

ARKANSAS STATE PLANT BOARD SPECIAL CALLED MEETING

Minutes

April 6, 2026

9:30 a.m.

The Arkansas State Plant Board held a Special Called meeting via Zoom only.

Member(s) present via Zoom: Sammy Angel, Kyle Baltz, Jon Bierbaum, George Dunklin, David Gammill, Dr. Ken Korth, Reynold Meyer, Nathan Reed, Sam Stuckey, Robert Throne, Caleb Wall, David Wallace, Jr., Shane West

Member(s) absent: Bruce Alford, Garrett Frost, Matthew Miles, Robin Ralston, Travis Senter, Dr. Nathan Slaton

Corey Seats, Director, Plant Industries Division, and other staff members were in attendance.

Chair Reynold Meyer called the meeting to order.

1. Opening comments and introductions

Chair Meyer welcomed all in attendance and called roll.

2. Initiate administrative rulemaking process

The Board reviewed the proposed rule 2 CAR Pt. 72. **Attachment 1**

Moved by Stuckey, seconded by Dunklin to approve the Pesticide Committee's recommendation to initiate the administrative rulemaking process on the proposed rule as presented.

Motion carried.

3. Other business

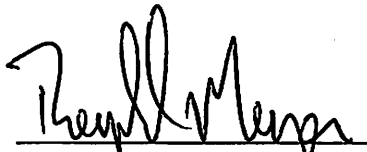
None.

4. Adjourn

Moved by Dunklin, seconded by Angel to adjourn.

Motion carried.

Meeting adjourned.



Reynold Meyer, Chair

Stricken language would be deleted from and underlined language would be added to the Code of Arkansas Rules.

Proposed Rulemaking

Title

Promulgated by:
State Plant Board

Title 2. Agriculture

Chapter II. State Plant Board, Department of Agriculture

Subchapter C. Pesticides

Part 72. Rules Under Acts 1975, No. 389, as Amended

Subpart 1. Generally

The enactment of rules under Acts 1975, No. 389, is not intended nor shall they have the effect of repealing rules promulgated under the Authority of Acts 1975, Nos. 410 and 488.

The Department of Agriculture (department) adopts the core standards of competency by reference (40 C.F.R. §171.103(c)) and adopts specific standards of competency for all of the below noted categories of certified commercial and noncommercial applicators by reference (40 C.F.R. §171.103(d)).

The department adopts the core standards of competency for the general private applicator certification by reference (40 C.F.R. §171.105(a)). The department adopts by reference the category-specific competency standards for private applicators for Soil Fumigation (40 C.F.R. §171.105(d)) and Aerial Pest Control (40 C.F.R. §171.105(f)).

2 CAR § 72-101. ~~Categories of applicators.~~ Certification categories

The following categories have been established for licensing and applicator

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certification purposes. With the exception of the wood treatment category, the department adopts by reference certification category descriptions for all of the below categories of commercial/noncommercial applicator (40 C.F.R. § 171.101) and private applicator (40 C.F.R. § 171.105):

(1) Commercial applicator categories:

(A) Agricultural pest control:

(i) ~~(a) Plants Crop.~~

~~(b) Agricultural produce and lands pest control; and~~

(ii) ~~Animals Livestock;~~

(B) ~~(i) Forest pest control;~~

~~(ii) Wood treatment;~~

(C) Right-of-way pest control;

(D) Aquatic pest control;

(E) Demonstration and research pest control;

(F) Public health pest control;

(G) Seed treatment; ~~and~~

(H) Regulatory pest control; ~~and~~

(I) Aerial:

(i) Manned.

(ii) Unmanned; and

(J) Wood treatment – treatment of logs, lumber, and other wood products with restricted use pesticides to prevent insect damage or decay.

(2) Noncommercial applicator categories same as commercial applicator in this section.

(3) Private Applicator Categories:

(A) Ground;

(B) Soil Fumigation; and

(C) Aerial:

(i) Manned.

(ii) Unmanned.

