

**RULES
OF
THE TENNESSEE DEPARTMENT OF AGRICULTURE**

**CHAPTER 0080-09-02
SERVICE CATEGORIES AND TESTING**

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0080-09-02-.01 SCOPE.

This chapter applies to any person who applies for or is required to have a pesticide license or certification issued under the Tennessee Insecticide, Fungicide, and Rodenticide Act or the Tennessee Application of Pesticides Act of 1978.

Authority: T.C.A. §§ 4-3-203, 43-8-106, 43-8-302, and 62-21-118. **Administrative History:** Original rule filed April 1, 2016; effective June 30, 2016. Amendments filed September 27, 2021; effective December 26, 2021.

0080-09-02-.02 DEFINITIONS.

- (1) Terms in this chapter share those meanings of terms set forth in the Tennessee Application of Pesticides Act of 1978, T.C.A. §§ 62-21-101, et seq.
- (2) When used in the Act or this chapter, unless the context requires otherwise:
 - (a) Act means the Tennessee Application of Pesticides Act of 1978, compiled at T.C.A. §§ 62-21-101, et seq.;
 - (b) Agricultural means related to pasture or lands used in the production of food or fiber crops. This definition applies exclusively to rules under this chapter and not to any other law or rule interpreted or enforced by the department;
 - (c) Agricultural seed means the seed of grass, forage, cereal, fiber crops or other kinds of seed commonly recognized as agricultural seed or mixtures of agricultural seed;
 - (d) Commercial certification and words of similar import mean any pesticide certification other than private applicator certification;
 - (e) Full-time means a yearly average of at least 35 hours per week;
 - (f) Fumigation means the application of gas even if the substance that is applied is originally a solid or liquid that later turns to gas upon being dispensed;
 - (g) Person means an individual, partnership, corporation, or any other form of legal entity;
 - (h) Pest or disease means any insect, rodent, fungi, bacteria, plant life, or biotic agent that is injurious either to the environment or to the agricultural, horticultural, silvicultural, or other interests of the state. Pest or disease includes insect pests and plant diseases as defined under the Tennessee Plant Pest Act, compiled at T.C.A. §§ 43-6-101, et seq., and may also include any form of animal or plant life, any infectious plant disease, or

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any plant disorder that manifests symptoms or behavior determined by a federal or state pest prevention agency to be characteristic of infectious disease;

- (i) Reciprocity means certification from another state that the department recognizes as equivalent in effect to certification standards under this chapter, pursuant to a formal agreement with the reciprocating state;
- (j) Related course of study means agriculture, biology, chemistry, forestry, horticulture, entomology, plant pathology, plant science, or similar course of study conferred by an accredited institution of higher education;
- (k) Vegetable seed means the seed of crops generally grown in gardens or farms and sold under the name of a vegetable seed.

Authority: T.C.A. §§ 4-3-203, 43-8-106, and 62-21-118. **Administrative History:** Original rule filed April 1, 2016; effective June 30, 2016. Amendments filed September 27, 2021; effective December 26, 2021.

0080-09-02-.03 LICENSE CATEGORIES.

- (1) Agricultural – Ground Equipment (AGE). An AGE license is required for any person who supervises branch operations for custom pesticide applications to control agricultural pests other than by fumigation. This license is not applicable to control of pests covered under other specific license categories. Certification required: Agricultural Pest Control (C01). Alternative requisites to experience/education: HLT license, HRI license, WEC license, or certification through the Certified Crop Advisor program offered by the American Society of Agronomy.
- (2) Aquatic Pest Control (APC). An APC license is required for any person who supervises branch operations for custom pesticide applications to control aquatic plants or algae. Certification required: Aquatic Pest Control (C05).
- (3) Bird Control (BDC). A BDC license is required for any person who supervises branch operations for custom pesticide applications to control birds. Certification required: Industrial, Institutional, Structural, and Health-Related Pest Control (C07).
- (4) Forest Pest Control (FPC). An FPC license is required for any person who supervises branch operations for custom pesticide applications to control tree pests and diseases in locations used for preservation of forest lands or production of timber and related products. Certification required: Forest Pest Control (C02).
- (5) Fumigation – Soil (FUS). An FUS license is required for any person who supervises branch operations for custom pesticide applications to control pests by soil fumigation. Certification required: Agricultural Pest Control (C01).
- (6) Fumigation – Structural (FUM). An FUM license is required for any person who supervises branch operations for custom pesticide applications to control pests by fumigation on sites other than soil. A FUM or WDO license is also required for any person who makes a custom application of pesticides for control of wood destroying beetles. Certification required: Industrial, Institutional, Structural, and Health-Related Pest Control (C07).
- (7) General Pest and Rodent Control Pesticide License (GRC). A GRC license is required for any person who directly supervises or applies pesticides at sites covered under T.C.A. § 62-21-124 (e.g. buildings used for food preparation, human lodging, religious instruction, or education) and any person who supervises branch operations for custom pesticide applications to control pests generally known to invade a structure. This category includes control of pests both in and around structures, e.g. fire ants, fleas, and ticks in residential and

