

---

# **Richland County Pesticide, Herbicide, and Fertilizer Program**

---

**File No. 06530**

**DECEMBER 2006**



**Prepared for:  
STORMWATER MANAGEMENT DIVISION  
RICHLAND COUNTY DEPARTMENT OF PUBLIC WORKS  
POST OFFICE BOX 192  
400 POWELL ROAD  
COLUMBIA, SOUTH CAROLINA 29202-1092**

**Prepared by:  
BP BARBER  
POST OFFICE BOX 1116  
COLUMBIA, SOUTH CAROLINA 29202-1116**

---

**TABLE OF CONTENTS**

<b><u>SECTION</u></b>	<b><u>PAGE</u></b>
<b>1. INTRODUCTION.....</b>	<b>1</b>
<b>2. IDENTIFICATION OF POTENTIAL PHF APPLICATION AREAS AND SAMPLE POINTS.....</b>	<b>2</b>
<b>3. CERTIFICATION AND LICENSING.....</b>	<b>7</b>
<b>4. PHF MINIMIZATION PROCEDURES .....</b>	<b>9</b>
4.1 Chemical Inventory.....	9
4.1.1 Public Works.....	10
4.1.2 Vector Control .....	10
4.1.3 Other Richland County Departments.....	11
4.2 Non-toxic Pesticide Evaluations .....	12
4.3 Application Timing and Chemical Management Practices .....	12
4.4 Equipment Use and Maintenance .....	14
4.5 Storage Practices.....	15
4.6 Decision Protocol Related to Mowing versus Herbicide Use.....	17
4.7 Elimination of Spraying Programs with Minimal or No Effectiveness.....	20
4.8 Landscaping Best Management Practices (BMPs).....	20
<b>5. TRAINING .....</b>	<b>23</b>
<b>6. INSPECTION, MONITORING, RECORDKEEPING, AND PUBLIC NOTICE PROCEDURES .....</b>	<b>25</b>
6.1 Inspections .....	25
6.2 Monitoring .....	25
6.3 Record Keeping .....	26
6.4 Public Notification.....	26
6.4.1 Public Notice.....	26
6.4.2 Public Education.....	27
<b>7. RECOMMENDATIONS.....</b>	<b>29</b>

**FIGURES:**

Figure 1-1: Richland County Stormwater PHF: Golf Course Locations.....4  
Figure 1-2: Richland County Stormwater PHF: Parks and Recreation .....5  
Figure 1-3: Richland County Stormwater PHF: Possible Sources and Locations.....6  
Figure 4-1: Ditch Maintenance Procedures Decision Tree.....19

**APPENDICES:**

Appendix A: Clemson University Department of Pesticide Regulation Bulletins  
Appendix B: South Carolina Pesticide Control Rules and Regulations  
Appendix C: PHF Inventory List  
Appendix D: Spill Reporting and SWPPP Information

## SECTION 1 INTRODUCTION

---

Richland County is a regulated Municipal Separate Storm Sewer System (MS4) and thereby covered under a National Pollutant Discharge Elimination System (NPDES) Permit for Discharge to Surface Waters. In order to comply with the NPDES permit, Richland County must develop a Pesticide, Herbicide, and Fertilizer (PHF) Program, which should aid Richland County in reducing the discharge of pollutants related to the storage and application of PHFs applied by County employees or contractors to public rights-of-way, parks, and other public property. As required by the NPDES permit, this program will address the following elements:

- Identification of areas known to receive high applications of PHFs, as well as PHF sample points
- Procedures for requiring evidence of proper certification and licensing for all applicators contracted to apply pesticides or herbicides on municipal property
- Procedures to minimize the use of PHFs and to properly apply, store, and mix these products when used;
- Procedures to control the application of PHFs in public rights-of-way and public facilities
- Procedures for requiring that applicators contracted to apply fertilizer are qualified in utilizing proper nutrient management practices
- Procedures to detect improper usage and prioritize problem areas including method to identify PHFs sample points

This program will also work in conjunction with the Phase II public education and outreach program to target educating property owners on best management practices (BMPs) for PHF application, storage, and mixing activities on their property, as well as other high potential applicators identified by the PHF Program.

## SECTION 2 IDENTIFICATION OF POTENTIAL PHF APPLICATION AREAS AND SAMPLE POINTS

---

Richland County has identified the following areas as areas that could potentially receive high applications of PHFs:

- Golf courses
- Public parks/gardens
- Ball fields/sports complexes
- Green space surrounding public or state buildings/other facilities
- Water bodies, including stormwater detention ponds
- County roadway ditches
- Mosquito spraying areas, as directed by Richland County's Vector Control Program

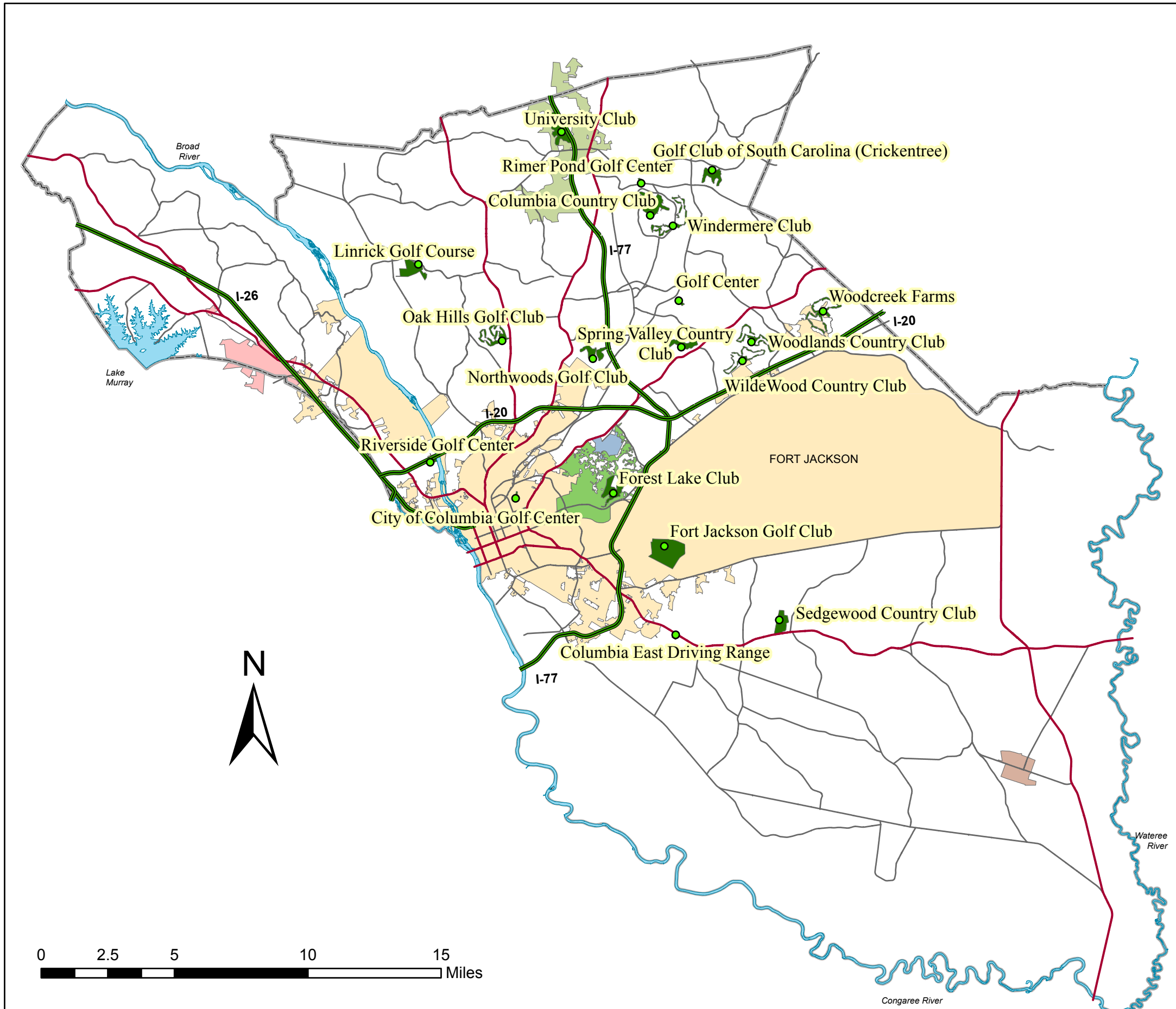
Richland County Stormwater Management Division, in conjunction with the Parks and Recreation, Facilities and Grounds, Vector Control, and Geographic Information Systems (GIS) Departments, has identified these potential application areas. Figure 1-1 illustrates the location of public and private golf courses, while Figure 1-2 illustrates the location of parks and recreation areas. Figure 1-3 denotes the location of county-owned assets, and public schools, in addition to the location of golf courses and recreation areas illustrated in Figures 1-1 and 1-2. Figure 1-3 will assist Richland County in locating proposed stormwater sampling points for PHFs, based on ongoing wet weather sampling efforts.

The County initiated several wet weather sampling events from January through June 2005 as part of its NPDES permit renewal efforts. These events showed a few detections of pesticides in two sampling locations in Watershed Management Unit (WMU) 202A; these detections were typically at the method detection limit (MDL) or slightly greater than the MDL. These two sampling locations within WMU 202 are slated to be sampled again during first quarter 2007 as part of the County's formal Wet Weather Monitoring Program, which will last from January 2006 through May 2007. If PHFs are detected at high levels at these locations during the upcoming sampling events,

Richland County will add additional sample points in WMU 202A to isolate the contributor. These proposed PHF sample points will target the identified high application areas and are intended to monitor if the identified types of activities are significantly contributing to stormwater pollution.

Thus far in the formal Wet Weather Monitoring Program, there have been no detections of pesticides in either WMU 301 or WMU 502. If PHFs are detected at high levels at these locations during future sampling events, Richland County will add additional sample points in the affected watershed(s) to isolate the contributor. These proposed PHF sample points will target the identified high application areas and are intended to monitor if the identified types of activities are significantly contributing to stormwater pollution.