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2 CAR § 72-102. ~~Commercial applicator.~~ Application requirements

(a) Aerial - All herbicide spray applications made by air to field crops (does not include forestry) shall be done in accordance with the following requirements unless otherwise required by the State Plant Board:

(1)(A) When applying a herbicide, an aircraft may not exceed one hundred forty-five miles per hour (145 m.p.h.).

(B)(i) Higher airspeeds may be utilized if the operator can document that the setup combination and airspeed selected will allow compliance with the spray classification as identified in subdivision (a)(9) of this section.

(ii) Such compliance must be verified by a person or entity that:

(a) Is independent of the applicator/firm;

(b) Has specific education and training and experience in the application of herbicides to field crops; and

(c) Whose curriculum vitae is acceptable to the ~~board~~ State Plant Board.

(iii) Documentation of such verification must be recorded on a form provided by the ~~board~~ department.

~~(iv) Upon the effective date of this part, said documentation must be provided to the board by June 2, 2002.~~

~~(v)~~ (iv) All ~~subsequent~~ verification documentation must be provided to the ~~board~~ department prior to use of the setup;

(2)(A) The spray boom height at the time of product release shall not exceed fifteen feet (15') above the crop canopy.

(B) Where obstructions in, or adjacent to, the field of application will not safely allow application at the fifteen-foot level, a higher elevation may be used in the vicinity of such obstructions.

(C) However, where the product label imposes more restrictive application elevations, those elevations must be complied with;

(3)(A) Herbicide applications may not be made under conditions where the

spray may possibly be entrained in an inversion layer.

(B) As an indicator that an inversion is unlikely to exist, the applicator shall record the ambient temperature measured at the airstrip from which ~~he or she is~~ they are working for each application.

(C) Inversions are much less likely to exist if the temperature has:

(i) Increased at least three degrees Fahrenheit (3° F) from the morning low at the time of application for applications made before noon; or

(ii) Not decreased more than three degrees Fahrenheit (3° F) from the afternoon high for applications made after noon.

(D) The applicator should also use other legal means available to ~~him or her~~ them to verify that an inversion does not exist;

(4) All spray nozzle discharges must be pointed toward the rear of the aircraft and a minimum of ten inches (10") below the trailing edge of the wing;

(5) The spray boom length divided by the wingspan shall not be greater than seven-tenths (0.7) for fixed-wing aircraft and eight tenths (0.8) for rotary-wing aircraft;

(6)(A) The wind shear angle of the spray nozzle discharge may not exceed thirty degrees (30°).

(B) However, the spray classification category requirements of subdivision (a)(9) of this section must be met;

(7)(A) Drift reduction nozzles such as Reglo Jet, CP drift reduction tips, narrow angle (sixty-five degrees (65°) or less) flat fans, straight stream, or other nozzle/configurations that are able to meet the spray classification category requirements set out in subdivision (a)(9) of this section must be used.

(B) Documentation verifying the latter's compliance must be made available to the ~~board~~ department upon request;

(8) Application rate must be greater than two gallons (2 gals.) per acre, unless otherwise required by the label;

(9) Spray classification category must be in the medium or larger category ~~in accordance with the August 1999 issue of ASABE S572 report~~ as defined by the February 2020 ANSI/ASAE S572.3 standard entitled Spray Nozzle Classification by

Droplet Spectra; and

(10) Where the product label is more restrictive than this part, the label must take precedence.

(b) **Ground** - All herbicide spray applications made by ground to field crops (does not include forestry) shall be done in accordance with the following requirements unless otherwise required by the ~~board~~ State Plant Board:

(1)(A) Vehicle speed while making an application shall be as follows:

- (i) Medium droplet size, ten miles per hour (10 m.p.h.) or less;
- (ii) Coarse droplet size, fifteen miles per hour (15 m.p.h.) or less; and
- (iii) Very coarse droplet, may be greater than fifteen miles per hour

(15 m.p.h.).

