Why Pesticide Certification?

(With updates from the January 1, 2013 rule change)

Pesticides are classified as either "general use" or restricted use". General-use pesticides are considered safe for use by the average person provided they follow the label directions. In most cases, there is no certification requirement for the use of a general-use pesticide. (See exceptions under commercial/public applicators below.)

Pesticide certification is required by U.S. Environmental Protection Agency (EPA or sometimes listed as U.S. EPA) for persons selling, purchasing, or using restricted-use-pesticides (RUP). The regulation is under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) Part 171. Requirements listed in Part 171 are intended as a minimum and set a federal standard from which the states can work. Many states have incorporated stricter regulations than the federal.

Pesticide certification is the process in which a person completes state requirements to sell, purchase, and/or use pesticides. The EPA and the North Dakota Pesticide Act requires an individual to become certified if the individual is using or merchandising a restricted-use-pesticide (RUP). In addition, as of August 1, 2001, North Dakota requires commercial and public applicators to become certified to use general use pesticides.

Additional sections of FIFRA affect pesticide certification. Technically these additional sections are not under Part 171; however, many of them are included in pesticide certification programming. Examples under FIFRA include Part 156 - Labeling Requirements; Part 164 - Rules of Practice Governing Hearings under FIFRA Arising from Refusals to Register, Cancellation of Registrations, Changes of Classifications, etc.; Part 165 - Disposal and Storage; and Part 170 - Worker Protection Standard. Other EPA regulations affect Pesticide certification. Examples include SARA, Title III; Hazardous Waste; Safe Drinking Water Act; Clean Water Act; Clean Air Act; and USDA-AMS record keeping. Thus, pesticide certification is more than what is required by EPA under Part 171.

The North Dakota State University Extension Service is responsible for the certification of pesticide applicators and or dealers in North Dakota. Certification is intended to assure that people who use or merchandise, certain pesticides or who make specific types of pesticide applications have a fundamental understanding of how to do so safely. Pesticide certification is the foundation for the safe and effective use of pesticides. The main intent of pesticide certification in North Dakota is to increase the awareness for (a) pesticide safety, (b) proper use and disposal, and (c) understanding of the pesticide label and its importance. There are two basic types of pesticide certifications, either private or commercial/public/dealer.
What are Pesticides?

First, we need to know what is classified as a pesticide. A pesticide is any substance or mixture of substances intended for defoliating or desiccating plants, preventing fruit drop, inhibiting sprouting, or for preventing, destroying, repelling, or mitigating any insects, rodents, fungi, bacteria, weeds, or other forms of plant or animal life or viruses, except viruses on or in living man or other animals.

In addition, a device is any instrument or contrivance, subject to U.S. EPA regulation, intended for trapping, destroying, repelling, or mitigating insects or rodents, or mitigating fungi, bacteria or weeds, or such other pests, but not including equipment used for the application of pesticides when sold separately from the device.

One way to view this definition is to ask, does the product make pesticidal claims? That is, does the product claim to control a pest? If a company or individual claims a product will control a pest, it is a pesticide. An example is Avon's "Skin So Soft". Initially, Avon did not make any pesticidal claims for Skin So Soft repelling insects. In not making those claims, Avon was not required to register Skin So Soft as a pesticide. Avon has since registered the product as a pesticide with the name Skin So Soft Plus. They now make pesticide claims.

Certification Standards

Certification means a person has met the certification standards established by the North Dakota Pesticide Control Board. Certification standards are in the form of a written examination. North Dakota tests are monitored by NDSU Extension personnel. North Dakota does not provide oral testing. All tests are in English, which is the language in which the labels are written.

Certification standards required for commercial / public / dealers: Commercial/public certification requirements for applicators, and dealers are the same.

- core exam (Ground and/or Aerial)
- category or class exam(s)
- proof of financial responsibility (for commercial applicators only)
- certification fee

Certification standards required for private: A private applicator may add fumigation or vertebrate fumigation after passing the exam. Additional fees apply.

- General exam then additional endorsements if applicable
  - Commodity and structural fumigation. This class authorizes the use of fumigant pesticides intended for raw agricultural commodities, processed foods, nonfood commodities, transport vessels, commodity processing facilities, and commodity storage structures.
Vertebrate when using grain fumigants to control vertebrate pests, such as rodents, certain predators, and bats not in or around structures.

