

South Carolina Pest
Control Association

Technician Verifiable Training

These testing materials are
provided on behalf of:



Unit 12

South Carolina Pesticide Laws and Regulations

Powered by Metro Institute



Learning Objectives

- Know what agency regulates pesticide use in South Carolina
- Know the location of the nearest field office of the pesticide regulatory agency in South Carolina
- Know the classes and categories of applicators in South Carolina
- Know the licensing requirements for pesticide applicators in South Carolina
- Know the registration requirements for pesticides used in South Carolina
- Know the licensing requirements of South Carolina pesticide dealers
- Understand the penalties for violations of the South Carolina Pesticide Control Act
- Know where to obtain study material for the various license classes and categories of South Carolina and where to obtain information regarding the certification examination
- Know the requirements of the South Carolina Chemigation Act and the penalties for not complying with its rules and regulations



Terms to Know

- **Aerial Application** - application of restricted-use pesticides from an airplane or helicopter.
- **Antifouling paint pest control** - use of paints that contain tributyl tin (TBT) compounds.
- **Certified applicator** -- any individual certified to use or supervise the use of any pesticide classified for restricted-use.
- **Chemigation** - application of chemicals, including, but not limited to, fertilizers, plant growth regulators, and pesticides, through irrigation equipment.
- **Commercial applicator** - any individual certified to use or supervise the use of restricted-use pesticides on the property of others for a fee.
- **Noncommercial applicator** - an individual who uses or supervises the use of restricted-use pesticides in the performance of activities as a government employee.
- **Pesticide Dealer** - an individual licensed to sell or distribute a restricted-use pesticide.
- **Private applicator** - farmers, growers, foresters, and others, who use or supervise the use of restricted-use pesticides in the production of an agricultural commodity on their own land or land under their control. Private applicators may apply restricted-use pesticides for others for free, or as an exchange of goods and services.
- **Structural pest control** - use of a pesticide to control termites, roaches, fleas, wood destroying organisms, rats, mice and other structural pests.
- **Wood preservation pest control** - application of a restricted-use pesticide to wood to limit decay or insect attack.

Becoming Licensed

The South Carolina Pesticide Control Act requires all individuals who use or supervise the use of a restricted-use pesticide or who work in the structural pest control industry (reference Category 7a) to become licensed in South Carolina.

Under the South Carolina Pesticide Control Act, the Department of Fertilizer and Pesticide Control licenses certified pesticide applicators in South Carolina, and regulates the use of pesticides. There are twelve categories of applicators in South Carolina for commercial and noncommercial applicators:

1. Agricultural Pest Control
2. Forest Pest Control
3. Ornamental and Turf
4. Seed Treatment Pest Control
5. Aquatic Pest Control
6. Rights of Way Pest Control
7. Industrial, Institutional, Structural and Health-Related Pest Control (7a General: 7b Fumigation)
8. Public Health Pest Control
9. Regulatory Pest Control
10. Demonstration and Research
11. Aerial Application Pest Control
12. Miscellaneous (12a Wood Preservation Pest Control; 12b Anti-fouling Paint Pest Control).

Becoming Licensed

To become certified in any of these categories, you must pass the certification/licensing examination, pay an annual license fee, and demonstrate financial responsibility. Pesticide dealers must pass the dealer licensing exam and pay the annual license fee.

The certification/licensing examinations are given quarterly in several locations. Self study training material must be purchased from the Clemson University Extension Bulletin Room. You do not need to preregister for the exams, but study the training material and come to one of the examination sessions prepared to take the exam.

Pesticide dealers, Category 11 and Category 12 applicators need not take the 70-question core examination. All other commercial and noncommercial applicators must take the core exam and the examination for the appropriate category(s). A 70% passing rate is required for each of these exams.

Becoming Licensed

Department of Fertilizer and Pesticide Control Field Offices

Contact any of the field offices below or the Clemson University office with questions related to your license and recertification, the registration of pesticides in South Carolina, chemigation, or other areas of pesticide use regulated by the department.

Contact the Bulletin Room, 83 Poole Agricultural Center, Clemson University, Clemson SC 29634-5609 for study materials.

