



## TX Pesticide Applicator Rules

# What is a pesticide and why are some regulated more than others?

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- Pesticide law {FIFRA} defines a “pesticide” (with certain minor exceptions) as:
  - Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.
  - Any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.
  - Any nitrogen stabilizer.
- EPA’s regulations provide additional clarification. The **intent** of the product is important in determining if a specific product is a pesticide. The intent of the product can be determined by examining the:
  - claims on the label and advertising;
  - composition; use; and
  - mode of action of the product as distributed or sold.
- A product is likely to be a pesticide if the labeling or advertising:
  - Makes a claim to prevent, kill, destroy, mitigate, remove, repel or any other similar action against any pest.
  - Indirectly states or implies an action against a pest.
  - Draws a comparison to a pesticide.
  - Pictures a pest on the label.

# What's FIFRA

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA):

- provides for federal regulation of pesticide distribution, sale, and use.
- All pesticides distributed or sold in the United States must be registered (licensed) by EPA.
- Before EPA may register a pesticide under FIFRA,
  - the applicant must show, among other things, that using the pesticide according to specifications "will not generally cause unreasonable adverse effects on the environment."



# Agency Oversight

## Texas Department of Agriculture

Oversees:

- Pesticide registrations, licenses, rule implementation
- Food Safety Modernization Act (Produce Safety Rules)
- Food and Nutrition Programs {SNAP, School Lunch, Farmers Market, etc.}

## Dept. of State Health Services

- Inspects food service, food production, cafeterias
- School cafeterias must be inspected 2 a year

## Texas Parks and Wildlife (Game Warden)

- Wildlife trapping, removing and redistribution
- Furbearing Animals
- Falconers
- Migratory birds that interfere with building or occupants

# How licensing works for Texans

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Commercial

Sell your services to others this includes pest control services, identifications, and control measures including prevention of certain types of pests.

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Non  
Commercial

Work for apartment building, day care center, hospital, nursing home, hotel, motel, lodge, warehouse, food-processing establishment, school or educational institution (includes College/University).

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Non  
Commercial  
political  
subdivision

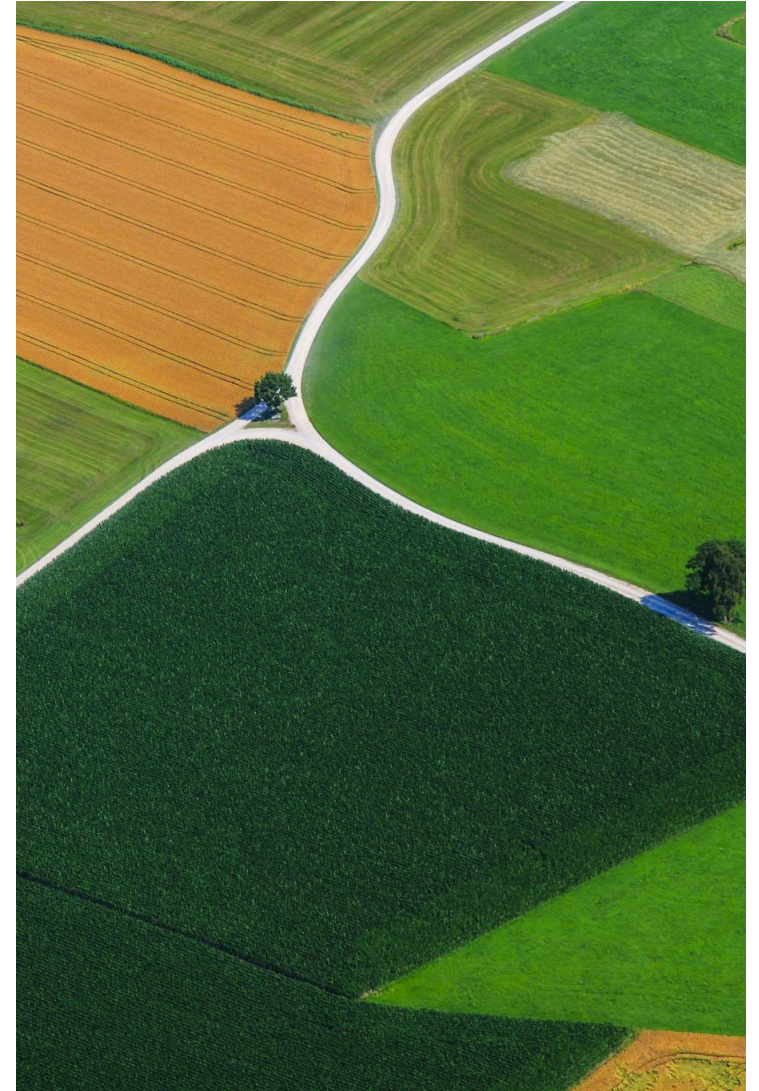
Work for governmental entity – county, city, independent school district

