

DEPARTMENT OF AGRICULTURE
Office of Consumer and Environmental Regulation
(New Administrative Regulation)

302 KAR 26:050. Trainee Registration and Supervision Requirements.

RELATES TO: KRS Chapter 217B

STATUTORY AUTHORITY: KRS 217B.050, 217B.187, 217B.560

NECESSITY, FUNCTION, AND CONFORMITY: KRS 217B.050 requires the Department of Agriculture to promulgate administrative regulations to implement the provisions of KRS Chapter 217B. KRS 217B.187 and KRS 217B.560 requires the department to promulgate administrative regulations pertaining to registration and supervision of trainees under KRS Chapter 217B. This administrative regulation establishes requirements trainee registration and supervision.

Section 1. Applicability. This administrative regulation applies to any dealer, structural pest management company, licensed commercial operator or licensed commercial applicator who allows or relies on a trainee to use a restricted use or general use pesticide under direct supervision.

Section 2. Non-commercial Supervision of Trainees Prohibited. Trainees shall not use pesticides under supervision of a non-commercial license holder.

Section 3. Registration of Structural Pest Management Company Trainees.

- (1) A structural pest management company shall not employ a trainee to apply pesticides without registering the trainee with the department. It shall be unlawful for any person to act as a trainee without being registered.
- (2) Each application to register a trainee under this section shall be accompanied by a twenty-five (25) dollar trainee registration fee.
- (3) Trainee registration issued pursuant to this section shall be valid for ninety (90) days and shall not be reissued or renewed.

Section 4. General Requirements.

- (1) Requirements for the supervising operator or applicator.
 - (a) The supervising operator or applicator shall have a practical knowledge of applicable requirements contained in this regulation and any requirements on the product label and labeling, regarding the use of restricted use or general use pesticides by trainees.
 - (b) The supervising operator or applicator shall be licensed in each category as set forth in 302 KAR 26:020 applicable to the supervised pesticide use.
- (2) Requirements for the trainee. The supervising operator or applicator shall ensure that each trainee using any pesticide under his or her direct supervision meets all of the following requirements before using the pesticide:
 - (a) The trainee has been trained in accordance with Section 6 of this administrative regulation applies prior to making an application of any pesticide;
 - (b) The trainee has been instructed in the safe operation of any equipment he or she will use before mixing, loading, transferring, or applying pesticides; and
 - (c) The trainee is at least eighteen (18) years old.

Section 5. Use-specific Conditions That Must Be Met in Order for a Trainee to Use a Pesticide. The supervising operator or applicator shall ensure that all of the following requirements are met before allowing a trainee to use a pesticide under his or her direct supervision:

- (1) The supervising operator or applicator shall ensure that the trainee has access to the applicable product labeling at all times during its use.
- (2) Where the labeling of a pesticide product requires that personal protective equipment be worn for mixing, loading, application, or any other use activities, the supervising operator or applicator shall ensure that the trainee has clean, labeling-required personal protective equipment in proper operating condition and that the personal protective equipment is worn and used correctly for its intended purpose.
- (3) The supervising operator or applicator shall provide to each trainee, before use of a pesticide, instructions specific to the site and pesticide used. These instructions shall include labeling directions, precautions, and requirements applicable to the specific use and site, and how the characteristics of the use site (e.g., surface and ground water, endangered species, local population) and the conditions of application (e.g., equipment, method of application, formulation) might increase or decrease the risk of adverse effects. The supervising operator or applicator shall provide this information in a manner that the trainee can understand.
- (4) The supervising operator or applicator shall ensure that before each day of use, equipment used for mixing, loading, transferring, or applying pesticides is in proper operating condition as intended by the manufacturer, and can be used without risk of reasonably foreseeable adverse effects to the trainee, other persons, or the environment.
- (5) The supervising operator or applicator shall ensure that a means to immediately communicate with the supervising operator or applicator is available to each trainee using pesticides under his or her direct supervision.
- (6) The supervising operator or applicator shall be physically present at the site of the use being supervised when required by the product labeling.
- (7) The supervising operator or applicator shall create or verify the existence of the records required by Section 6 of this administrative regulation.

Section 6. Training Program.

- (1) General training shall be presented to trainees either orally from written materials or audio-visually. The information shall be presented in a manner that the trainees can understand, such as through a translator. The person conducting the training shall be present during the entire training program and must respond to the trainees' questions.
- (2) The person who conducts the training shall be currently licensed by the department as an operator or applicator.
- (3) The training materials shall include the information that trainees need in order to protect themselves, other people, and the environment before, during, and after making a pesticide application. The training materials shall include, at a minimum, the following:
 - (a) Potential hazards from toxicity and exposure that pesticides present to trainees and their families, including acute and chronic effects, delayed effects, and sensitization.
 - (b) Routes through which pesticides can enter the body.
 - (c) Signs and symptoms of common types of pesticide poisoning.
 - (d) Emergency first aid for pesticide injuries or poisonings.
 - (e) Routine and emergency decontamination procedures, including emergency eye flushing techniques. Trainees must be instructed that if pesticides are spilled or sprayed on the body, to immediately wash or to rinse off in the nearest clean water. Trainees must also be instructed to wash or shower with soap and water, shampoo hair, and change into clean clothes as soon as possible.
 - (f) How and when to obtain emergency medical care.
 - (g) After working with pesticides, wash hands before eating, drinking, using chewing gum or tobacco, or using the toilet.
 - (h) Wash or shower with soap and water, shampoo hair and change into clean clothes as soon as possible after working with pesticides.

