

**RULES
OF
DEPARTMENT OF AGRICULTURE
DIVISION OF PLANT INDUSTRIES**

**CHAPTER 0080-06-16
REGULATIONS GOVERNING USE OF
RESTRICTED USE PESTICIDES**

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0080-06-16-.01 GENERAL.

- (1) The Commissioner of Agriculture determines that the use and application of restricted use pesticides may affect public health and environment.
- (2) To use, buy or sell restricted use pesticides, an individual must be certified by the Commissioner or hold a valid pest control operator's license or act under the direct supervision of a licensee or certificate holder.

Authority: T.C.A. § 62-2120(4). **Administrative History:** Original rule filed October 7, 1977; effective November 7, 1977.

0080-06-16-.02 DEFINITIONS.

- (1) Category - means an area of licensing or certification for which commercial pest control operators of general or restricted use applicators are qualified.
- (2) Certified Applicator - means any individual who is certified by the Commissioner of Agriculture as authorized to use, buy, sell, or supervise the use of general or restricted use pesticides.
- (3) Commercial Applicator - means a person who uses, supervises the use of, sells, or buys restricted use pesticides for any purpose other than as defined under Private Applicator. Commercial applicators must be certified in the category of service being offered prior to taking the license examinations.
- (4) Commercial Pest Control Operator - means a person or business entity who engages in the custom application of pesticides or inspection of real property for the purpose of issuing a wood destroying insect inspection report and who has demonstrated to the satisfaction of the pest control licensing and advisory board such person's qualifications to design and direct pest control and inspection operations:
- (5) Custom Application - means the application of pesticides for a fee.
- (6) External Training - means training conducted outside of a pest control operator's place of business and open to anyone to attend or training conducted by an outside presenter who is not employed by the pest control company making the training request.

(Rule 0080-06-16-.02, continued)

- (7) General Use Pesticides - means a pesticide that may be purchased and used by individuals without obtaining any certification or licensing.
- (8) In-House Training - means training that is conducted within the employer's place of business and attendance is limited to those employed by that specified company only. In-house training includes but is not limited to internet training, computer-based CD-ROM training, or DVD training.
- (9) Private Applicator - means an individual who uses, supervises the use of, or buys any restricted use pesticide for the purposes of producing an agricultural commodity on property owned or rented by him or his employer or, if applied without compensation other than trading of personal services between producers of agricultural commodities, on the property of another person.
- (10) Recertification - means the authorization every three (3) years by the commissioner to use, supervise the use of, sell, or buy general or restricted use pesticides.
- (11) Reciprocity - means an agreement between the Tennessee Department of Agriculture and state(s) that have similar laws and regulations for the purpose of obtaining certification only. All associated fees are the responsibility of the applicator.
- (12) Restricted Use Pesticide - means any pesticide classified for restricted use by the Commissioner of Agriculture.
- (13) Restricted Use Pesticide Dealer - means an individual who is certified in the category of Pesticide Dealer and who wholesales or retails restricted use pesticides.
- (14) Under the Direct Supervision - means any application or sale of a pesticide by a certified applicator acting under the instructions and control of private applicator, commercial applicator, or commercial pest control operator who is available if needed. An application or sale is under the direct supervision of an applicator or operator if the applicator or operator is physically present or in direct communication by conventional means of communication.

Authority: T.C.A. §§ 43-8-106 and 62-21-118. **Administrative History:** Original rule filed October 7, 1977; effective November 7, 1977. Repeal and new rule filed March 31, 2014; effective June 29, 2014.

0080-06-16-.03 CERTIFICATION REQUIREMENTS.

