MEMORANDUM

To: Certified Applicators in Category 3, 5, and 7, and other interested parties.

From: Cam Lay, Assistant Dept. Head.
Jim Wright, Special Assistant to the Vice President.

Subject: Policy Statement 2006-01: Clarification of Commercial Pest Control Activities with respect to Sections 27-1070 and 27-1085 L of the 2006 Rules and Regulations for the Enforcement of the South Carolina Pesticide Control Act.

Date: 20 January 2006

Revisions to the Rules and Regulations for the Enforcement of the SC Pesticide Control Act were passed by the SC Legislature in 2005, and will be implemented at the beginning of 2006. This policy statement will clarify the Dept. of Pesticide Regulation's definitions of commercial pest control activities and the licensing requirements for persons engaged in those activities.

Section 27-1070 of the Regulations provides definitions of pest-control activities in structural, landscape and turf, aquatic, and public health areas. These are the categories of pest control for which licensing is mandatory. In general, individuals making a pesticide application in one of these categories for compensation on someone else's property must have a commercial applicator's license.

Section 27-1085 L provides more detailed guidance for Category 7A, stating that persons "performing structural pest control activities in or adjacent to property rented, leased, or otherwise occupied by unrelated persons" must be licensed. Section L lists schools, apartment or condominium complexes, and hospitals as examples of locations where pesticide applications must be made by persons who have met the competency standards established by the licensing process, regardless of whether they own the properties involved or are simply employed there.

The Dept. of Pesticide Regulation will apply a similar standard to the other categories in which licensing is mandatory for applications where there is a significant likelihood that members of the public will enter treated areas. All persons making pesticide applications in Category 3 (Landscape, Turf, and Ornamental Pest Control), Category 5 (Aquatic Pest Control), and Category 8 (Public Health Pest Control) in locations where access by members of the public is a reasonable expectation, must have a valid Commercial Applicator's License or be under the direct supervision (as per Section 27-1083 D of the Regulations) of a person so licensed.

Previous interpretations of the 2006 Regulations may have indicated that the owner of a property could make such applications without a license, but an employee of the owner would not be able to apply pesticides without a license. This does not serve the public interest, nor does it satisfactorily discharge the Department's responsibilities to protect the people of South Carolina

from the risks of pesticide applications by untrained persons.

We anticipate that this policy clarification will primarily affect businesses such as privately owned golf courses or driving ranges (*i.e.* those owned by one person), recreational swimming or boating lakes and ponds, private campgrounds, etc. In these venues, because of the certainty that members of the public will come into direct contact with treated areas, pesticide applicators must be licensed or supervised, as above.

Persons affected by this policy, or anyone else seeking information about the implementation of the 2006 Regulations, should contact the Dept. of Pesticide Regulation at 864.646.2150.