

NOTICE OF PROPOSED RULEMAKING

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

DIVISION OF AGRICULTURAL ENVIRONMENTAL SERVICES

BUREAU OF ENTOMOLOGY AND PEST CONTROL
PEST CONTROL REGULATIONS

5E-14

Application for Examination for Pest Control Operator's Certificate and Special Identification Card. 5E-14.117

Identification Card - Training Verification. 5E-14.1421

PURPOSE AND EFFECT: The purpose of the rule amendment is to increase the number of supervised jobs necessary to qualify for the certified operators examination, and clarify the requirements for verification of identification card training, The Department's purpose in applying these guidelines is to achieve compliance with Chapter 482, Florida Statutes (F.S.), and Chapter 5E-14, Florida Administrative Code (F.A.C.).

SUBJECT AREA TO BE ADDRESSED: Qualification for certified operators examination and verification of training for identification card holders.

SPECIFIC AUTHORITY: 482.051, F.S.

LAW IMPLEMENTED: 482.132, 482.091, F.S.

WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

DATE AND TIME: April 30, 2008; 10:00 am

PLACE: Mid-Florida Research and Education Center, 2725 Binion Road, Apopka, Florida, 32703; (407) 884-2034.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Michael J. Page, Chief, Bureau of Entomology and Pest Control; 1203 Governors Square Boulevard, Suite 300, Tallahassee, Florida 32301; (850) 921-4177.

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-14.117 Application for Examination for Pest Control Operator's Certificate and Special Identification Card.

(1) Application for examination shall be on Forms DACS 13627 Rev. 03/08, 13607 Rev. 01/08, and 13653 Rev. 03/08, ~~Rev. 3/02~~, which are incorporated by reference and obtained from the Department and shall also include a passport type and quality, full-face photograph of the applicant at least one and one-half inches by one and one-half inches in size.

(2) – (9) No Change.

(10) The applicant for examination shall have participated in within this state, and under the supervision of a certified operator, a minimum of 15 jobs; except that after January 12, 2009, the applicant must have participated in a minimum 45 pesticide applications; in each category in which the applicant seeks certification, The applicant shall submit as part of the application, and on forms provided, a statement from the said supervising certified operator that the jobs or, after January 12, 2009, pesticide applications have been participated in by the applicant under his supervision and that the applicant has demonstrated the requisite knowledge to perform and supervise such work. Applicants for the fumigation examination shall submit evidence of having participated in 15 general fumigations (subsection 5E-14.102(4), F.A.C.).

(11) – (17) No change.

Specific Authority 482.051, F.S.; Law Implemented 482.132; History—New 1-1-77, Amended 6-27-79, 6-22-83, 10-25-90, Formerly 10D-55.117, Amended 8-11-93, 7-5-95, 5-28-98, 4-29-02, 7-11-07, _____.

5E-14.1421 Identification Card - Training Verification.

(1) The licensee shall maintain written training records for both the initial 5 day (40 hour) training required in Section 482.091 (3) and the continuing training required in Section 482.091

(10) on all identification cardholders within their employ and make those records available

during routine inspection or upon request of the Department. Licensees must maintain the training record for at least a two year period. The training required for Section 482.091 (3) must be conducted by a certified operator or a person under the supervision of the certified operator in charge who has been designated in writing as responsible for training. The training shall be verified by:

(a) completion of DACS form 13665 Rev. 01/08, which is incorporated by reference, or,

(b) written record of 40 hours of attendance in a training course with a written course syllabus and copies of all training materials used in the course available for Department inspection.

(2) The Department will accept any one of the following as verifiable training for training required under Chapter 482.091(10):

(a), (b) – No change.

(3) For the purposes of complying with Section 482.091(10) e~~E~~Each classroom training session shall be at least 50 minutes in length or one contact hour. Partial contact hours will not be accepted. “Pesticide safety” deals with any aspect of pesticide formulation, handling and use. Example topics would include: pesticide types and formulations, human poisoning symptoms, routes of exposure and protective equipment, pesticide storage, transport and use, spray drift and groundwater runoff. “Integrated pest management” deals with any aspect of pest management. Example topics would include: inspection (locating and monitoring pests), establishing treatment thresholds, sanitation/habitat modification, trapping, biological and use of pesticides, and pesticide application equipment. “Applicable federal and state laws and rules” deal with any aspect of government regulation of the pest control industry. Example topics would include: reviewing federal FIFRA requirements, reviewing or discussing modifications to Chapter 482, F.S., and/or Chapter 5E-14, F.A.C., and reviewing other regulatory agencies or legislative bodies regulations dealing with pesticide use, hazardous waste storage/disposal and/or transportation.

Specific Authority 482.051, Law Implemented 482.091; History–New 6-12-02, _____ - 08.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Michael J. Page, Chief, Bureau of Entomology and Pest Control; 1203 Governors Square Boulevard, Suite 300, Tallahassee, Florida 32301; (850) 921-4177.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Andy Rackley, Director, Division of Agricultural Environmental Services, 3125 Conner Boulevard, Tallahassee, Florida 32399; (850) 487-3731.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 02//06/07

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:
August 3, 2007.