- (1) Private Applicator Certification Requirements
 - (a) Successfully complete a specialized training session provided by the University of Tennessee Extension Service teaching the proper use of restricted use pesticides. Send a copy of the three-part form signed by the extension agent verifying the completion of training to the Tennessee Department of Agriculture with appropriate fees as outlined in T.C.A. § 43-1-703.
 - (b) Be certified to use restricted use pesticides in any other state having comparable certification requirements. Individuals who hold a current certification from another state must apply for and receive a reciprocal Private Applicator card with the Tennessee Department of Agriculture.
 - (c) Private applicator certification expires on October 21 of the 3rd year of the certification period.
 - (d) All individuals must be 16 years of age and be a U.S. Citizen or possess a current VISA or other proof of qualified alien status prior to becoming privately certified.

(Rule 0080-06-16-.03, continued)

- (2) Commercial Pesticide Applicator Certification Requirements
 - (a) All individuals must be 16 years of age and be a U.S. Citizen or possess a current VISA or other proof of qualified alien status prior to becoming a commercial pesticide applicator.
 - (b) Complete a commercial certification exam application form and submit the form to the commissioner with appropriate fees as outlined in T.C.A. § 43-1-703.
 - (c) Individuals must score seventy (70) percent or higher to pass the commercial certification exam.
 - (d) Individuals who cannot take a scheduled examination due to circumstances beyond their control must contact the Department within forty-eight (48) hours of the scheduled examination to reschedule or their examination fee shall be forfeited.
 - (e) Individuals who fail the certification exam will have a two (2) week waiting period before being rescheduled.
 - (f) Individuals exhibiting unethical behavior during an examination shall fail the test and be ineligible to take the certification exam for one (1) year.
 - (g) Individuals who possess a certification from another state that has a reciprocal agreement with the Tennessee Department of Agriculture will be issued a commercial pesticide applicator certification card. The applicant shall submit a copy of the front and back of the current applicator card issued by the reciprocating state along with the reciprocity application form furnished by the Tennessee Department of Agriculture.
 - (h) Commercial applicator certification expires on December 31st of the 3rd year of the certification period.
- (3) Requirements for Certification as a Commercial Pest Control Operator.
 - (a) Anyone who charges a fee for custom application as a Commercial Pest Operator must hold a valid pest control operator's license.
 - (b) Any person desiring to be licensed as a Pest Control Operator must meet the requirements of T.C.A. §§ 62-21-101 *et seq.*
 - (c) Original certification expires at the end of five (5) years.
- (4) Categories of Commercial Applicators and Commercial Pest Control Operators.
 - (a) Agricultural Pest Control (C01)
 1. Description -This category includes commercial applicators using or supervising the use of general or restricted use pesticides in production of agricultural crops, including but not limited to tobacco, peanuts, cotton, feed grains, soybeans, forage, small fruits, tree fruits, nuts, grasslands, and noncrop agricultural land.
 2. Standards of Competency - Applicators must demonstrate a practical knowledge of the crops grown and the specific pests of those crops on which they may be using restricted use pesticides. The importance of such competency is amplified by the extension areas involved, the quantities of pesticides needed, and the ultimate use of many commodities as food and feed. Practical knowledge is

(Rule 0080-06-16-.03, continued)

required concerning soil and water problems, preharvest intervals, reentry intervals, phytotoxicity, and potential for environmental contamination, nontarget injury, and community problems resulting from the use of restricted use pesticides in agricultural areas.

(b) Forest Pest Control (C02)

1. Description - This category includes commercial applicators using or supervising the use of general or restricted use pesticides to control pests in the forest, forest nurseries, and forest seed producing areas.
2. Standards of Competency - Applicators shall demonstrate practical knowledge of the types of forests, forest nurseries, and seed production in this State and the pests involved. They should possess practical knowledge of the cyclic occurrence of certain pests and specific population dynamics as a basic for programming pesticide applications. A practical knowledge is required of the relative biotic agents and their vulnerability to the pesticides to be applied. Because forest stands may be large and frequently include natural aquatic habitats and harbor wildlife, the consequences of pesticide use may be difficult to assess. The applicator must demonstrate practical knowledge of control methods that will minimize the possibility of secondary problems such as unintended effects on wildlife. Knowledge of proper use of specialized equipment must be demonstrated, especially as it may relate to meteorological factors and adjacent land use.