# RICHLAND COUNTY STORMWATER PHF: GOLF COURSE LOCATIONS



NAME	COMMENTS
City of Columbia Golf Center	Public Driving Range
Columbia Country Club	Private Course
Columbia East Driving Range	Public Driving Range
Forest Lake Club	Private Course
Fort Jackson Golf Club	Private Course
Golf Center	Public Driving Range
Golf Club of South Carolina (Crickentree)	Public course - Privately owned
Linrick Golf Course	Public course - owned and maintained by the Richland County Recreation Commission
Northwoods Golf Club	Public course - Privately owned
Oak Hills Golf Club	Public course - Privately owned
Rimer Pond Golf Center	Public Driving Range
Riverside Golf Center	Public course - Privately owned
Sedgewood Country Club	Public course - Privately owned
Spring Valley Country Club	Private Course
University Club	Private Course
WildeWood Country Club	Private Course
Windermere Club	Private Course
Woodcreek Farms	Private Course
Woodlands Country Club	Private Course

## Legend

- Golf Courses
  - Golf Course Boundaries
  - Arterial Roads
  - Interstates
  - Highways
  - County Boundary
- ### Municipalities
- Arcadia Lakes
  - Columbia
  - Forest Acres
  - Blythewood
  - Eastover
  - Irmo

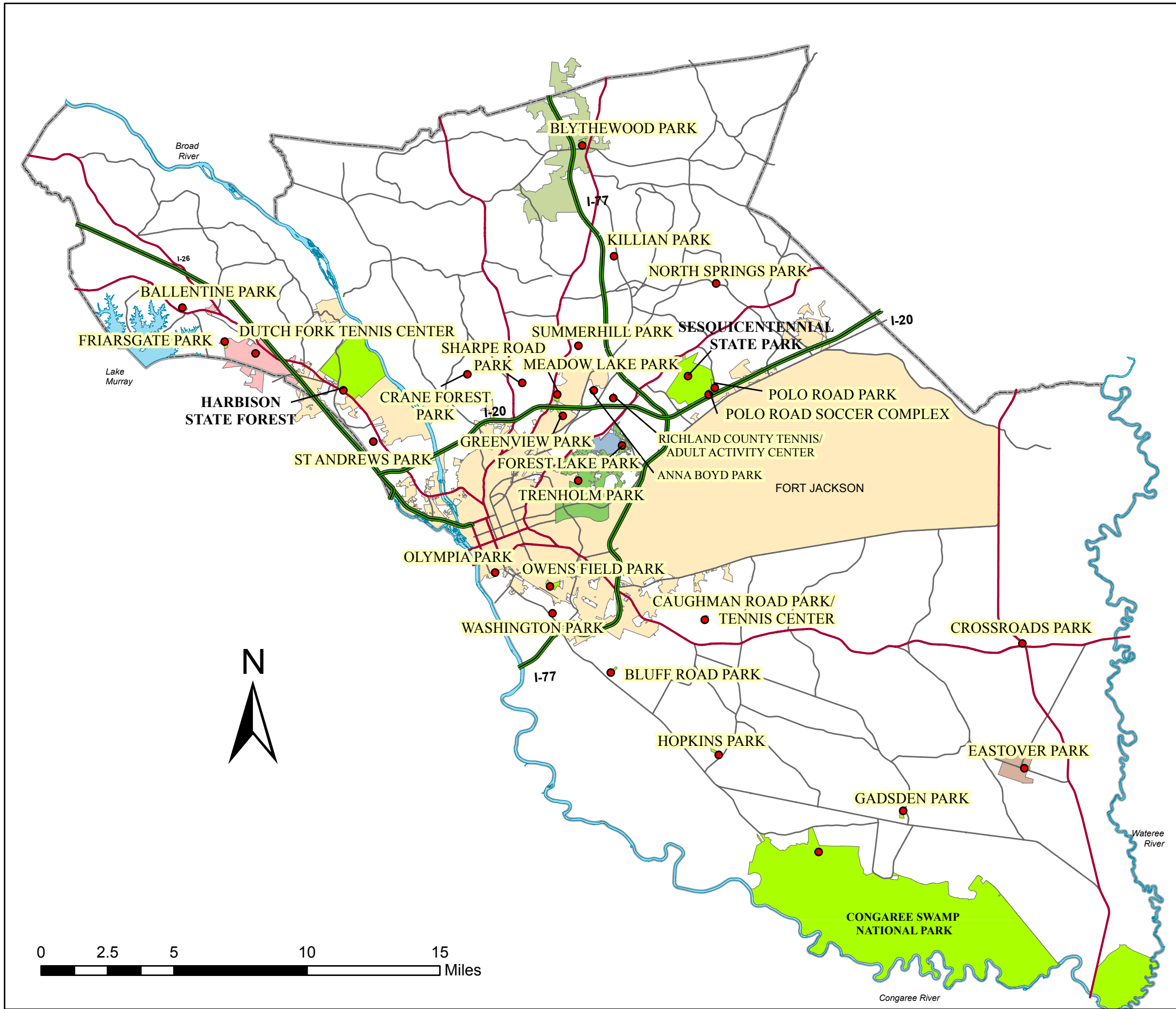


**DISCLAIMER:** This is a product of the Richland County Public Works Department. The data depicted here have been developed with extensive cooperation from other county departments, as well as other federal, state and local governments agencies. Reasonable efforts have been made to ensure the accuracy of this map. Richland County expressly disclaims responsibility for damages or liability that may arise from the use of this map.

**PROPRIETARY INFORMATION:** Any resale of this information is prohibited, except in accordance with a licensing agreement.

**COPYRIGHT** © 2006  
 Richland County Public Works  
 400 Powell Rd.  
 Columbia, SC 29203

# RICHLAND COUNTY STORMWATER PHF: PARKS AND RECREATION AREAS



Park Name	Responsible Party
ANNA BOYD PARK	RC Recreation Commission
BALLENTINE PARK	RC Recreation Commission
BLUFF ROAD PARK	RC Recreation Commission
BLYTHEWOOD PARK	RC Recreation Commission
CAUGHMAN ROAD PARK/TENNIS CENTER	RC Recreation Commission
CRANE FOREST PARK	RC Recreation Commission
CROSSROADS PARK	RC Recreation Commission
DUTCH FORK TENNIS CENTER	RC Recreation Commission
EASTOVER PARK	RC Recreation Commission
FOREST LAKE PARK	RC Recreation Commission
FRIARSGATE PARK	RC Recreation Commission
GADSDEN PARK	RC Recreation Commission
GREENVIEW PARK	RC Recreation Commission
HOPKINS PARK	RC Recreation Commission
KILLIAN PARK	RC Recreation Commission
MEADOW LAKE PARK	RC Recreation Commission
NORTH SPRINGS PARK	RC Recreation Commission
OLYMPIA PARK	RC Recreation Commission
OWENS FIELD PARK	RC Recreation Commission
POLO ROAD PARK	RC Recreation Commission
POLO ROAD SOCCER COMPLEX	RC Recreation Commission
RICHLAND COUNTY TENNIS/ADULT ACTIVITY CENTER	RC Recreation Commission
SHARPE ROAD PARK	RC Recreation Commission
ST ANDREWS PARK	RC Recreation Commission
SUMMERHILL PARK	RC Recreation Commission
TRENHOLM PARK	RC Recreation Commission
WASHINGTON PARK	RC Recreation Commission
HARBISON STATE FOREST	State Forest
SESQUICENTENNIAL STATE PARK	State Park
CONAGAREE NATIONAL PARK	National Park Service

## Legend

- Park Locations
  - Park Boundary
  - Arterial Roads
  - Interstates
  - Highways
  - County Boundary
- ### Municipalities
- Arcadia Lakes
  - Blythewood
  - Columbia
  - Eastover
  - Forest Acres
  - Irmo



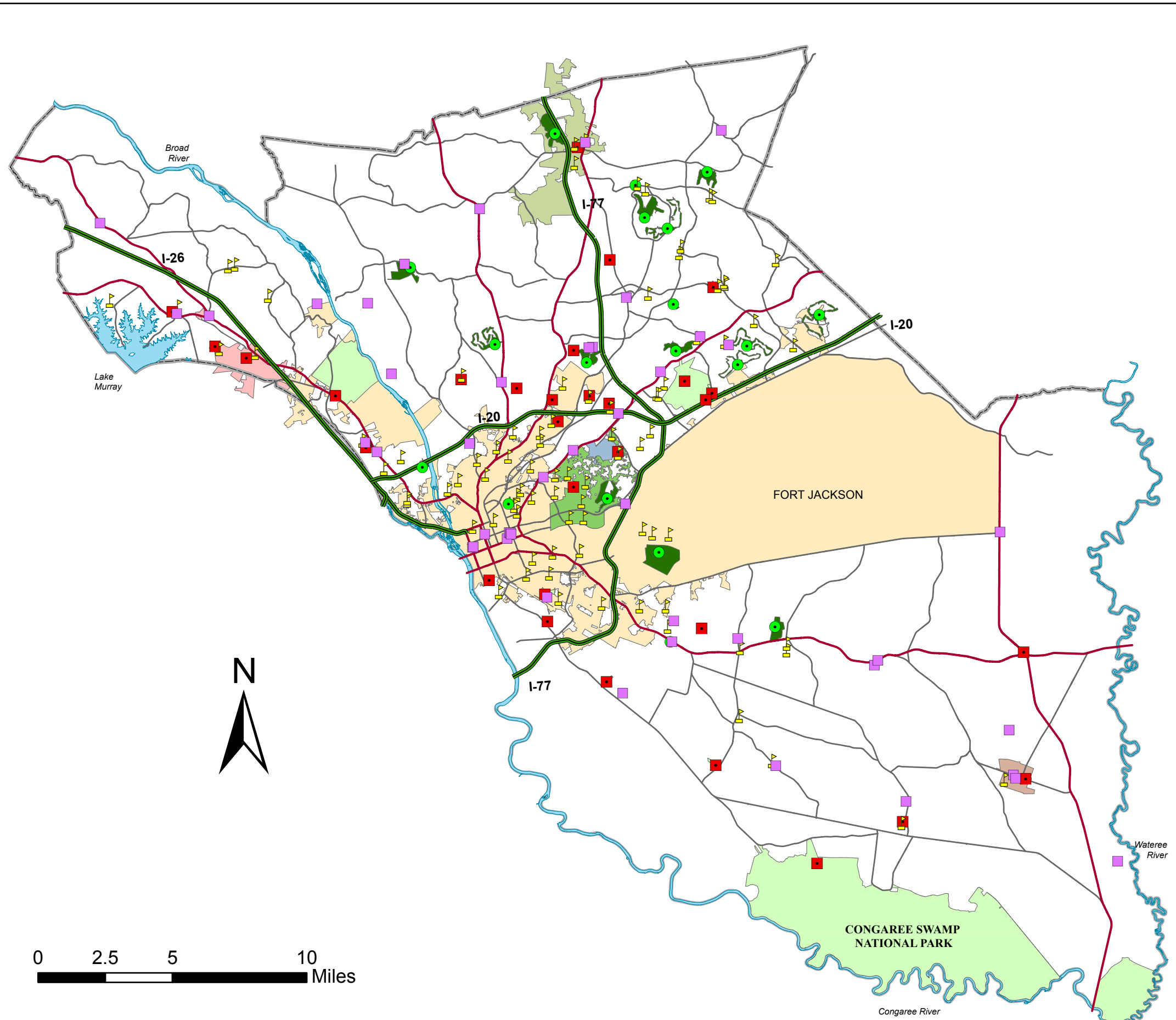
**DISCLAIMER:** This is a product of the Richland County Public Works Department. The data depicted here have been developed with extensive cooperation from other county departments, as well as other federal, state and local governments agencies. Reasonable efforts have been made to ensure the accuracy of this map. Richland County expressly disclaims responsibility for damages or liability that may arise from the use of this map.

**PROPRIETARY INFORMATION:** Any resale of this information is prohibited, except in accordance with a licensing agreement.





**COPYRIGHT © 2006**  
 Richland County Public Works  
 400 Powell Rd.  
 Columbia, SC 29203






# RICHLAND COUNTY STORMWATER PHF: POSSIBLE SOURCES AND LOCATIONS


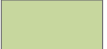






## Legend

-  Public Schools  
Possible source: Use of PHF on recreation fields and open areas
-  Golf Courses  
Possible source: Use of PHF to maintain course
-  Parks and Recreation areas  
Possible source: Use of PHF on recreation fields and open areas
-  County Maintained Assets  
Possible source: Use of PHF on open areas or landscaped areas.