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# Most Common Licenses

## TAC Subchapter C

- §7.21.Applicator Certification TDA – Ag Code
  - **3A landscape maintenance**
    - athletic fields, residential properties, industrial sites, golf courses, parks, and cemeteries
  - **3B nursery plant production**
    - plants in field production, greenhouses, shade houses, or similar structures
  - **5 vegetation management**
    - rights-of-way, parking lots, utility lines, wind generator sites, pipelines, railways, airports
  - **12 public health pest control (vector control)**
    - federal, state, county, city, mosquito or vector control district or other political subdivision



# Agricultural Licensing Fees

Applicants and licensees will be charged the following fees:

1. \$600 for a Pesticide Registration
2. \$260 for a pesticide dealers
3. **\$200 for a commercial/noncommercial ;**
4. **\$75 for a NonCommercial Political Subdiv.**
5. \$100/5 years for Private Applicator
6. **\$64 for administering exams in each category ;**



# Applicator Licensing SPCS

SPCS TAC: Title 4 Part 1, Chapter 7,  
Subchapter H, Division 2

RULE §7.121 Types and Requirements of  
Licenses

- SPCS – Structural Code
  - Business License
  - Responsible Certified Commercial Applicator
  - Certified Commercial Applicator
  - **Certified Noncommercial Applicator**
  - Responsible Certified Noncommercial Applicator
  - Technician
  - Apprentice



# Structural License Categories

**Pest Control**--The inspection or control of pests in and around structures or pest animals which may invade homes, restaurants, stores, and other buildings, attacking their contents or furnishings or being a general nuisance, but do not normally attack the building itself. Examples of such pests are cockroaches, silverfish, ants, fleas, ticks, flies, mosquitoes, rats, mice, skunks, raccoons, opossums, etc.

**Termite and Wood Destroying Insect Control**--The inspection or control of termites, beetles, or other wood destroying insects and wood preservation by means other than fumigation in buildings, including homes, warehouses, stores, docks, or any other structures. This category includes the treatment of termites in trees in and around structures.

**Lawn and Ornamental**--The inspection or control of pests or diseases of trees, shrubs, or other plantings in a park or in and around structures, business establishments, industrial parks, institutional buildings or streets.

**Weed Control**--The inspection or control of weeds in right-of-ways, around homes, in a park or in and around structures, business establishments, industrial parks, institutional buildings, streets, and industrial environs.

# Licensing Fees Structural

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Applicants and licensees will be charged the following fees:

1. \$300 for a business license
2. \$125 for a certified applicators license
3. **\$125 for a certified non-commercial applicator**
4. **\$125 for a technician license**
5. **\$64 for administering exams in each category**

<https://www.texasagriculture.gov/>

Click for a hub of Extension resources related to the current COVID-19 situation. **COVID-19 Resources**



Search

# Agricultural and Environmental Safety Unit

- CEA Resources
- Licensing Information & Study Material Ordering Forms
- How to Obtain a Private Applicator License
- Pesticide Safety Education Resources
- Miscellaneous Pesticide Safety Information



**2022 Training Catalog**

- STUDY MATERIAL ORDER FORMS
  - Order Forms
- CATEGORY TRAININGS
- ONLINE PRIVATE APPLICATOR TRAINING

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How to obtain a license visit <https://agrilife.org/aes/>

Paperwork  
Requirement  
Full Name,  
License #  
Date

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Every applicator is assigned a license number, this number is NOT a driver's license number or social security number!