(c) Ornamental and Turf Pest Control (C03)

1. Description - This category includes commercial applicators using or supervising the use of general or restricted use pesticides to control pests in the maintenance and production of ornamental trees, including fruit trees, shrubs, flowers, turf, residential and commercial lawns, golf greens, athletic fields, and the like.
2. Standards of Competency - Applicators shall demonstrate practical knowledge of pesticide problems associated with the production and maintenance of ornamental trees, shrubs, plantings, and turf, including cognizance of potential phytotoxicity due to a wide variety of plant material, drift, and persistence beyond the intended period of pest control. Because of the frequent proximity of human habitations to application activities, applicators in this category must demonstrate practical knowledge of application methods which will minimize or prevent hazards to humans, pets, and other animals.

(d) Seed Treatment (C04)

1. Description - This category includes commercial applicators using or supervising the use of general or restricted use pesticides on seeds.
2. Standards of Competency - Applicators shall demonstrate practical knowledge of types of seeds that require chemical protection against pests and factors such as seed coloration, carriers, and surface active agents that influence pesticide binding and may affect germination. They must demonstrate practical knowledge of hazards associated with handling, sorting and mixing, and misuse of treated seed into food and feed channels, as well as proper disposal of unused treated seeds.

(e) Aquatic Pest Control (C05)

(Rule 0080-06-16-.03, continued)

1. Description - This category includes commercial applicators using or supervising the use of general or restricted use pesticides in aquatic environments.
 2. Standards of Competency - Applicators shall demonstrate practical knowledge of the secondary effects, which can be caused by improper application rates, incorrect formulations, and faulty application, of restricted use pesticides used in this category. They shall demonstrate practical knowledge of various water-use situations and the potential of downstream effects. Further, they must have practical knowledge concerning potential pesticide effects on plants, fish, birds, beneficial insects, and other organisms, which may be present in aquatic environments. These applicators shall demonstrate practical knowledge of the principles of limited-area application.
- (f) Right-of-Way Pest Control (C06)
1. Description - This category includes commercial applicators using or supervising the use of general or restricted use pesticides to control pests in the maintenance of public roads, electric power lines, pipelines, railway rights-of-way, or other similar areas. This category includes the control of plants, whether woody or herbaceous, to industrial sites and rights-of-way including but not limited to highways, transmission lines, and drainage ditches.
 2. Standards of Competency - Applicators shall demonstrate practical knowledge of a wide variety of environments since rights-of-way can traverse many different terrains, including waterways. They shall demonstrate practical knowledge of problems of runoff, drift, and excessive foliage destruction and ability to recognize target organisms. They shall also demonstrate practical knowledge of the nature of herbicides, the need for containment of these pesticides within the right-of-way area, and the impact of their application activities in the adjacent areas and communities.
- (g) Industrial, Institutional, Structural and Health Related Pest Control (C07)
1. Description -This category includes commercial applicators using or supervising the use of general or restricted use pesticides in, on, and around food-handling establishments, human dwellings, institutions, such as schools and hospitals, industrial establishments, including warehouses and grain elevators, and any other structures and adjacent area, public or private. This category also includes pesticide application for the protection of stored, processed, or manufactured products. This category further includes the control of birds and rodents.
 2. Standards of Competency - Applicators must demonstrate a practical knowledge of a wide variety of pests, including their life cycles, types of formulations appropriate for their control, and methods of application that avoid contamination of food, damage and contamination of habitat, and exposure of people and pets. Since human exposure, including babies, children, pregnant women, and elderly people, is frequently a potential problem, applicators must demonstrate practical knowledge of the specific factors which may lead to a hazardous condition, including continuous exposure in the various situations encountered in this category. Because health-related pest control may involve outdoor applications, applicators must also demonstrate practical knowledge of environmental conditions particularly related to this activity.
- (h) Public Health Pest Control (C08)