- certification fee

**Study materials**--Materials for the exams are provided by the NDSU Extension Service Pesticide Program. To obtain these materials, contact your local NDSU county extension office, the NDSU Extension Pesticide Program, or request materials from the NDSU Extension Pesticide Program web page at: http://ndsupesticide.org

**Training Sessions**--Training sessions are not required, but are extremely helpful for passing the certification exam(s). The NDSU Extension Pesticide Program conducts statewide training sessions each fall, winter and spring. Information on the training sessions is mailed annually to all commercial N.D. pesticide certificate holders. In addition, county extension agents host private certification training sessions throughout the state. For further information contact your local NDSU county extension office, NDSU Extension Pesticide Program, or access the NDSU Extension Pesticide Program web page http://ndsupesticide.org

Once a person has met the certification standards, a certificate is issued to the individual in the category the standards meet. The card has the applicant's North Dakota pesticide Identification number, name and address of certificate holder, category(s) certified, and expiration date of each certified category. All categories expire on April 1 of the year indicated on the card.

**Types of Certification**

In North Dakota there are two basic types of pesticide certification, private or commercial/public/dealer.

**Private Applicator**

A private applicator is "any person who uses, or supervises the use of, any restricted pesticide for purposes of producing any agricultural commodity on property owned or rented by the person 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." Private applicator includes all farms and ranches that produce commodities such as cattle, emu, equine, greenhouse, nursery, fruit, vegetables, or row crops.

Compensation is receiving any payment other than trading of personal services.

To become certified, a private applicator must pay the certification fee(s), pass a monitored exam. A private applicator may add the commodity and structural fumigation category and/or the vertebrate fumigation category after completing the general exam. Private applicators are encouraged to attend statewide training sessions each winter/spring hosted by local county extension agents.
Training sessions are not required, but are extremely helpful for passing the certification exam(s). For further information contact your local NDSU county extension office, or access the NDSU Extension Pesticide Program web page at: http://ndsupesticide.org

Commercial/Public Applicator and Dealer

A commercial/public applicator or dealer, is "any person who engages in application or sale of pesticides or employment of devices."

- Commercial applicator is required of people who apply pesticides to the land or property of another for hire.
- Public applicator means an applicator who applies pesticides as an employee of a state or federal agency, municipal corporation, public utility, hospital, privately owned golf course, nursery, greenhouse, or other governmental agency. Persons using only ready-to-use pesticides are exempt from this requirement.
- Dealer certification is required of people who merchandise restricted-use pesticides.

To become certified, a commercial/public applicator, or dealer must pay the certification fee and pass a monitored core and category exam(s). Commercial/public/dealer certificate holders are encouraged to attend training(s). Statewide training sessions are held each winter/spring presented by NDSU Extension Pesticide Program. Training sessions are not required, but are extremely helpful for passing the certification exam(s). For further information contact your local NDSU county extension office, NDSU Extension Pesticide Program, or access the NDSU Extension Pesticide Program web page at http://ndsupesticide.org

Financial Responsibility (Commercial Applicator Only)

Certified commercial applicators must obtain and provide proof of financial responsibility. If proof of financial responsibility is not provided and maintained, the certificate holder is in violation of the law.

The minimum amount of coverage required as proof of financial responsibility is:

- a notarized letter from an officer of a financial institution or a certified public accountant attesting to the existence of net assets at least $100,000
- a performance bond of at least $100,000
- a coverage of $100,000 general liability per occurrence, or
- provide documentation that you qualify for an exemption.

For more detailed information about financial responsibility and how to be in compliance with the North Dakota law, contact your local NDSU county extension office, NDSU Extension Pesticide Program, or access the NDSU Extension Pesticide Program web page at: http://ndsupesticide.org
Certification Categories-Commercial/Public/Dealer

FIFRA delineates 10 certification commercial categories in Part 171. States can subdivide or create additional categories with EPA approval. North Dakota has 11 categories in which a commercial/public/dealer can be certified. The categories are listed in below.

North Dakota divides these certification into the status of

- Ground applicator (including dealer) or
- Aerial applicator (including dealer)

A category or class describes where to apply a pesticide. Providing certification information is easier when the applicant understands the categories or class.

For a certificate holder to apply or merchandise pesticides, the person must be certified in that particular category.