Fertilizer and Pesticide Control
c/o Medical University of South Carolina
171 Ashley Ave.
Charleston. SC 29425
Telephone 792-2284 or 792-0536

Becoming Licensed

Department of Fertilizer and Pesticide Control Field Offices

Fertilizer and Pesticide Control
P.O. Box 21792
Columbia, SC 29221
Telephone 772-0766

Fertilizer and Pesticide Control
Pee Dee Research and Education Center
Rt 1 Box 531
Florence, SC 29501-9603
Telephone 667- 1393

Becoming Licensed

Department of Fertilizer and Pesticide Control Field Offices

Fertilizer and Pesticide Control
Suite 211-C Century Plaza
211 Century Dr.
Greenville, SC 29607
Telephone 232-4276 or 233-3301

Fertilizer and Pesticide Control
P.O. Box 287
Ninety Six, SC 29666
Telephone 543-3574

Fertilizer and Pest Control
Clemson University
256 Poole Agricultural Center
Clemson, SC 29634-0394
Telephone 656-3171

Becoming Licensed

Department of Fertilizer and Pesticide Control Field Offices

You should also have a copy of the Rules and Regulations for the Enforcement of the South Carolina Pesticide Control Act. Become familiar with these regulations so that you can comply with the law. When you pass the examination you will be sent the forms necessary to apply for your license. After the forms are processed you will receive your license which will allow you to purchase and use restricted-use pesticides, within the limits of your license class and category, in South Carolina.

Summary of the South Carolina Pesticide Control Act

The purpose of the act is to regulate:

1. Registration
2. Quality control
3. use and application of all pesticides as required by the rules and regulations established by the U.S. Environmental Protection Agency under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), and in the best interest of the public.

Pesticide Registration

Every pesticide or device which is distributed within the state, or delivered for transportation, or transported in intrastate commerce must be registered by the basic producer of the product. Registration must be renewed annually prior to January 1.

Summary of the South Carolina Pesticide Control Act

Pesticide Registration

Every pesticide or device which is distributed within the state, or delivered for transportation, or transported in intrastate commerce must be registered by the basic producer of the product. Registration must be renewed annually prior to January 1.

To obtain registration, an application must be filed by the applicant which includes the following information:

1. Name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the applicant's.
2. Name of the pesticide.
3. A complete label, or facsimile of the label, including the directions for use.
4. The use classification, when required under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).
5. The complete formula of the pesticide. when deemed necessary.
6. Full description of tests made and the results, if requested, for any pesticide not federally registered, or on which restrictions are being considered.
7. Renewal registration - a statement outlining changes since last registration.

The appropriate registration fee must be paid for each pesticide. A penalty will be assessed each applicant if renewals are not made prior to January 1 of anyone year.

Summary of the South Carolina Pesticide Control Act

Licensing of Pesticide Dealers

A "pesticide dealer" is anyone engaged in the business of distributing, selling, offering for sale, or holding for sale, pesticides classified for restricted uses for distribution directly to users. Two exemptions are: (1) persons who do not sell restricted-use pesticides and (2) practicing veterinarians and physicians who prescribe, dispense, or use pesticides in performance of professional services.

Pesticide dealers must be licensed annually. The fee is \$25 per year with the license expiring on December 31 of the year issued.

A separate license and fee are required for each establishment from which restricted-use pesticides are distributed, sold, held for sale or offered for sale directly to the user or for resale.

Every licensed pesticide dealer who changes his address or place of business must notify the director within ten days. If an application for renewal is not filed on or before January 1 of each year, an additional fee of \$6.25 will be added to the original fee.

Summary of the South Carolina Pesticide Control Act

Licensing of Pesticide Dealers

It is a violation of the act for any person to sell a restricted-use pesticide to an establishment in South Carolina from which such pesticides are sold, distributed, or held for sale unless the establishment is licensed as a pesticide dealer.

Each applicant for a pesticide dealer's license must pass a written examination to obtain a license. When applying for a license or renewal, the dealer must submit the names of all persons employed by him who sell or recommend restricted use pesticides. Each dealer is responsible for the actions of every person working for him.

Certification of Pesticide Applicators

A "certified applicator" is any individual certified to use or supervise the use of any pesticide that is classified for restricted-use. There are three classes of certified applicators: (1) Private, (2) Commercial, and (3) Noncommercial (see "Terms to Know" on page 154). Each must be licensed annually and must pass an examination or receive other training.

Summary of the South Carolina Pesticide Control Act

Certification of Pesticide Applicators

Anyone performing structural pest control activity must be licensed as a commercial applicator in Category 7a or work under the direct supervision of someone licensed in this category, whether they use a restricted pesticide or not.

The license fees for the private and commercial applicators are \$1.00 and \$25.00 per valid year, respectively. Private applicator licenses are issued for five years for a \$5.00 fee.