(B) The above spray classification categories are as defined ~~in the August 1999 issue of ASABE S572 report~~ by the February 2020 ANSI/ASAE S572.3 standard entitled Spray Nozzle Classification by Droplet Spectra;

(2)(A) Spray boom height shall not exceed thirty inches (30") above the crop canopy with a medium droplet size but may go to sixty inches (60") above the canopy with a coarse or larger droplet size.

(B) If the product label or other restrictions imposed by the ~~board~~ State Plant Board requires a lower level, then that elevation must be used;

(3)(A) Herbicide applications may not be made under conditions where the spray may possibly be entrained in an inversion layer.

(B) As an indicator that an inversion is unlikely to exist, the applicator shall record the ambient temperature measured at the field of application for each application.

(C) Inversions are much less likely to exist if the temperature has:

- (i) Increased at least three degrees Fahrenheit (3° F) from the morning low at the time of application for applications made before noon; or
- (ii) Not decreased more than three degrees Fahrenheit (3° F) from the afternoon high for applications made after noon.

(D) The applicator should also use other legal means available to ~~him or~~

~~her- them~~ to verify that an inversion does not exist;

(4)(A) Applications are restricted to hydraulic-style nozzles that initiate droplet movement in the direction of the plant canopy.

(B) Rotary or control droplet application equipment that emits droplets in a horizontal fashion may be used only if the spray classification meets the medium or greater spray classification categories set out in the document referenced in subdivision (a)(9) of this section.

(C) Such compliance must be verified by a person or entity:

(i) That is independent of the applicator/firm;

(ii) Has specific education and training and experience in the application of herbicides to field crops; and

(iii) Whose curriculum vitae is acceptable to the ~~board~~ State Plant Board.

~~(D) Upon the effective date of this part, said documentation must be provided to the board by June 2, 2002.~~

~~(E) (D)~~ All ~~subsequent~~ verification documentation must be provided to the ~~board~~ department prior to use of the setup;

(5) The application rate must be a minimum of two gallons (2 gals.) per acre unless otherwise required by the label;

(6) Drift reduction nozzles that produce medium or greater spray classifications must be used; and

(7) Where the product label is more restrictive than this part, the label must take precedence.

~~—(c)(1) All commercial pesticide applications made by ground must be done under the supervision (as defined in Arkansas Code § 20-20-203) of a certified, licensed commercial applicator.~~

~~—(2)(A) The driver/operator of the vehicle must be either a:~~

~~—(i) Certified, licensed commercial applicator licensed by the board; or~~

~~—(ii) Licensed commercial applicator technician licensed by the board.~~

~~—(B) A commercial applicator technician works under the supervision of a~~

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~~certified commercial applicator.~~

~~————— (C)(i) A commercial applicator technician must be licensed by the board.~~

~~————— (ii) Said license shall expire on December 31 of each year.~~

~~————— (D) To obtain a commercial applicator technician (CAT) license, the applicant must:~~

~~————— (i) Provide proof of completion of the CAT ground application training course established by the board within four (4) months of application; and~~

~~————— (ii) Have paid the application review fee as specified by the board.~~

~~————— (E) A commercial applicator technician must be at least eighteen (18) years old as required by 40 C.F.R. § 171.303(a)(2)(iii) and Arkansas Code § 20-20-207(c).~~

~~————— (d)(1) License application review fees shall be as follows:~~

License to apply seed, fertilizer, and pesticides	\$100
Plus for each aircraft or article of ground equipr	\$20
Individual commercial applicator license, per category	\$35
Seed treatment license	\$100
If restricted-use pesticides used—additional	\$35
Commercial applicator technician license	\$25

~~————— (2) A fee of five dollars (\$5.00) from each license issued to a CAT by the board shall be transferred to the University of Arkansas Cooperative Extension Service for the purpose of developing and providing CAT training subject to approval by the board.~~

~~————— (e) **Financial responsibility.**~~

~~————— (1)(A) Financial responsibility shall be established in one (1) of the four (4) following ways:~~