-  Park Boundary
-  Golf Course Boundary
-  Arterial Roads
-  Highways
-  Interstates
-  County Boundary

## Municipalities

-  Arcadia Lakes
-  Blythewood
-  Columbia
-  Eastover
-  Forest Acres
-  Irmo



**DISCLAIMER:** This is a product of the Richland County Public Works Department. The data depicted here have been developed with extensive cooperation from other county departments, as well as other federal, state and local governments agencies. Reasonable efforts have been made to ensure the accuracy of this map. Richland County expressly disclaims responsibility for damages or liability that may arise from the use of this map.

**PROPRIETARY INFORMATION:** Any resale of this information is prohibited, except in accordance with a licensing agreement.

**COPYRIGHT** © 2006  
 Richland County Public Works  
 400 Powell Rd.  
 Columbia, SC 29203

### SECTION 3 CERTIFICATION AND LICENSING

---

Commercial and non-commercial application of pesticides is regulated in the state of South Carolina by the Department of Pesticide Regulation (DPR), a department within the Division of Regulatory and Public Service Programs, Clemson University. The DPR requires mandatory licensing for applicators involved in pest-control activities in structural, landscape and turf, aquatic, and public health areas.

Richland County currently has a small number of employees in its Public Works and Vector Control Departments that are licensed through DPR. The County will ensure that staff members that apply pesticides and herbicides are properly licensed by the DPR during the term of this permit or are directly supervised by a licensed applicator, per DPR regulations.

In addition, commercial applicators contracted by the County for pesticide and/or herbicide application will maintain current licensing through DPR. Contractors will provide written notification to the appropriate County divisional manager, Public Works Director, or Vector Control Director (or their designee) prior to commencement of any work involving PHF application. For example, NaturChem has a state contract to provide vegetation control applications at most of the South Carolina's general aviation airports, including Owens Field in Richland County. The contract involves weed control and growth regulation on airport turf. In addition, NaturChem has historically assisted the Roads and Drainage Division and Stormwater Division in ditch and detention basin weed control through herbicide application. NaturChem and other County contractors are obligated to stay current on the requirements of herbicide applications, licensing, training, storage, container disposal, records, etc. and to provide application reports at any time.

A bulletin from Clemson University DPR outlining guidance related to pesticide application notification, records maintenance, and supervision procedures is contained in Appendix A for reference.

The following records will be maintained by the County:

<b>Record Type</b>	<b>Responsible Person</b>	<b>Record Location (1)</b>
Copies of non-commercial applicator licenses (County employees only)/ commercial applicator licenses (contractors)	Divisional Manager or Department Director	Office of responsible person
Completed work orders (County employees)/work notifications (contractors)	Divisional Manager or Department Director	Office of responsible person
Material safety data sheets (MSDSs) for pesticides/herbicides utilized by County employees or contractors	Divisional Manager or Department Director	Office of responsible person
Pesticide/herbicide purchase receipts (County employees only)	Divisional Manager or Department Director	Office of responsible person
Pesticide usage reports (County employees and contractors)	Divisional Manager or Department Director	Office of responsible person

**(1) Copies of these records will also be provided to the Stormwater Services Manager**

As part of the County’s NPDES permit, Richland County, in conjunction with the Town of Arcadia Lakes and the City of Forest Acres, is required to ensure that any new controls implemented to reduce the potential for PHF discharge comply with BMPs, as well as with the following rules and regulations:

- Enforcement of the South Carolina Pesticide Control Act Sections 27-107 to 27-1085
- Sections 46-13-10 to 46-13-240 Chapter 13 (Pesticide Control Act) of Title 46 (Agriculture) of the Code of Laws of South Carolina

Copies of these rules and regulations are provided in Appendix B.

## SECTION 4 PHF MINIMIZATION PROCEDURES

---

As part of the PHF program, Richland County is required to develop procedures to minimize the use of PHFs; develop procedures to properly apply, store, and mix these products when used; develop procedures to effectively control the application of PHFs in public rights-of-way and public facilities; and develop procedures to require that applicators contracted to apply fertilizer are qualified in utilizing proper nutrient management techniques. This section will include general information on Richland County's practices and procedures in the following areas:

- Chemical inventory
- Non-toxic pesticide evaluation
- Application timing (based on growth cycles and appropriate weather conditions) and chemical management practices
- Equipment use and maintenance
- Storage practices
- Decision protocols related to mowing versus herbicide use
- Elimination of spraying programs with minimal or no effectiveness
- Landscaping best management practices (BMPs)

If inspections or monitoring indicate that more detailed standard operating procedures (SOPs) are needed to meet these requirements, the County will develop these SOPs, as needed.

### **4.1 Chemical Inventory**

Various PHFs are utilized by the Richland County's Public Works Department (Facilities and Roads and Drainage), Vector Control Program and other Richland County Departments such as, Parks and Recreation. Some of these PHFs are applied by contractors, while others are applied by County employees.

#### 4.1.1 *Public Works*

Pesticides and herbicides may be applied by Public Works employees or contractors that possess a current applicator's license through Clemson DPR. Fertilizers may be applied by either County employees or contractors, and no state licensing requirements are currently in place for fertilizer application. An inventory of PHFs being stored on Richland County property for use by Department of Public Works employees or contractors (including Facilities or Roads and Drainage employees or contractors) is maintained by the appropriate Divisional Manager(s) and is included in Appendix C. The PHF inventory in Appendix C will be reviewed on an annual basis and updated, if necessary.

Herbicides and fertilizers are also utilized at the Richland County landfill. An inventory of PHFs stored at the landfill is maintained by the appropriate Divisional Manager, and these PHFs are also shown on the inventory list in Appendix C.

Material safety data sheets (MSDSs) and, if available, technical specifications for the PHFs utilized by the Public Works department will be maintained at individual storage locations, as well in the Public Works Director's office. The MSDSs or technical specifications will outline:

- Chemical constituents
- Product uses
- Directions and precautions for applicators, *e.g.*, dilution factors, mixing instructions, etc.
- Proper storage instructions

#### 4.1.2 *Vector Control*

Several employees in the County's Vector Control program have non-commercial applicator's licenses through Clemson DPR. Employees in this department are not responsible for applying fertilizers since their primary focus is to provide effective insect/rodent control for Richland County. An inventory of pesticides being stored on Richland County property for insect control purposes is maintained by the Vector Control

Program Director. The pesticide inventory is checked on the first of each month, and inventory records are maintained in the Vector Control office.

Material safety data sheets (MSDSs) for all products are located at the individual storage locations, and a master book of all products in inventory is maintained in the Vector Control office. The MSDSs typically outline:

- Chemical constituents
- Product uses
- Directions and precautions for applicators, *e.g.*, dilution factors, mixing instructions, etc.
- Proper storage instructions

#### *4.1.3 Other Richland County Departments*

Pesticides and herbicides may be applied by employees or contractors of other Richland County departments, including, but not limited to, Parks and Recreation; these employees/contractors must also possess a current applicator's license through Clemson DPR. Fertilizers may be applied by either County employees or contractors, and no state licensing requirements are currently in place for fertilizer application. An inventory of PHFs being stored on Richland County property for use by departments other than Public Works or Vector Control is maintained by the appropriate Divisional Manager(s) and is included in Appendix C. The PHF inventory in Appendix C will be reviewed on an annual basis and updated, if necessary.

Material safety data sheets (MSDSs) and, if available, technical specifications for the PHFs utilized by departments other than Public Works or Vector Control will be maintained at individual storage locations, as well in the appropriate Divisional Manager's office. The MSDSs or technical specifications will outline:

- Chemical constituents
- Product uses
- Directions and precautions for applicators, *e.g.*, dilution factors, mixing instructions, etc.

- Proper storage instructions

## **4.2 Non-toxic Pesticide Evaluations**

Prior to pesticide or herbicide purchase, County employees and contractors will consult the material's label or the pesticide dealer to determine if the pesticide/herbicide is likely to cause groundwater or surface water contamination. If groundwater or stormwater contamination is likely, the pesticide dealer or a Clemson Extension agent will be consulted about alternative products or methods of pest control that have a lower likelihood of groundwater/stormwater contamination. A Clemson University DPR bulletin regarding proper selection, use, and disposal of pesticides is also contained in Appendix A for reference by County employees or contractors.

The majority of pesticides and herbicides currently in use by the County in various applications do not contain priority pollutants. New products to be utilized within the County should be reviewed and approved by the Stormwater Services Manager prior to use to minimize any water quality impacts from the use of new products.

## **4.3 Application Timing and Chemical Management Practices**

Proper management of pests relies upon the identification of pests and knowledge of their life cycles. Potential pests will be documented and actual pests carefully identified in order to focus application effectiveness. Field staff will be provided the opportunity for training in pest identification and the time to conduct regular assessments.

Vector Control utilizes integrated pest management (IPM) techniques. The mosquito control program currently conducts surveillance activities for mosquito populations for nuisance and disease. This information aids with the targeting of treatment for mosquito larviciding and adulticiding. Vector Control also utilizes GIS to better target its response when vector-borne disease activity is encountered. The GIS layers currently used by Vector Control include:

- Control areas
- Known breeding sites
- West Nile activity
- Eastern equine encephalitis (EEE) activity
- Malaria activity
- Light trap locations
- Rain gauges
- At-risk populations (*e.g.*, day cares, schools, elderly care facilities)
- Roads (including no-spray roads)
- Federal lands
- Municipalities
- Satellite imagery
- Lakes, and
- Streams and impoundments

Pesticides/herbicides will not be applied prior to heavy rains or during high winds (wind speeds greater than 5 miles per hour (mph)). County employees/contractors will check weather forecasts prior to scheduled pesticide/herbicide applications. Vector Control typically schedules its truck spraying activities for mosquito control between midnight and dawn to reduce the likelihood of windy conditions and public exposure.

When using pesticides or herbicides that are likely to contaminate groundwater, County employees and contractors will consult the pesticide label for any special precautions that should be used to protect water quality (*e.g.*, use of buffer zones near surface water and wells). Pesticides or herbicides should not be applied in areas with shallow groundwater (*e.g.*, near springs, streams, wetlands, and other surface water bodies) or near storm drains.

The minimum amount of pesticide/herbicide needed for the job will be prepared, and the lowest rate needed to control the pest/weed will be utilized. Techniques to minimize off-target application (*e.g.*, spray drift) of pesticides/herbicides will be



employed, including consideration of alternative application techniques. The County will only purchase the amount of pesticide/herbicide that can reasonably be used in a given time period (*i.e.*, monthly or yearly, depending on the product). A Clemson University DPR bulletin regarding proper selection, use, and disposal of pesticides is also contained in Appendix A for reference by County employees or contractors.

#### **4.4 Equipment Use and Maintenance**

When mixing and loading pesticides/herbicides, water hoses will be kept at least six (6) inches above the top of the mixing tank when water is being utilized from a well; a check valve and vacuum break may be installed to prevent back-siphoning of the pesticide/herbicide into the line.

