

CHAPTER 12:56:04

COMMERCIAL APPLICATORS

Section

- 12:56:04:01 Agricultural plant pest control.
- 12:56:04:02 Agricultural animal pest control.
- 12:56:04:03 Forest pest control.
- 12:56:04:04 Ornamental and turf pest control.
- 12:56:04:05 Seed treatment.
- 12:56:04:06 Aquatic pest control.
- 12:56:04:07 Right-of-way pest control.
- 12:56:04:08 Industrial, institutional, structural, and health related pest control.
- 12:56:04:09 Public health pest control.
- 12:56:04:10 ~~Regulatory pest control. (Repealed).~~
- 12:56:04:11 ~~Demonstration and research pest control. (Repealed).~~
- 12:56:04:12 Rodent ~~and bird~~ pest control.
- 12:56:04:12.01 Predator pest control.
- 12:56:04:12.02 Grain fumigation pest control.
- 12:56:04:12.03 Wood preservative pest control.
- 12:56:04:12.04 Repealed.
- 12:56:04:13 ~~Applicators' subclassifications. (Repealed).~~
- 12:56:04:14 Repealed.
- 12:56:04:15 Aerial pest control.

12:56:04:01. Agricultural plant pest control. Commercial applicators using ~~restricted-use~~ pesticides ~~on lands~~ used in the production of agricultural ~~crops~~ commodities, including but not

limited to feed grains, soybeans, forage, vegetables, small fruits, tree fruits, and nuts, feed and forage crops including as well as on grasslands and non-crop agricultural lands must be certified for agricultural plant pest control. Licensed applicators in this classification must be certified and licensed to use any pesticide.

Source: 1 SDR 65, effective March 27, 1975; 2 SDR 53, effective January 18, 1976; 4 SDR 23, effective October 20, 1977; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 38 SDR 40, effective September 20, 2011.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-33](#).

12:56:04:02. Agricultural animal livestock pest control. Commercial applicators using ~~restricted-use~~ pesticides on animals, including beef cattle, dairy cattle, swine, sheep, horses, goats, poultry, and other livestock and at places on or in which animals are confined, must be certified for agricultural animal pest control. Licensed applicators in this classification must be certified and licensed to use any pesticide. Certification in this category does not authorize the use of products for predator control listed in category 13 (and repealed category 16) or for fumigation listed in category 14 of this section.

Source: 1 SDR 65, effective March 27, 1975; 2 SDR 53, effective January 18, 1976; 4 SDR 23, effective October 20, 1977; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 38 SDR 40, effective September 20, 2011.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-33](#).

12:56:04:03. Forest pest control. Commercial applicators using ~~restricted-use~~ pesticides in forests, forest nurseries, and forest seed-producing areas must be certified for forest pest control. Licensed applicators in this classification must be certified and licensed to use any pesticide.

Source: 1 SDR 65, effective March 27, 1975; 2 SDR 53, effective January 18, 1976; 4 SDR 23, effective October 20, 1977; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 38 SDR 40, effective September 20, 2011.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-33](#).

12:56:04:04. Ornamental and turf pest control. Commercial applicators using ~~restricted-use~~ pesticides to control pests in the maintenance and production of ornamental trees, shrubs, flowers, and turf must be certified for ornamental and turf pest control. Licensed applicators in this classification must be certified and licensed to use any pesticide.

Source: 1 SDR 65, effective March 27, 1975; 2 SDR 53, effective January 18, 1976; 4 SDR 23, effective October 20, 1977; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 38 SDR 40, effective September 20, 2011.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-33](#).

12:56:04:05. Seed treatment. Commercial applicators using ~~restricted-use~~ pesticides on seeds must be certified for seed treatment. Licensed applicators in this classification must be certified and licensed to use any pesticide.

Source: 1 SDR 65, effective March 27, 1975; 2 SDR 53, effective January 18, 1976; 4 SDR 23, effective October 20, 1977; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 38 SDR 40, effective September 20, 2011.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-33](#).

12:56:04:06. Aquatic pest control. Commercial applicators using ~~any restricted-use~~ pesticide ~~purposefully~~ applied to standing or running water, excluding commercial applicators engaged in public health-related activities included in § 12:56:06:09 must be certified for aquatic

pest control. Licensed applicators in this classification must be certified and licensed to use any pesticide.

Source: 1 SDR 65, effective March 27, 1975; 2 SDR 53, effective January 18, 1976; 4 SDR 23, effective October 20, 1977; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 38 SDR 40, effective September 20, 2011.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-33](#).

12:56:04:07. Right-of-way pest control. Commercial applicators using ~~restricted-use~~ pesticides in the maintenance of ~~rights-of-way, including public roads, electric power lines, roadsides, powerlines, pipelines, and railway rights-of-way and similar areas.~~ must be certified for right-of-way pest control. Licensed applicators in this classification must be certified and licensed to use any pesticide.

Source: 1 SDR 65, effective March 27, 1975; 2 SDR 53, effective January 18, 1976; 4 SDR 23, effective October 20, 1977; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 38 SDR 40, effective September 20, 2011.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-33](#).

12:56:04:08. Industrial, institutional, structural, and health related pest

control. Commercial applicators using ~~restricted-use~~ pesticides in, on, or around the following: food handling establishments; packing houses, and food processing facilities; human dwellings; institutions such as schools and hospitals and prisons; ; and industrial establishments; including manufacturing facilities, warehouses, grain elevators, and ~~adjacent~~ any other structures and adjacent areas public or private; and for the protection of stored, processed, or manufactured products. ~~must be certified for industrial, institutional, structural, and health related pest control.~~

This category applies to commercial applicators who use pesticides in the control of rodents and

birds in or around structures. This category applies to non-government commercial applicators who use pesticides for the management and control of pests having public health importance. Licensed applicators in this classification must be certified and licensed to use any pesticide. Certification in this category does not authorize the use of products for fumigation listed in category 14 of this section.

Source: 1 SDR 65, effective March 27, 1975; 2 SDR 53, effective January 18, 1976; 4 SDR 23, effective October 20, 1977; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 38 SDR 40, effective September 20, 2011.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-33](#).

12:56:04:09. Public health pest control. Commercial applicators and state, federal, or other governmental employees using ~~restricted-use pesticides in government sponsored public health programs eradication efforts for the management of and control of pests having medical and public health importance. must be certified for public health pest control. Licensed applicators in this classification must be certified and licensed to use any pesticide.~~

Source: 1 SDR 65, effective March 27, 1975; 2 SDR 53, effective January 18, 1976; 4 SDR 23, effective October 20, 1977; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 38 SDR 40, effective September 20, 2011.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-33](#).

12:56:04:10. Regulatory pest control. ~~Commercial applicators and state, federal, or other governmental employees using restricted-use pesticides in the control of regulated pests under state or federal quarantine with the exception of noxious weeds must be certified for regulatory~~

~~pest control. Licensed applicators in this classification must be certified and licensed to use any pesticide. (Repeal)~~

Source: 1 SDR 65, effective March 27, 1975; 2 SDR 53, effective January 18, 1976; 4 SDR 23, effective October 20, 1977; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 38 SDR 40, effective September 20, 2011.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-33](#).