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- commercial lawns. Certification required: Industrial, Institutional, Structural, and Health-Related Pest Control (C07).
- (8) Horticulture – Interior (HRI). An HRI license is required for any person who supervises branch operations for custom pesticide applications to control plant pests in the interior of non-agricultural settings such as conservatories, shopping malls, and the like. An HRI license is not required for applications in greenhouses. Certification required: Ornamental and Turf Pest Control (C03). Alternative requisites to experience/education: AGE license, HLT license, or WEC license.
- (9) Horticulture – Lawn and Turf (HLT). An HLT license is required for any person who supervises branch operations for custom pesticide applications to control pests in non-agricultural landscape not immediately associated with a structure, e.g. disease in residential and commercial lawns; pests or disease in institutional gardens; and fire ants, fleas, and ticks in parks, athletic fields, and golf courses. This category does not include applications for control of pests in or around structures. Certification required: Ornamental and Turf Pest Control (C03). Alternative requisites to experience/education: AGE license, HRI license, WEC license, or certification through the Certified Crop Advisor program offered by the American Society of Agronomy.
- (10) Microbial Pest Control (MPC). An MPC license is required for any person who supervises branch operations for custom pesticide applications to control microorganisms, including specific bacteria or viruses. Certification required: Microbial Pest Control (C14).
- (11) Mold Remediation (MRC). An MRC license is required for any person who supervises branch operations for custom pesticide applications to control mold and fungus in structures. Certification required: Industrial, Institutional, Structural, and Health-Related Pest Control (C07) or Microbial Pest Control (C14).
- (12) Pest Control Consultant (PCC). A PCC license is required for any person who supervises demonstrations of pesticide products or consultations for the use of pesticides. A PCC license does not authorize private or custom applications of pesticide for which another certification or license is required. Certification required: Demonstration, Research, and Regulatory Pest Control (C10).
- (13) Public Health Mosquito Control (PHMC). A PHMC license is required for any person who supervises pesticide applications to control mosquitoes on public land or public waters. Certification required: Public Health Pest Control (C08). Alternative requisites to experience/education: GRC license.
- (14) Weed Control – Right-of-Way Industrial (WEC). A WEC license is required for any person who supervises branch operations for custom pesticide applications to control plants on industrial sites and rights-of-way (e.g. highways, transmission lines, drainage ditches, etc.). Certification required: Right-of-Way Pest Control (C06). Alternative requisites to experience/education: AGE license, HLT license, or HRI license.
- (15) Wood Destroying Organisms (WDO). A WDO license is required for any person who supervises branch operations for wood destroying organism inspections or custom pesticide applications to control termites, wood borers, carpenter bees, carpenter ants, or decay in structures. A WDO or FUM license is also required for any person who makes a custom application of pesticides for control of wood destroying beetles. Certification required: Industrial, Institutional, Structural, and Health-Related Pest Control (C07). Experience/education prerequisites for WDO are:
- (a) Masters or doctoral degree in entomology; and certificate from the Tennessee Apprentice Termite Technician School offered by the department;

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- (b) One year of full-time work experience that required C07 certification; and a baccalaureate degree with a major or minor in a related course of study; or,
 - (c) Two years of full-time work experience that required C07 certification.
- (16) Wood Preservatives (WPC). A WPC license is required for any person who supervises branch operations for custom pesticide applications to control damaging effects of pests or weather on wood in non-structural applications (e.g. insects, fungi, marine borers, etc. in pole or cross tie treatments and wood manufacture or distribution). Certification required: Wood Preservatives (C11).
- (17) Special Pesticide License (SPC). An SPC license is required for any person who supervises branch operations for custom pesticide applications in situations and methods not covered under any other license category. Applicants for an SPC license are subject to examination and qualification requirements as determined by the department, upon advice of the Pest Control Advisory Board, for each SPC license that is issued.