~~————— (i) A letter of credit from an Arkansas bank guaranteeing financial responsibility;~~

~~_____ (ii) A surety bond;~~

~~_____ (iii) An escrow account with an Arkansas bank; or~~

~~_____ (iv) An insurance policy or certification thereof.~~

~~_____ (B) The minimum financial responsibility shall be one hundred thousand dollars (\$100,000).~~

~~_____ (C) The deductible clause shall not exceed five thousand dollars (\$5,000) for an insurance policy. _____~~

~~_____ (2) **Exemption.** This requirement shall not apply to:~~

~~_____ (A) Seed treatment applicators; and~~

~~_____ (B) Regulatory pest control applicators.~~

~~_____ (f) **Decals.**~~

~~_____ (1) A decal shall be issued for each aircraft or article of ground equipment upon approval of application.~~

~~_____ (2) Such decal shall be attached to or displayed on the aircraft and/or article of ground equipment prior to its use under the license granted.~~

~~_____ (g) A commercial applicator must be at least eighteen (18) years old as required by 40 C.F.R. § 171.103(a)(1).~~

~~2 CAR § 72-103. Noncommercial applicator's license.~~

~~_____ (a)(1) The review fee for a noncommercial applicator's license shall be thirty five dollars (\$35.00) per category.~~

~~_____ (2) At the discretion of the Director of the State Plant Board, this fee may be waived for University of Arkansas Cooperative Extension Service employees actively involved in supporting the State Plant Board regulatory programs.~~

~~_____ (b) A noncommercial applicator must be at least eighteen (18) years old in order to apply a restricted use pesticide pursuant to 40 C.F.R. § 171.303(a)(2)(iii) and Arkansas Code § 20-20-207(c).~~

~~2 CAR § 72-104. Private applicator license.~~

~~_____ (a) **Initial certification.**~~

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~~_____ (1)(A) All first-time applicants for a private applicator's license must have been "certified" within the twelve (12) months prior to license application.~~

~~_____ (B) Certification for a first-time applicant can be obtained in one (1) of two (2) ways:~~

~~_____ (i) Applicant may attend the pesticide applicator training offered by the county cooperative extension office each year; or~~

~~_____ (ii)(a) Applicant may take an examination given by the State Plant Board.~~

~~_____ (b) Applicant must achieve a minimum score of seventy percent (70%) of total possible points.~~

~~_____ (2) This certification will be valid for one (1) five-year license or five (5) consecutive one-year licenses. In no case shall a certification make a person eligible for licensure in excess of five (5) years.~~

~~_____ (b) **Recertification.**~~

~~_____ (1) All applicants for a subsequent five-year private applicator license must have been "recertified" within the twelve (12) months prior to license application.~~

~~_____ (2)(A) All applicants for a one-year license must have been "recertified" within the forty-eight (48) months prior to license application.~~

~~_____ (B) Recertification can be obtained in one (1) of two (2) ways:~~

~~_____ (i) Applicant may attend the pesticide applicator training offered by the county cooperative extension office each year; or~~

~~_____ (ii) Applicant may take an examination given by the State Plant Board. Applicant must achieve a minimum score of seventy percent (70%) of total possible points.~~

~~_____ (3)(A) One other option available for recertification is that the applicant may attend other approved training classes that address the certification requirements for private applicator certification cited in 40 C.F.R. § 171.5.~~

~~_____ (B) Each approved class will be assigned a point value by the board and at least five (5) points must be accumulated during the thirty-six (36) months prior to license application.~~

~~—————(C) Course facilitators must provide the board with a list of all who attended the class who want the class points to be applied to private applicator recertification.~~

~~—————(D) The applicant will be required to fill out a course verification form for each class and submit it with their private applicator license application form.~~

~~—————(4)(A) Recertification will be valid for:~~

~~—————(i) One (1) five-year license; or~~

~~—————(ii) Five (5) consecutive one-year licenses.~~

~~—————(B) In no case shall recertification make a person eligible for licensure in excess of five (5) years.~~