(Rule 0080-06-16-.03, continued)

1. Description - This category includes all governmental employees and commercial applicators that use or supervise the use of pesticides relative to public health programs on public land and public waters that are not specifically covered by other categories of certification described herein.
 2. Standards of Competency - Applicators shall demonstrate practical knowledge of vector-disease transmission as it relates to and influences application programs. It is essential to know and recognize the wide variety of pests involved in this field. It is also essential to understand the pests' life cycles and habitats to develop a control strategy. These applicators shall have practical knowledge of a great variety of environments ranging from streams to those conditions found in buildings. They should also have practical knowledge of the importance and employment of such nonchemical control methods as sanitation, waste disposal, and drainage.
- (i) Demonstration and Research and Regulatory Pest Control (C10)
1. Description - This category includes state, federal, or other governmental employees who recommend, use or supervise the use of general or restricted use pesticides in the control of regulated pests. This category also includes individuals who conduct or supervise public demonstrations of proper use and application techniques for general or restricted use pesticides and persons conducting field research with pesticides that, in doing so, use or supervise the use of general or restricted use pesticides. Included in the first group are persons such as extension specialists and county agents, commercial representatives demonstrating pesticide products, and those individuals demonstrating methods used in public programs. The second group includes state, federal, commercial, and other persons conducting field research on or utilizing restricted use pesticides.
 2. Standards of Competency - Persons demonstrating the safe and effective use of pesticides to other applicators and the public will be expected to meet comprehensive standards reflecting a broad spectrum of pesticide uses. Many different pest problem situations will be encountered in the course of activities associated with demonstration, and practical knowledge of problems, pests, and population levels occurring in each demonstration situation is required. Further, they should demonstrate an understanding of pesticide-organism interactions and the importance of integrating pesticide use with other control methods. Applicators shall demonstrate practical knowledge of regulated pests, applicable laws relating to quarantine and other regulations of pests, and the potential impact on the environments of restricted use pesticides used in suppression and eradication programs. They shall demonstrate knowledge of factors influencing introduction, spread, and population dynamics of relevant pests. Their knowledge shall extend beyond that required by their immediate duties since their services are frequently in other areas of the country where emergency measures are invoked to control regulated pests and where individual judgments must be made in new situations.
- (j) Wood Preservatives (C11)
1. Description - In general, it is expected that applicators of this category possess a practical knowledge of the specific standards required for categories (C01) through (C07) applicable to their particular activity. In addition, they shall meet the specific standards required for categories (C01) through (C07) of this section as may be applicable to that particular activity. Including the use or supervising the use of general or restricted pesticides.

(Rule 0080-06-16-.03, continued)

2. Standards of Competency - Producers and applicators shall demonstrate practical and technical knowledge of wood preservatives. They should demonstrate knowledge in the type of pests being controlled. They must also demonstrate practical knowledge in the methods of applying the preservatives to wood. Applicators should have knowledge of types of safety equipment necessary to protect those involved in the application as well as the aftereffects of application to plants, humans, pets, and other domestic animals.

(k) Pesticide Dealers (C12)

1. Description -This category is for persons who are engaged in wholesale or retail sales of restricted use pesticides. Each dealer location selling restricted use pesticides must have a certified dealer at that location. Each certified dealer shall be responsible for the actions of every person who acts as the dealer's employee or agent in the sale of restricted use pesticides. Persons holding a current Pesticide Dealer certification are allowed to purchase and use restricted use pesticides. This category does not allow for custom application of pesticides.
2. Standards of Competency - Pesticide Dealers shall demonstrate the practical knowledge to advise applicators and the public on the safe and effective use of pesticides. They shall also be expected to meet comprehensive standards reflecting a broad knowledge of pesticide uses. They shall also demonstrate an understanding of pesticide-organism interactions and the importance of integrating pesticide use with other control methods.