12:56:04:11. Demonstration and research pest control. ~~Persons who demonstrate to the public the proper use and methods of application of restricted use pesticides must be certified for demonstration pest control. Licensed applicators in this classification must be certified and licensed to use any pesticide. (Repeal)~~

Source: 1 SDR 65, effective March 27, 1975; 2 SDR 53, effective January 18, 1976; 4 SDR 23, effective October 20, 1977; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 38 SDR 40, effective September 20, 2011.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-33](#).

12:56:04:12. Rodent and bird pest control. Commercial applicators using restricted-use pesticides in the control of rodents or birds ~~must be certified for rodent and bird pest control. in an agriculture site (not in or around structures)~~ Licensed applicators in this classification must be certified and licensed to use any pesticide. Certification in this category does not authorize the use of products for fumigation listed in category 14 of this section.

Source: 1 SDR 65, effective March 27, 1975; 2 SDR 53, effective January 18, 1976; 4 SDR 23, effective October 20, 1977; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 38 SDR 40, effective September 20, 2011.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-33](#).

12:56:04:12.01. Sodium cyanide Predator pest control. This pest control category applies to commercial applicators who use sodium cyanide in a mechanical ejection device to control regulated predators. ~~must be certified for predator pest control.~~ Licensed applicators in this classification must be certified and licensed to use any pesticide.

Source: 12 SDR 96, effective December 8, 1985; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 38 SDR 40, effective September 20, 2011.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-33](#).

12:56:04:12.02. Grain-Non-soil fumigation pest control. This category applies to commercial applicators who use pesticides on stored grain or grain in transit to control pests must be certified for grain fumigation pest control. ~~to fumigate anything other than soil, including but not limited to commodity storage (such as grain stored in bins or grain in transit in rail cars, vehicles or vessels), vertebrate burrows, structural buildings and enclosed spaces (such as tents) permanently or occasionally occupied by humans.~~ Licensed applicators in this classification must be certified and licensed to use any pesticide.

Source: 12 SDR 96, effective December 8, 1985; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 38 SDR 40, effective September 20, 2011.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-33](#).

12:56:04:12.03. Wood preservative pest control. Commercial applicators using ~~restricted-use~~ pesticides to control pests that damage or destroy wood. ~~must be certified for wood preservative pest control.~~ Licensed applicators in this classification must be certified and licensed to use any pesticide.

Source: 12 SDR 96, effective December 8, 1985; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 38 SDR 40, effective September 20, 2011.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-33](#).

12:56:04:13. Applicators' subclassifications. ~~All licensed applicators and licensed operators who use or supervise the use of aerially applied pesticides shall be subclassified as follows:~~

~~—— (1) Persons qualifying under § 70:02:02:02 of the aeronautical division's rules shall be subclassified as a class A permit holder;~~

~~—— (2) Persons qualifying under § 70:02:02:03 of the aeronautical division's rules shall be subclassified as a class B permit holder;~~

~~—— (3) All persons not qualifying for the subclasses specified in subdivisions (1) and (2) shall be restricted to ground application. (Repealed)~~

Source: 1 SDR 65, effective March 27, 1975; 2 SDR 53, effective January 18, 1976; 12 SDR 96, effective December 8, 1985; 12 SDR 128, 12 SDR 154, effective July 1, 1986.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-33](#).

12:56:04:15. Aerial pest control. Aerial commercial applicators using ~~restricted-use~~ pesticides on lands used in the production of agricultural crops, including feed grains, soybeans, forage, vegetables, small fruits, tree fruits, and nuts, as well as on grasslands, non-crop agricultural lands, right of ways must be certified for agricultural plant pest control and right of way. Licensed applicators in this classification must be certified and licensed to use any pesticide.

Source: 44 SDR 151, effective April 30, 2018

General Authority: SDCL 38-21-51.

Law Implemented: SDCL 38-21-33.

CHAPTER 12:56:05

CERTIFICATION OF APPLICATORS

Section

- 12:56:05:01 Renewal of applicator certification.
- 12:56:05:02 Initial certification based on examination.
- 12:56:05:03 Provisions for reexamination.
- 12:56:05:04 General standards for certification of commercial applicators.
- 12:56:05:04.01 Additional standards for certification in agricultural plant pest control.
- 12:56:05:04.02 Additional standards for certification in agricultural ~~animal~~ Livestock pest control.
- 12:56:05:04.03 Additional standards for certification in forest pest control.
- 12:56:05:04.04 Additional standards for certification in ornamental and turf pest control.
- 12:56:05:04.05 Additional standards for certification in seed treatment.
- 12:56:05:04.06 Additional standards for certification in aquatic pest control.
- 12:56:05:04.07 Additional standards for certification in right-of-way pest control.
- 12:56:05:04.08 Additional standards for certification in industrial, institutional, structural, and health related pest control.
- 12:56:05:04.09 Additional standards for certification in public health pest control.
- 12:56:05:04.10 ~~Additional standards for certification in regulatory pest control.~~ (Repealed)
- 12:56:05:04.11 ~~Additional standards for certification in demonstration and research pest control.~~
(Repealed)
- 12:56:05:04.12 Additional standards for certification in rodent ~~and bird~~ pest control.

12:56:05:04.13 Additional standards for certification in Sodium Cyanide predator pest control.

12:56:05:04.14 Additional standards for certification in ~~grain~~ non-soil fumigation pest control.

12:56:05:04.15 Additional standards for certification in wood preservative pest control.

12:56:05:04.16 Repealed.

12:56:05:04.17 ~~Additional~~ General standards for certification in aerial ~~agriculture plant pest control~~ pesticide applications.

12:56:05:04.18 Additional standards for certification in aerial right of way.

12:56:05:05 Test to include knowledge of laws and regulations.

12:56:05:05.01 Repealed.

12:56:05:06 Contents of application for applicator license.

12:56:05:07 Repealed.

12:56:05:08 Repealed.

12:56:05:09 Repealed.

12:56:05:10 Repealed.

12:56:05:11 Repealed.

12:56:05:12 Repealed.

12:56:05:04. General standards for certification of commercial applicators. ~~To pass a certification examination, all commercial applicators shall demonstrate their competence in pest control and the safe use of pesticides. They shall be tested on their understanding of the following:~~ Persons seeking certification as commercial applicators must demonstrate practical knowledge of the principles and practices of pest control and proper and effective use of pesticides by passing a written examination. Written examinations for all commercial ground applicators must address all the following areas of competency:

(1) Labels and labeling comprehension: Familiarity with pesticide labels and labeling and their functions, including all the following:

(a) The general format and terminology of pesticide labels and labeling;
(b) Understanding of instructions, warnings, terms, symbols, and other information commonly appearing on pesticide labels; and labeling.

(c) ~~The classification of the product, general or restricted;~~ and Understanding that it is a violation of Federal law to use any registered pesticide in a manner inconsistent with its labeling.

(d) ~~The necessity for use consistent with the label;~~ Understanding labeling requirements that a certified applicator must be physically present at the site of the application.

(e) Understanding that applicators must comply with all use restrictions and directions for use contained in pesticide labels and labeling, including being certified in the certification category appropriate to the type and site of the application.