~~————(c) The fee for private applicator's license shall be as specified in the Arkansas Pesticide Use and Application Act, Arkansas Code § 20-20-201 et seq., as amended.~~

~~————(d) The license will permit the certified applicator to purchase and use restricted use pesticides in any category under the amended FIFRA or state rules on pesticide classification.~~

~~————(c)(1) A fee of two dollars (\$2.00) from each license issued to a private applicator by the board for each year of the license period shall be transferred to the University of Arkansas Cooperative Extension Service for the purpose of developing and providing training for certification and recertification of private pesticide applicators in accordance with the requirements of 40 C.F.R. § 171.5.~~

~~————(2) The transfer of such funds shall be made quarterly by a cooperative agreement contract between the board and the service.~~

~~————(f) Private applicators using aircraft to apply herbicides must comply with the criteria set out for commercial applicators in 2 CAR § 72-102(a).~~

~~————(g) A private applicator must be at least eighteen (18) years old as required by 40 C.F.R. § 171.105(g).~~

~~———— **2 CAR § 72-105. Pilot license.**~~

~~———— The pilot license fee is thirty five dollars (\$35.00).~~

~~— 2 CAR § 72-106. Pesticide dealer's license.~~

~~— (a) **Fee.** The fee is sixty five dollars (\$65.00) for dealers handling restricted use pesticides and state classified pesticides with the Class E or Class F designation.~~

~~— (b) **Note.** If license holding dealers have branches which sell or distribute restricted use or state classified pesticides with the Class E or Class F designation, each branch must have a dealer's license.~~

2 CAR § 72-107. Container and containment rules.

~~(a)~~ In accordance with Arkansas Code § 20-20-216, the State Plant Board hereby adopts 40 C.F.R. ~~pt. 165, subpts. A — E, see Attachment I~~ pt. 165.

~~(b) The enactment of rules under Acts 1975, No. 389, is not intended nor shall they have the effect of repealing rules promulgated under the authority of Acts 1975, Nos. 410 and 488.~~

2 CAR § 72-108 Applicator initial certification

(a)(1) Applicators must be at least eighteen (18) years of age as required by 40 C.F.R. §§ 171.103(a)(1), 171.105(g), 171.303(a)(2)(iii), and Arkansas Code § 20-20-207(c).

(2) All commercial, noncommercial, private aerial, and private ground applicators may obtain certification through a written examination (in person or online) given by the department.

(A) Written examinations shall confirm to the applicable standards for examinations set forth in 40 C.F.R. § 171.103(a)(2) or 40 C.F.R. § 171.105(h).

(B) Test questions:

(i) are obtained from the National Association of State Departments of Agriculture Research Foundation's test bank by the University of Arkansas; and

(ii) are provided to the Pesticide Section Staff for final approval to ensure the applicator demonstrates the level of competency required by 40 C.F.R. § 171.103 for commercial/noncommercial or 40 C.F.R. § 171.105 for private applicators.

(C) Applicator must receive a 70% or higher grade on the exam for

certification.

(D) Separate examinations are provided to commercial, noncommercial, private aerial, and private ground applicators.

(3) Private ground applicators may also obtain initial certification by completing training (in person or online) conducted by the University of Arkansas Cooperative Extension Service.

(4) Certified applicator technicians may obtain initial certification by completing training (online) conducted by the University of Arkansas Cooperative Extension Service.

(b)(1) **Individual commercial applicators** as defined in Arkansas Code § 20-20-203(4) must comply with the certification standards required by Arkansas Code § 20-20-209(b).

(2) Certification will expire three (3) years after issuance after which the applicator must complete the recertification process in order to maintain certification.

(c)(1) **Certified applicator technicians** must work under the supervision of a certified and licensed individual commercial applicator in accordance with Arkansas Codes § 20-20-203(27) and (4).

(2) Certification will expire December 31st of each year after which the applicator must complete the recertification process in order to maintain certification.

