiction of the Arizona Department of Agriculture (ADA). Applicators who are employed by a Golf Course and do not provide pest management services “for hire” are now regulated by the ADA and need to obtain an ADA Private Applicator Golf Certification. See A.R.S. 32-2301 (22)(c).

Applicators working on Golf Courses:

Applicators with a current Certification in the Ornamental & Turf Category, issued by the OPM on or before 09/13/2013 can transfer over to the AZ Dept. of Agriculture (ADA) by meeting the following:

1. Must have obtained 3 hours of continuing education for each year desired between 01/01/2013 and 05/31/2014.
2. Must submit the Pesticide Application Golf Certification application and pay the certification fee of \$100 per year.

\$100 and 3 hours of CE will carry you through 12/31/2014. \$200 and 6 hours of CE will carry you through 12/31/2015.

Those with an OPM Aquatics Certification can obtain an ADA Aquatics Golf Certification at the same time. This will allow you to treat water.

Those with an OPM Fumigation Certification can obtain an ADA Fumigation Golf Certification at the same time. This will allow you to treat for burrowing pests with fumigants such as aluminum phosphide.

The ADA does not have a Qualifying Party or Qualified Applicator Certification therefore all persons will be the same under the ADA.

Your OPM Certification will remain intact as long as you continue to renew it. Those that provide pest management services “for hire” on golf courses remain under the jurisdiction of the OPM. *See A.R.S. 32-2301(22)(b).*

Golf Courses:

These changes will eliminate the need for Golf Courses to have BL and QP to treat the exterior, however it will not allow them to treat the interior of any structures. Additionally, the Golf Courses will need to apply for a Grower’s Permit. Please visit <http://www.azda.gov/Docs/pgp.pdf> for an application. A 1080 form will need to be completed for all soil applied application of “active ingredients” that appear on the Ground Water Protection List.