(f) Understanding the meaning of product classification as either general or restricted use and that a product may be unclassified.

(g) Understanding and complying with product-specific notification requirements.

(h) Recognizing and understanding the difference between mandatory and advisory labeling language.

(2) Safety factors: Measures to avoid or minimize adverse health effects, including all the following:

(a) ~~Pesticide toxicity and hazard to man and common exposure routes;~~ Understanding the different natures of the risks of acute toxicity and chronic toxicity, as well as the long-term effects of pesticides.

(b) ~~Common types and causes of pesticide accidents;~~ Understanding that a pesticide's risk is a function of exposure and the pesticide's toxicity.

- (c) ~~Precautions necessary to guard against injury to applicators and other individuals in or near treated areas;~~ Recognition of likely ways in which dermal, inhalation, and oral exposure may occur.
 - (d) ~~Need for and use of protective clothing and equipment;~~ Common types and causes of pesticide mishaps.
 - (e) ~~Symptoms of pesticide poisoning;~~ Precautions to prevent injury to applicators and other individuals in or near treated areas.
 - (f) ~~First aid and other procedures to be followed in case of a pesticide accident; and~~ Need for, and proper use of, protective clothing and personal protective equipment.
 - (g) ~~Identification, storage, transport, handling, mixing, and disposal methods for pesticides and pesticide containers;~~ Symptoms of pesticide poisoning.
 - (h) First aid and other procedures to be followed in case of a pesticide mishap.
 - (i) Proper identification, storage, transport, handling, mixing procedures, and disposal methods for pesticides and used pesticide containers, including precautions to be taken to prevent children from having access to pesticides and pesticide containers.
- (3) Environment. Potential environmental consequences of the use and misuse of pesticides as may be influenced by such factors as the following:
- (a) Weather and other indoor and outdoor climatic conditions;
 - (b) Types of terrain, soil, and other substrate;
 - (c) Presence of fish, wildlife, and other nontarget organisms; and
 - (d) Drainage patterns;
- (4) Pests: The proper identification and effective control of pests, including all the following:
- (a) Common features of pest organisms;
 - (b) Characteristics of damage needed for pest recognition;
 - (c) Recognition of pests to be controlled; and

(d) Pest development and biology as it may be relevant to problem identification and control.

(5) Pesticides: Characteristics of pesticides, including all of the following:

- (a) Types of pesticides;
- (b) Types of formulations ~~of pesticides;~~
- (c) Compatibility, synergism, persistence, and animal and plant toxicity of the formulations of pesticides;
- (d) Hazards and residues associated with use ~~of pesticides;~~
- (e) Factors ~~which~~ that influence effectiveness or lead to such problems as resistance to pesticides; and
- (f) Dilution procedures used ~~in pesticides;~~

(6) ~~Equipment. Operation of pesticide~~ Application equipment, including all the following:

- (a) Types of equipment and advantages and limitations of each type; and
- (b) Uses, maintenance, and calibration of equipment.

(7) ~~Pesticide~~ Application methods:

(a) ~~Methods and procedures~~ used to apply various forms and formulations of pesticides. ~~Such as dust, wettable powders, emulsions, solutions, and gases, together with a knowledge of which method of application to use in a given situation;~~

(b) ~~Relationship of discharge and placement of pesticides to proper use, unnecessary use, and misuse; and~~ Knowledge of which application method to use in each situation and that use of a fumigant, aerial application or sodium cyanide requires additional certification.

(c) How selection of application method and use of a pesticide may result in proper use, unnecessary or ineffective use, and misuse.

(~~e~~) (d) Prevention of drift and pesticide loss into the environment.

(8) Laws and regulations. Knowledge of all applicable State, Tribal, and Federal laws, and regulations.

(9) Professionalism. Understanding the importance of all the following:

(a) Maintaining chemical security for restricted use pesticides.

(b) How to communicate information about pesticide exposures and risks with customers and the public.

(c) Appropriate product stewardship for certified applicators.

Source: 1 SDR 65, effective March 27, 1975; 2 SDR 53, effective January 18, 1976; 4 SDR 23, effective October 20, 1977; 12 SDR 96, effective December 8, 1985; 12 SDR 128, 12 SDR 154, effective July 1, 1986.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-18](#).

12:56:05:04.01. Additional standards for certification in agricultural plant pest control. In addition to meeting general core standards in § 12:56:05:04, and/or § 12:56:05:04:17 ~~all~~ commercial applicators ~~classified within the classification of agricultural plant pest control shall be tested on their understanding of crops grown and the specific pests of those crops which they may be treating with pesticides, including the following:~~

~~(1) Soil and water problems;~~

~~(2) Preharvest intervals;~~

~~(3) Re-entry intervals;~~

~~(4) Phytotoxicity;~~

~~(5) Potential for environmental contamination;~~

~~(6) Nontarget injury; and~~

~~(7) Community problems resulting from the use of restricted-use pesticides in agricultural areas.~~

applicators must demonstrate practical knowledge of crops, grasslands, and non-crop agricultural

lands and the specific pests of those areas on which they may be using pesticides. The importance of such competency is amplified by the extensive areas involved, the quantities of pesticides needed, and the ultimate use of many commodities as food and feed. The required knowledge includes pre-harvest intervals, restricted entry intervals, phytotoxicity, potential for environmental contamination such as soil and water problems, non-target injury, and other problems resulting from the use of pesticides in agricultural areas. The required knowledge also includes the potential for phytotoxicity due to a wide variety of plants to be protected, for drift, for persistence beyond the intended period of pest control, and for non-target exposures.

Source: 1 SDR 65, effective March 27, 1975; 2 SDR 53, effective January 18, 1976; 4 SDR 23, effective October 20, 1977; 12 SDR 96, effective December 8, 1985; 12 SDR 128, 12 SDR 154, effective July 1, 1986.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-18](#).

12:56:05:04.02. Additional standards for certification in agricultural ~~animal~~ Livestock pest control. In addition to meeting general core standards in § 12:56:05:04, ~~commercial~~ applicators must demonstrate practical knowledge of such animals and their associated pests. The required knowledge includes specific pesticide toxicity and residue potential, and the hazards associated with such factors as formulation, application techniques, age of animals, stress, and extent of treatment. ~~classified within the classification of agricultural animal pest control shall be tested on their understanding of such animals and their associated pests, including the following:~~

- ~~(1) Specific pesticide toxicity and residue potential;~~
- ~~(2) The relative hazards associated with such factors as the following:~~
 - ~~(a) Formulations;~~
 - ~~(b) Application techniques;~~
 - ~~(c) Age of animals;~~

~~(d) Stress; and~~

~~(e) Extent of treatment.~~

Source: 1 SDR 65, effective March 27, 1975; 2 SDR 53, effective January 18, 1976; 4 SDR 23, effective October 20, 1977; 12 SDR 96, effective December 8, 1985; 12 SDR 128, 12 SDR 154, effective July 1, 1986.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-18](#).