(d)(1) **Noncommercial applicators** as defined in Arkansas Code § 20-20-203(18) must comply with the standards required by Arkansas Code § 20-20-209(b).

(2) Certification will expire three (3) years after issuance after which the applicator must complete the recertification process in order to maintain certification.

(e)(1) **Private aerial applicators** as defined in Arkansas Code § 20-20-203(24) applying pesticides by air (manned or unmanned) must comply with the certification standards required by Arkansas Code § 20-20-209(b).

(2) Certification expires three (3) years after issuance after which the applicator must complete the recertification process in order to maintain certification.

(f)(1) **Private ground applicators** as defined in Arkansas Code § 20-20-203(24) must comply with the standards required by Arkansas Code § 20-20-211(b).

(2) Certification expires five (5) years after issuance after which the applicator

must complete the recertification process in order to maintain certification.

2 CAR § 72-109 Applicator recertification

(a) Maintenance of continued competency

(1) In order for a certified applicator's certification to continue without interruption, the certified applicator must be recertified before expiration of their current certification.

(2) If the certified applicator's commercial, noncommercial, or private aerial recertification has not been completed within twenty-four (24) months after expiration, the applicator must complete the requirements listed in 2 CAR § 72-108(a)(2).

(b) Must be obtained through one of the following two (2) methods:

(1) Written Examination as required in 2 CAR § 72-108(a)(2); or

(2) Training Programs:

(A) Training and testing for recertification is developed by the department works in coordination with the University of Arkansas Cooperative Extension Office Agriculture Program Specialist.

(B) Programs conducted by the University of Arkansas Cooperative Extension are coordinated with the department to meet the competency standards required by 40 C.F.R. § 171.103 for commercial/noncommercial applicators or 40 C.F.R. § 171.105 for private applicators.

(C)(i) Third party training programs must submit the agenda, syllabus, and training information to the department and University of Arkansas Cooperative Extension for review;

(ii) Must Meet the competency standards required by 40 C.F.R. § 171.103 for commercial/noncommercial applicators or 40 C.F.R. § 171.105 for private applicators; and

(iii) Must Be approved by the department before the training is accepted for recertification.

(D) In order for any training program to be approved by the department to count towards recertification, the content must be sufficient to ensure the applicator

continues to demonstrate the level of competency required by 40 C.F.R. § 171.103 for commercial/noncommercial applicators or 40 C.F.R. § 105 for private applicators and contain the following information:

(i) Safety-labeling, protective gear, pesticide handling, first aid, toxicity, symptoms of poisoning, etc.;

(ii) Integrated Pest Management (IPM) including pest identification, biology, scouting/inspecting, alternative methods of control (non-pesticide, baits, etc.);

(iii) Application equipment and/or methods of application, calibration, and equipment precautions, etc.;

(iv) Environmental concerns including waste and container disposal, cleanup, ground/surface water protection, drift (if applicable), and wildlife protection (if applicable); and

(v) Law and regulations, updates for laws, regulations, certification/recertification, etc. as appropriate.

(E) Department staff monitors programs to ensure the required content is sufficiently covered.

(F) All applicators are eligible for recertification upon completion of an approved training program.

(G) Proof of completion must be submitted to the department as:

(i) Certification Form with all signatures verifying the in person training attended; or

(ii) Certificate of Completion for online training programs.

(c) Expiration:

(1) Commercial, noncommercial, and Private Aerial expire three (3) years after issuance;

(2) Commercial Applicator Technicians expire five (5) years after issuance; and

(3) Private ground applicator expire five (5) years after issuance.

2 CAR § 72-110 Licensing

(a) Commercial applicator firm

(1) No person as defined in Arkansas Code § 20-20-203(4) shall engage in the business of applying restricted-use or other pesticides or the aerial application of seed or fertilizers to the lands of another at any time without a Commercial Applicator Firm license issued by the department as required by Arkansas Code § 20-20-209.

(2) If a firm has multiple locations within the state, a firm license must be obtained for each of the locations.