Mixing and loading of pesticides/herbicides will be conducted at least 100 feet downgradient from water supply wells, surface water, and storm drains. Mixing and loading operations will be monitored at all times to prevent overflows of the mixing tank.

Pesticide containers will be triple-rinsed or pressure-washed, with the rinse water added back to the mixing tank before the recommended amount of water is added to the mixing tank. This BMP will be utilized to prevent small amounts of concentrated pesticide/herbicide left in the bottom of containers from leaking.

Rinsing and calibration of pesticide/herbicide application equipment will be conducted at least 100 feet downgradient of nearby water supply wells, surface water, or storm drains. Application equipment will be calibrated prior to each application in order to minimize pesticide/herbicide losses related to drift, leaks, or improper spray coverage. General information related to proper selection, use, and disposal of PHFs is contained in one of the Clemson University DPR bulletins in Appendix A.

Equipment operational manuals for Vector Control equipment are accessible to Vector Control staff. One Vector Control staff member's responsibilities include the

verification of proper maintenance on application equipment, but all Vector Control staff members participate in equipment maintenance. The Vector Control Program's policy is to place no more than ten (10) gallons in their spray truck tanks, which have a capacity of 15 gallons. This policy ensures that if the vehicle is involved in a collision resulting in a tank rupture, the amount of pesticide spilled would be less than the required reportable quantity. Each Vector Control spray truck is equipped with a 5-gallon bucket spill kit to contain and absorb spills.

#### **4.5 Storage Practices**

Pesticides, herbicides, and fertilizers will be stored in a locked, dry, covered area at least 100 feet from wells, cisterns, or surface water. Storage areas will have adequate ventilation and concrete floors. Storage areas will be inspected on a regular basis, as designated in the various SWPPPs for the County. Spilled pesticides/herbicide or leaking pesticide/herbicide containers will be removed and disposed of per SC DHEC regulations.

Pesticides utilized by Vector Control are stored in secure, climate-controlled buildings, with minor amounts stored in locked boxes on vehicles for daily use.

SC DHEC will be consulted on matters of pesticide/herbicide disposal as questions arise. General information related to proper selection, use, and disposal of PHFs is contained in one of the Clemson University DPR bulletins in Appendix A.

Pesticide/herbicide containers will undergo proper disposal or recycling; under no circumstances will pesticide/herbicide containers utilized by County employees be buried or burned. Clemson's Department of Pesticide Regulation will be consulted on matters related to pesticide/herbicide container recycling. A bulletin generated by Clemson University DPR on pesticide container recycling is contained in Appendix A for reference.

Safe handling and storage practices are outlined in SC Regulation 27-1081 (see Appendix B).

In the event of a spill, the following actions will be taken to minimize the effects of a spill, as outlined in the Clemson University DPR bulletin “Proper Selection, Use, and Disposal of Pesticides” (Appendix A):

- Quickly set the container upright if the container, bag, sprayer, or spreader has tipped over.
- Cover any spilled liquid pesticides with absorbent material, such as soil, sand, sawdust, peat moss, rags, paper towels, newspaper, or kitty litter.
- Carefully sweep up or collect the absorbent material, placing the pesticide-contaminated materials in a plastic bag for proper disposal.

The following information should be provided to the County Pollution Prevention Team if a pesticide/herbicide spill is experienced:

- Name, address, and phone number of person reporting.
- Date and time of discharge.
- Exact location of the spill.
- Facility name and location of the spill.
- Material(s) spilled.
- Estimated quantity of spilled material.
- Source of spill.
- Apparent cause of spill.
- Damages or injuries caused by the discharge.
- Name of body of water involved.
- Actions taken up to the time of the reporting.
- Action planned for containment and clean up.
- Whether an evacuation may be needed.
- The names of individuals or organizations who have also been contacted.

Appendix D contains a Spill Report Form to be filled out in the event of a spill.

Pesticide poisoning prevention and general first aid information is contained in one of the Clemson University DPR bulletins contained in Appendix A.

#### **4.6 Decision Protocol Related to Mowing versus Herbicide Use**

Whenever possible, mechanical methods of vegetation removal (*e.g.*, mowing with bush-hogs, tractor-type or push mowers, hand cutting with gas or electric powered weed trimmers) will be utilized rather than herbicide application. Hand weeding will be utilized where practical.

Tolerance thresholds may vary by pest, specific location, or type of land use. For example, threshold levels for weeds will likely differ between utility rights-of-way, urban ballfields, golf course greens, and road shoulders. The following distinct levels may be identified as subsets of threshold determination:

- Initial Injury Threshold: level at which some injury is noticed or begins to occur
- Action Threshold: level at which action must be taken to prevent a pest population at a specific site from reaching an economic, functional, or aesthetic Damage Threshold
- Damage Threshold: level where unacceptable damage begins to occur

In most situations, certain levels of pest presence or injury can be accepted. When the predetermined action threshold is crossed, interventions will be implemented in order to keep from reaching the damage threshold.

Situations exist where the threshold level for pests must be set near or at zero. Laws and regulations may exist to eliminate Class A noxious weed species due to potential for economic injury, public health, or environmental impact. Due to public safety concerns, road shoulders immediately adjacent to the pavement are areas where weed tolerance is typically low.

The following elements will be considered when making threshold determinations and selecting appropriate control strategies:

- Human health hazards
- Aquatic toxicity
- Environmental mobility/persistence/damage
- Preservation of natural systems and long-term health of the area
- Disruption of natural pest controls in the area
- Impact to non-target organisms (*e.g.*, bees)
- Application timing relative to periods in the pest's life cycle that will have the fewest impacts on natural enemies
- Long-term reductions in the pest
- Application effectiveness
- Cost effectiveness (short and long term)
- Ability of the application to be measured and evaluated

The Public Works Department utilizes a Ditch Maintenance Procedure (Figure 4-1), which outlines the decision tree for ensuring that ditches remain clear for stormwater conveyance. In this decision tree, herbicide application is the final consideration for brush removal after manual methods of brush clearing and excavation/vac truck activities.

The Richland County Special Services Department or an approved County contractor also conducts manual cleaning of public and some private stormwater detention ponds. In the event that chemical treatment of detention ponds is necessary, the order that the ponds will be treated will be based on vegetation amounts, length of time since previous treatment, and public complaint levels.

Typical application methods and estimated usage quantities of PHFs are included in the chemical inventory list in Appendix C.

# DITCH MAINTENANCE PROCEDURES

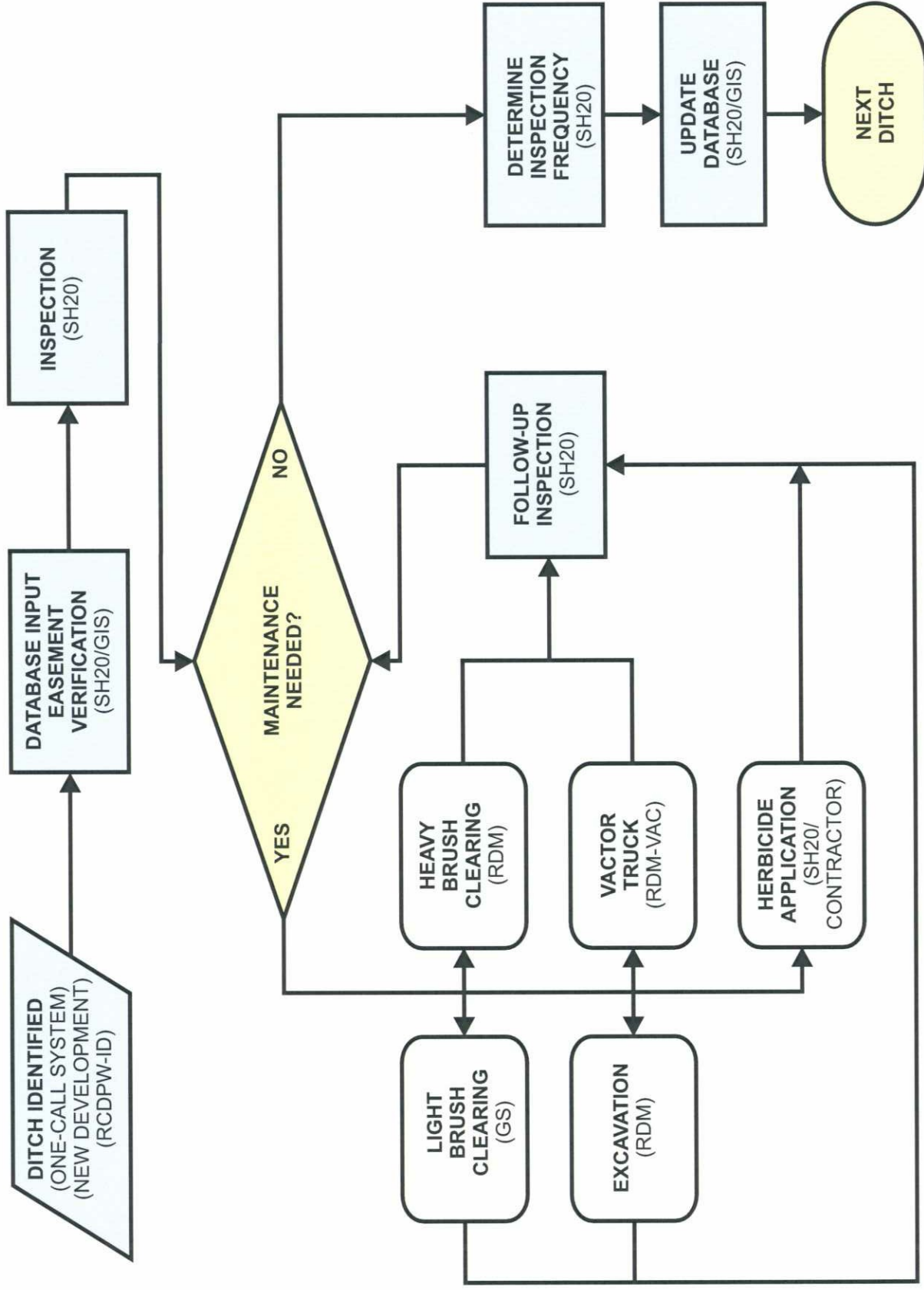


Figure 2.4.1.1

#### **4.7 Elimination of Spraying Programs with Minimal or No Effectiveness**

County employees/contractors will scout municipal areas during routine maintenance activities to determine any pesticide/herbicide needs. By pre-determining the pesticide/herbicide needs, the County should be able to reduce the number of pesticide applications performed during the year.

On an annual basis, a committee composed of the Director of Public Works, Vector Control Program Director, County Stormwater Manager and any additional pertinent staff will review the PHF program and current landscape practices to evaluate how well prevention and control objectives are being met and to identify areas where improvement is needed. This will include a review of the pesticide and herbicide application records. The Committee will prepare a report of its findings, which shall include the following information:

1. Quantities of each pesticide/herbicide used (including an evaluation of their effectiveness);
2. Target pest for each pesticide used;
3. Non-chemical vegetation or pest prevention strategies and control measures implemented (including an evaluation of their effectiveness);
4. Pest management plan for the coming year.