12:56:05:04.03. Additional standards for certification in forest pest control. In addition to meeting general core standards in § 12:56:05:04, and/or § 12:56:05:04.17~~commercial~~ applicators ~~classified within the classification of forest pest control shall be tested on their understanding of types of forest, forest nurseries, and seed production in South Dakota and the pests involved, including the following:~~

~~(1) Cyclic occurrence of certain pests and specific population dynamics as a basis for programming pesticide applications;~~

~~(2) The relative biotic agents and their vulnerability to the pesticides applied;~~

~~(3) Control methods which minimize unintended secondary effects on wildlife; and~~

~~(4) Proper use of specialized equipment as it may relate to meteorological factors and adjacent land use. must demonstrate practical knowledge of types of forests, forest nurseries, and seed~~

~~production within the jurisdiction of the certifying authority and the pests involved. The required knowledge includes the cyclic occurrence of certain pests and specific population dynamics as a~~

~~basis for programming pesticide applications, the relevant organisms causing harm and their vulnerability to the pesticides to be applied, how to determine when pesticide use is proper,~~

~~selection of application method and proper use of application equipment to minimize non-target exposures, and appropriate responses to meteorological factors and adjacent land use. The required~~

~~knowledge also includes the potential for phytotoxicity due to a wide variety of plants to be~~

protected, for drift, for persistence beyond the intended period of pest control, and for non-target exposures.

Source: 1 SDR 65, effective March 27, 1975; 2 SDR 53, effective January 18, 1976; 4 SDR 23, effective October 20, 1977; 12 SDR 96, effective December 8, 1985; 12 SDR 128, 12 SDR 154, effective July 1, 1986.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-18](#).

12:56:05:04.04. Additional standards for certification in ornamental and turf pest control.

In addition to meeting general core standards in § 12:56:05:04, ~~commercial applicators classified within the classification of ornamental and turf pest control shall be tested on their understanding of pesticide problems associated with the production and maintenance of ornamental trees, shrubs, plantings, and turf, including the following:~~

~~(1) Phytotoxicity;~~

~~(2) Drift and persistence; and~~

~~(3) Application methods to prevent hazards to humans and domestic animals. must demonstrate practical knowledge of pesticide problems associated with the production and maintenance of ornamental plants and turf. The required knowledge includes the potential for phytotoxicity due to a wide variety of plants to be protected, for drift, for persistence beyond the intended period of pest control, and for non-target exposures. Because of the frequent proximity of human habitations to application activities, applicators in this category must demonstrate practical knowledge of application methods that will minimize or prevent hazards to humans, pets, and other domestic animals.~~

Source: 1 SDR 65, effective March 27, 1975; 2 SDR 53, effective January 18, 1976; 4 SDR 23, effective October 20, 1977; 12 SDR 96, effective December 8, 1985; 12 SDR 128, 12 SDR 154, effective July 1, 1986.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-18](#).

12:56:05:04.05. Additional standards for certification in seed treatment. In addition to meeting general core standards in § 12:56:05:04, ~~commercial~~ applicators ~~classified within the~~ classification of seed treatment shall be tested on their understanding of types of seeds that require chemical protection against pest and factors, including the following:

- ~~(1) Seed coloration;~~
- ~~(2) Carriers and surface active agents which influence pesticide binding and may affect germination;~~
- ~~(3) Hazards associated with handling, sorting, and mixing; and~~
- ~~(4) Misuse of treated seed, such as:
 - ~~(a) Introduction of treated seed into food and feed channels; and~~
 - ~~(b) Proper disposal of unused treated seed.~~ must demonstrate practical knowledge including recognizing types of seeds to be treated, the effects of carriers and surface-active agents on pesticide binding and germination, the hazards associated with handling, sorting, and mixing, and misuse of treated seed, the importance of proper application techniques to avoid harm to non-target organisms, and the proper disposal of unused treated seeds.~~

Source: 1 SDR 65, effective March 27, 1975; 2 SDR 53, effective January 18, 1976; 4 SDR 23, effective October 20, 1977; 12 SDR 96, effective December 8, 1985; 12 SDR 128, 12 SDR 154, effective July 1, 1986.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-18](#).

12:56:05:04.06. Additional standards for certification in aquatic pest control. In addition to meeting general core standards in § 12:56:05:04, and/or § 12:56:05:04.17~~commercial~~ applicators

~~classified within the classification of aquatic pest control shall be tested on their understanding of the following:~~

~~(1) Water use situation;~~

~~(2) Downstream effects of application;~~

~~(3) Secondary effects which can be caused by:~~

~~(a) Improper application rates;~~

~~(b) Incorrect formulations; and~~

~~(c) Faulty application of pesticides used in this category;~~

~~(4) Potential pesticide effects on:~~

~~(a) Plants;~~

~~(b) Fish;~~

~~(c) Birds;~~

~~(d) Beneficial insects; and~~

~~(e) Other nontarget aquatic organisms; and~~

~~(5) The principals of limited area application. must demonstrate practical knowledge of the characteristics of various aquatic use situations, the potential for adverse effects on non-target plants, fish, birds, beneficial insects, and other organisms in the immediate aquatic environment and downstream, and the principles of limited area application.~~

Source: 1 SDR 65, effective March 27, 1975; 2 SDR 53, effective January 18, 1976; 4 SDR 23, effective October 20, 1977; 12 SDR 96, effective December 8, 1985; 12 SDR 128, 12 SDR 154, effective July 1, 1986.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-18](#).

12:56:05:04.07. Additional standards for certification in right-of-way pest control. In addition to meeting general core standards in § 12:56:05:04, and/or § 12:56:05:04.17 commercial

~~applicators classified within the classification of right-of-way pest control shall be tested on their understanding and knowledge of the following:~~

~~(1) Excessive foliage damage;~~

~~(2) Recognition of target pests;~~

~~(3) Nature of herbicides and of problems caused by applying pesticides to a variety of environments and different terrains including:~~

~~(a) Problems caused by runoff and drift;~~

~~(b) The need for containment of pesticides within the right-of-way area; and~~

~~(c) The impact of their application activities on adjacent areas and communities. must demonstrate practical knowledge of the types of environments (terrestrial and aquatic) traversed by rights-of-way, recognition of target pests, and techniques to minimize non-target exposure, runoff, drift, and excessive foliage destruction. The required knowledge also includes the potential for phytotoxicity due to a wide variety of plants and pests to be controlled, and for persistence beyond the intended period of pest control.~~

Source: 1 SDR 65, effective March 27, 1975; 2 SDR 53, effective January 18, 1976; 4 SDR 23, effective October 20, 1977; 12 SDR 96, effective December 8, 1985; 12 SDR 128, 12 SDR 154, effective July 1, 1986.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-18](#).

