

# ***Chemigation and Fertigation Technical Assistance Program***



## **PESTICIDE LICENSING FOR CHEMIGATION APPLICATIONS**

The Washington Pesticide Application Act (RCW 17.21) prescribes when a pesticide application requires a Commercial Applicator pesticide license. Proper licensing requirements can be confusing for pesticide dealers and others who provide technical assistance in preparation for or during the course of a chemigation operation. This publication addresses chemigation applicator licensing requirements and a few of the activities that characterize a commercial chemigation application.

WAC 16-202-1004(1) of the Washington State Chemigation Rule requires that, “Only an appropriately licensed certified applicator or a competent person under the direct supervision of a certified applicator may calibrate, load, start up, operate, monitor, or shut down a chemigation system.” Accordingly, a grower must be licensed as a Private Applicator. For Commercial Applicators and Commercial Operators, they must also hold the license categories relevant to the pesticide application.

The Washington State Chemigation Rule requires that anyone who applies a pesticide through an irrigation system must be licensed as, or be under the direct supervision of, a WSDA certified applicator.

### **When is a Commercial Applicator license required?**

As defined in RCW 17.21, a Commercial Applicator license is required if a pesticide is applied to property other than your own or your employer’s. A commercial application does not require that compensation take place. An exception to Commercial Applicator licensing exists when a Private Applicator makes a pesticide application to another grower’s land without compensation, which includes the trading of personal services.

Commercial Applicators must comply with all WSDA requirements, which include, but are not limited to:

- Record keeping of pesticide applications,
- Providing proof of financial coverage (through a Financial Responsibility Insurance Certificate or Surety Bond),
- Ensuring that commercial operators in their employment hold the appropriate categories,
- Maintaining a current listing of Commercial Operators with the department, and
- Licensing of injection apparatus(es).

In addition, the Worker Protection Standard requires Commercial Applicators to provide the following information (prior to the application) to their agricultural employer customers.

- Location and description of area to be treated
- Application time and date
- Product name, EPA Registration Number, and active ingredient
- Restricted entry interval
- Whether posting and oral notification are required
- Product specific label requirements to protect workers

The Commercial Applicator must also supply a copy of the final application record to the landowner, lessee, or grower.

### **Who can provide technical assistance for chemigation applications? When does assistance constitute a commercial application?**

Employees of **pesticide dealers and commercial application companies** who hold a Commercial Applicator or Commercial Operator pesticide license and the appropriate categories (e.g. Ag Weed, Ag Insect & Disease, Soil Fumigation) can provide technical assistance to clientele. Technical assistance includes equipment placement and set up along with the initial calibration. After the initial calibration, activities such as starting up, shutting down, or monitoring an irrigation system or injection equipment during an application would constitute a commercial application.

A pesticide license is not necessary to perform routine maintenance and repair on chemigation application equipment, including injection device removal and reinstallation. However, individuals performing maintenance-related activities that include the shutting down, recalibration, and starting up of a system in the course of a chemigation application are required to be licensed or under the direct supervision of a certified applicator.

### **Can Commercial Consultants provide technical assistance in connection with a chemigation application?**

A Commercial Consultant can advise on pesticide use (e.g., equipment options, product combinations, application rate, target pest, and application timing), but cannot supervise a chemigation operation. However, a Commercial Consultant may provide assistance with a chemigation operation, provided that the responsible licensed applicator is present.

### **Can a person be held accountable for improper advice or assistance that results in a pesticide violation associated with a chemigation application?**

Yes. Any person who offers advice, assistance, equipment, or product can be held responsible. Furthermore, a person can be held responsible if he or she provides assistance to the equipment owner or applicator with the knowledge that the application equipment (irrigation application system and injection system) is faulty or noncompliant with the federal pesticide label or with state laws or rules.

### **For more information about the WSDA Chemigation / Fertigation Program contact:**

- ✦ Tom Hoffmann [thoffmann@agr.wa.gov](mailto:thoffmann@agr.wa.gov) 509-766-2574
- ✦ Byron Fitch [bfitch@agr.wa.gov](mailto:bfitch@agr.wa.gov) 509-766-2575

### **For Commercial Applicator and general pesticide licensing information:**

- ✦ Contact the Pesticide Licensing Branch toll free at (877) 301-4555, or
- ✦ Visit the Licensing Web page at <http://agr.wa.gov/PestFert/LicensingEd/default.htm>.