This report will be summarized in the County's annual report for its NPDES stormwater permit. It will also subsequently be made available to the public upon request.

#### **4.8 Landscaping Best Management Practices (BMPs)**

The design for plantings on County property will minimize the need for pesticides, herbicides, or fertilizers at any time before, during, and after construction and

on a long-term basis. Plantings will be designed to minimize the need for mowing, pruning, and irrigation. Where feasible, weeding will be manual with no pesticides or herbicides used. Weeds will be removed regularly and not allowed to accumulate. Mulching will be used to prevent weeds where turf is absent.

The County will minimize the amount of fertilizer used on municipal grounds by basing application rates on periodic soil tests to determine the minimum amount of fertilizer required. Soil aeration will be performed in some areas to reduce the amount of fertilizer used without causing additional runoff. Fertilizer applicators/landscaping workers will be expected to follow, at a minimum, these best management practices (BMPs):

- When practical, grass will be mowed high and more frequently, leaving the clippings to decompose
- Where feasible, selected native vegetation whose features are determined to be beneficial (*e.g.*, will likely require less fertilizer) will be planted or retained
- Light fertilizer application will take place in the early fall and late spring with a natural organic or slow-release fertilizer
- The use of high nitrogen or quick-release fertilizers and weed-and-feed formulations that produce excess growth will be reduced
- Heavy applications of fertilizer will be avoided during the fall or at other times of the year when plants are not actively growing
- Only as much fertilizer as will be used in one day will be loaded for application
- Storage or leaving liquid fertilizers in spray tanks will be avoided
- Fertilizer will be loaded at least 100 feet downgradient from wells, storm drains and surface water, in order to prevent spilled fertilizer from being carried toward water sources by rainwater
- Fertilizer will be stored in dry places at least 100 feet away from any wells, storm drains, cisterns or surface water; leaking fertilizer containers will be removed from storage areas



- Federal, state, and local laws and regulations governing the use, storage, and disposal of fertilizers will be followed
- Fertilizers will not be applied if rain is expected
- Fertilizers should be worked into the soil rather than dumped or broadcast onto the surface
- Fertilizer application equipment will be calibrated on a regular basis to avoid excessive application
- Pavement and sidewalks will be swept if fertilizer is spilled on these surfaces before applying irrigation water
- Fertilizer equipment and transportation vehicles will be inspected daily

County contractors that assist with fertilizer application on municipal grounds will be informed of these BMPs prior to commencing work for the first time and annually thereafter during annual SWPPP training. County employees that apply fertilizer will undergo training on these BMPs during annual SWPPP training.

## **SECTION 5 TRAINING**

---

Richland County will utilize existing training programs to accomplish the training objectives of the PHF program. These training programs are outlined in the following subsections.

### **5.1 Vector Control**

Vector Control requires that full-time staff members possess and maintain a Category 8 pesticide license. Vector Control provides the training materials needed to prepare for the licensing examination and pay for employees to take the required examinations once. Full-time staff members receive job-related training and participate in an annual refresher training session with seasonal staff each spring. Seasonal staff is trained in mosquito biology and proper product use and safety before they are allowed to use any products; these seasonal staff members are also provided with a training manual. Training is also provided to staff through participation in professional associations (*e.g.*, South Carolina Mosquito Control Association, Mid-Atlantic Mosquito Control Association, American Mosquito Control Association).

### **5.2 Public Works and Other Richland County Departments**

The SWPPP Team or designee will be responsible for training new County employees and transfer employees with PHF application responsibilities in the objectives and components of the SWPPP and the PHF Program. Employee training is for all levels of responsibility. The training will address each component of the SWPPP and the PHF Program, including how and why tasks are to be implemented.

The PHF-related topics will include:

- Spill response procedures
- Good housekeeping and maintenance practices

- Material handling and management practices
- Reasons for and utilization of BMPs

PHF training at the Department of Public Works and other affected Richland County departments will be given in conjunction with pollution prevention, OSHA and BMP training programs. County employees will receive on-the-job training. Employees requiring this training include, but are not limited to, facilities and grounds personnel, vector control, and parks and recreation. This training will be held for all applicable employees and will occur at least annually. County contractors that have PHF application responsibilities will receive an initial orientation to the SWPPP and PHF program, as well as an annual refresher.

Training worksheets will be utilized to ensure that personnel are receiving complete and proper training and to serve as a record of completed training. A hard copy of documentation of each completed training session will be kept in the SWPPP and/or the PHF Program.

As part of the applicator licensing process by Clemson DPR, County employees with non-commercial applicator licenses are educated and trained on the use of pesticides and in pesticide application techniques. The County will maintain copies of employees' applicator licenses, as well as documentation of any training attended by these employees to maintain their licenses. In order to maintain applicator licenses, licensees are also required to acquire continuing education credits during each renewal period.

**SECTION 6**  
**INSPECTION, MONITORING, RECORDKEEPING, AND PUBLIC NOTICE**  
**PROCEDURES/PUBLIC OUTREACH ACTIVITIES**

---

**6.1 Inspections**

Richland County Department of Public Works will be developing an active inspection program for County-owned and operated equipment yards and maintenance shops, including storage areas for PHFs, in order to detect potential problems that may lead to a stormwater pollution incident. The assigned facility personnel will be responsible for conducting periodic visual inspections of the site in conjunction with SWPPP inspections. Qualified, trained facility personnel will be designated to regularly inspect the facility's equipment and areas, results will be tracked, necessary changes will be made, and inspection records will be maintained. Areas of inspection include:

- During loading and unloading operations, visual inspections during transfer of significant materials will initiate immediate response if a spill or leak occurred.
- Storage areas will be inspected periodically for leaks and spills.
- Any detection of potential problems, such as stains, will be reported to the Pollution Prevention Team listed in Appendix D of this document.
- Where inspections reveal defects in facility equipment that may potentially threaten to pollute surface water, appropriate corrective measures will be taken.

Inspections will be logged with the inspector's name, date, time, observation notes and corrective actions noted. A copy of the monthly SWPPP inspection form is contained in Appendix D. Potential spill problems will be reported to the Pollution Prevention Team. These records will be kept with the SWPPP and/or the PHF Program.

**6.2 Monitoring**

The County will only utilize pesticides in the event of an actual pest problem, not on a regular preventative schedule. On a periodic basis, the appropriate Divisional Manager and/or the Vector Control Program Director will review the PHF application

records in order to assess issues related to improper usage and to prioritize problem treatment areas.

In addition, stormwater sampling (including analyses for PHFs) will be conducted in accordance with the County's wet weather monitoring program to identify areas that have potentially been subject to improper PHF application rates or excessive runoff.

### **6.3 Record Keeping**

Complete records will be kept for information and activities related to the PHF Program. Maintaining records of and reporting events that occur are effective methods of tracking the progress of pollution prevention efforts. Recordkeeping includes the areas of plan changes/updates, inspections, training, corrective actions, and maintenance.

- Records for spills, leaks, and other discharges related to PHFs will be maintained in the County's various SWPPPs and/or the PHF Program.
- Records for inspections and maintenance related to PHF storage areas and equipment will be maintained in the appropriate SWPPP and/or the PHF Program.
- Records related to pesticide application, preventative measures, natural/alternative treatments, MSDSs, pesticide labels, chemical fact sheets with information on the health effects of particular chemicals, and manufacturer information about all pesticide ingredients will be on file in the office of the appropriate Divisional Manager(s) and the Office of the Vector Control Program. (See Section 2 of this report for specific locations.)

### **6.4 Public Notification**

#### *6.4.1 Public Notice*

Signage may serve to educate people about the importance or function of a site's stormwater protection measures or to discourage behaviors that adversely affect stormwater protection measures. For example, if litter is a problem, a sign reminding people not to litter may help in addressing the problem. Broken or defaced signs will be replaced or repaired.

Signs will be placed at the location of application for all pesticide, herbicide, or fertilizer applications that may come into contact with the general public. Signs will be placed at all entrances to affected areas/buildings, and in other strategic locations to prevent human contact with the treated area. Notification signs will be at least 8.5 by 11 inches with a header readable at a safe distance to prevent contact with the application area. Signs will be on card stock of eye-catching yellow or orange color and will include the following information:

*WARNING: PESTICIDE/FERTILIZER APPLICATION; list the trade and generic name and the active ingredients of the pesticide or herbicide to be used; the date and time of the planned application; the rate of application; the area(s) to be treated; the name and phone number of the responsible contact person where the pesticide label, material safety data sheets, and chemical fact sheets may be obtained; and a boxed-off warning stating: "CAUTION: Individuals taking medication, pregnant women, infants, children, and individuals with respiratory or heart disease, chemical sensitivities, or weakened immune systems may be particularly susceptible to adverse health effects due to herbicide/pesticide exposure."*

Signs will remain posted for at least 1 week following application, or longer if toxicity or persistence of the chemical used warrants longer notification time, to prevent human contact and exposure.

#### *6.4.2 Public Education*

As part of Richland County's Phase II public education and outreach program, the County plans to educate property owners on best management practices (BMPs) for PHF application, storage, and mixing activities on their property. Some of the available resources that may be utilized as part of this public education and outreach effort include:

- Carolina Clear (Clemson Extension Service program)
- Clemson Extension Urban Horticulture Center at Riverbanks Zoo
- Columbia Garden Club

- Richland County Master Gardeners
- Richland County Conservation Commission

There are a number of public programs currently being conducted by a variety of groups in Richland County, which address IPM techniques and BMPs for PHFs as part of their curriculum. Richland County may opt to partner with these groups to meet the requirements of public outreach for its PHF program.

Vector Control also utilizes its response to citizen spray requests as opportunities for public education and training. In addition, Vector Control participates in educational programs for the public and local schools.

## SECTION 7 RECOMMENDATIONS

---

The following includes a summary list of recommendations for Richland County with respect to the PHF Program, as well as general information on how this PHF program will be implemented.

### *General*

- The various Richland County departments affected by the PHF program should be given an opportunity to review the PHF program and offer comments. Richland County should coordinate with Arcadia Lakes and the City of Forest Acres, as appropriate.

### *Identification of Potential PHF Application Areas and Sample Points*

- Richland County should include the location of the wet weather monitoring stations on Figure 3, which currently illustrates County-wide potential PHF application areas. Wet weather monitoring data should be monitored on an ongoing basis for the presence of priority pollutants that would typically be related to PHF application.

### *Certification and Licensing*

- Richland County should maintain either a copy of employee DPR licenses or a list of licensees from the DPR web site that denote County employees with non-commercial applicator licenses.
- Richland County should ensure that the procurement process for contractors involved in PHF application include provisions for ensuring that these contractors are currently licensed through DPR.
- Richland County should identify the locations where the types of records identified in Section 3 will be maintained.



### *PHF Minimization Procedures*

- For highlighted chemicals on the inventory list in Appendix C, Richland County should obtain MSDSs, estimated usage amounts, and/or application methods.
- Richland County should compile a master book of MSDSs for PHFs utilized by the Public Works and other County Departments, similar to the master book used by Vector Control.
- Although the majority of pesticides currently utilized by Richland County do not contain priority pollutants, Richland County should evaluate proposed PHFs for priority pollutants prior to use.
- Once finalized, Richland County should present the PHF program to affected County employees as an initial training exercise.
- Contractors/employees involved in PHF application should become familiar with the BMPs outlined throughout Section 4 of the PHF program. New workers should be informed of these BMPs prior to commencing work.
- Richland County should consider incorporating an annual refresher on the PHF Program into its annual SWPPP training.
- Richland County should form a committee to evaluate spraying programs with minimal or no effectiveness on annual basis and prepare a report of its findings.