12:56:05:04.08. Additional standards for certification in industrial, institutional, structural, and health related pest control. In addition to meeting general standards in § 12:56:05:04, ~~commercial applicators classified within the classification of industrial, institutional, structural, and health related pest control shall be tested on their understanding and knowledge of the following:~~

~~(1) Methods to avoid hazards to babies, children, pregnant women, elderly people, and pets;~~

~~(2) A wide variety of pests including:~~

~~(a) Their life cycles; and~~

~~(b) Types of formulations appropriate for their control;~~

~~(3) Methods of application that avoid contamination of food and habitat; and~~

~~(4) In addition they shall demonstrate that they know applicable environmental conditions. must demonstrate a practical knowledge of industrial, institutional & structural pests (including rodent & bird pests in structures) as well as public health pests, including recognizing those pests and signs of their presence, their habitats, their life cycles, biology, and behavior as it may be relevant to problem identification and control. Applicators must demonstrate practical knowledge of types of formulations appropriate for control of industrial, institutional, and structural pests, and methods of application that avoid contamination of food, minimize damage to and contamination of areas treated, minimize acute and chronic exposure of people and pets, and minimize environmental impacts of outdoor applications. Applicators must also demonstrate practical knowledge of pests that are important vectors of disease, including recognizing the pests and signs of their presence, their habitats, their life cycles, biology, and behavior as it may be relevant to problem identification and control.~~

Source: 1 SDR 65, effective March 27, 1975; 2 SDR 53, effective January 18, 1976; 4 SDR 23, effective October 20, 1977; 12 SDR 96, effective December 8, 1985; 12 SDR 128, 12 SDR 154, effective July 1, 1986.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-18](#).

12:56:05:04.09. Additional standards for certification in public health pest control. In addition to meeting general core standards in § 12:56:05:04; and/or § 12:56:05:04.17 ~~commercial applicators classified within the classification of public health pest control shall be tested on their understanding and knowledge of vector disease transmission as it relates to and influences~~

~~application programs involving a wide variety of pests. They shall also be tested on their knowledge of the following:~~

~~(1) Pests, their life cycle and habitats as a basis for control strategy;~~

~~(2) A great variety of environments ranging from streams to conditions found in buildings; and~~

~~(3) Their practical knowledge of the importance and employment of such non-chemical control methods including the following:~~

~~(a) Sanitation;~~

~~(b) Waste disposal; and~~

~~(c) Drainage. must demonstrate practical knowledge of pests that are important vectors of disease, including recognizing the pests and signs of their presence, their habitats, their life cycles, biology, and behavior as it may be relevant to problem identification and control. The required knowledge also includes how to minimize damage to, and contamination of areas treated, acute and chronic exposure of people and pets, and non-target exposures.~~

Source: 1 SDR 65, effective March 27, 1975; 2 SDR 53, effective January 18, 1976; 4 SDR 23, effective October 20, 1977; 12 SDR 96, effective December 8, 1985; 12 SDR 128, 12 SDR 154, effective July 1, 1986.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-18](#).

12:56:05:04.10. Additional standards for certification in regulatory pest control. ~~In addition to meeting general standards in § 12:56:05:04, commercial applicators classified within the classification of regulatory pest control shall be tested on their understanding and knowledge of the following:~~

~~(1) Regulated pests;~~

~~(2) Applicable laws relating to quarantine and other regulations of pests; and~~

~~(3) The potential environmental impact of pesticides used in suppression and eradication programs including the following:~~

- ~~(a) Factors influencing introduction;~~
- ~~(b) Spread; and~~
- ~~(c) Populations dynamics of relevant pests and knowledge extended beyond their regular duties that would be applicable in other areas of the country where emergency measures may be invoked involving regulated pests and where individual judgments must be made in new situations.~~(Repealed)

Source: 1 SDR 65, effective March 27, 1975; 2 SDR 53, effective January 18, 1976; 4 SDR 23, effective October 20, 1977; 12 SDR 96, effective December 8, 1985; 12 SDR 128, 12 SDR 154, effective July 1, 1986.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-18](#).

12:56:05:04.11. Additional standards for certification in demonstration and research pest control. ~~In addition to meeting general standards in § 12:56:05:04, commercial applicators classified within the classification of demonstration and research pest control shall be tested on their understanding of the broad spectrum of pesticide uses involving the following:~~

- ~~(1) The many different pest problem situations encountered in the activities associated with demonstration of pesticides; and~~
- ~~(2) Pesticide application techniques applicable to the particular area of pest control in which they are engaged, including the following:~~
 - ~~(a) Their understanding of pesticide organism interactions; and~~
 - ~~(b) Integrating pesticide use with other control methods, if such persons are engaged in the demonstration of the safe and effective use of pesticides to applicators and the general public.~~

~~Commercial applicators classified within the classification of demonstration and research pest control engaged in conducting field research, shall be tested on their knowledge and understanding of the standards in this section applicable to their particular activity or those standards within this section required for applicators engaged in demonstration. (Repealed)~~

Source: 1 SDR 65, effective March 27, 1975; 2 SDR 53, effective January 18, 1976; 4 SDR 23, effective October 20, 1977; transferred from § 12:56:05:04, 12 SDR 96, effective December 8, 1985; 12 SDR 128, 12 SDR 154, effective July 1, 1986.

~~**General Authority:** SDCL 38-21-51.~~

~~**Law Implemented:** SDCL 38-21-18.~~

12:56:05:04.12. Additional standards for certification in rodent and bird pest control. In addition to meeting general core standards in § 12:56:05:04, ~~commercial~~ applicators classified within the classification of rodent ~~and bird~~ pest control ~~shall be tested on their knowledge~~ not in or around structures must demonstrate practical knowledge of the biological and behavioral patterns of target and related nontarget species, including the following:

- (1) Toxicity levels which could be expected to give selective control of pest species without causing significant damage to populations of related nontarget species.
- (2) Application techniques and practices to minimize secondary poisonings of nontarget species; and
- (3) Proper management and placement techniques of baits.

Source: 1 SDR 65, effective March 27, 1975; 2 SDR 53, effective January 18, 1976; 4 SDR 23, effective October 20, 1977; transferred from § 12:56:05:04, 12 SDR 96, effective December 8, 1985; 12 SDR 128, 12 SDR 154, effective July 1, 1986.

General Authority: SDCL 38-21-51.

Law Implemented: SDCL 38-21-18.

12:56:05:04.13. Additional standards for certification in Sodium Cyanide predator pest control. In addition to meeting general core standards in § 12:56:05:04, ~~commercial~~ applicators ~~classified within the classification of predator pest control shall be tested on their knowledge of the biological and behavioral patterns of target and related nontarget species, including the following:~~

~~(1) Toxicity levels which could be expected to give selective control of pest species without causing significant damage to populations of related nontarget species;~~

~~(2) Application techniques and practices to minimize secondary poisonings of nontarget predator species; and~~

~~(3) Proper management and placement techniques of baits. must demonstrate practical knowledge of mammalian predator pests, including recognizing those pests and signs of their presence, their habitats, their life cycles, biology, and behavior as it may be relevant to pest identification and control. Applicators must demonstrate comprehension of all laws and regulations applicable to the use of mechanical ejection devices for sodium cyanide, including the restrictions on the use of sodium cyanide products ordered by the EPA Administrator. Applicators must also demonstrate practical knowledge and understanding of all of the specific use restrictions for sodium cyanide devices, including safe handling and proper placement of the capsules and device, proper use of the antidote kit, notification to medical personnel before use of the device, conditions of and restrictions on when and where devices can be used, requirements to consult U.S. Fish and Wildlife Service maps before use to avoid affecting endangered species, maximum density of devices, provisions for supervising and monitoring applicators, required information exchange in locations where more than one agency is authorized to place devices, and specific requirements for recordkeeping, monitoring, field posting, proper storage, and disposal of damaged or used sodium cyanide capsules.~~

Source: 12 SDR 96, effective December 8, 1985; 12 SDR 128, 12 SDR 154, effective July 1, 1986.