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This information protects you and your company from fraud

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Shows professionalism – especially when the customer can read the name!

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TDA would like even those with private and AG licenses to provide all persons who were present at time of the application.



# Worker Protection Standards (WPS)

- The WPS is a federal regulation originally enacted in 1992 designed to protect agricultural workers (people involved in the production of agricultural plants) and pesticide handlers (people mixing, loading, or applying pesticides or doing other tasks involving direct contact with pesticides). You probably need to comply with the WPS if you are a:
  - Manager or owner of a farm, forest, nursery, or greenhouse, or
  - Labor contractor for a farm, forest, nursery, or greenhouse, or
  - Custom (for hire) pesticide applicator or independent crop consultant hired by a farm, forest, nursery, or greenhouse operator.
- Most WPS provisions are protections that you, as an employer, must provide for your own employees and, in some instances, to yourself. The WPS covers two types of employers, which it defines according to the type of work their employees do.

# WPS depends on what, when, where & how

Most pesticide uses involved in the production of agricultural plants on a farm, forest, nursery, or greenhouse are covered by the WPS. This includes pesticides used on plants, and pesticides used on the soil or planting medium the plants are (or will be) grown in. Both general-use and restricted-use pesticides are covered by the WPS. You will know that the product is covered by the WPS if you see the following statement in the Directions for Use section of the pesticide labeling:

## “AGRICULTURAL USE REQUIREMENTS”

- Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR 170. This standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment, notification of workers, and restricted-entry intervals.”

If you are using a product with labeling that refers to the Worker Protection Standard, you must comply with the WPS. Otherwise, you will be in violation of federal law, since it is illegal to use a pesticide product in a manner inconsistent with its labeling.





# Which Pesticide Uses Are Not Covered?

Some pesticide uses are not covered by the WPS, even when the “Agricultural Use Requirements” section is on the labeling. For example, if the pesticide labeling bears an “Agricultural Use Requirements” section, but the product also can be applied to rights-of-way, the rights-of-way use is not covered by the WPS. The WPS does not cover pesticides applied:

- on pastures or rangelands, unless hay is harvested,
- for control of vertebrate pests such as rodents,
- as attractants or repellents in traps,
- on the portions of agricultural plants that have been harvested, such as in packing houses or on cut timber,
- for mosquito abatement, Mediterranean fruit fly eradication, or similar government-sponsored wide-area public pest control programs,
- on livestock or other animals, or in or around animal premises,
- on plants grown for other than commercial or research purposes, which may include plants in habitations, home fruit and vegetable gardens, and home greenhouses,
- in a manner not directly related to the production of agricultural plants, including, for example, control of vegetation along rights of way and in other noncrop areas and structural pest control, such as termite control and wood preservation.

# Paperwork Requirements




# Application Use Records

- Name/address
- Name pesticides/devices used
- Total amount applied
- Device used/total number
- Mixing rate for formulations
- Purpose (target pest)
- Date and time
- Service Address
- Name and License # of person(s) receiving training, supervising, and applying pesticides or using pest control devices and the TPCL number (and letter if applicable) of the commercial business for which they are performing structural pest control services
- Outdoor applications require wind direction and velocity, outdoor temp