(l) Antifouling Marine Paint (C13)

1. Description - This category includes commercial applicators using or supervising the use of general or restricted use antifouling marine paints.
2. Standards of Competency - Applicators shall demonstrate practical knowledge of tributyltin product labels and understand why they are classified as restricted use pesticides. Applicators shall demonstrate knowledge of the health and environmental hazards associated with the use of antifouling paints. They shall demonstrate practical knowledge of the application and testing equipment and have knowledge of the need and use of personal protective equipment. In addition, applicators will demonstrate knowledge of proper storage, handling, transport, and disposal, including disposal of excess material, waste, and containers.

(m) Microbial Pest Control (C14)

1. Description - This category includes commercial applicators using or supervising the use of general or restricted pesticides to control microorganisms (bacteria, fungi, algae, and viruses) in cooling towers and water treatment plants. This category also includes application in restoration treatments targeting mold and fungus
2. Standards of Competency - Applicators shall demonstrate practical knowledge of antimicrobial agents in the control of bacteria, fungi, algae and viruses. Applicators shall demonstrate knowledge of the health and environmental hazards associated with the use of antimicrobial agents in cooling towers, water treatment plants, and restoration treatments targeting mold and fungus. They shall demonstrate practical knowledge of the application and testing equipment and have knowledge of the need and use of personal protective equipment. They

(Rule 0080-06-16-.03, continued)

shall also demonstrate knowledge of proper storage, handling, transport and disposal including disposal of excess material, waste, and containers.

(n) Sewer Line Treatment (C16)

1. Description - This category includes commercial applicators using or supervising the use of general or restricted use pesticides in sewer lines and wastewater treatment facilities.
2. Standards of Competency - Applicators shall demonstrate the practical knowledge of metam-sodium products for root control. Applicators shall demonstrate knowledge of health and environmental hazards associated with metam-sodium in sewer lines and wastewater treatment facilities. They shall demonstrate practical knowledge of the need to use personal protective equipment. In addition, applicators will demonstrate the knowledge of proper storage, handling, transport, spills, cleanup, and waste disposal.

Authority: T.C.A. §§ 43-8-106 and 62-21-118. **Administrative History:** Original rule filed October 7, 1977; effective November 7, 1977. Amendment filed April 26, 1994; effective August 28, 1994. Amendment filed October 28, 2002; effective February 28, 2003. Repeal and new rule filed March 31, 2014; effective June 29, 2014.

0080-06-16-.04 RECERTIFICATION REQUIREMENTS.

- (1) After original certification expires, one must be recertified to use, apply, supervise, sell, or buy restricted use pesticides.

- (2) Private Applicator Recertification Requirements

Private Applicator - Successfully complete an instructional course offered by the University of Tennessee Extension Service beginning in January of the last year in the current certification period. Private Applicator certification shall expire on October 21st every third year.

- (3) Commercial Pesticide Applicator Certification Recertification Requirements

- (a) All commercial pesticide applicators shall obtain the required continuing education credits (CEU's) in the category of certification or retest in the same category to maintain certification.
- (b) Individuals becoming certified on or after July 1st of the third (3rd) year of the certification period will be rolled over to the next three-year recertification period.
- (c) Each certification category shall require the following continuing education credits:
 1. Thirty (30) CEU's for certification category: C07 – Industrial, Institutional, Structural and Health Related Pest Control.
 2. Eighteen (18) CEU's for certification categories: C01 – Agricultural Plant and Animal, C03 – Ornamental Turf, C06 Right of Way, C08 – Public Health, C10 – Demonstration, Research and Regulatory Pest Control and C12 – Pesticide Dealer and LHA (Limited Herbicide Applicator)
 3. Twelve (12) CEU's for certification categories: C02 – Forest Pest Control, C04 – Seed Treatment, and C05 – Aquatic Pest Control.