(3) To qualify for a firm license, the firm must submit the name of at least one (1) employee who is a licensed Individual Commercial Applicator.

(4) Equipment identification decals:

(A) Will be issued to the firm for each aircraft or piece of ground equipment;

(B) Must be attached to the assigned equipment prior to use for pesticide applications; and

(C) Expire at the same time as the firm's license.

(5) Proof of financial responsibility must be provided as required by Arkansas Code § 20-20-209(d).

(A) Minimum financial responsibility required is one hundred thousand dollars (\$100,000); and

(B) Deductible clause must not exceed five thousand dollars (\$5,000).

(C) Financial requirement does not apply to the following:

(i) Seed treatment applicators; or

(ii) Regulatory pest control applicators.

(6) License expires December 31st of each year unless it has been revoked or suspended by the department prior thereto.

(7) All required fees must be submitted before the license will be issued.

(b) Individual commercial applicator

(1) No commercial applicator as defined in Arkansas Code § 20-20-203(4) shall engage in the business of applying restricted-use or other pesticides or the aerial

application of seed or fertilizers to the lands of another at any time without an individual commercial license issued by the department as required by Arkansas Code § 20-20-209.

(2) Applicators must meet the standards as required by 2 CAR §§ 72-108 and 72-109; and

(3) Applicators must be employed by a licensed commercial applicator firm.

(4) License expires December 31st of each year unless it has been revoked or suspended by the department prior thereto.

(5) All required fees must be submitted before the license will be issued.

(c) Commercial applicator technician

(1) Must meet the standards required by 2 CAR §§ 72-108 and 72-109;

(2) Must be actively employed by a licensed commercial applicator firm; and

(3) Must work under the supervision as defined in Arkansas Code § 20-20-203(27) of a certified and licensed commercial applicator as defined in Arkansas Code § 20-20-203(4).

(4) License expires December 31st of each year unless it has been revoked or suspended by the department prior thereto.

(5) All required fees must be submitted before the license will be issued.

(d) Noncommercial applicator

(1) No noncommercial applicator as defined in Arkansas Code § 20-20-203(18) shall use, supervise the use of, or demonstrate the use of a restricted-use pesticide without a noncommercial applicator license as required by Arkansas Code § 20-20-210.

(2) Must meet the standards for noncommercial applicators as required by 2 CAR §§ 72-108 and 72-109.

(3) License expires December 31st of each year unless it has been revoked or suspended by the department prior thereto.

(4) All required fees must be submitted before the license will be issued.

(e) Private aerial applicator

(1) Private applicators as defined in Arkansas Code § 20-20-203(24) applying pesticides by air (manned or unmanned) must meet the standards as required by 2 CAR

§§ 72-108 and 72-109.

(2) License expires December 31st of each year unless it has been revoked or suspended by the department prior thereto.

(3) All required fees must be submitted before the license will be issued.

(f) Private ground applicator

(1) No private applicator as defined in Arkansas Code § 20-20-203(24) shall use or supervise the use of any restricted-use pesticide without a private applicator license as required by Arkansas Code § 20-20-211.

(2) Must meet the requirements for private applicators as required by 2 CAR §§ 72-108 and 72-109.

(3) Applicants for a one (1) year license must have been certified or recertified within forty-eight (48) months prior to license application.

(4) Applicants for a five (5) year license must have been certified or recertified within twelve (12) months prior to license application.

(5) One (1) year license expires twelve (12) months after issuance (on the last day of that month) unless it has been revoked or suspended by the department prior thereto.

(6) Five (5) year license expires sixty (60) months after issuance (on the last day of that month) unless it has been revoked or suspended by the department prior thereto.

(7) All required fees must be submitted before the license will be issued.

(g) Restricted use pesticide dealer

(1) Restricted use pesticide dealer as defined in Arkansas Code § 20-20-203(22) must obtain a pesticide dealer license as required by Arkansas Code § 20-20-213.

(2) License expires December 31st of each year unless it has been revoked or suspended by the department prior thereto as required in Arkansas Code § 20-20-213(a)(2).