Authority: T.C.A. §§ 4-3-203, 43-1-703, 43-8-106, 43-8-113, 43-8-302, and 62-21-118. **Administrative History:** Original rule filed April 1, 2016; effective June 30, 2016. Emergency rules filed April 7, 2020; effective through October 4, 2020. Emergency rules expired effective October 5, 2020, and the rules reverted to their previous statuses. Amendments filed September 27, 2021; effective December 26, 2021.

0080-09-02-.04 CERTIFICATION CATEGORIES.

- (1) Categories of service.
- (a) Agricultural Pest Control (C01). C01 certification is required for any person who makes, solicits, or authorizes by direct supervision a custom or restricted use pesticide application on agricultural crops or pasture.
 - (b) Forest Pest Control (C02). C02 certification is required for any person who makes, solicits, or authorizes by direct supervision a custom or restricted use pesticide application on forests, forest nurseries, or forest seed producing areas.
 - (c) Ornamental and Turf Pest Control (C03). C03 certification is required for any person who makes, solicits, or authorizes by direct supervision a custom or restricted use pesticide application on non-agricultural landscape (e.g. ornamental trees, plants, grasses, fruit trees, shrubs, flowers, turf, lawns, golf courses, and athletic fields).
 - (d) Seed Treatment (C04). C04 certification is required for any person who makes, solicits, or authorizes by direct supervision a custom or restricted use pesticide application on agricultural or vegetable seeds.
 - (e) Aquatic Pest Control (C05). C05 certification is required for any person who makes, solicits, or authorizes by direct supervision a custom or restricted use pesticide application on aquatic environments or any pesticide application on state waters.
 - (f) Right-of-Way Pest Control (C06). C06 certification is required for any person who makes, solicits, or authorizes by direct supervision any pesticide application on rights-of-way for public roads, electric power lines, pipelines, railways, industrial sites, highways, transmission lines, or drainage ditches, etc.
 - (g) Industrial, Institutional, Structural, and Health-Related Pest Control (C07). C07 certification is required for any person who makes, solicits, or authorizes by direct supervision a custom or restricted use pesticide application in, on, or around physical

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facilities, whether public or private (e.g. food establishments, human dwellings, schools, child-services establishments, hospitals, industrial establishments, warehouses, grain elevators, etc.). C07 certification does not authorize applications under direct supervision for which a GRC license is required. The C07 category includes pesticide applications for control of birds.

- (h) Public Health Pest Control (C08). C08 certification is required for any person, including any governmental employee in the course of employment, who makes, solicits, or authorizes by direct supervision any pesticide application for control of public health pests on public land or public waters. This category applies specifically to mosquitoes, rats, and other pests generally known to pose a threat for spreading disease.
 - (i) Limited Herbicide Applicator (C09). C09 certification is required for any person who makes, solicits, or authorizes by direct supervision a custom application of pesticide with the sole active ingredient Glyphosate, incident to commercial lawn and landscape maintenance.
 - (j) Demonstration, Research, and Regulatory Pest Control (C10). C10 certification is required for any person who commercially demonstrates pesticide products, including any governmental employee in the course of employment, who recommends, uses, or authorizes by direct supervision a pesticide application on private lands or private waters or on public lands for field research. C10 certification does not authorize custom applications of pesticides.
 - (k) Wood Preservatives (C11). C11 certification is required for any person who makes, solicits, or authorizes by direct supervision a custom or restricted use pesticide application for wood preservation.
 - (l) Pesticide Dealer (C12). C12 certification is required for at least one person per location where restricted use pesticides are sold or offered for sale within the state. C12 certification authorizes the holder to purchase and to use restricted use pesticides but does not authorize the holder to make custom applications of pesticides.
 - (m) Antifouling Marine Paint (C13). C13 certification is required for any person who makes, solicits, or authorizes by direct supervision a custom or restricted use pesticide application of antifouling marine paints.
 - (n) Microbial Pest Control (C14). C14 certification is required for any person who makes, solicits, or authorizes by direct supervision a custom or restricted use pesticide application to control microorganisms.
 - (o) Reserved.
 - (p) Sewer Line Treatment (C16). C16 certification is required for any person who makes, solicits, or authorizes by direct supervision any pesticide application to control pests in sewer lines or wastewater treatment facilities.
 - (q) Private Applicator certification is required for any person who makes or authorizes by direct supervision a private, restricted use pesticide application for production of an agricultural commodity.
- (2) Service standards and competencies.
- (a) Standards for each category include relevant practical knowledge of structures, livestock, cropland, rights-of-way, seed production, landscapes, public areas, or waterscapes where pesticides are expected to be applied; the identification of