(Rule 0080-06-16-.04, continued)

4. Nine (9) CEU's for certification categories: C11 – Wood Preservatives, C13 – Antifouling Marine Paint, C14 – Microbials, and C16 – Sewer Line Treatment.
- (d) Continuing Education Units shall be prorated for those becoming certified during the recertification period.
 - (e) Continuing Education Units shall only be awarded for electronic media used in conjunction with a presentation as part of In-house training.
 - (f) Applications submitted by industry for training are required to be in the Tennessee Department of Agriculture office no later than 30 days prior to the date of the training session. Applications submitted by educational institutions shall be submitted to the University of Tennessee, Pesticide Safety Education Program (PSEP).
 - (g) All attendance rosters from industry and educational institutions are required to be submitted to the Department no later than 30 days after training. If training rosters are not received, sponsors and/or facilitators may not be approved for future training.
 - (h) The sponsor shall permit representatives from the Department or PSEP employees to attend training sessions without being assessed registration fees.
 - (i) One (1) continuing education unit shall be warranted per hour for certification related topics.
 - (j) In-house points will be limited to 50% of the total CEU requirement. Individuals may accrue half of their CEU's internally and the remaining half externally or accrue all of their CEU's by attending external meetings.
 - (k) No more than 75% of the required continuing education units shall be accrued at any one external meeting.
 - (l) Applicators shall be required to retest the third year if the required number of continuing education units is not obtained prior to the expiration date.
 - (m) Applicators shall notify the Department in writing if there is a change in name or address.
 - (n) Commercial Pesticide Applicator recertification shall expire every third year on December 31.

Authority: T.C.A. §§ 43-8-106 and 62-21-118) **Administrative History:** Original rule filed October 7, 1977; effective November 7, 1977. Amendment filed October 26, 1988; effective December 10, 1988. Amendment filed October 28, 2002; effective February 28, 2003. Repeal and new rule filed March 31, 2014; effective June 29, 2014.

0080-06-16-.05 RECORD KEEPINGS.

C.F.R Title 7, Subtitle B, Chapter 1, Subchapter E, Part 110 – Recordkeeping on Restricted Use Pesticides By Certified Applicators; Surveys and Reports is adopted by reference by the Department of Agriculture as the state standards for pesticide recordkeeping for private applicators using restricted use pesticides.

Authority: T.C.A. §§43-8-106 and 62-21-118. **Administrative History:** Original rule filed October 7, 1977; effective November 7, 1977. Repeal and new rule filed March 31, 2014; effective June 29, 2014.

0080-06-16-.06 DENIAL, SUSPENSION OR REVOCATION OF CERTIFICATION. The Commissioner of Agriculture may revoke, suspend, or deny certification or licenses after proper hearing as a contested case under the "Administrative Procedures Act" (T.C.A. 4-514), for violation of any statute, rule or regulation concerning the use, purchase or sale of pesticides.

Authority: T.C.A. § 62-2120(4). **Administrative History:** Original rule filed October 7, 1977; effective November 7, 1977.

0080-06-16-.07 USE OF RESTRICTED USE PESTICIDES.

- (1) No one may use or buy a restricted use pesticide unless certified as a Private Applicator or a Commercial Applicator, or unless licensed as a Commercial Pest Control Operator by the Commissioner of Agriculture.
- (2) No person shall use a pesticide in a manner inconsistent with its labeling.
- (3) No person shall act as a private applicator unless he is certified as such by the Commissioner of Agriculture.
- (4) No person shall act as a commercial applicator unless certified by the Commissioner of Agriculture as such and he may only act in the category in which he is certified.
- (5) No person shall act as a Commercial Pest Control Operator unless he holds a valid Pest Control Operators license and may only act in the subcategory which he is licensed.
- (6) No one holding a Pesticide Dealer certification shall sell, or allow the sale of, a restricted use pesticide to a noncertified person.
- (7) No one shall sell restricted use pesticides until that person is certified in the category of Pesticide Dealer and has obtained a Restricted Use Pesticide Dealer's license.
- (8) Restricted use pesticide sales records shall be submitted yearly with the renewal for Pesticide Dealer license.