Category or Class Descriptions

**Agricultural Pest Control (Plant and Animal)**

This class authorizes the use of pesticides intended for agricultural crop land, grasslands, animals, animal facilities, and noncrop lands including, but not limited to, natural areas, fallow, non-producing agricultural lands and mines.

**Commodity and structural fumigation**

This class authorizes the use of fumigant pesticides intended for raw agricultural commodities, processed foods, nonfood commodities, transport vessels, commodity processing facilities, and commodity storage structures.

**Greenhouse**

This class authorizes the use of pesticides intended for greenhouses.

**Home, Industrial, and Institutional Pest Control**

This class authorizes the use of pesticides in or around food-handling establishments, human dwellings, public or private institutions, warehouses, grain elevators, and any other structures.

**Ornamental & Turf Pest Control**

This class authorizes the use of pesticides intended for producing and maintaining ornamental trees, shrubs, flowers, and turf.
Public Health Pest Control

This class authorizes the use of pesticides by government employees, applicators working under government contract, or other persons for public health purposes. (An example of this sort of public health pest control is mosquito or vector control.)

Research and Demonstration

This class authorizes the use of pesticides by individuals for the purpose of education or research. These would include county agents, state, federal, and commercial employees, plus other persons conducting research or demonstrating the proper application of restricted use pesticides.

Right-of-Way

This class authorizes the use of pesticides in parking lots and rights-of-way for roads, power lines, telecommunication lines, pipelines, and railways, and in other similar areas.

Seed Treatment Pest Control

This class authorizes the use of pesticides intended for agricultural crop seeds, other seeds, and vegetative seed stocks.

Wood Preservatives

This class authorizes the use of pesticides intended to preserve lumber products.

Vertebrate Pest Control

This class authorizes the use of pesticides intended to control vertebrate pests, such as rodents, certain predators, and bats not in or around structures.

Sewer Root Control

This class authorizes the use of pesticides intended to control tree or other plant roots infesting sewer systems.

Category Descriptions-Private

General

This category includes private applications using restricted use pesticides in production of agricultural crops including cereal grain, feed grains, soybeans, forages, large and small seeded legumes, small fruits, tree fruits, nuts, and vegetables, as well as application to grasslands and non-crop lands. This also includes the use of restricted use pesticides on animals, beef cattle, dairy cattle,
swine, sheep, horses, goats, poultry, and other livestock, and also to places on
or in which animals are confined.

**Commodity and structural fumigation**

Certified private applicators purchasing, storing, or applying restricted use
fumigant pesticides intended for use on agricultural commodities and in grain
storage structures must pass a board-approved commodity and structural
fumigation examination.

**Vertebrate control with fumigant pesticides**

Certified private applicators purchasing, storing, or applying restricted use
fumigant pesticides for burrowing pest control must pass a board-approved
vertebrate examination.

**Reciprocal Agreements**

If North Dakota law requires you to have a pesticide certification, you must hold a North
Dakota certificate. A valid certification in another state may help you obtain a North
Dakota certificate but it does not substitute for one.

North Dakota may issue a certification on a reciprocal basis, without examination, to
nonresidents who are certified to use restricted use or merchandise pesticides under
an EPA-approved program. Whether reciprocity exists or not depends on other state's
regulations and how similar they are to North Dakota. Eligibility for an individual holding
a certificate will be determined on a case by case basis.

Out-of-state applicators and dealers must meet all requirements for certification in North
Dakota. These requirements include:

- certification fee,
- proof of a valid pesticide license or certificate from state of residence,
- picture identification,
- proof of financial responsibility (commercial applicators only), and
- documents on file with respect to an appointment of agent with NDSU.

To request information on how to apply for reciprocal certification in North Dakota
contact the NDSU Extension Pesticide Program, or access the NDSU Extension
Pesticide Program web page at: [http://ndsupesticide.org](http://ndsupesticide.org)
Recertification (Renewal of Certification)

All pesticide certifications must be recertified, or renewed, every three years.

A certificate expires the first day of April following two years from the year of issuance. Commercial/public/dealer and private applicators can be recertified by two methods. One is to attend a recertification training when a category is up for renewal. The second method is to retest in the expired category by passing a monitored exam(s) at your local NDSU county extension office.

Minor use categories such as Home, Industrial, and Institutional; Public Health; Wood Preservatives; Vertebrate, and Sewer Root are allowed to recertify by passing a home-study course. Minor-Use home study courses can be requested from your local NDSU county extension office, or the NDSU Extension Pesticide Program.