Payment of the commercial applicator fee allows one person to be certified in one or more categories. Each office that maintains records of sales or application of pesticides must be licensed.

Each additional applicant or individual in an office who desires to be certified in anyone category must pay an additional \$5.00 fee. Noncommercial applicators are exempt from a license fee. All licenses expire on December 31 and must be renewed by January 1 or pay a penalty of 25 percent of the original fee.

Commercial applicators must also show evidence of financial responsibility in an amount determined by the director. Contact the Department of Fertilizer and Pesticide Control for more information. This insurance must cover property damage and public liability incurred applying pesticides.

Summary of the South Carolina Pesticide Control Act

Certification of Pesticide Applicators

Applicators applying for a license to engage in aerial application of pesticides must also meet all requirements of the Federal Aviation Agency, the S.C. State Aeronautics Commission and any other applicable Federal or State laws or regulations.

Licenses

All licenses under the South Carolina Pesticide Control Act expire on December 31 and must be renewed before January 1 or be assessed a penalty of 25 percent of the original fee. Licensees not renewing their licenses by the end of the year following expiration will be required to pass another examination.

Veterinarians and medical personnel and both private and governmental employees applying pesticides in the normal course of work, are exempt from licenses and other requirements.

Summary of the South Carolina Pesticide Control Act

Licenses

After an opportunity for a hearing, a license or certificate issued under this act may be denied, suspended, revoked, or modified if the holder:

1. makes false or fraudulent claims through any media, misrepresenting a pesticide,
2. makes a pesticide recommendation or application contrary to the label,
3. applies known ineffective or improper materials,
4. operates faulty or unsafe equipment,
5. violates any provisions of the pesticide law or its regulations,
6. fails to maintain required records,
7. makes false records, invoices or reports,
8. uses a restricted use pesticide without an applicator's license,
9. uses fraud or misrepresentation in applying for, or renewal of, a license or certification,
10. aids another person to evade any provisions of this act,
11. impersonates any federal, state, county or city inspector, or
12. uses a pesticide under an experimental use permit contrary to its provisions.

Summary of the South Carolina Pesticide Control Act

Enforcement

The director or his designated agents may enter upon any public or private premises at reasonable times to enforce the provisions of the act including but not limited to the following:

1. the inspection of lands actually or reported to be exposed; or
2. the inspection or investigation of complaints of injury to humans or land; or
3. the sampling of pesticides being offered for sale, applied or to be applied; or
4. to issue a "stop sale, use or removal" order on a pesticide or device.

Summary of the South Carolina Pesticide Control Act

Penalties

1. Criminal penalty. Any person who willfully violates the provisions of this act or regulations promulgated pursuant thereto shall be deemed guilty of a misdemeanor and upon conviction shall be punished as follows:
 - a) for a first offense, by a fine of not more than \$100 or imprisonment for not more than 30 days;
 - b) for a second offense, by a fine of not more than \$500 or imprisonment for not more than 60 days;
 - c) for a third offense, by a fine of not more than \$ 1000 or imprisonment for not more than 90 days;
2. Civil penalty. In addition to any denials, suspension, revocations, or modifications of any provisions of any licenses or certificates, or any other penalty as set forth in this act, any person who violates any provision of this act may be assessed a civil penalty by the director of not more than \$1000 for each offense.

Summary of the South Carolina Pesticide Control Act

Recertification

Individuals who apply restricted-use pesticides and those who apply pesticides for pay must be certified to do so under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and the South Carolina Pesticide Control Act. Amendments to FIFRA now require that applicators be continually recertified. The recertification program for South Carolina began in 1989 for commercial and noncommercial applicators and in 1990 for private applicators. Recertification is a continuing education requirement. No recertification is presently required for pesticide dealers, wood preservation, or antifouling paint pest control. Recertification training is conducted by the Clemson University Extension Service and others. Recertification status is conferred by the Clemson University Department of Fertilizer and Pesticide Control, which enforces FIFRA and the State Act in South Carolina.

All certified applicators have two options to achieve recertification: 1) attending a number of approved training sessions or courses over a five-year period and accumulating Continuing Certification Hours (CCHs) or 2) passing a written examination.

Summary of the South Carolina Pesticide Control Act

Recertification

Most applicators choose to attend training sessions. All such training sessions must be open to the public and have prior approval from the Department of Fertilizer and Pesticide Control in order to be eligible for recertification credits.

