

MEMORANDUM

To: Commercial Pesticide Applicators in Turf and Ornamental Pest Control (SC Category 3).

From: Cam Lay, Assistant Dept. Head, Dept. of Pesticide Regulation.

Subject: Mandatory Licensing in Turf and Ornamental Pest Control (SC Category 3).

You have received this memorandum because you may apply pesticides, herbicides, or insecticides, to lawns or ornamental plants and trees as part of your full time or part time job. Recently the South Carolina Legislature enacted changes in the Rules and Regulations for the Enforcement of the South Carolina Pesticide Control Act that require mandatory licensing for applicators in Category 3 (Turf and Ornamental Pest Control).

If you use or apply pesticides, herbicides, or insecticides to commercially or privately owned turf or ornamental plantings for compensation or as a government employee on the property of another, you are required to be licensed. Turf and ornamental pest control activities also includes the soliciting, advertising, or making of sales proposals in any form for any services involving the use of pesticides, herbicides, or insecticides, or devices with the intent to prevent, destroy, repel, or otherwise mitigate any pest of turf or ornamental plantings. Even if you only spray "a little Round-Up® now and then," you are required to be licensed.

If you only cut lawns; do weed-eating; spread grass seed, mulch, or fertilizers not mixed with pesticides; rake leaves; and/or trim ornamental trees and plants, you are NOT required to be licensed. Additionally, if spraying pesticides, herbicides, or insecticides is only a very small part of your business, you may want to consider dropping that service from your business.

To obtain a Commercial Applicator License, you must

- **Be at least 18 years old.**
- **Pass a two-part exam.**
- **Show financial responsibility (liability insurance) in the amount of \$50,000 with an annual aggregate claims limit of not less than \$100,000.00. "Binders" are not accepted.***
- **Fill out the application form.**
- **Send in the application and application fee to the Department of Pesticide Regulation.**

**You must maintain continuous insurance coverage. If your insurance lapses, your license will be suspended immediately. You must renew your insurance within three months of its expiration or by December 31st. If you do not renew your insurance within 3 months or before your license expires, whichever occurs first, you will be obligated to take the exam again and reapply for your license. There are no exceptions.*

Once you have obtained your license and insurance, compliance with the remainder of the Regulations is relatively straightforward. The Regulations require that you:

1. Provide the appropriate level of supervision to your unlicensed employees. If your business is based outside of the state of South Carolina, a certified applicator in charge must be within 30 minutes of the site of application. He or she must be available immediately by telephone or radio.

- For applicators based in South Carolina, a certified applicator in charge must be within 30 miles of the site and immediately available by phone or radio when Restricted Use Pesticides are being applied.
- For pesticides with “danger” or “warning” on their label, a certified applicator in charge must be within 60 miles and immediately available by phone or radio.
- If the word “caution” is depicted on the label, a certified applicator in charge must be within 100 miles of the application site and immediately available by phone or radio.
- If the label contains stricter language than the Regulations, then the label overrides the Rules and Regs (“The Label is the Law!”).

2. At any time, if a customer requests disclosure of what you are applying and/or why, you must provide for them a fully legible statement that, at the very minimum, states your company or firm name and address, the pest(s) that are being controlled, and the chemical or common name of the pesticide that you are applying.

3. After any application for any customer, you must maintain records of all pesticides, herbicides, or insecticides that you used. The record must include the quantity of each pesticide used, the common chemical name of the active ingredient(s) (this does not include the product name), the pest or purpose for which the pesticide was applied, and the date and place of the application. These records must be kept for a minimum of two years, and they must be immediately available to any DPR Regulatory Specialist upon request.

4. Licenses expire on December 31st of each year. If you do not renew your license by April 1st, you will have to take the examinations again and re-apply for a license. You cannot legally make pesticide applications until your license is renewed.

5. Finally, vehicles used to transport pesticides used in categories of application in which licensing is mandatory must bear a yellow identification sticker provided by the Department of Pesticide Regulation.

The new Regulations will go into effect on January 1, 2006. This office, the Clemson University Department of Pesticide Regulation, will enforce the Regulations. Attached you will find a special exam session schedule and pre-registration form, an order form for study material, and a list of our field offices and Regulatory Specialists. This information (and the new Regulations) may also be found on our web site at <http://dpr.clemson.edu>.

The Department of Pesticide Regulation is committed to education, compliance assistance, and a firm but fair enforcement of these Regulations. Any of our field offices can provide you with assistance or answer questions. You may also contact the main office in Pendleton for assistance.