



# Agricultural Labor Report

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## Commercial Pesticide Application

by

Dawn Thilmany, Mike Miller and Jeff Tranel<sup>1</sup>

*The "Federal Insecticide, Fungicide, and Rodenticide Act" (FIFRA) determines the minimum standards for the application of pesticides, and states may implement stricter standards, if they wish.*

*In order to be licensed in Colorado, an applicator must pass an exam, have the required technical training, carry insurance, be certified in good standing by the office of the Secretary of State, and pass continuing education courses.*

### Introduction

On the federal level, pesticides and their use are handled through a variety of agencies and organizations, headed by the Environmental Protection Agency (EPA). Federal laws and regulations set the standards for pesticide use. States may modify their laws to be stricter than the federal law.

The basic regulations are found in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) of 1947. It has been amended several times, with the most important amendment occurring in 1972. The new Federal Environmental Pesticide Control Act (FEPCA) of 1972 shifted the emphasis of FIFRA from safeguarding the consumer against fraudulent pesticide products, to a role of protecting both public health and the environment. The act enables the EPA to establish regulations for safe storage, handling, and use of pesticides with respect to both consumers and agriculture workers.

In Colorado, the Pesticide Section of the Colorado Department of Agriculture is responsible for enforcement of handling and storage requirements for pesticides. The Pesticide Applicator's Act serves as the primary regulation on these matters.

### The Pesticide Applicator's Act

The Pesticide Applicator's Act is the basis for the rules and regulations that sprayers and other applicators must follow in the state of Colorado. The goals of the program are to ensure that commercial pesticide applicators have the requisite knowledge to handle and apply pesticides; and to ensure that pesticides are applied in a manner that reduces unnecessary associated hazards.

The program only covers commercial applicators, and some businesses and public agencies that do their own pesticide applications. The Region VIII office of the U.S. Environmental Protection Agency regulates all other pesticide applications.

<sup>1</sup>Associate Professor and Graduate Research Assistant in the Department of Agricultural and Resource Economics at Colorado State University and Agricultural and Business Management Economist with Colorado State University Cooperative Extension.

To meet the goals of the program, the Colorado Department of Agriculture conducts exams, issues licenses, and requires technician training and continuing education. In addition, inspections that check for proper maintenance of equipment, and proper application, storage, and disposal of pesticides are conducted by the Agriculture Department.

### **Who Must Be Licensed?**

The following individuals must be licensed with the state of Colorado:

**Commercial Applicators:** Any business or individual entity engaged in the business of applying any pesticide or operating certain pest control devices for hire, must be licensed as a commercial applicator. This category includes, among others, lawn care services that apply herbicides or weed and feed products, tree sprayers, structural pest control operators and aerial applicators.

**Limited Commercial or Public Applicator:** Any business or individual who applies restricted use pesticides in the course of their business, on property they own or lease, must be registered as a limited commercial applicator. This category includes, among others, private golf courses and ditch irrigation companies. Any agency of the State or subdivision of the local government, who applies restricted use pesticides, must be registered as a public applicator. This category includes, among others, weed control districts, highway departments, and parks.

**Qualified Supervisor:** Any individual employed by or acting on behalf of a commercial, limited commercial, or public applicator, who, without supervision, evaluates pest problems, recommends pest controls using pesticides or devices, mixes, loads, or applies any pesticide, sells any application services, operates devices, or supervises others in any of these functions must be licensed.

**Certified Operator:** Any individual employed by or acting on behalf of a commercial, limited commercial, or public applicator, who uses restricted use pesticides without the on-site supervision of a qualified supervisor must be licensed as a certified operator.

**Reciprocity:** An individual certified or licensed by another jurisdiction, as a commercial pesticide applicator may become a licensed certified operator in Colorado without passing any examinations, but only for the unexpired term of that certification or license.

### **What are the requirements for licensing?**

The requirements for licensing as a commercial applicator include:

- The employment of, or have available by agreement, at least one qualified supervisor who is licensed in the category or subcategory of application being performed
- Provide proof of required insurance
- Submit a Certificate of Good Standing from the Secretary of State [(303) 894-2251] if applicant is a corporation, a limited liability partnership, or a limited liability company
- If an aerial applicator, provide a copy of certification issued by the FAA under 14 CFR, Part 137
- Submit the \$350.00 license fee with the application.

### **Summary**

The rules and regulations for pesticide application, handling, and storage in Colorado are drawn from the “Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)” and the state’s own “Pesticide Applicator’s Act”. On a federal level, the majority of regulations are developed and enforced by the Environmental Protection Agency (EPA), while on the state level the Colorado Department of Agriculture is the responsible agency.

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The Colorado Department of Agriculture conducts exams, issues licenses, and requires technician training and continuing education, as well as performing equipment, storage, and application inspections.

Anyone who operates as a commercial applicator, limited commercial or public applicator, qualified supervisor, or certified operator must be licensed in Colorado. Anyone that is licensed in another jurisdiction outside of Colorado is considered certified in Colorado for as long as the other jurisdiction's license is valid. In order to be certified, an individual must have available the services of a supervisor who is licensed in the category or subcategory of application being performed, have the proper insurance, provide proper evidence of FAA approval to be an aerial sprayer, and pay a \$350 fee.

**For further information on the pesticide requirements, please see the following web sites:**

1. <http://www.ag.state.co.us/dpi/programs/programs.html#Applicator> - Applicator regulations for Colorado
  2. <http://www.ag.state.co.us/dpi/publications/examguide.pdf> - Exam guide for Colorado Pesticide Application Licenses
  3. <http://www.ag.state.co.us/dpi/index/index.html> - Colorado Index for Pesticides
  4. <http://www.ag.state.co.us/dpi/publications/summary.html> - Containment regulations for pesticide storage
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