TDA Q527  
7/15

**Texas Department of Agriculture**  
Pesticide Applicator Record

  
COMMISSIONER SID MILLER

Business/Applicator Name \_\_\_\_\_ Address \_\_\_\_\_

| Application Date   | Time Started            | Name of the person for whom the application was made | Location of Land Treated                              |  | Site Treated                          | Wind Direction  | Wind Velocity | Air Temp |
|--|-------------------------|--|---|--|---------------------------------------|---|---------------|----------|
| Product Trade Name   | EPA Registration Number | Target Pest  | Rate of Product Per Unit                              | Method or Type of Equipment Used To Make Application |                                       | FAA "N" Number for Aerial Application Equipment:                              |               |          |
|  |                         |  |   |  |                                       |   |               |          |
|  |                         |  |   |  |                                       |   |               |          |
| Is Application Applied in Regulated County: <input type="checkbox"/> Yes <input type="checkbox"/> No   |                         |  |   |  | Regulated Herbicide Permit Number:    |   |               |          |
| Licensed Applicator's Name and License Number  |                         |  | Non-licensed Applicator's Name Working Under Licensee |  | Total Acres or Volume of Area Treated | Total Volume of Spray Mix, Dust, Granules or Other Materials Applied Per Unit |               |          |
|  |                         |  |   |  |                                       |   |               |          |
| Documentation used to verify training of non-licensed applicator (Mark Applicable Box)<br><input type="checkbox"/> Direct Supervisor Affidavit <input type="checkbox"/> WPS Handler Card <input type="checkbox"/> Signed & Dated Label |                         |  |   |  |                                       |   |               |          |

| Application Date   | Time Started            | Name of the person for whom the application was made | Location of Land Treated                              |  | Site Treated                          | Wind Direction  | Wind Velocity | Air Temp |
|--|-------------------------|--|---|--|---------------------------------------|---|---------------|----------|
| Product Trade Name   | EPA Registration Number | Target Pest  | Rate of Product Per Unit                              | Method or Type of Equipment Used To Make Application |                                       | FAA "N" Number for Aerial Application Equipment:                              |               |          |
|  |                         |  |   |  |                                       |   |               |          |
|  |                         |  |   |  |                                       |   |               |          |
| Is Application Applied in Regulated County: <input type="checkbox"/> Yes <input type="checkbox"/> No   |                         |  |   |  | Regulated Herbicide Permit Number:    |   |               |          |
| Licensed Applicator's Name and License Number  |                         |  | Non-licensed Applicator's Name Working Under Licensee |  | Total Acres or Volume of Area Treated | Total Volume of Spray Mix, Dust, Granules or Other Materials Applied Per Unit |               |          |
|  |                         |  |   |  |                                       |   |               |          |
| Documentation used to verify training of non-licensed applicator (Mark Applicable Box)<br><input type="checkbox"/> Direct Supervisor Affidavit <input type="checkbox"/> WPS Handler Card <input type="checkbox"/> Signed & Dated Label |                         |  |   |  |                                       |   |               |          |

# Pest Control Sign

- A pest control sign must be provided by the licensee to the chief administrator, IPM Coordinator, or building manager at least 48 hours prior to a planned indoor treatment at a hospital, nursing home, hotel, motel, lodge, warehouse, food-processing establishment, school or educational institution, or day care center.

## NOTICE OF PEST CONTROL TREATMENT OR SERVICE

**Date(s) of planned Treatment** pest management service calls for the

\_\_\_\_\_ Campus will be on \_\_\_\_\_.

**Re-entry (if applicable)** \_\_\_\_\_

\_\_\_\_\_ ISD conducts regular pest management inspections and service. These service calls may include inspections, pest exclusion, use of mechanical pest control devices, and occasional bait, dust, and pesticide spray applications.

Extenuating Circumstances may require unplanned treatments.  
To confirm treatment dates, please call the contact listed below:

For more information call or contact:

**District IPM Coordinator:**

\_\_\_\_\_

**Licensed Pest Control Contractor:**

\_\_\_\_\_

**National Pesticide Information Center**

1-800-858-7378

<http://npic.orst.edu>

A Consumer Information Sheet may be obtained from the IPM Coordinator.

Pest Control applicators are licensed and regulated by  
**TEXAS DEPARTMENT OF AGRICULTURE**  
P.O. BOX 12847, AUSTIN, TEXAS 78711-2847  
Phone: 866-918-4481 Fax: 888-232-2567

# Consumer Information Sheet

- For an indoor treatment at a building that is a hospital, nursing home, hotel, motel, lodge, warehouse, food-processing establishment, **school or educational institution, or a day care center, the certified applicator or technician must make available the consumer information sheet and a pest control sign** to the chief administrator, **IPM Coordinator**, or building manager. The chief administrator, IPM Coordinator, or building manager must notify the individuals who work or reside in the building of the treatment by:
  - posting the sign in an area of common access that the individuals are likely to check at least 48 hours before each planned treatment; and
  - making available the consumer information sheet to any individual working or residing in the building on request of the individual.