General Authority: SDCL 38-21-51.

Law Implemented: SDCL 38-21-18.

12:56:05:04.14. Additional standards for certification in ~~grain~~ non-soil fumigation pest control. In addition to meeting general core standards in § 12:56:05:04, ~~commercial~~ applicators ~~classified within the classification of grain fumigation pest control shall be tested on their~~ must demonstrate practical knowledge the pest problems and pest control practices associated with performing fumigation applications of pesticides to sites other than soil, including all the following:

(1) ~~Types of pests and their life cycles;~~ Label & labeling comprehension. Familiarity with the pesticide labels and labeling for products used to perform non-soil fumigation, including labeling requirements specific to non-soil fumigants.

(2) ~~Pest characteristics;~~ Safety. Measures to minimize adverse health effects, including the following:

(a) Understanding how certified applicators and bystanders can become exposed to fumigants.

(b) Common problems and mistakes that can result in direct exposure to fumigants.

(c) Signs and symptoms of human exposure to fumigants.

(d) Air concentrations of a fumigant that require applicators to wear respirators or to exit the work area entirely.

(e) Steps to take if a fumigant applicator experiences sensory irritation.

(f) Understanding air monitoring, when it is required, and where and when to take samples.

(g) Buffer zones, including procedures for buffer zone monitoring and who is permitted to be in a buffer zone.

(h) First aid measures to take in the event of exposure to a fumigant.

(i) Labeling requirements for transportation, storage, spill clean-up, and emergency response for non-soil fumigants, including safe disposal of containers and contaminated materials, and management of empty containers.

~~(3) Application techniques associated with applying fumigants to grain under various structural and environmental conditions;~~ Non-soil fumigant chemical characteristics. Characteristics of non-soil fumigants, including all the following:

(a) Chemical characteristics of non-soil fumigants.

(b) Specific human exposure concerns for non-soil fumigants.

(c) How fumigants change from a liquid or solid to a gas.

(d) How fumigants disperse in the application zone.

(e) Compatibility concerns for tanks, hoses, tubing, and other equipment.

~~(4) Hazards associated with fumigant use; and~~ Application. Selecting appropriate application methods and timing, including all the following:

(a) Application methods and equipment commonly used for non-soil fumigation.

(b) Site characteristics that influence fumigant exposure.

(c) Conditions that could impact timing of non-soil fumigant application, such as air stability, air temperature, humidity, and wind currents, and labeling statements limiting applications under specific conditions.

(d) Conducting pre-application inspection of application equipment and the site to be fumigated.

(e) Understanding the purpose and methods of sealing the area to be fumigated, including the factors that determine which sealing method to use.

(e) Calculating the amount of product required for a specific treatment area.

(g) Understanding the basic techniques for calibrating non-soil fumigant application equipment.

(h) Understanding when and how to conduct air monitoring and when it is required.

(5) Potential residue problems in food and feed from improper use. Pest factors. Pest factors that influence fumigant activity, including all the following:

(a) Influence of pest factors on fumigant volatility.

(b) Factors that influence gaseous movement through the area being fumigated and into the air.

(c) Identifying pests causing the damage and verifying they can be controlled with fumigation.

(d) Understanding the relationship between pest density and application rate.

(e) The importance of proper application rate and timing.

(6) Personal protective equipment. Understanding what personal protective equipment is necessary and how to use it properly, including all of the following:

(a) Following labeling directions for required personal protective equipment.

(b) Selecting, inspecting, using, caring for, replacing, and disposing of personal protective equipment.

(c) Understanding the types of respirators required when using specific non-soil fumigants and how to use them properly, including medical evaluation, fit testing, and required replacement of cartridges and canisters.

(d) Labeling requirements and other laws applicable to medical evaluation for respirator use, fit tests, training, and recordkeeping.

(7) Fumigant management plans and post-application summaries. Information about fumigant management plans and when they are required, including all of the following:

(a) When a fumigant management plan must be in effect, how long it must be kept on file, where it must be kept during the application, and who must have access to it.

(b) The elements of a fumigant management plan and resources available to assist the applicator in preparing a fumigant management plan.

(c) The person responsible for verifying that a fumigant management plan is accurate.

(d) The elements, purpose, and content of a post-application summary, who must prepare it, and when it must be completed.

(8) Posting requirements. Understanding posting requirements, including all of the following:

(a) Understanding who is allowed in an area being fumigated or after fumigation and who is prohibited from being in such areas.

(b) Distinguishing fumigant labeling-required posting and treated area posting, including the pre-application and post-application posting timeframes for each.

(c) Proper choice and placement of warning signs.

Source: 12 SDR 96, effective December 8, 1985; 12 SDR 128, 12 SDR 154, effective July 1, 1986.

General Authority: SDCL 38-21-51.

Law Implemented: SDCL 38-21-18.

12:56:05:04.15. Additional standards for certification in wood preservative pest control. In addition to meeting general core standards in § 12:56:05:04, ~~commercial~~ applicators classified within the classification of wood preservative pest control shall be tested on their knowledge of the following:

(1) Application of wood preservatives:

(a) Preparation of wood for treatment;

(b) Methods of applying wood preservatives; and

(c) Factors influencing the effectiveness of wood preservatives;

(2) Protecting human health:

- (a) Hazards to applicator (acute and chronic effects);
- (b) Safety procedures to be adhered to in order to reduce exposure;
- (c) First aid; and
- (d) Wearing and care of protective equipment;

(3) Protecting the environment:

- (a) Waste disposal;
- (b) Storage and disposal of containers; and
- (c) Handling of spills; and

(4) Monitoring procedures for measurement of ambient inorganic arsenicals when appropriate.

Source: 12 SDR 96, effective December 8, 1985; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 13 SDR 37, effective October 8, 1986.

General Authority: SDCL 38-21-51.

Law Implemented: SDCL 38-21-18.

12:56:05:04.17. General ~~Additional~~ standards for certification in aerial ~~agriculture plant pest control. pesticide applications.~~ In addition to meeting general standards in § 12:56:05:04, all Persons seeking certification as commercial applicators must ~~classified within the~~ classification of aerial agricultural plant pest control shall be tested on their understanding of crops grown and the specific pests of those crops which they may be treating with pesticides, including the following: demonstrate practical knowledge of the principles and practices of pest control and proper and effective use of pesticides by passing a written examination. Written examinations for all commercial aerial applicators must address all the following areas of competency:

- (1) ~~Soil and water problems;~~

~~(2) Preharvest intervals;~~
~~(3) Re-entry intervals;~~
~~(4) Phytotoxicity;~~
~~(5) Potential for environmental contamination;~~
~~(6) Nontarget injury; and~~
~~(7) Community problems resulting from the use of restricted-use pesticides in agricultural areas.~~

~~(8) Aerial applicators must complete biannually the National Agricultural Aviation Association (NAAA) Professional Aerial Applicators Support System Meeting (PAASS).~~

(1) Labeling. Labeling requirements and restrictions specific to aerial application of pesticides including:

(a) Spray volumes.

