

Brief Overview of the New R68-7 Utah Pesticide Control Rule Effective June 21, 2011

Key: Commercial Applicators Only, Non-Commercial Applicators, Both

R68-7-6: Categorization of Pesticide Applicators

Applicators with the Ornamental & Turf category can not spray a foundation. Applicators with only the Structural category can spray out from the foundation to a maximum of three feet, unless the label allows a greater distance.

R68-7-7: Standards of Competence for Certification of Applicators

Removed were the additional state requirements for termite pre-construction treatments. Now just be sure to follow the termiticide label exactly.

R68-7-8: Certification Procedures

(A) (2): Clarified business license requirements for companies that have more than one entity and/or business location. The issue of similar company names is addressed. Each business location needs a certified applicator.

(A) (3) or (B) (2): Upon paying the certification fees, three chances are given to pass any of the required exams. If a person does not pass after three attempts, a person must wait fourteen (14) days, pay a fee and two more attempts will be given.

If one fails those 2 additional attempts, that person can again pay a fee and have two more attempts, but after a total of seven (7) attempts if one hasn't passed, they have to start over by paying the full certification fees.

(A) (7) or (B) (6): In addition to the pre-existing record keeping requirements, the applicator will also have to record the rate of formulation of the pesticide as it comes from the store, before it's mixed. In addition to the purpose of application, the applicator will also have to record target site and specific pest to be treated. Target sites are the specific areas treated. For example a target site of "house" is not specific enough. "Foundation treatment" is a specific target site.

R68-7-10: Responsibilities of Business and Applicator

(A) & (B): Both the applicator and the employer share liability for pesticide violations committed by the applicator. The company must train applicators in a way so that they understand this Rule and all of the label instructions for safe and proper pesticide applications. Documents must be kept of all pesticide applicator training.

(C): (1) A company has to prominently display their pesticide business license in their office

(2) A company must display their company name and complete pesticide business license number, including the prefix on Customer proposals or contracts for pest management services, service records and service notifications and service vehicles and trailers used in providing pest management services. The company name and the complete Pesticide Business License must be displayed in 2" lettering on both sides of the service vehicle or trailer. For further details on this requirement, refer to the complete Utah Pesticide Control Rule.

(D): Before any pesticide with either the “Danger” or “Danger-Poison” signal words is applied, the customer needs to be notified ahead of time and provided with specific written information. Exact requirements, procedures and standards are described in the Rule.

R68-7-11: Termiticide Record Keeping, Additional Standards.

Additional items need to be documented for all termite control applications. A diagram/graph of the structure treated that includes dimensions, including depth to the footer. The graph for a post-construction treatment will illustrate the area(s) where termites and/or termite activity was found.

R68-7-12: Minimum Standards for Fumigant Applications

This section describes minimum standards for fumigant applications. It is specific and lengthy, but is meant to protect the health and well being of customers as well as applicators. Be sure to understand these rules if you do this kind of work, and ensure that you implement a Fumigation Management Plan (FMP) when required by the label.

R68-7-13: Transportation, Storage, Handling, Using and Disposal of Pesticides and Pesticide Containers.

Rules are set forth for the proper securing and storage of pesticide containers and application equipment in storage structures and on service vehicles. They have to be secure and out of reach of children.

- All pesticide related work is to be done in a way that does not cause any kind of environmental harm.
- Restrictions on aircraft or air blast sprayers used near school, hospitals, etc.
- On vehicles all pesticides need to be in some kind of a locking storage device (i.e. lock box) at all times except during applications.
- When the pesticide is outside of the lockbox, the applicator has to constantly monitor the container. It's easier to put it in the lock box until it is actually needed.
- During transportation, pesticide containers need to be properly secured.
- When pesticides are stored in a locked shed or similar structure, some specific signs are required.

R68-7-14: Unlawful Acts

With new rules come new unlawful acts. As such, numbers 23-28 have been added. Every applicator should understand this section because understanding what an unlawful act is often triggers the desire to understand and study the rule(s) better.

Unlawful act #20 has been expanded to better address business licensing violations.

R68-7-15: Penalty Matrix

A “Penalty Matrix” is used to consistently set fair and appropriate penalties for violations. It takes into consideration the severity, adverse affects, length of licensure, number of violations and other various elements.