§ 33-0905. Pesticide applicator certification.

1. Any person who engages in the commercial or private application of pesticides or the sale of restricted use pesticides shall be certified by the commissioner except as provided in subdivision two of this section. No certification shall be valid unless the certified person also holds a valid identification card issued by the commissioner.

2. The provisions of this article relating to registration and certification shall not apply to:

a. residential application of pesticides as defined in this article; or

b. private application of a general use pesticide as defined in this article.

2-a. The commissioner may, pursuant to paragraph e of subdivision three of section 33-0303 of this article, adopt regulations on the use of pesticides including the appropriate method and setting for the use of pesticides classified by the United States environmental protection agency as an exempt material under 40 CFR part 152.25, often called minimum risk pesticides, which are exempt from the requirements of the Federal Insecticide, Fungicide and Rodenticide Act. Such regulations shall encompass all factors necessary to prevent damage or injury to health, property and wildlife.

3. a. Application for pesticide applicator certification shall be made to the commissioner. The application shall be on a form prescribed by the commissioner and shall be accompanied by the fee or fees provided in section 33-0911.

b. An applicant for certification shall satisfy the commissioner as to his knowledge and experience concerning the proper use and application of pesticides and pesticide application equipment through examination prior to initial certification. Recertification shall be by training, workbook, or examination as required by the commissioner.

c. Upon certification, the commissioner shall certify the applicant for the appropriate category of certification and shall issue a certification identification card to the applicant. The certification may restrict the applicant to the use of a certain type or types of equipment or materials.

d. Except as provided in paragraph e of this subdivision, pesticide applicator certifications shall be valid for three years after which every applicator shall recertify according to the requirements then in effect. Certification identification cards shall be valid for three years.

e. Private applicator certifications shall be valid for five years after which every such applicator shall recertify according to the requirements then in effect. Private applicator certification identification cards shall be valid for five years.

g. The commissioner is authorized to provide all examinations, training materials, applications, and any other forms or written materials necessary for a private and/or commercial applicator certification in Spanish for applicants whose primary language is Spanish and for other languages if the commissioner deems it necessary. The commissioner may require applicants for registration of pesticides to make available pesticide label information and instructions in Spanish and other languages, when necessary, for applicators certified in Spanish or other languages.

4. Certified pesticide applicators shall maintain such records and shall furnish such reports concerning the application of pesticides as the commissioner shall require. All records required to be kept under this section shall be available for inspection by the commissioner.

5. a. Every certified applicator shall, prior to the application of a pesticide within or on the premises of a dwelling, supply the occupants therein with a copy of the information, including any warnings, contained on the label of the pesticide to be applied. Such information

shall be supplied in either a written, digital or electronic format which shall be determined by the occupants of such dwelling, provided however that the certified applicator must also have a written copy of such information in his/her possession.

b. Except as provided in paragraph c of this subdivision, every certified applicator shall, prior to the application of a pesticide within or on the premises of a multiple dwelling, building, or structure other than a dwelling supply the owner or his agent, with a copy of the information, including all warnings, contained on the label of the pesticide to be applied. Such information shall be supplied in either a written, digital or electronic format which shall be determined by the owner or his or her agent, provided however that the certified applicator must also have a written copy of such information in his or her possession. Such owner or agent shall make available upon request at reasonable times such information in written or electronic form if available to the occupants or residents of such multiple dwelling, building, or structure.

c. In the case where an occupant of a multiple dwelling unit retains a certified applicator to apply pesticides within such unit, such certified applicator shall, prior to the application of a pesticide, supply any information, including all warnings, contained on the label of the pesticides to the occupants.

d. For the purposes of this subdivision:

(i) A "dwelling" is any building or structure or portion thereof which is occupied in whole or in part as the home, residence or sleeping place for one or two families;

(ii) A "multiple dwelling" shall mean any dwelling which is to be occupied by or is occupied as the residence or home of three or more families living independently of each other;

(iii) A "multiple dwelling unit" shall mean that portion of a multiple dwelling occupied by one or more persons as the residence or home of such persons; and

(iv) "Premises" shall mean land and improvements or appurtenances or any part thereof.