Commercial and noncommercial applicators must accumulate ten (10) CCHs and private applicators must accumulate five (5) CCH's within their respective five-year time block. The required number of CCHs may not be accumulated in a single year; an applicator may not acquire all of their required CCHs in the last (or any other) year.

Summary of the South Carolina Pesticide Control Act

Pesticide Advisory Committee

The South Carolina Pesticide Control Act provides for the establishment of an advisory committee. The committee is composed of state residents and appointed by the governor on the recommendation of: (1) the South Carolina Aerial Applicator's Association, (2) the South Carolina Pest Control Operators Association, (3) the Dean of the College of Agricultural Sciences of Clemson University, (4) the South Carolina Pesticide Association, (5) the South Carolina Farm Bureau, (6) the Executive Director of the South Carolina Wildlife and Marine Resources Department, (7) the State Forester of the South Carolina Commission of Forestry, (8) the Commissioner of Agriculture of South Carolina, (9) the administrator of the Department of Consumer Affairs, and (10) the Commissioner of the Department of Health and Environmental Control. Members will be appointed for four-year terms.

The function of the committee is to advise the director on any or all problems relating to the use and application of pesticides.

Summary of the South Carolina Pesticide Control Act

Structural Pest Control-Business License Requirement

1. No business shall engage in structural pest control activities without first acquiring a "business license" from the Department of Fertilizer and Pesticide Control (OFPC). The license will be issued only to businesses that have a full-time, Category 7a-certified pesticide applicator in charge. Certified applicator in charge may not fill this role for more than one location at one time.
 - a) Certified applicator in charge must operate from said business location.
 - b) Businesses whose licenses have been revoked or suspended may not apply for a new business license in the name of another business.
 - c) Business license fee shall be \$75 per year, valid unless suspended or revoked.
 - d) Changes in information regarding the business must be reported to the DFPC within ten days.
 - e) Violations of the Act may result in sanctions to the business and/or applicator. Including penalties of up to \$1000 and/or suspension, or revocation of license privileges
 - f) Appropriate records shall be kept at each licensed location for a period of two years.
 - g) If the certified applicator in charge is no longer employed at the designated office, the business license may be transferred to another qualified applicator within 30 days of departure, subject to authorization by the DFPC

Summary of the South Carolina Pesticide Control Act

Structural Pest Control-Business License Requirement

2. Business licenses must be prominently displayed at each business location.
3. Each vehicle which transports pesticides used in structural pest control activities must prominently display the appropriate DFPC decal, business license number, and company name. This information should be in letters at least one inch tall.
4. All pest control personnel shall carry (not display) on their person an official identification card demonstrating verifiable training in their area of pest control, the appropriate business and commercial license numbers, and the technician's name. The identification card is the property of the DFPC.
5. Warranty sales are prohibited unless exempted in writing by the director. This does not preclude a company from reinstating an expired warranty or contract on a structure previously treated.

Summary of the South Carolina Pesticide Control Act

Structural Pest Control - Standards for Prevention or Control of Wood-Destroying Organisms

Subterranean termite control on existing structures will be performed using only products labeled for use as termiticides. Control of other wood destroying organisms will be performed using only those products labeled for use on wood destroying organisms.

Minimum services for termite control treatment will include each of the following:

1. Termiticide residue levels, one year after treatment, will be a minimum of 100 ppm as verified by soil samples collected by the DFPC.
2. Removal of all debris (paper, wood, etc.) which would interfere with treatment or inspections, as well as removal of form boards less than eight inches from the soil.
3. Removal, treatment, or modification of all contact points where the wood of a building touches the ground. Wooden support structures (steps, pillars, trellises, etc.), must be inaccessible to termites and not in direct contact with the ground.
4. Removal of all visible termite shelter tubes.

Summary of the South Carolina Pesticide Control Act

Structural Pest Control - Standards for Prevention or Control of Wood-Destroying Organisms

5. Trenching (by cutting or rodding) of all soil, on the inside of the foundation, that contacts foundation walls and/or supports. All footings not covered with soil will be trenched (by cutting a trench or rodding). All soil adjacent to the outside foundation walls will be trenched (by cutting a trench or rodding) at intervals of not more than 12 inches. Termiticide will be applied to the trenches and to the backfill. Soil surrounding points where pipes enter the soil will also be saturated with termiticide.
6. Drilling and flooding of all cavities likely to be penetrated by termites, at intervals of not more than 16 inches. Drilling is not required if walls are capped by solid masonry caps without cracks.
7. Treatment of soil areas beneath attached concrete slabs less than 18 inches below the sill.
8. Adequate ventilation will be provided (usually done by placing one 8 by 16-inch foundation ventilator per 150 ft of crawl space).
9. Removal of soil to provide a minimum clearance of 8 inches between structural wood and soil.