(b) Buffers and no-spray zones.

(c) Weather conditions specific to wind and inversions.

(2) Application equipment. Understand how to choose and maintain aerial application equipment, including all the following:

(a) The importance of inspecting application equipment to ensure it is in proper operating condition prior to beginning an application.

(b) Selecting proper nozzles to ensure appropriate pesticide dispersal and to minimize drift.

(c) Knowledge of the components of an aerial pesticide application system, including pesticide hoppers, tanks, pumps, and types of nozzles.

(d) Interpreting a nozzle flow rate chart.

(e) Determining the number of nozzles for intended pesticide output using nozzle flow rate chart, aircraft speed, and swath width.

(g) How to ensure nozzles are placed to compensate for uneven dispersal due to uneven airflow from wingtip vortices, helicopter rotor turbulence, and aircraft propeller turbulence.

(g) Where to place nozzles to produce the appropriate droplet size.

(h) How to maintain the application system in good repair, including pressure gauge accuracy, filter cleaning according to schedule, and checking nozzles for excessive wear.

(i) How to calculate required and actual flow rates.

(j) How to verify flow rate using fixed timing, open timing, known distance, or a flow meter.

(k) When to adjust and calibrate application equipment.

(3) Application considerations. The applicator must demonstrate knowledge of factors to consider before and during application, including all the following:

(a) Weather conditions that could impact application by affecting aircraft engine power, take-off distance, and climb rate, or by promoting spray droplet evaporation.

(b) How to determine wind velocity, direction, and air density at the application site.

(c) The potential impact of thermals and temperature inversions on aerial pesticide application.

(4) Minimizing drift. The applicator must demonstrate knowledge of methods to minimize off-target pesticide movement, including all the following:

(a) How to determine drift potential of a product using a smoke generator.

(b) How to evaluate vertical and horizontal smoke plumes to assess wind direction, speed, and concentration.

(c) (Selecting techniques that minimize pesticide movement out of the area to be treated.

(d) Documenting special equipment configurations or flight patterns used to reduce off-target pesticide drift.

(5) Performing aerial application. The applicator must demonstrate competency in performing an aerial pesticide application, including all the following:

- (a) Selecting a flight altitude that minimizes streaking and off-target pesticide drift.
- (b) Choosing a flight pattern that ensures applicator and bystander safety and proper application.
- (c) The importance of engaging and disengaging spray precisely when entering and exiting a predetermined swath pattern.
- (d) Tools available to mark swaths, such as global positioning systems and flags.
- (e) Recordkeeping requirements for aerial pesticide applications including application conditions if applicable.

Source: 1 SDR 65, effective March 27, 1975; 2 SDR 53, effective January 18, 1976; 4 SDR 23, effective October 20, 1977; 12 SDR 96, effective December 8, 1985; 12 SDR 128, 12 SDR 154, effective July 1, 1986.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-18](#).

12:56:05:04.18. Additional standards for certification in aerial right of way. In addition to meeting general standards in § 12:56:05:04, ~~commercial~~ applicators classified within the classification of aerial right-of-way pest control shall be tested on their understanding and knowledge of the following:

- (1) Excessive foliage damage;
- (2) Recognition of target pests;
- (3) Nature of herbicides and of problems caused by applying pesticides to a variety of environments and different terrains including:
 - (a) Problems caused by runoff and drift;
 - (b) The need for containment of pesticides within the right-of-way area; and

(c) The impact of their application activities on adjacent areas and communities.

~~(4) Aerial applicators must complete biannually the National Agricultural Aviation Association (NAAA) Professional Aerial Applicators Support System Meeting (PAASS).~~

Source: 44 SDR 151, effective April 30, 2018.

General Authority: SDCL 38-21-51.

Law Implemented: SDCL 38-21-18.

12:56:10:06. Required dealer records. Each licensed pesticide dealer ~~shall~~ must keep records of restricted use pesticide sales. The record for each sale ~~shall~~ must include:

(1) The dealer's name and address and license number;

(2) The name, address, certification or license number, expiration date, and certification categories relevant to the pesticide sold of the private or commercial applicator;

(3) The date of sale; and

(4) The trade name, quantity, and EPA registration number of the pesticide sold, including any applicable emergency exemption or state special local need registration number.

Records may be maintained in the form of a log, registry of invoices, billing tickets, or delivery tickets.

Source: 13 SDR 37, effective October 8, 1986.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-51](#).

CHAPTER 12:56:12

PRIVATE APPLICATOR CERTIFICATION

Section

12:56:12:01 Standards for general private applicator certification.

12:56:12:01.01 Repealed.

12:56:12:02 Private applicator certification.

12:56:12:03 Repealed.

12:56:12:01.02 Sodium cyanide predator pest control.

12:56:12:01.03 Aerial pesticide control.

12:56:12:01.04 Non-soil Fumigation.

12:56:12:01. Standards for private general applicator certification. Before using a pesticide

~~as A a private applicator, shall demonstrate a practical knowledge of pest problems and pest control practices, applicable to agricultural operations, including the proper storage, use, handling, and disposal of pesticides and containers, and the legal responsibilities involved in the application, handling, and disposal of pesticides. Applicators must pass a written examination furnished by the department with a score of at least 70 percent. This practical knowledge includes the ability to:~~ a person must be certified by an appropriate certifying authority as having the necessary competency to use pesticides for pest control in the production of agricultural commodities, which includes the ability to read and understand pesticide labeling.

Certification in this general private applicator certification category alone is not sufficient to authorize the purchase or use of pesticide products in the categories listed in Sodium cyanide predator control, non-soil fumigation and aerial pest control of this section.

Persons seeking certification as private applicators must demonstrate practical knowledge of the principles and practices of pest control associated with the production of agricultural commodities and effective use of pesticides, including all the following:

(1) ~~Recognize common pests to be controlled and the damage caused by them;~~ Label and labeling comprehension. Familiarity with pesticide labels and labeling and their functions, including all the following:

- (a) The general format and terminology of pesticide labels and labeling.
- (b) Understanding instructions, warnings, terms, symbols, and other information commonly appearing on pesticide labels and labeling.
- (c) Understanding that it is a violation of Federal law to use any registered pesticide in a manner inconsistent with its labeling.
- (d) Understanding when a certified applicator must be physically present at the site of the application based on labeling requirements.
- (e) Understanding that applicators must comply with all use restrictions and directions for use contained in pesticide labels and labeling, including being certified in the appropriate category to use restricted use pesticides for fumigation or aerial application, or predator control devices containing sodium cyanide or sodium fluoroacetate, if applicable.
- (f) Understanding the meaning of product classification as either general or restricted use, and that a product may be unclassified.
- (g) Understanding and complying with product-specific notification requirements.
- (h) Recognizing and understanding the difference between mandatory and advisory labeling language.

(2) Read and understand the label and labeling information, including the common name of pesticide applied, pests to be controlled, the timing and methods of application, safety precautions, preharvest or reentry restrictions, and any specific disposal procedures; Safety Measures to avoid or minimize adverse health effects, including all the following:

- (a) Understanding the different natures of the risks of acute toxicity and chronic toxicity, as well as the long-term effects of pesticides.

