



**College of Tropical Agriculture
and Human Resources**
University of Hawai'i at Mānoa

PESTICIDE RISK REDUCTION EDUCATION

Supervising Non-certified Applicators of Restricted Use Pesticide in Hawaii

June 2019

A STUDY GUIDE
FOR PERSONS SEEKING CERTIFICATION BY
THE HAWAII DEPARTMENT OF AGRICULTURE
TO BUY, USE, OR SUPERVISE THE USE OF
RESTRICTED USE PESTICIDES

This study guide was developed in cooperation with staff of the Hawaii Department of Agriculture's Pesticides Branch. Please direct any question or comment to the coordinator for the Pesticide Risk Reduction Education program of the College of Tropical Agriculture and Human Resources, University of Hawaii at Manoa. Contact the coordinator by email, cynagami@hawaii.edu, or telephone, 808-956-6007.

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About This Study Guide

Purpose

This booklet is a study guide for the Hawaii Department of Agriculture's examination to qualify for certification to buy, use, or supervise the use of restricted use pesticides in Hawaii. It will not tell you everything you need to know about owning, handling, or using pesticides correctly.

Scope

This guide discusses only selected information about several sets of laws and regulations for regulating pesticide distributors and applicators. It does not explain everything about correctly supervising people who handle or use a restricted use pesticide that you bought or otherwise acquired. Other requirements may be written in the labeling for specific pesticide products. So you should check the labeling for your pesticides for any supervision requirements that are not discussed in this guide.

Updates and changes

The date of this study guide is "June 2019." It could be out-of-date by the time you read it because we may have changed important parts or because laws or regulations may have changed. You are welcome to get the latest version of this guide, free-of-charge, from the Internet at:

<https://cms.ctahr.hawaii.edu/epp/Education/Study-Guide-Packets/Hawaii-Pesticide-Laws-and-Regulations>

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Other Study Guides

You can get the other study guides for the exams by following the links beginning at this webpage:

<https://cms.ctahr.hawaii.edu/epp/Education/Study-Guide-Packets>

or by contacting the coordinator for the Pesticide Risk Reduction Education program of the College of Tropical Agriculture and Human Resources, University of Hawaii at Manoa. Contact the coordinator by email, cynagami@hawaii.edu or telephone, 808-956-6007.

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Supervisor's Responsibilities

You take on certain responsibilities when you become certified by the Hawaii Department of Agriculture as a private or a commercial pesticide applicator. One set of responsibilities arises if you allow someone who is not certified to use your restricted use pesticide in Hawaii. You assume the same responsibilities when the non-certified person simply handles the container after it was opened or unsealed or disposes of the container.

Supervision Under Five Conditions

You, as a certified applicator, must ensure that five conditions are met when you allow a non-certified person to handle or use a restricted use pesticide that you bought or otherwise acquired.

Condition 1: The product's label does not prohibit its use by a non-certified person under the direct supervision of a certified applicator and in the manner prescribed by the label.

Here is an example of wording on a pesticide label that does prohibit use by a non-certified applicator:

RESTRICTED USE PESTICIDE
For sale to and use ONLY by Certified
Applicators
Non-Certified Applicators are
prohibited from applying this product

Do not allow a non-certified person to use or handle your restricted use pesticide if its label says something like that.

It may be legal to allow a non-certified person to use your restricted use pesticide if its label specifies that it is allowed, like this:

RESTRICTED USE PESTICIDE
For retail sale to and use only by
Certified Applicators, or persons under
their direct supervision, and only for
those uses covered by the Certified
Applicator's certification

But be cautious because, even if one part of your pesticide's label does not prohibit use by a non-certified person, another part of the label may prohibit applying the product with a certain type of application equipment. For example, suppose you want a non-certified applicator to apply your restricted use pesticide with a backpack sprayer and the pesticide's label says:

Application with backpack sprayer or handheld sprayer is prohibited.

Because that statement prohibits anyone—whether certified or not—from applying the product with a backpack sprayer, do not allow anyone to do that.

Here's a second example: Suppose you want to allow a non-certified applicator to apply a bait product and its label says:

Where uneaten bait may be a hazard to other birds or animals, it must be picked up at the end of each day.

Because picking up uneaten bait is required by the label, you must ensure that the applicator (or someone else under your supervision) does that if the bait may be hazardous to birds or other animals. If you cannot, then do not allow anyone—whether certified or not—to apply the product.

Condition 2: Your category of certification is appropriate to the restricted use pesticide being used by the non-certified applicator.

For example, suppose you want to allow a non-certified applicator to do some of the work of fumigating a building with your restricted use pesticide. An appropriate category of certification for supervising a non-certified applicator on that job would be commercial category 7A, which is for fumigation pest control. But it would not be appropriate if you are certified only in the commercial category 2 category, which is for forest pest control.