## CONSUMER INFORMATION SHEET

The structural pest control industry is regulated by the Texas Department of Agriculture (TDA), Structural Pest Control Service (SPCS), P.O. Box 12847, Austin, TX 78711-2847. TDA licenses the businesses, certified applicators technicians, and registers apprentices who perform structural pest control work. Certified applicators and technicians must pass a written examination in order to receive their licenses.

Pesticides must be registered with the United States Environmental Protection Agency (EPA) and TDA before they may be used in Texas. EPA registration is not a finding of product safety. Pesticides are designed to kill or control pests. Your risk of harm depends upon the degree of your exposure and your individual susceptibility.

Specific health and safety information varies between pesticides and types of exposures and is available on the label information or SDS sheet, which can be supplied to you upon request from the licensed applicator. Take precautions when a treatment has been performed to avoid exposure to vulnerable individuals. Pesticides may be harmful if swallowed, inhaled, or absorbed through the skin. Avoid breathing dust or spray mist and any unnecessary contact with treated surfaces. If you desire specific information on precautions, refer to the pesticide label. The law requires that the application procedures specified on the label be followed.

If you have questions about the application, contact the business or person making the application. If you suspect a violation of the law regarding structural pest control, contact the SPCS. In case of a health emergency, seek immediate medical attention.

Pest Control signs must be posted prior to treatment in many instances. The signs should be posted in an area of common access at least 48 hours prior to treatment. The information sign will allow you to contact someone who can tell you what pesticide is being used.

If you are contracting for pest control services due to a home solicitation, you have the right to cancel the contract within 72 hours. You may exercise this right by notifying the pest control company that you do not wish to receive their service.

For general information on pesticides, contact the National Pesticide Information Center 1-800-858-7378

For information concerning structural pest control laws, contact the Structural Pest Control Service at: 866-918-4481.

For information concerning the formulation and registration of pesticides, contact the TDA pesticide registration at (512) 463-7407 or 800-835-5832.

For non-emergency health information relating to pesticides, contact Texas Department of State Health Services (512) 458-7111.

REQUIRED BY THE TDA STRUCTURAL PEST CONTROL SERVICE

# Consumer Information Sheet – Parental Notification

- Chief administrators or the IPM Coordinators of schools or educational institutions and day care centers must notify the parents or guardians of children attending the facility in writing that pesticides are periodically applied indoors and outdoors, and that information on the times and types of applications and prior notification is available upon request. Such notification must be made at the time of the students' registration. Telephonic, written, or electronic notification of planned applications will meet the notification requirements.

# School District Responsibilities for Pest Control in the School Environment

Texas law requires all school districts are required to have an integrated pest management program (IPM) and a designated IPM Coordinator. IPM combines the best available pest control tactics, with an emphasis on the least hazardous methods, to effectively and economically reduce pests. IPM relies heavily on information about the pest and its changes in population to devise control strategies that require minimal or no pesticide use.

# Student Handbook under Health-Related Matters: Pest Management Plan

The district is required to follow integrated pest management (IPM) procedures to control pests on school grounds. Although the district strives to use the safest and most effective methods to manage pests, including a variety of non-chemical control measures, pesticide use is sometimes necessary to maintain adequate pest control and ensure a safe, pest-free school environment.

All pesticides used are registered for their intended use by the U.S. Environmental Protection Agency and are applied only by certified pesticide applicators. Except in an emergency, signs will be posted 48 hours before indoor application. All outdoor applications will be posted at the time of treatment, and signs will remain until it is safe to enter the area. Parents who have further questions or who want to be notified prior to pesticide application inside their child's school assignment area may contact (IPM Coordinator Name, Phone # and Email Address)



# PESTICIDE APPLICATION

KEEP



OFF

UNTIL SIGN IS REMOVED

# PESTICIDE APPLICATION



Pesticide Applied on:

By:

This sign must remain for 24 hours after pesticide application

## Outdoor Posting

For outdoor applications made on school district grounds, the treated area must be identified at all entry points with a sign, or must be secured using a locking device, a fence or other practical barrier such as commercially available barrier caution tape, or periodically monitored to keep students out of the treated area until the allowed reentry time.