### *Inspection, Monitoring, Recordkeeping, and Public Notice Procedures/Public Outreach Activities*

- Richland County should include PHF storage areas in its SWPPP inspections and include the inspection results in the appropriate SWPPP and/or PHF program.
- Richland County should review the PHF application records on a periodic basis to identify improper usage or application rates.
- Richland County should consider including public signage or other notification means to limit public contact with County-applied PHFs.
- Richland County should consider utilizing existing public programs to assist in its PHF Program outreach to homeowners. For example, Richland County may wish to utilize Clemson Extension's Carolina Clear program to assist with radio or

television spots highlighting stormwater pollution prevention or utilize programs currently being conducted by the Clemson Urban Horticulture Center at Riverbanks Zoo on PHF BMPs and good landscaping practices.

### *Implementation Overview*

Richland County plans to implement this PHF program in three distinct phases:

- **Phase I: Department of Public Works**  
The County will initially focus on tasks and portions of the PHF program that pertain to the Department of Public Works.
  
- **Phase II: Other Richland County Departments**  
Second, the County will focus on tasks and portions of the PHF program that pertain to other Richland County Departments, including, but not limited to, the Parks and Recreation Department.
  
- **Phase III: Private Citizens**  
Third, the County will focus on tasks and portions of the PHF program that pertain to the private citizens of Richland County.

# **APPENDIX A**

## **Clemson University Department of Pesticide Regulation Bulletins**

# Clemson University Department of Pesticide Regulation

## Proper Selection, Use, and Disposal of Pesticides

Fall 2005



Department of  
Pesticide Regulation

511 Westinghouse Road

Pendleton, SC 29670

864.646.2150

<http://dpr.clemson.edu>

### Administration

Neil Ogg, Ed.D.  
Director of Regulatory and  
Public Service Programs

David S. Howle, Ph.D.  
Assistant Director of  
Regulatory and Public  
Service Programs

Von McCaskill, Ph.D.  
Department Head, DPR

Cam Lay  
Assistant Department  
Head, DPR

Tim Drake, Ph.D.  
State Programs Manager,  
DPR

Jim Wright  
Regulatory Supervisor,  
DPR

Bulletin 3

### A Guide for Residential Homeowners




A recent home and garden pesticide use survey by the Environmental Protection Agency (EPA) reported that 76 percent of households nationwide have treated their own homes for insects or related pests. The survey also revealed that homeowners need more information to help clarify the risks and benefits of pesticide use around the home.


Most homeowners know that pesticides can be beneficial by controlling a problem pest, but pesticides also represent a potential risk to groundwater, to the environment, to wildlife, and to our health. This risk is dramatically increased when a pesticide is incorrectly used, improperly stored, or carelessly discarded.

All pesticides are potentially dangerous. Safe pesticide use involves a combination of knowledge, common sense, and correctly following pesticide label directions. In South Carolina, the label is the law.

Unsafe use of a pesticide, even by accident, can injure you, your family members, your pets, or your neighbors. You may also cause damage to desirable plants or other non-target organisms.

Injuries from pesticide applications are preventable. Before applying pesticides, always:

-  **Read product labels carefully,**
-  **Follow all safety precautions,**
-  **Use the required personal protective clothing (PPE),**

 **Store unused pesticides properly, and**

 **Dispose of empty pesticide containers properly.**

### Signal Words



Signal words on a pesticide label indicate a pesticide's level of hazard and the potential for human injury if you are exposed to it. One of the following approved signal words listed on the right will appear on every label:

#### DANGER

Used for the most toxic pesticides. A few drops to a teaspoon can kill a person weighing 160 pounds.

#### WARNING

Used for pesticides that are in the mid-range of hazardous. A teaspoon to a tablespoon can kill a person weighing 160 pounds.

#### CAUTION

Used for pesticides that are slightly toxic. It would take one tablespoon to a pint to kill a person weighing 160 pounds.

## Check Yourself!

### Identify the Pest Problem

#### What is the problem?

If you cannot identify the pest that you need to control, contact your local Clemson University Cooperative Extension Agent.

#### Is a pesticide really needed, or will alternatives work?

The Department of Pesticide Regulation supports Integrated Pest Management (IPM). IPM is an alternative approach to traditional pest management that uses information on the life cycles of pests and their interactions with the environment, in combination with available pest control methods, to manage pests by the most economical means, with the least possible damage to people, property, and the environment. Pesticides should always be your last defense against pests. You can learn more about IPM on our website.



#### When is the best time to apply pesticides?

It really depends on the pest and the target site. Read and follow all label directions. Some pesticides may instruct you to apply them a certain stage in a pest's life cycle, while others may not. The label is your best source for information, and it is the law. If you have any questions, feel free to contact our department or your local Cooperative Extension Service office.

### Select Pesticides Wisely

#### Which pesticide will control my target pest safely and effectively?

Use the least toxic but most effective pesticides that are available for your target pest.

#### Do I have all the equipment I will need to apply the pesticide, and do I know how to operate it?

Ready-to-use products may be better, because they require no mixing, they usually do not require special equipment, and your skin will not be exposed to a large amount of pesticides. If you use or plan to use outdoor pesticides regularly and plan to use insecticides and herbicides, get a separate sprayer for the herbicides and a separate sprayer for insecticides. Even after careful rinsing a sprayer can contain herbicide residues that can injure or kill sensitive plants.

#### How much pesticide will I need?

Plan to buy no more pesticide than you will need. This way, you will not have to store as much, you will be assured of the quality of the product, and you will not face any waste pesticide disposal problems.

#### Do I understand how the product should be used?

Understand the signal words (previous page). Know what to do in case of an accidental poisoning or pesticide emergency—before you need to. This information is usually on the first page of a pesticide label.

### Prepare Before Using

#### Have I read and do I understand the pesticide label?

The allowed use sites for pesticides are stated on their labels. For example, some pesticides may be used on lawns, but not in vegetable gardens. Many pesticides may be used outdoors, but not indoors. Use pesticides only in the places and for the uses stated on the label. Be sure to use the amount of pesticide stated on the label. Never use more pesticide than stated on the label. Never use the pesticide more often than the label says. Have water, sawdust, kitty litter, disposable brooms, and disposable dustpans available in case of spills.

#### Is my application equipment in good working condition?

If you are using a pesticide that requires application by a sprayer (or other equipment), ensure that your hoses and connections are in good working order and do not leak.

#### Do I have measuring utensils that are used ONLY for pesticides?

Never use pesticide mixing utensils for any other purpose.

## Prevent Exposure to Your Family and Pets!

### Do I know what protective clothing and equipment to wear?

At the very minimum, always wear disposable, waterproof gloves (rubber or chemically-resistant—no leather), a long-sleeved shirt, long pants, protective eyewear, and shoes. Do not wear flip-flops or sandals. The proper protective clothing is always stated on the label. If you are applying a dust, you should always wear a facemask. Remember to have a fresh supply of water available in case of emergencies.

Wash clothing worn during a pesticide application separately from the family's wash. Remember to wash your hands, face, and arms after you apply pesticides and BEFORE you drink, eat, smoke, or use any other type of tobacco.

### Let Everyone Know

If the label states that a certain amount of time should lapse before humans or pets should be allowed in the treated area, you must ensure that every effort is made to do so. If the label does not state a specific time, wait at least until the spray has completely dried or the dust has completely settled. If you live in a neighborhood in which the houses and yards are very close to one another, it may be a good idea to let your neighbors know that you are planning to apply pesticides.

Remove toys, pet feeding dishes and any other items that might be contaminated by the pesticide from the treatment area. Don't replace them until the waiting time on the label is up. Cover aquariums indoors and ornamental fish ponds outdoors. Keep people, *especially children*, and pets out of the area you are treating.

### Mix and Apply Correctly

#### How large of an area am I treating?

Measure the area you are planning to treat with pesticides. Without the information to calculate amounts or percentages, it is possible to use too little or too much chemical. This could turn out to be ineffective, costly, or unsafe if you use too much pesticide.

#### Before treating outdoors, have I checked the weather forecast?

Wind and rain can reduce the effectiveness of a pesticide and can cause harmful runoff or drift. Always check the weather forecast before applying pesticides outside.

#### Am I prepared in case of an emergency?

If an accidental pesticide exposure occurs, such as if pesticides get poured on your skin or clothing or if someone ingests pesticides, consult and follow the information on the pesticide label. The label is not a substitute for professional medical personnel. Call 911 if you feel the situation is serious enough for emergency personnel. Have the pesticide label with you so that you can answer questions. If pesticides are ingested, know the quantity of pesticide that was consumed and the age and weight of the person who ingested the pesticide. DO NOT induce vomiting unless you have been instructed to do so by official emergency personnel.

#### A note to remember:

If you have a question about pesticides or pesticide use, you may always call DPR at 864-646-2150.

Other sources of information are:

- The National Pesticide Information Center (NPIC) at 1-800-858-7378 or <http://npic.orst.edu/index.html>.
- For emergencies, call 1-800-222-1222.
- For animal emergencies, call the ASPCA Animal Poison Control Center at 1-888-426-4435.
- Call 911 for all immediate

## Measurements for Using Pesticides

### Liquid Measures

3 teaspoons (tsp.) = 1 tablespoon (Tbs.)

2 Tablespoon = 1 ounce (oz.)

8 ounces (ozs) = 1 pint (pt) = 16 ozs

2 pints = 1 quart (qt) = 32 ozs.

4 quarts = 1 gallon (gal) = 128 ozs.

### Rates Example (for liquid measure)

2 ounces per gallon = 4 Tablespoons or ¼ cup per gallon

### Dry Measures

3 Tablespoons (Tbs.) = 1 ounce (oz.)

16 ounces = 1 pound (lb.)

### Area Measures

12 inches (in.) = 1 foot (ft.)

3 feet = 1 yard (yd.)

1 square yard = 9 square feet

## Disposing of Pesticides

Once you have used all of a pesticide product, what should you do with the empty container? To dispose of empty homeowner-use pesticide containers properly, follow the directions provided on each product label.

### A Primary Rule for Pesticide Containers Is:

Never save or reuse an empty pesticide container for any reason.

The directions for pesticide container disposal differ from product to product. Some typical container disposal statements found on labels are as follows:

- "Replace cap and discard in trash."
- "Securely wrap partially filled or empty container in several layers of newspaper and discard in trash. Do not reuse empty container."
- "Do not reuse empty bag. Discard bag in trash."
- "Do not reuse empty container. Rinse thoroughly before discarding in the trash."

If the label on your empty pesticide container tells you to rinse the container, do not pour rinse water into a household drain, on the ground, or into a gutter or storm drain. The rinse water may be used to dilute the pesticide in your sprayer or applicator container to the correct concentration, or it may be sprayed directly on your target site.