Condition 3: The non-certified applicator is under your direct supervision.

The non-certified applicator must be under your direct supervision.

The non-certified applicator is under your direct supervision if he or she is competent, is acting under your instructions and control, and you, the certified applicator, are available if and when needed, even though you are not physically present at the time and place the pesticide is applied.

Competent—A non-certified applicator is competent if he or she is able and qualified to perform a particular function in pesticide application, the degree of competence being directly related to the nature of the activity and the associated responsibility. For example, suppose the product’s labeling requires the applicator to wear a chemical cartridge respirator. If he or she cannot get the medical clearance required for wearing that respirator, then he or she is not competent. As a second example, suppose the labeling requires the applicator to keep the spraying pressure at 40 pounds per square inch or less. If he or she cannot read and understand the numbers and words imprinted on the application equipment’s pressure gauge, then he or she is not competent. In both cases, the applicator is not under your direct supervision.

Instructions and control—A pesticide applicator is acting under your instructions and control if he or she is following the label, written instructions, and verbal instructions provided, and will immediately contact you, the certified applicator, if he or she encounters a situation outside of the provided instructions.

Physically present—Labeling for a few pesticides require the certified applicator to be physically present at the site where the application takes place, at least during certain procedures. Here is an example found on the labeling for a product used for fumigation:

A Certified Applicator must be physically present, responsible for, and maintain visual and/or voice contact with all fumigation workers during the application of the fumigant, and also during the opening of the product containers. Once the application is complete and the structure has been made secure, the certified applicator

does not need to be physically present at the site.

Condition 4: You gave the non-certified applicator written instructions.

The written instructions must explain how to apply the pesticide, how to contact the certified applicator at any time during the application, and what safety measures to take (including emergency procedures).

Condition 5: Responsibility for violations

You will be responsible for violations of the State of Hawaii’s pesticides law and rules, including violations committed by the non-certified applicator. (To learn more about common violations, read the study guide titled *Hawaii Pesticides Law and Regulations*.)

Other Rules

For specific pesticide products

Check your product’s labeling for any supervision requirements that are not be discussed in this guide.

For greenhouse, nursery, farm or forestry operations

If you supervise people who use your pesticide to treat agricultural plants grown at a forest to be harvested, greenhouse, nursery, or farm, study the booklet titled *How to Comply With the 2015 Revised Worker Protection Standard For Agricultural Pesticides: What Owners and Employers Need To Know*. It explains rules for training and supervising pesticide users who are not certified. The rules apply whether the pesticide is classified for “restricted use” or not.

You may buy the booklet from an on-line store or download it, free-of-charge from this webpage:

<https://www.epa.gov/pesticide-worker-safety/pesticide-worker-protection-standard-how-comply-manual>

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References

Letter to Hawaii Certified Applicators, September 14, 2018, from John McHugh, Manager, Pesticides Program, Hawaii Department of Agriculture. Applicants can request a copy of the letter by calling 808-973-9402 or emailing hdoa.pested@hawaii.gov.

Act 045. (“Act 045” is a Hawaii law enacted in 2018. It amends the Hawaii Pesticides Law by changing some of its parts and adding parts to it. Several of its requirements became enforceable on January 1, 2019.)

https://www.capitol.hawaii.gov/session2018/bills/GM1145_.PDF (as viewed on 10/30/18)

Hawaii Pesticides Law, Hawaii Revised Statutes, Chapter 149A.

https://www.capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/HRS0149A/ (as viewed on 8/8/18)

Hawaii Administrative Rules, Title 4, Chapter 66, as adopted in October 2006.

<https://hdoa.hawaii.gov/pi/files/2013/01/AR-66.pdf> (as viewed on 4/9/19)

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Disclaimers

This study guide will not tell you everything you need to know about handling and using pesticides correctly.

Where trade names are used, no endorsement is intended nor is criticism implied of similar suitable products not named.

The underlining of words and phrases is only to make this study guide easier understand and not to imply that those words or phrases are more important or significant than others.

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Pesticide Risk Reduction Education is a program of the College of Tropical Agriculture and Human Resources of the University of Hawaii at Manoa. Its staff provides short courses and study guides for people preparing to take the Hawaii Department of Agriculture's examinations to qualify for certification as certified applicators of restricted use pesticides in Hawaii.

<https://cms.ctahr.hawaii.edu/epp/#>

These educational activities support the Hawaii Department of Agriculture's program for certification or recertification of applicators of restricted use pesticides in Hawaii.

The staff of the *Hawaii Department of Agriculture's Pesticides Branch* certifies or recertifies people qualified for certification to buy, use, or supervise the use of restricted use pesticides in Hawaii. They conduct examinations for qualifying and issue certification cards to qualified applicators.

<http://hdoa.hawaii.gov/pi/pest/pesticide-applicator-certificationrecertification-2/>

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