Summary of the South Carolina Pesticide Control Act

Structural Pest Control - Standards for Prevention or Control of Wood-Destroying Organisms

10. Structures built on concrete slabs will have the soil saturated with termiticide at all points of potential termite entry. Treatment can be applied by horizontally drilling or rodding beneath the slab at intervals of not more than 24 inches, or by drilling vertically through the slab at intervals of not more than 24 inches. Treatment must be applied 12 inches or less from the potential point of termite entry.

Pretreatment of structures for subterranean termite control will be done in accordance with label directions (proper proportions, quantities, etc.), and will include the following:

1. In new constructions, approved termiticide shall be applied to all cavities or voids likely to be penetrated by wood destroying organisms by flooding the voids before they are covered.
2. Soil surfaces to be covered by slabs may be treated before the slab is poured: otherwise the slab must be drilled. After the outside tzoade is filled, soil next to the foundation wall must be treated.
3. Crawl space foundations must be treated as described above.

Chemigation

Farmers have a history of appreciating and conserving water. The use of irrigation equipment has increased in South Carolina due in part to several years of low rainfall. Application of fertilizers and pesticides through this irrigation equipment, commonly called chemigation, has also increased.

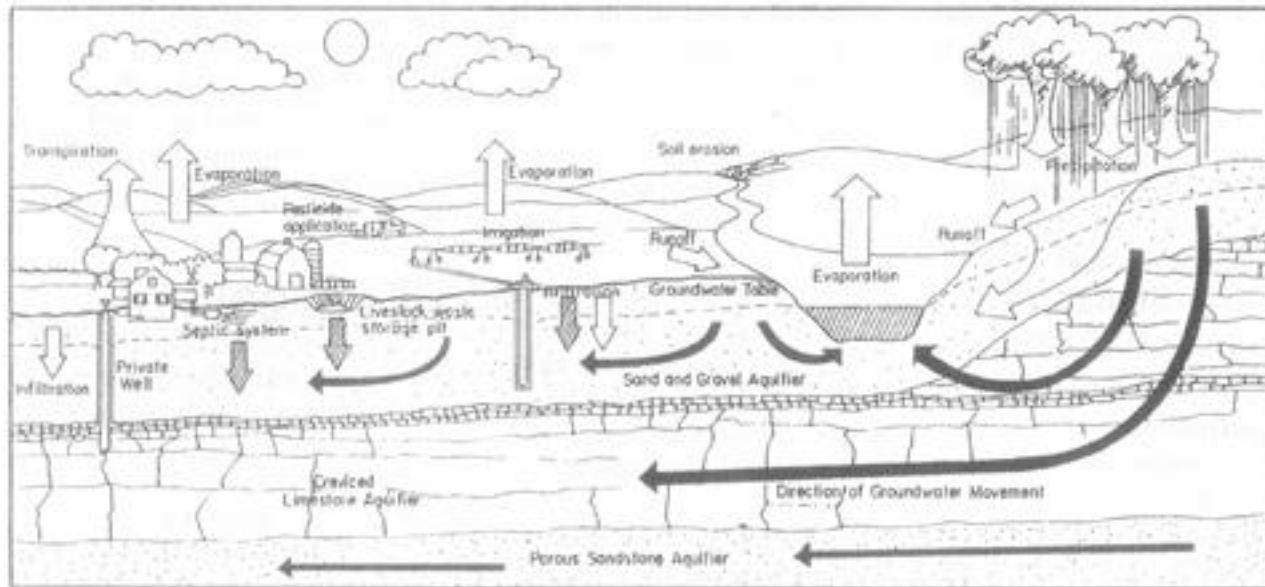
There are several unique advantages of applying chemicals through irrigation water: uniformity and increased coverage, reduced soil compaction, reduced mechanical injury to plants, reduced operator hazard when working with such dilute amounts of pesticides, less pesticide applied, and reduced pesticide and pesticide equipment costs.

The disadvantage of chemigation is the susceptibility of the water source to contamination by chemicals if preventive backflow devices are lacking or improper. Tragically, groundwater contamination has occurred in agricultural situations. It has occurred through direct contamination of chemicals at the mixing site or drainage/back siphonage of the chemigated water into the well or water source and then into the water table.