For ready-to-use products that do not need to be diluted, such as some lawn weed-control products or indoor-use insecticides, do not rinse the container. There is not a good way to dispose of this rinse water. Some lawn pesticide products come in a single-use hose-end sprayer. You should not try to open these containers.

While you should not reuse pesticide containers, a limited number of homeowner-use products do have refills available that allow refill and reuse of the application container but only with exactly the same product.

Household pesticide containers may NOT be recycled in most community recycling programs. Do not burn, do not incinerate and do not puncture aerosol containers. In South Carolina, you may not burn or incinerate any pesticide container, even those made of paper or cardboard, including bags which contained products that are premixed fertilizer and pesticide(s). **Even if the label allows for burning of empty bags, it is ILLEGAL to burn these containers in SC!**

Information regarding disposal of large quantities of pesticides or non-household pesticides can be obtained from the SC Department of Health and Environmental Control (SC DHEC) at 1-803-896-4172.

## Store Pesticides Properly

Store pesticides in a locked place away from children and anyone else not able to read and understand the pesticide label. Store pesticides separately from paints, solvents and fuels, especially gasoline. Store bottles and other containers of pesticides on a nonabsorbent surface, or place in plastic trays or pans. This will help to keep them organized, keep them from falling and breaking, and catch leaks. Write the date you opened the container on the container.

Never put a pesticide or other household chemical into other containers. Children may mistake them for a drink.

Remember: From the time you open the pesticide container until you properly dispose of the empty container, you are responsible for protecting yourself, protecting others, and protecting the environment. Always follow the six most important words on the label: **"KEEP OUT OF REACH OF CHILDREN."**

## Controlling Pesticide Spills

The pesticide label may give you specific information on how to handle a spill. If it doesn't, here are some recommendations. You should be wearing the personal protective equipment and clothing before you open the pesticide to mix and apply it. Have dry absorbent material available ahead of time to soak up spilled pesticide. This can be material such as cat litter (best), sawdust, sweeping compound, newspapers or paper towels.

**If you have a pesticide spill, follow the three C's: 1) Control, 2) Contain, and 3) Clean Up.**

**Control the spill.** If a pesticide container, sprayer, bag or spreader tips over, quickly set it upright to keep more pesticide from spilling out.

**Contain the spill.** Keep spilled liquid material from spreading by covering it with absorbent material, such as soil, sand, sawdust, peat moss, rags, paper towels, newspaper or cat litter.

**Clean up the spill right away.** Absorb liquids with cat litter, soil, peat moss, paper towels, newspapers or sawdust. Carefully sweep up or collect the absorbent material. Put these pesticide-contaminated materials in a plastic bag.

# Clemson University Department of Pesticide Regulation

## Pesticide Application Notification, Applicator Records Maintenance, and Direct Supervision

Summer 2006



Department of  
Pesticide Regulation

511 Westinghouse Road

Pendleton, SC 29670

864.646.2150

<http://dpr.clemson.edu>

### Administration

Neil Ogg, Ed.D.  
Director of Regulatory and  
Public Service Programs

David S. Howle, Ph.D.,  
Assistant Director of  
Regulatory and Public  
Service Programs

Von McCaskill, Ph.D.  
Department Head, DPR

Cam Lay  
Assistant Department  
Head, DPR

Tim Drake, Ph.D.  
State Programs Manager,  
DPR

Jim Wright  
Regulatory Supervisor,  
DPR

Bulletin 22

### A Guide for Applicators

This Bulletin will address the Department of Pesticide Regulation's policies regarding pesticide application notification, applicator records maintenance, and direct supervision. All of these subjects are covered in the Rules and Regulations for the Enforcement of the South Carolina Pesticide Control Act ("Rules and Regs"), Section 27-1083. If you do not have a copy, you may visit our website at <http://dpr.clemson.edu> and download a copy from our home page.

#### Pesticide Application Notification

If your customer requests to know what you have applied in their house or on their property, you must provide the following information:

Provide a completed, fully legible, written statement that contains, at the minimum:

- ▶ The name of your company and the address;
- ▶ The pest or pests that you are controlling;
- ▶ The common chemical name of the active ingredient(s) of the pesticide you applied—NOT the brand name; **and**
- ▶ The name of the responsible licensed applicator.

Please note that there is not a "posting requirement" for pesticide applications. The above regulation simply means that you must notify your customer, at their request, of what you have applied in or around their home, lawn, or other structure.

#### Recordkeeping

The South Carolina Pesticide Control Act requires licensed commercial and non-commercial applicators (individuals or firms) to maintain records of all applications of any pesticides, regardless as to whether they are restricted or general use pesticides.

The records must include the quantity of each pesticide used, received, or purchased. It must list the common chemical name of the ingredient(s)—**not** the brand name. For example, fipronil, cypermethrin, and bifenthrin are examples of common chemical names. Over-n-Out®, Demon®, and Talstar® are brand names.

The records must also list the pest or purpose for which it was applied and the date and place of application. If you made an application in an industrial establishment (e.g., restaurant, fast food establishment, grocery store, department store, etc.), it is not necessary to list the pests that you treated for general household insect control (such as roaches, ants, etc.). In this case, your records should indicate "household pests" or "general insect control."

Although it is not specifically stated in the Rules and Regs, it is better to keep these records where you can access them quickly and easily if you need them



You must keep these records as detailed below:

For pre-construction termite control treatments or “pretreats,” including the installation of baiting systems, records of all termiticide applications (including spot applications, booster treatments, and the replacement of monitoring stations with active ingredients) must be kept for five (5) years or as long as a continuing warranty or contract exists, whichever is longer.

- ▶ For post-construction termite control treatments, must be kept for two (2) years or as long as a continuing warranty or contract exists, whichever is longer.
- ▶ For pesticide treatments other than termite treatments, you must keep records for a period of two (2) years from the date of application.

Remember that the Department of Pesticide Regulation may request records of all pesticides used by any applicator. This includes application records, as well as any records of (or related to) any pesticides that have been purchased or otherwise received by an applicator. The expense of copying or duplicating these records will be paid by our Department.

### Direct Supervision

The level of direct supervision that is required for certain pest control activities varies according to the nature of the application.

Unless the label of the product being applied requires a licensed applicator to be on site, licensed commercial and non-commercial applicators whose business location is not in South Carolina must have a licensed applicator within 30 minutes by ordinary ground transportation of the application site. The licensed applicator must be immediately available by telephone or radio.

- ▶ If the business is located in South Carolina, the following guidelines for direct supervision apply:
- ▶ If fumigants are being applied, an applicator who is licensed in SC Category 7B, SC Category 1C, or other category as determined by the Department must be physically present on the site and supervising the application at all times when the pesticide is being applied.
- ▶ If any restricted-use pesticides (as determined by the EPA or the Department) are being used, regardless of the signal word, an applicator who is licensed in the proper SC category must be within 30 miles by ordinary ground transportation from the application site and immediately available by telephone or radio.
- ▶ For categories of use in which licensing is mandatory (SC Categories 3, 7A, and 8), the use of any pesticide that has the signal word “danger” or “warning” in its label requires that the licensed applicator be within sixty miles driving distance from the application site and immediately available by telephone or radio.
- ▶ For categories of use in which licensing is mandatory (SC Categories 3, 7A, and 8), the use of any pesticides that has the signal word “caution” in its label requires that the licensed applicator be within one-hundred miles driving distance from the application site and immediately available by telephone or radio.

### A Word about Signal Words

Signal words on a pesticide label indicate a pesticide’s level of hazard and the potential for human injury if you are exposed to it. The word **DANGER** is used for the most toxic pesticides. A few drops to a teaspoon can kill a person weighing 160 pounds. The word **WARNING** is used for pesticides that are in the mid-range of hazardous. A teaspoon to a tablespoon can kill a person weighing 160 pounds. The word **CAUTION** is used for pesticides that are slightly toxic. It would take one tablespoon to a pint to kill a person weighing 160 pounds. Always remember that **THE LABEL IS THE LAW** in South Carolina!

# Clemson University Department of Pesticide Regulation

## How to Recycle Your Pesticide Containers

Fall 2005



Department of  
Pesticide Regulation

511 Westinghouse Road

Pendleton, SC 29670

864.646.2150

<http://dpr.clemson.edu>

### Administration

Neil Ogg, Ed.D.  
Director of Regulatory and  
Public Service Programs

David S. Howle,  
Ph.D., Assistant Director of  
Regulatory and Public  
Service Programs

Von McCaskill, Ph.D.  
Department Head, DPR

Cam Lay  
Assistant Department  
Head, DPR

Tim Drake, Ph.D.  
State Programs Manager,  
DPR

Jim Wright  
Regulatory Supervisor,  
DPR

Bulletin 6

### *A Guide for Commercial Applicators and Farmers*

Thousands of pesticide containers that once were sent to landfills by commercial applicators and farmers throughout South Carolina are now being collected for recycling.

Sponsored by the Clemson University Department of Pesticide Regulation (DPR) and the Clemson University Cooperative Extension Service, the recycling program has been in operation for over a decade. Successful collections are held in more than half of South Carolina's counties. This program is free for commercial applicators and farmers, and there is no registration required.

This publication was designed to answer frequently asked questions about opportunities for recycling pesticide containers in South Carolina.

#### Why recycle pesticide containers?

- It saves money! Pesticide rinsate goes back into the spray tank and can be reused.
- It protects you! It is illegal to burn, bury, or dump pesticide containers in South Carolina, and landfills do not always accept them.
- It protects the environment! Improper disposal of pesticide containers is a potential source of contamination.
- It protects your land value! Poor environmental practices can jeopardize the sale or refinancing of farmland.



Containers ready to be recycled.

#### How clean do my containers need to be?

No visible pesticide residue should be present on your containers. Only empty, dry containers that have been triple-rinsed or pressure-rinsed will be accepted for recycling.

#### How can I keep my containers clean and dry until recycling?

- Store containers in a covered shelter, such as a barn or shed.
- Store containers in plastic bags on pallets.
- Store containers in a cotton wagon.
- Store on plastic, such as a tarp, poly-sheeting, or mulch film. This should be surrounded by some type of fencing, and it should have a top to keep the containers protected from the rain.

#### How will my pesticide containers be reused?

Most pesticide containers are melted and reformed as plastic shipping pallets, lawn edging, and parking barriers.

A plastic shipping pallet made from recycled pesticide containers.



### How do I learn where and when recycling days are being held?

The Department of Pesticide Regulation bases recycling days on demand and usage. Often recycling days are finalized very shortly before collection. Contact your local Clemson University Cooperative Extension office or call Leslie Godfrey, DPR Reduced Risk Specialist, at 803-736-7680 if you have questions about recycling day schedules.

### How do I dispose of metal containers?

Metal containers should be triple-rinsed, punctured to prevent reuse, then disposed of in a landfill. There are also scrap metal processors and drum reconditioners in South Carolina that may accept metal containers for recycling. Contact your local Clemson University Cooperative Extension office for more information.