# When and How to Post Outdoors



**WARNING**  
**PESTICIDE APPLICATION**  
A Pest Control treatment  
Is In Process On The Grounds  
Of This Facility.  
**DO NOT ENTER THE AREA**  
While These Signs Are Posted !  
Property of Humble ISD Pest Control Department  
It is a violation of State Law to remove this sign! This sign must be  
removed prior to, during, and remain posted for 12 hours after the application.

- All landscape applicators are required to ensure posting
  - Green Category
    - At the time of application of product and removed once application is done
  - Yellow Category
    - At the time of application of product and sign must stay in place for 4 hours after the end of application
  - Red Category
    - At the time of application of product and sign must stay in place for 8 hours after the end of application

# Things to consider when it comes to pesticide use at the District

- Who is going to make pesticide applications at the District?
  - Indoors
  - Grounds
  - Contracted
  - District Employee
- If you decide to license a school employee know what you need
  - Does the person have prior knowledge or experience
  - How much time and money is the district willing to spend on this
  - How much is the person who is being licensed have the desire to take on this responsibility.



<https://agrilife.org/aes/manual-order-forms/>

# TEXAS A&M AGRILIFE EXTENSION

## Manual Order Forms

We accept purchase orders from **Governmental entities only**. Extension of credit requires a AG-257 External Customer Information Form on file with Texas A&M AgriLife Extension. No orders will be processed without a completed AG-257 Form, provided in the link [click here](#). To place an order with a Visa or Mastercard contact us at 979-845-1099 or 979-845-3849. If you prefer to place your order with a check or money order, mail the form with payment made payable to Texas A&M AgriLife Extension Service, to:  
Texas A&M AgriLife Extension Service, P.O. Drawer FS, College Station, TX 77841  
Orders are shipped within 2-3 business days of receipt.  
To inquire about license requirements and exams, contact the Texas Department of Agriculture (TDA) at 1-800-TELL-TDA (800-835-5832) or the Texas Structural Pest Control Service (SPCS) at (866) 918-4481. An email address is required for all orders.

Publication orders can NOT be made online.

For category trainings in these subjects click [here](#).

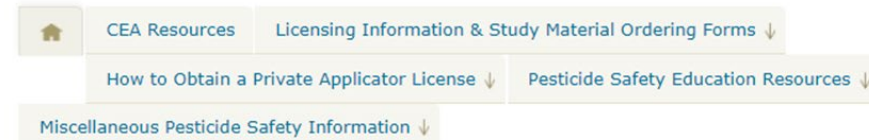
### Texas Department of Agriculture

- Order form for the Texas Department of Agriculture Commercial-Non Commercial Applicator [TDA order form 7-19](#)
- Order form for the Texas Department of Agriculture Private Applicator Packet [TDA-PA order form 7-19](#)

### Structural Pest Control Service

- Order form for the Texas Structural Pest Control Service (SPCS) study manuals [SPAT web order form 7-19](#)
- [Order Form For Wind Meter \(PDF\)](#)

## Agricultural and Environmental Safety Unit



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TEXAS CROP REGISTRY

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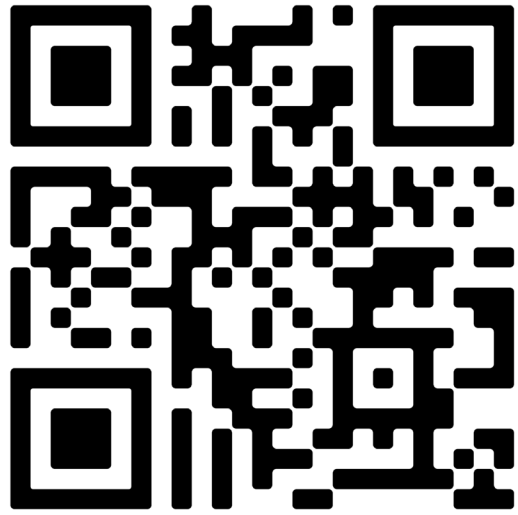
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Questions