(3) All required fees must be submitted before the license will be issued.

2 CAR § 72-111 License fee schedule

(a) Commercial applicator firm

(1) Firm license = \$100; and

(2) Application equipment = \$20 per piece of equipment.

(b) Individual commercial applicator

(1) Certification category license = \$35 per category.

(2) Aerial License = \$35

(c) Commercial applicator technician

(1) Technician license = \$25

(2) Fee Transfer:

(i) Five dollars (\$5.00) of this fee shall be transferred to the University of Arkansas Cooperative Extension Service for the purpose of developing and providing training; and

(ii) the transfer of these funds shall be made quarterly by a cooperative agreement contract between the department and the University of Arkansas Cooperative Extension Service.

(d) Individual commercial restricted use pesticide seed treatment license

(1) Individual license = \$35

(e) Noncommercial applicator

(1) Certification category license = \$35 per category

(i) At the discretion of the department, the fee may be waived for University of Arkansas Cooperative Extension Service employees actively involved in supporting the department's regulatory programs.

(2) Aerial License = \$35

(f) Private aerial applicator

(1) Certification Category License = \$35 per category;

(2) Aerial License = \$35; and

(3) Application Equipment = \$20 per piece of equipment.

(g) Private ground applicator

(1) One (1) year license (Arkansas Code § 20-20-211(c)(1)) = \$10

(2) Five (5) year license (Arkansas Code § 20-20-211(c)(1)) = \$45

(3) Fee Transfer:

(i) Five dollars (5) of each license fee shall be transferred to the University of Arkansas Cooperative Extension Service for the purpose of developing and providing training; and

(ii) the transfer of these funds shall be made quarterly by a cooperative agreement contract between the department and the University of Arkansas Cooperative Extension Service.

(h) **Restricted use pesticide dealer**

(1) Dealer License = \$65 per location (defined in Arkansas Code § 20-20-213(a)(1)).

2 CAR § 72-112 Restricted use pesticide record keeping requirements

(a) Records must be made available for inspection by a department representative upon request.

(b) Copies of records must be provided to a department representative immediately upon written request on a form provided by the department;

(c) **Commercial, noncommercial, private aerial, and private ground applicators:**

(1) Licensees must keep and maintain routine operational records for a period of at least two years; and

(2) Records of each application must include the following information:

(A) Name and address of the person for whom the pesticide was applied;

(B) Name, address, and license number of the licensed applicator responsible for the application;

(i) If an application was made under the supervision (as defined in Arkansas Code § 20-20-203(27)) of the licensed applicator:

(a) Name, address, and license number of the Certified Applicator Technician making the application; or

(b) Name, address, and license number (if licensed) of the

applicator making the application.

(C) Location of the application (GPS coordinate, address, etc.);

(D) Size of the treated area (acres or square feet);

(E) Crop, commodity, stored product, or site to which the pesticide was applied;

(F) Start and ending time of the application;

(G) Date of the application;

(H) Environmental Protection Agency (EPA) registration number of the pesticide applied;

(I) Brand name and/or product name of the pesticide applied;

(J) Total spray volume applied per acre recorded as gallons per acre; and

(K) Application rate of each product applied per acre recorded as ounces per acre.

(d) Restricted use pesticide dealers

(1) Must meet all standards required by Arkansas Code § 20-20-213(c);

(2) Records of each transaction must include the following information:

(A) Name and address of the business or applicator to whom the pesticide was distributed;

(B) License number on the document presented to the seller as proof of a valid restricted use pesticide license;

(C) Name of the state, tribe, or federal agency that issued the document presented as proof;

(D) License expiration date;

(E) License type and license certification category or categories (if applicable) of the purchaser;

(F) Brand name or product name for each pesticide distributed;

(G) EPA or State registration number for each pesticide distributed;

(H) Container sizes of each pesticide distributed;

(I) Quantity of each pesticide distributed; and

(J) Date of distribution for each pesticide.

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