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associated pests, their biology and population dynamics; pre-harvest restrictions and restricted entry intervals, as applicable; specific pesticide's toxicity and hazards; formulations; residue potential; proper storage, handling, transport, application and disposal of specific pesticides; and non-target injuries or drift, and other environmental precautions or potential exposures associated with pesticide applications.

- (b) Competency for all categories is determined consistent with federal requirements at 40 C.F.R. §§ 171.101 and 171.103 and includes comprehension and practical knowledge of pesticide label sections, warnings, and symbols; safety including personal protective equipment, poisoning symptoms, and first aid; environmental concerns; target pests; pesticide types; equipment calibration; application methods; laws and regulations; responsibilities of direct supervision and control of noncertified applicators; and professionalism of applicators.

Authority: T.C.A. §§ 4-3-203, 43-1-703, 43-8-106, 43-8-302, 62-21-111, and 62-21-118. **Administrative History:** Original rule filed April 1, 2016; effective June 30, 2016. Amendments filed September 27, 2021; effective December 26, 2021.

0080-09-02-.05 LICENSE AND CERTIFICATION TESTING.

- (1) Commercial applicators.

- (a) License testing. Applicants for pest control operator licenses must first complete license testing. Prior to examination, applicants must:

1. Submit to the department or its designee a completed exam application on forms provided by the department;
2. Be at least 18 years old prior to examination;
3. Submit to the department or its designee payment of a Tier 4 examination fee under T.C.A. § 43-1-703(f);
4. Show proof of certification in a pesticide category required for the applicable pesticide license; and,
5. Show proof of experience and education requirements required for the license. Unless otherwise noted in the license category, applicants must have completed one of the following education and experience prerequisites:
 - (i) Baccalaureate degree from an accredited college or university with a major or minor in a related course of study;
 - (ii) One year of full-time work experience that required the applicable certification; and 12 college level semester credits in a related course of study; or,
 - (iii) Two years of full-time work experience that required the applicable certification.
6. Upon passage of a license exam, the applicant shall be eligible for receipt of the corresponding license pending payment of license fees. Absent extraordinary circumstances, if an applicant does not submit payment of applicable license fees within one year of the exam date, the exam passage shall expire, and the applicant shall be required to retake the exam prior to receiving a license.

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- (b) Certification testing. Applicants for commercial pesticide applicator certification must first complete certification testing. Prior to examination, applicants must:
 - 1. Submit to the department or its designee a completed exam application on forms provided by the department;
 - 2. Be at least 16 years old prior to examination. A commercial applicator under the age of 18 is prohibited from buying, selling, mixing, applying, or supervising the use or sale of restricted use pesticide; and,
 - 3. Submit to the department or its designee payment of a Tier 1 examination fee under T.C.A. § 43-1-703(f).
 - (c) Examination fees are required for each exam to be administered; retest of any exam requires separate application and payment of additional exam fees. Applicants may withdraw applications for examination up to five business days prior to a scheduled exam and receive a full refund of the examination fee. After that time, an applicant shall be ineligible for refund of the examination fee absent extraordinary circumstances.
- (2) Private applicators.
- (a) Applicants for private applicator certification must be at least 18 years old prior to certification. Applicants age 16 or 17 years old are eligible for private applicator certification if they are of familial relation, by birth or adoption, to the owner or renter of the property where restricted use pesticides are applied. A private applicator under the age of 18 is prohibited from buying restricted use pesticide and from using or supervising the use of restricted use pesticide on property not owned or rented by a family relation.
 - (b) Applicants for private applicator certification must complete within the previous year and show proof of passing a specialized training course administered by the University of Tennessee Extension Service. Proof of passage requires a score of at least 70% and submission of the course's three-part form signed by the extension agent administering the course.
- (3) Time, place, and manner of testing.
- (a) Applicants sitting for a license or commercial certification exam must present valid, government-issued photo identification on the day of the examination.
 - (b) Examinations consist of substantive knowledge and specimen identification practicums relative to specific service categories. To pass examination, an applicant must score 70% or higher on the total exam.
 - (c) Any applicant who misrepresents qualifications for a pesticide license or who engages in cheating on any exam shall be given a failing score for the exam and shall immediately be removed from the testing site. The applicant shall forfeit payment of the examination fee and shall be ineligible to sit for any commercial certification or license examination for two years. The department may also summarily revoke any license or certification previously issued to the applicant.
 - (d) The department may deny examination to any person who fails to comport with this rule.
- (4) Reciprocity. In lieu of examination, applicants may apply for certification based on reciprocity with another state.