(b) Understanding that a pesticide's risk is a function of exposure and the pesticide's toxicity.

(c) Recognition of likely ways in which dermal, inhalation, and oral exposure may occur.

(d) Common types and causes of pesticide mishaps.

(e) Precautions to prevent injury to applicators and other individuals in or near treated areas.

(f) Need for, and proper use of, protective clothing and personal protective equipment.

(g) Symptoms of pesticide poisoning.

(h) First aid and other procedures to be followed in case of a pesticide mishap.

(i) Proper identification, storage, transport, handling, mixing procedures, and disposal methods for pesticides and used pesticide containers, including precautions to be taken to prevent children from having access to pesticides and pesticide containers.

~~(3) Apply pesticides in accordance with label instructions and warnings, including the ability to prepare the proper concentration of pesticide to be used under particular circumstances, taking into account factors such as the area to be covered, the speed at which application equipment will be driven, and the quantity dispersed in a given operation;~~ Environment. The potential environmental consequences of the use and misuse of pesticides, including the influence of the following:

(a) Weather and other climatic conditions.

(b) Types of terrain, soil, or other substrate.

(c) Presence of fish, wildlife, and other non-target organisms.

(d) Drainage patterns.

(4) ~~Recognize local environmental situations that must be considered during application to avoid contamination;~~ and Pests. The proper identification and effective control of pests, including all the following:

(a) The importance of correctly identifying target pests and selecting the proper pesticide product(s).

(b) Verifying that the labeling does not prohibit the use of the product to control the target pest(s).

(5) ~~Recognize poisoning symptoms and the procedures to follow in case of a pesticide accident.~~

Pesticides. Characteristics of pesticides, including all the following:

(a) Types of pesticides.

(b) Types of formulations.

(c) Compatibility, synergism, persistence, and animal and plant toxicity of the formulations.

(d) Hazards and residues associated with use.

(e) Factors that influence effectiveness or lead to problems such as pesticide resistance.

(f) Dilution procedures.

(6) Equipment. Application equipment, including all of the following:

(a) Types of equipment and advantages and limitations of each type.

(b) Uses, maintenance, and calibration procedures.

(7) Application methods. Selecting appropriate application methods, including all of the following:

(a) Methods used to apply various forms and formulations of pesticides.

(b) Knowledge of which application method to use in a given situation and that use of a fumigant, aerial application, or predator control device containing sodium cyanide or sodium fluoroacetate requires additional certification.

(c) How selection of application method and use of a pesticide may result in proper use, unnecessary or ineffective use, and misuse.

(d) Prevention of drift and pesticide loss into the environment.

(8) Laws and regulations. Knowledge of all applicable State, Tribal, and Federal laws and regulations, including understanding the Worker Protection Standard in 40 CFR part 170 and the circumstances where compliance is required.

Before using a pesticide as a private applicator, a person must be certified by an appropriate certifying authority as having the necessary competency to use pesticides for pest control in the production of agricultural commodities, which includes the ability to read and understand pesticide labeling.

Certification in this general private applicator certification category alone is not sufficient to authorize the purchase or use of pesticide products in the categories listed in Sodium cyanide predator control, Sodium fluoroacetate predator control (repealed), ~~Soil fumigation~~, non-soil fumigation and Aerial pest control of this section.

Source: 4 SDR 23, effective October 20, 1977; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 47 SDR 59, effective December 2, 2020.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-18](#), [38-21-23](#), [38-21-52](#).

12:56:12:01.02. Sodium cyanide predator pest control. This pest control category applies to private applicators who use sodium cyanide in a mechanical ejection device to control regulated predators. Licensed applicators in this classification must be certified and licensed to use any pesticide.

Source:

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-18](#), [38-21-23](#), [38-21-52](#).

12:56:12:01.03. Aerial pesticide control. Aerial private applicators who use pesticides applied by fixed or rotary wing aircraft or unmanned aerial vehicles (UAV's).

Source:

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-18](#), [38-21-23](#), [38-21-52](#).

12:56:12:01.04. Non-soil Fumigation. This category applies to private applicators who use pesticides to fumigate anything other than soil, including but not limited to commodity storage (such as grain stored in bins or grain in transit in rail cars, vehicles, or vessels), and vertebrate burrows.

General Authority: SDCL [38-21-51](#).

Law Implemented: SDCL [38-21-18](#), [38-21-23](#), [38-21-52](#).

12:56:18:02. Containers acceptable for recycling. Pesticide containers acceptable for recycling must meet the following minimum requirements:

- (1) Be triple-rinsed or equivalent;
- (2) Consist of high-density polyethylene (HDPE) plastic of ~~2-4/255~~ gallons capacity or less;

- (3) Contain no visible pesticide residue inside or outside of the container; ~~however, if the container held crop oil, a nutritional spray, an adjuvant or surfactant, or a Bacillus thuringensis product as the sole active ingredient, the presence of residue will not disqualify it for acceptance;~~
- (4) Contain no more than 0.5 fluid ounces of clear water; and
- (5) ~~When possible, be~~ Be delivered with lid and paper labels ~~on~~ removed from the container.

Intermediate bulk container (IBC) totes may also be acceptable for recycling within the constraints of program funding and dependent on approval from the secretary. Eligible IBC totes will be picked up at the generator's location as time allows.

Source: 19 SDR 114, effective February 11, 1993; 19 SDR 198, effective July 1, 1993.

General Authority: SDCL 38-20A-36, 38-20A-54.

Law Implemented: SDCL 38-20A-54, 38-20A-55.

12:56:18:03. Pesticides acceptable for collection. ~~To be eligible for collection, pesticides must be preregistered on a form provided by the secretary. Only waste pesticides are eligible for collection. From these preregistrations, the secretary shall compile a~~ Pesticides are prioritized list of eligible waste pesticides and participants based on the toxicity of the pesticide, condition of the container, and the potential for the pesticide to harm human health or the environment. Pesticides that exhibit the greatest risks shall receive ~~the highest ranking. Those waste pesticides that rank highest on the list shall receive~~ priority for collection, within the constraints of program funding. Regardless of ~~the priority list~~, the secretary may refuse to collect and dispose of any pesticide based on any one or more of the following factors:

- (1) Physical or financial constraints;
- (2) ~~Misrepresentation in preregistration~~ of waste pesticide;
- (3) Newly discovered facts regarding the toxicity, condition, or potential effect of the pesticide on the environment; and

(4) Differences between the original pesticide as sold or produced and the present condition of the pesticide.

~~— The secretary shall notify the applicant of the eligibility of the pesticides for disposal under the program at least 15 days before the date of collection. If the pesticides are eligible for disposal, the secretary shall specify in the notice where and when the pesticides will need to be delivered.~~

Waste pesticides considered eligible but not collected because of inadequate program funding shall ~~remain~~ be put on the a list for consideration in the next annual cycle of collections ~~and do not require submission of another application for preregistration.~~

Source: 19 SDR 114, effective February 11, 1993; 19 SDR 198, effective July 1, 1993.

General Authority: SDCL 38-20A-36, 38-20A-54.

Law Implemented: SDCL 38-20A-54, 38-20A-55.