Authority: T.C.A. §§ 43-8-106, 62-2-120(4), and 62-21-118. **Administrative History:** Original rule filed October 7, 1977. Amendment filed March 31, 2014; effective June 29, 2014.

0080-06-16-.08 EXEMPTIONS. Individuals licensed under T.C.A. 43-2901 et seq. are exempt from the provisions of these regulations while engaged in the commercial aerial application of pesticides.

Authority: T.C.A. §§ 62--2120(4). **Administrative History:** Original rule filed October 7, 1977; effective November 7, 1977.

0080-06-16-.09 CIVIL FINE SCHEDULE. Pursuant to the provisions of T.C.A. § 4-3-204(b), the following shall be the minimum and maximum amounts to be imposed as civil penalties for violations of the "Tennessee Insecticide, Fungicide and Rodenticide Act."

(1) LABEL VIOLATIONS	MINIMUM	MAXIMUM
(a) Lacks Signal Word or Caution: Keep out of Reach of Children	\$100.00	\$500.00
(b) Lacks Required Precautionary Labeling	\$100.00	\$500.00
(c) Deficient Precautionary Statements: Lacks Symbols or Statements	\$100.00	\$500.00

(Rule 0080-06-16-.09, continued)

(d)	Directions for Use.	\$100.00	\$500.00
(e)	Defective Ingredient Statement	\$100.00	\$500.00
(f)	Failure to Bear Required Statement of Net Weight or Content	\$50.00	\$500.00
(g)	Failure to Bear Name and Address of Producer, Registrant or Person for Whom Manufactured	\$50.00	\$500.00
(h)	Labeling Is Detached, Altered, Defaced or Destroyed	\$100.00	\$500.00
(i)	Ingredient Statement Absent on Immediate Container	\$100.00	\$500.00
(j)	Ingredient Statement Does Not Appear on Front Panel of Immediate Container	\$50.00	\$500.00
(k)	Label Does Not Bear a Registration Number or Established Number	\$50.00	\$500.00
(l)	Net Weight Not Stated on Label	\$50.00	\$500.00
(m)	Label Does Not Bear Name, Brand, or Trademark under Which Product Was Sold	\$50.00	\$500.00
(2)	FORMULATION VIOLATIONS		
(a)	Chemical Deficiencies	\$100.00	\$500.00
(b)	Net Weight	\$100.00	\$500.00
(c)	Chemical Contamination	\$100.00	\$500.00
(d)	Over Formulated	\$250.00	\$500.00
(3)	USE VIOLATIONS		
(a)	Use or Disposal of a Pesticide in a Manner Inconsistent with Its Labeling	\$250.00	\$500.00
(b)	Violation of Stop Sale, Use or Removal Order	\$250.00	\$500.00
(4)	RECORDS, BOOKS, DOCUMENTATION		
(a)	Failure to Maintain as Required By TIFRA and FIFRA	\$100.00	\$500.00
(b)	Failure to Produce for Inspection	\$250.00	\$500.00
(5)	REGISTRATION OF PRODUCTS		
(a)	Failure to Have Products Registered	\$100.00	\$500.00

Authority: T.C.A. §§ 43-8-106 and 62-21-118. **Administrative History:** Original rule filed April 28, 1992; effective June 12, 1992. Repeal and new rule filed March 31, 2014; effective June 29, 2014.

0080-06-16-.10 PESTICIDE MANAGEMENT AND DISPOSAL

- (1) The Department of Agriculture adopts herein by reference the current versions of 40 C.F.R. Part 165, Subpart A.
- (2) The Department of Agriculture adopts herein by reference the current version of 40 C.F.R. Part 165, Subpart E, as the State standards for pesticide containment structures.

