§ 33-0922. Aquatic antifouling paint business registration.

1. Notwithstanding any other provision of law or regulation pursuant to this title, an aquatic antifouling paint application business as defined in this title shall register with the commissioner.

2. Applications for aquatic antifouling paint application business registration shall be made to the commissioner and applicants shall provide such information as the commissioner shall require. 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 of this article.

3. An applicant for aquatic antifouling paint application business shall satisfy standards, as determined by the commissioner to be appropriate, with respect to knowledge and experience concerning the proper use and application of aquatic antifouling paint application and equipment. In addition to any other standards determined by the commissioner to be appropriate, an applicant shall: (a) employ at least one person who is a certified commercial pesticide applicator or technician certified in the application of aquatic antifouling paint or an aquatic antifouling paint applicator at each location required to be registered; or (b) have entered into a contract with another registered business that employs a person who is a certified commercial pesticide applicator or technician certified in the application of aquatic antifouling paint or an aquatic antifouling paint applicator, pursuant to which contract such registered business has agreed to apply aquatic antifouling paint at each such location for such applicant.

4. Business registration shall be valid for three years.

5. When engaged in the commercial application of aquatic antifouling paints, an aquatic antifouling paint application business shall ensure that such aquatic antifouling paints are only applied by an employee who is a certified commercial pesticide applicator or technician certified in the application of aquatic antifouling paint or an aquatic antifouling paint applicator, or a person who is a certified commercial

pesticide applicator or technician certified in the application of aquatic antifouling paint or an aquatic antifouling paint applicator employed by another registered business with which such business has contracted to apply aquatic antifouling paints; provided, however, that until such time as authorization for pesticide application by pesticide apprentices is repealed, aquatic antifouling paint registered as a general use pesticide may be applied by a commercial pesticide apprentice who is at least seventeen years of age and employed by such business (a) working under the direct supervision of a certified commercial pesticide applicator, or (b) working under the supervision of a certified pesticide technician qualified in aquatic antifouling paints, if such application is otherwise done in compliance with the rules and regulations of the department, and who, during the handling and application of such paint, utilizes appropriate safety equipment including but not limited to a respirator, eye protection and skin protection.

6. Such aquatic antifouling paint application business shall, for a period of five years, maintain for inspection by the department an annual report listing the names and certification numbers of all employees or contractors engaged in the application of aquatic antifouling paints on behalf of such business during the prior twelve months.