Not only may your water source become contaminated but also that of your neighbors. The water may be unusable for many years.

The Chemigation Act (46-1-140) was enacted in July of 1988 to prevent groundwater contamination from fertilizer and pesticide use in irrigation equipment.

Chemigation



Contamination of groundwater is a widespread sometimes irreversible problem threatening man and the environment.

Summary of the S.C. Chemigation Act, Rules and Regulations

The South Carolina Chemigation Act and its rules and regulations are administered by the Department of Fertilizer and Pesticide Control, Division of Regulatory and Public Service Programs, Clemson University. The regulations apply to anyone who chemigates whether or not the person is a certified pesticide applicator.

Department of Fertilizer and Pesticide Control (DFPC) inspectors, to carry out the act, will inspect and occasionally sample water or chemicals being chemigated. They will determine when check valves need servicing. You must notify the Department of Fertilizer and Pesticide Control (803-656-3171) at Clemson University, Clemson, South Carolina, of any known or suspected contamination of a water source caused by chemigation. There are penalties up to five hundred dollars (\$500.00) per offense for violators of the law or these regulations.

The regulations of this act require that back flow prevention (anti-siphon) equipment be maintained and operational at all times. Four specific safeguards are required:

1. An interlock, mechanical or electrical, must connect the chemical injection equipment with the irrigation pump, preventing too much chemical from being pumped into the lines. In addition to stopping groundwater contamination, this interlock prevents too much fertilizer or herbicide from injuring the chemigated crops or plants.

Summary of the S.C. Chemigation Act, Rules and Regulations

2. A check valve must be installed between the irrigation pump and the point of injection of chemical. This prevents the water that has the chemical mixed with it from flowing back into the well or other water source. All check valves must be flanged and bolted onto the irrigation pipe and be inspectable and accessible for maintenance. Any system that does not have this provision is risking contamination of everyone's water.
3. A vacuum breaker must be behind the check valve. This prevents back siphonage of the chemicals by releasing the siphon on the water when the pump is turned off.
4. A low-pressure drain must be behind the check valve, and preferably behind the vacuum breaker. The low pressure drain outlet must be drained at least 20 feet away from the water source and be constructed so that the top of the drain is flush with the bottom of the irrigation pipe. This prevents backflow into the well or water source when the system is not under pressure or when the check valve leaks slightly during pumping.
 - Special provisions, such as check valves, exist for gravity flow or venturi chemigation operations. This will insure that the chemigation pump will shut down when the irrigation pump shuts down
 - Backflow prevention (antisiphon) equipment must not be altered in any way to disable its function.

Summary of the S.C. Chemigation Act, Rules and Regulations

- The Department of Fertilizer and Pesticide Control, Division of Regulatory and Public Service Programs, must be notified of any water source contamination, or suspected contamination, resulting from chemigation.
- Records of chemigation applications must be maintained for two (2) years from the time of a given application. Records shall include type of chemical applied (this includes all pesticides, not just those which are restricted use), date applied, rate, site and water source.

Irrigation systems connected to public water sources fall under the jurisdiction of the South Carolina Department of Health and Environmental Control, and they should be contacted for information on their regulations when this is the case.

Everyone who uses or applies pesticides through irrigation systems must meet the Chemigation Act's requirements. Applicators must check pesticide labels as some may further restrict or prohibit chemigation application. Some pesticide labels have posting requirements. The Department of Fertilizer and Pesticide Control has limited numbers of appropriate signage available upon request.

Summary of the S.C. Chemigation Act, Rules and Regulations

New irrigation systems being installed can easily accommodate the Chemigation Act requirements. Older systems must be amended to comply with the Act and to protect groundwater. If the piping system is PYC or similar material, the changes can be made very inexpensively. If the piping system is cast iron or steel, the installation costs will be higher. The cost of contaminated groundwater is higher still however, and groundwater is too precious a resource not to protect.

Clemson University's Cooperative Extension Service, and the Division of Regulatory and Public Service Program's Department of Fertilizer and Pesticide Control stand ready to help you comply with the law. For further information or assistance about the Chemigation Act, contact one of the regulatory specialists at one of the field offices or at Clemson University.

Copies of the South Carolina Chemigation Act and its rules and regulations are available from the Department of Fertilizer and Pesticide Control.

The preceding is a brief description of the regulations of the South Carolina Pesticide Control Act and the Chemigation Act that must be followed. You can obtain copies of these regulations from the Department of Fertilizer and Pesticide Control. Read them carefully and comply.