- (i) Potential hazards from pesticide residues on clothing.
- (j) Wash work clothes before wearing them again and wash them separately from other clothes.
- (k) Do not take pesticides or pesticide containers used at work to your home.
- (l) Potential hazards to children and pregnant women from pesticide exposure.
- (m) After working with pesticides, remove work boots or shoes before entering your home, and remove work clothes and wash or shower before physical contact with children or family members.
- (n) How to report suspected pesticide use violations to the appropriate state or tribal agency responsible for pesticide enforcement.
- (o) Format and meaning of information contained on pesticide labels and in labeling applicable to the safe use of the pesticide, including the location and meaning of the restricted use product statement, how to identify when the labeling requires the certified applicator to be physically present during the use of the pesticide, and information on personal protective equipment.
- (p) Need for, and appropriate use and removal of, personal protective equipment.
- (q) How to recognize, prevent, and provide first aid treatment for heat-related illness.
- (r) Safety requirements for handling, transporting, storing, and disposing of pesticides, including general procedures for spill cleanup.
- (s) Environmental concerns such as drift, runoff, and wildlife hazards.
- (t) Restricted use and general use pesticides may be used only by a licensed operator or licensed applicator, or by a trainee working under the direct supervision of a licensed operator or licensed applicator.
- (u) The supervising operator's or applicator's responsibility to provide to each trainee instructions specific to the site and pesticide used. These instructions must include labeling directions, precautions, and requirements applicable to the specific use and site, and how the characteristics of the use site (e.g., surface and ground water, endangered species, local population, and risks) and the conditions of application (e.g., equipment, method of application, formulation, and risks) might increase or decrease the risk of adverse effects. The supervising operator or applicator must provide these instructions in a manner the trainee can understand.
- (v) The supervising operator's or applicator's responsibility to ensure that each trainee has access to the applicable product labeling at all times during its use.
- (w) The supervising operator's or applicator's responsibility to ensure that where the labeling of a pesticide product requires that personal protective equipment be worn for mixing, loading, application, or any other use activities, each trainee has clean, labeling-required personal protective equipment in proper operating condition and that the personal protective equipment is worn and use correctly for its intended purpose.
- (x) The supervising operator's or applicator's responsibility to ensure that before each day of use equipment used for mixing, loading, transferring, or applying pesticides is in proper operating condition as intended by the manufacturer, and can be used without risk of reasonably foreseeable adverse effects to the trainee, other persons, or the environment.
- (y) The supervising operator's or applicator's responsibility to ensure that a means to immediately communicate with the supervising operator or applicator is available to each trainee using any pesticides under his or her direct supervision.

Section 7. Recordkeeping. Supervising operators or applicators must create or verify the existence of records documenting that a trainee has the qualifications required in Section 3(2) of this administrative regulation.

- (1) If the trainee was trained in accordance with Section 3(2) of this administrative regulation, the record must contain all of the following information:

- (a) The trainee's printed name and signature;
 - (b) The date the training requirement was met;
 - (c) The name of the person who provided the training; and
 - (d) The title and a description of the training provided.
- (2) The supervising operator or applicator shall create or verify the existence of the record containing the information in subsection (1) of this section before allowing the trainee to use any pesticides under his or her direct supervision.
- (3) The dealer or structural pest management company employing the trainee shall provide the supervising operator or applicator of any trainee access to records documenting the information required subsection (1) section at the supervising operator's or applicator's principal place of business for three (3) years from the date the trainee used the pesticide.

Section 8. Exceptions. The requirements in Sections 1 through 6 of this administrative regulation do not apply to the following persons:

- (1) Persons conducting laboratory research involving restricted or general use pesticides.
- (2) Doctors of medicine and doctors of veterinary medicine applying restricted or general use pesticides to patients during the course of the ordinary practice of those professions.

Section 9. Material Incorporated by Reference

- (1) "Trainee Registration Application", (2022), is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Agriculture, 107 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

DR. RYAN QUARLES, Commissioner

APPROVED BY AGENCY: June 13, 2022

FILED WITH LRC: June 14, 2022 at 10 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on August 23, 2022 at 11:00 a.m., at the Kentucky Department of Agriculture, 111 Corporate Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through August 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Clint Quarles, Staff Attorney, Kentucky Department of Agriculture, 107 Corporate Drive, Frankfort, Kentucky 40601, phone (502) 330-6360, email clint.quarles@ky.gov.