Authority: T.C.A. §§ 43-8-106 and 62-21-118. **Administrative History:** Original rule filed March 31, 2014; effective June 29, 2014.

**RULES
OF THE
TENNESSEE DEPARTMENT OF AGRICULTURE**

**CHAPTER 0080-06-27
WORKER PROTECTION**

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0080-06-27-.01 DEFINITIONS.

Farm Labor Contractor means any person who hires or contracts for services of workers, for any type of compensation, to perform activities related to the production of agricultural plants, but does not own, or is not responsible for, the management or condition of the agricultural establishment.

Authority: T.C.A. §§ 43-8-106 and 62-21-118. **Administrative History:** Original rule filed March 31, 2014; effective June 29, 2014.

0080-06-27-.02 WORKER PROTECTION STANDARD (WPS).

The Commissioner of Agriculture adopts by reference, including subsequent amendments, Part 170 of Title 40 of the Code of Federal Regulations titled Worker Protection Standards and Part 156 Subpart K of the Code of Federal Regulations titled Worker Protection Statements.

Authority: T.C.A. §§ 43-8-106 and 62-21-118. **Administrative History:** Original rule filed March 31, 2014; effective June 29, 2014.

0080-06-27-.03 WPS TRAINER REQUIREMENTS.

- (1) Persons currently certified as a private applicator of restricted use pesticides or as a commercial applicator in categories C01, C03, or C10 are exempt from the pesticide safety trainer requirements and may provide WPS training required in 40 C.F.R. §170.130(d)(1) and §170.230(c)(1).
- (2) A trainer shall submit a signed roster to the Department verifying that workers and handlers have been trained according to the requirements of 40 C.F.R. §170.130(d)(1) and §170.230(c)(1). The roster shall include the following:
 - (a) The name, address, telephone number, and signature of the applicant; and
 - (b) The date of the training.
- (3) The commissioner or designee shall be permitted to inspect places where WPS training is being held and to question trainers and attendees to determine compliance with the requirements of this Section.
- (4) The following may be grounds for suspension, revocation, or denial of WPS Trainer privileges:
 - (a) failing to follow the worker and handler training requirements prescribed in 40 C.F.R. §170.130(d)(1), §170.130(4), §170.230(c)(1) and §170.230(4);
 - (b) failing to maintain the training information prescribed in 0080-6-27-.03(2);

(Rule 0080-06-27-.03, continued)

- (c) acting as a trainer without authorization;
- (d) failing to fulfill the requirements of the verification as prescribed in paragraph (2); or
- (e) having had a similar authorization revoked, suspended, or denied in any jurisdiction within the last three years.

Authority: T.C.A. §§ 43-8-106 and 62-21-118. **Administrative History:** Original rule filed March 31, 2014; effective June 29, 2014.

0080-06-27-.04 NOTICE TO FARM LABOR CONTRACTORS.

- (1) The owner or operator of an agricultural establishment shall provide the farm labor contractor who performs work on that agricultural establishment with:
 - (a) the location of the agricultural establishment's central posting site; and
 - (b) the restrictions on entering a treated area, as specified in 40 C.F.R. § 170.120(d), if a treated area is within 1/4 mile of where workers will be working and the treated area is not posted as allowed or required in 40 C.F.R. §170.120(a), (b) and (c).
- (2) The farm labor contractor shall:
 - (a) post or provide workers in writing with the information in 40 C.F.R. § 170.122 or the specific location of the central posting site for each agricultural establishment on which the worker will be working;
 - (b) provide workers with restrictions on entering a treated area, as specified in 40 C.F.R. § 170.120(d), if the treated area is within 1/4 mile of where the worker is working and the treated area is not posted as allowed or required in 40 C.F.R. § 170.120(a), (b) and (c).

Authority: T.C.A. §§ 43-8-106 and 62-21-118. **Administrative History:** Original rule filed March 31, 2014; effective June 29, 2014.