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- (a) Applicants for reciprocal certification must show proof of valid, equivalent certification in the reciprocating state.
- (b) Reciprocity satisfies the testing requirements and examination fees associated with certifications under this chapter.
- (c) Reciprocity is not available for receipt or renewal of any pesticide license.

Authority: T.C.A. §§ 4-3-203, 43-8-106, 62-21-111, 62-21-112, and 62-21-118. **Administrative History:** Original rule filed April 1, 2016; effective June 30, 2016. Emergency rules filed April 7, 2020; effective through October 4, 2020. Emergency rules expired effective October 5, 2020, and the rules reverted to their previous statuses. Amendments filed September 27, 2021; effective December 26, 2021.

0080-09-02-.06 REPEALED.

Authority: T.C.A. §§ 4-3-203, 43-8-106, and 62-21-118. **Administrative History:** Original rule filed April 1, 2016; effective June 30, 2016. Emergency rules filed April 7, 2020; effective through October 4, 2020. Emergency rules expired effective October 5, 2020, and the rules reverted to their previous statuses. Repeal filed September 27, 2021; effective December 26, 2021.

0080-09-02-.07 REPEALED.

Authority: T.C.A. §§ 4-3-203, 43-8-106, and 62-21-118. **Administrative History:** Original rule filed April 1, 2016; effective June 30, 2016. Repeal filed September 27, 2021; effective December 26, 2021.

0080-09-02-.08 REPEALED.

Authority: T.C.A. §§ 4-3-203, 43-8-106, and 62-21-118. **Administrative History:** Original rule filed April 1, 2016; effective June 30, 2016. Repeal filed September 27, 2021; effective December 26, 2021.

0080-09-02-.09 REPEALED.

Authority: T.C.A. §§ 4-3-203, 43-8-106, and 62-21-118. **Administrative History:** Original rule filed April 1, 2016; effective June 30, 2016. Repeal filed September 27, 2021; effective December 26, 2021.

0080-09-02-.10 REPEALED.

Authority: T.C.A. §§ 4-3-203, 43-8-106, and 62-21-118. **Administrative History:** Original rule filed April 1, 2016; effective June 30, 2016. Repeal filed September 27, 2021; effective December 26, 2021.

0080-09-02-.11 REPEALED.

Authority: T.C.A. §§ 4-3-203, 43-8-106, and 62-21-118. **Administrative History:** Original rule filed April 1, 2016; effective June 30, 2016. Repeal filed September 27, 2021; effective December 26, 2021.

0080-09-02-.12 REPEALED.

Authority: T.C.A. §§ 4-3-203, 43-1-703, 43-8-104, 43-8-106, and 62-21-118. **Administrative History:** Original rule filed April 1, 2016; effective June 30, 2016. Repeal filed September 27, 2021; effective December 26, 2021.

0080-09-02-.13 REPEALED.

Authority: T.C.A. §§ 4-3-203, 4-3-204, 43-8-106, and 62-21-118. **Administrative History:** Original rule filed April 24, 2018; effective July 23, 2018. Amendment filed August 7, 2019; effective November 5, 2019. Repeal filed September 27, 2021; effective December 26, 2021.

0080-09-02-.14 REPEALED.

Authority: T.C.A. §§ 4-3-203, 4-5-208, 43-8-106, and 62-21-118. **Administrative History:** Emergency rules filed May 15, 2020; effective through November 11, 2020. Emergency rules expired effective November 12, 2020, and the rules reverted to their previous statuses. Repeal filed September 27, 2021; effective December 26, 2021.