### How do I dispose of paper pesticide containers?

Shake out as much of the powdered pesticide as possible, and dispose of the container in a landfill. Some pesticide bags have plastic or foil linings that can be rinsed. These should be rinsed to remove residue, then rolled up and disposed of in a landfill. These bags cannot be recycled at this time. **Burning these bags is illegal in SC!**

### How can I get a recycling program started in my county?

Call your local Clemson University Cooperative Extension office to let them know that you are interested in recycling. You may also contact your local county administrator or solid waste director. Believe it or not, most of the counties that now host recycling days began because of just one or two local interested citizens. Ask them to call Leslie Godfrey at 803-736-7680 for further information on setting up a local recycling program. If your county already has recycling centers, it is possible to integrate pesticide containers into the existing program. Personnel at the site accept or reject containers, and they are stored at a central facility until the chipper is next in the area.

Private collections are an option if you generate sufficient containers per year on your own. You must collect at least 1000 containers. The chipper truck can come to your location and grind the containers on site. If you don't generate that many on your own, check with your neighbors. If you can persuade your neighboring growers to recycle, the chipper can come and grind on-site. One farm can be the designated "chip site," while everyone else in the area brings their containers to that location for grinding. The truck can also go from farm to farm within a local area, if convenient. To schedule a private collection call Leslie Godfrey, DPR Reduced Risk Specialist, at 803-736-7680, or call USAg Recycling, Inc., at 1-800-654-3145. You may also visit [www.usagrecycling.com](http://www.usagrecycling.com) and send an e-mail request.

#### Quick Guide to Pressure Rinsing

1. Empty contents of container into spray tank, turning the container so that any product trapped in the handle is allowed to flow out. Once the flow is down to a drip, allow the container to drain for an another 30 seconds.
2. Immediately begin rinsing procedures, or the product may become difficult to remove.
3. Hold the container so the opening can drain into the spray tank,
4. Force the tip of the pressure nozzle through the lower portion of the side closest to the handle.
5. Connect the nozzle to a clean source of water of at least 40 psi. Turn the nozzle inside the container to ensure good coverage of all sides, including the handle.
6. Drain all rinse water into the spray tank.

#### Quick Guide to Triple Rinsing

1. Empty contents of container into spray tank, turning the container so that any product trapped in the handle is allowed to flow out. Once the flow is down to a drip, allow the container to drain for an another 30 seconds.
2. Immediately begin rinsing procedures, or the product may become difficult to remove.
3. Fill container 1/4 full of water.
4. Replace the cap securely on the container. Shake vigorously for at least one full minute.
5. Drain rinse water into spray tank,
6. Repeat steps 3, 4, and 5 (fill, shake, and drain) two more times.

# FOR YOUR INFORMATION

Keep these numbers handy for immediate reference.

## CHEMTREC

CHEMTREC (Chemical Transportation Emergency Center) is a public service hotline that provides information and assistance for emergency incidents involving chemicals and hazardous materials. CHEMTREC deals only with chemical transport emergencies.

**Toll Free: 1.800.262.8200**  
<http://www.chemtrec.org>  
Open 24 hours.

## South Carolina DHEC Emergency Response Service (ERS)

The general public is invited to notify the ERS of any actual or possible release of pollutants into the environment of the State. The ERS responds verbally to all notifications from the public that involve the following types of incidents:

- dumping, spills and releases of hazardous substances, including but not limited to oil and petroleum products, waste oil, chemicals, hazardous waste, pesticides, and other pollutants,
- fish kills, and
- illegal open burning of items such as tires, plastic, and asbestos covered materials. Open burning of land clearing and/or yard debris DOES NOT constitute an emergency.

**Toll Free: 1.888.481.0125**  
<http://www.scdhec.net/eqc/lwm/html/reporting.html>  
Open 24 hours.



## Prevent Pesticide Poisoning!

*Follow the label and use common sense!*

## Palmetto Poison Center

The Palmetto Poison Center serves as the Regional Poison Control center for the State of South Carolina and is the only poison control resource in the State. The Center is a cooperative effort of Palmetto Richland Memorial Hospital and the U.S.C. College of Pharmacy. The center is widely recognized and heavily utilized throughout the State.

**Toll Free: 1.800.922.1117**  
<http://www.pharm.sc.edu/pps/pps.htm>  
Open 24 hours.

## National Pesticide Information Center

The National Pesticide Information Center (NPIC) is a cooperative effort between the EPA and Oregon State University. It is a toll-free telephone service that provides objective, science-based information on a variety of pesticide-related topics. It helps callers interpret and understand toxicology and environmental information about pesticides. NPIC can direct callers for pesticide incident investigation, emergencies involving humans or pets, safety practices, pesticide clean up and disposal, and laboratory analyses.

**Toll Free: 1.800.858.7378**  
<http://ace.orst.edu/info/nptn/index.html>  
Open 6:30 a.m. to 4:30 p.m. Pacific time.  
(Excluding holidays.)

## ASPCA Animal Poison Control Center

**Toll Free: 1.888.426.4435**  
[http://aspc.org/site/PageServer?pagenam=pro\\_apcc](http://aspc.org/site/PageServer?pagenam=pro_apcc)  
There is a \$55.00 consultation fee.  
Open 24 hours.

Please call your local responders at  
**911**  
for any emergency.

# Pesticide Poisoning Prevention and Emergency Respondents Serving South Carolina

## *A Guide for Pesticide Applicators and Homeowners*



Clemson University  
Department of Pesticide Regulation

511 Westinghouse Road  
Pendleton, SC 29670  
864.646.2150  
864.646.2179 (fax)

<http://dpr.clemson.edu>



# For all poison emergencies anywhere, call the Nationwide Poison Control Center:

## 1.800.222.1222

Accidental pesticide poisonings account for many accidents—even deaths—every year. This pamphlet may help you save a life. Keep it handy for immediate reference!

The Palmetto Poison Center provides information and treatment advice in case of accidental poisoning.

If you believe that you or a fellow worker or family member have suffered an accidental poisoning, take the entire label of the pesticide involved to your physician. This way the physician will know the exact nature of the chemical.

If you plan to apply a pesticide, follow the label directions and wear the label-prescribed proper personal protective equipment. Restricted use products can only be bought and used by licensed individuals or under a licensed individual's supervision. Pesticides intended for use on crops cannot be used indoors in homes or other structures. Get medical help **immediately** if you think you have any symptoms of pesticide poisoning.

### What are the signs of pesticide poisoning?

Symptoms of pesticide poisoning include:

- headache
- cramping
- frothing of the mouth
- blurred vision
- convulsions
- tightness of chest
- coma
- excessive sweating
- death
- dizziness
- labored breathing
- nausea

### How can I protect myself from pesticide poisoning?

The best way to prevent pesticide poisoning is to educate yourself. Keep the following tips in mind:

- When applying pesticides yourself, **READ THE LABEL!** Pesticides have strict usage guidelines and are intended for very specific environments (e.g., cotton crops outdoors). Only use pesticides labeled for the site and the pest. Almost all pesticides require proper safety clothing and/or equipment for application. The minimum protective clothing is a long-sleeved shirt, long pants, and shoes with socks. Following label instructions will help ensure the safe usage of pesticides.
- Practice proper hygiene after applying pesticides. Remove clothing that may have been exposed to pesticides and wash thoroughly. Wash and store these clothes separate from the family's clothing. Wash your hands and face after applying pesticides, especially before eating, drinking, smoking, chewing gum or tobacco, or using the toilet.
- Never accept pesticides that are not the manufacturer's original package.
- NEVER allow someone to apply pesticides in your home before checking to see that he or she is properly licensed. Follow your intuition! This information, as well as the enforcement histories of properly licensed South Carolina applicators, can be obtained from the Department of Pesticide Regulation at:  
<http://regfocus.clemson.edu/dpr/greenbook/htm>

### What should I do if I suspect pesticide poisoning?

You should become familiar with general first aid procedures so that you will be prepared in case a suspected pesticide poisoning occurs. First, read the product label. It will provide you with first aid instructions specific to that product.

### General First Aid Instructions

- If a pesticide gets on your or someone else's skin or clothing, remove the affected clothing immediately. Thoroughly but gently wash the skin with mild soap and water.
- If a pesticide gets into someone's eye, hold the eyelid open and gently wash out the eye under clean running water for at least 15 minutes.
- If a pesticide is inhaled, get the victim to fresh air immediately. Loosen the victim's clothing.
- If the pesticide is swallowed, find the pesticide label and follow first aid instructions. Induce vomiting **ONLY** if it is specified in the label.
- Always remember that first aid is only an initial step and is not a substitute for professional medical help.

### Extra Security Considerations for Pesticide Storage

Due to the September 11, 2001, terrorist attacks on New York and Washington, DC, increased security is now a matter of concern for us and for the citizens that we serve. To enhance the security and safety of our citizens, it is recommended that you keep an up-to-date inventory of all equipment and stored pesticides. It is essential that spray equipment and control materials be stored and maintained in secure locations. These locations and facilities may have security or alarm systems to ensure safety and to prevent effectively against theft. Only authorized persons should be allowed access to any control equipment and materials. **KNOW who has access to these products.** Tell your local law enforcement authorities about your equipment and materials so they can help keep it under observation. If your equipment and/or materials are lost or stolen, report it at once to local law enforcement. Consistent attention to good basic security practices will go a long way toward preventing theft and a possible inappropriate use of pesticide equipment and materials. Your attention to these security tasks will enhance the safety of your community.

# **APPENDIX B**

## **South Carolina Pesticide Control Rules and Regulations**

## TABLE OF CONTENTS

<b>27-1070</b>	<b>Definitions.....</b>	<b>2</b>
<b>27-1071</b>	<b>Registration of Pesticides.....</b>	<b>5</b>
<b>27-1072</b>	<b>Special Permits.....</b>	<b>6</b>
<b>27-1073</b>	<b>Coloration and Discoloration.....</b>	<b>7</b>
<b>27-1074</b>	<b>Pesticide Samples.....</b>	<b>7</b>
<b>27-1075</b>	<b>Restricted Use Pesticide Classification.....</b>	<b>8</b>
<b>27-1076</b>	<b>Licensing of Pesticide Dealers and Dealer Records Maintenance.....</b>	<b>9</b>
<b>27-1077</b>	<b>Certification and Licensing of Private Applicators.....</b>	<b>9</b>
<b>27-1078</b>	<b>Certification and Licensing of Commercial Applicators.....</b>	<b>10</b>
<b>27-1079</b>	<b>Certification and Licensing of Noncommercial Applicators.....</b>	<b>13</b>
<b>27-1080</b>	<b>Exemptions from the Requirement of a License and of Certification.....</b>	<b>14</b>
<b>27-1081</b>	<b>Safe Handling, Storage, Display, and Distribution of Pesticides.....</b>	<b>14</b>
<b>27-1082</b>	<b>Disposal of Pesticides and Pesticide Containers.....</b>	<b>17</b>
<b>27-1083</b>	<b>Pesticide Application Assurance, Vehicle Identification, and Applicator Records Maintenance.....</b>	<b>17</b>
<b>27-1084</b>	<b>Denial, Suspension, or Revocation of a License or Certification; Assessment of Criminal Penalties.....</b>	<b>20</b>
<b>27-1085</b>	<b>Standards for the Prevention or Control of Wood-Destroying Organisms.....</b>	<b>21</b>

# **RULES AND REGULATIONS FOR THE ENFORCEMENT OF THE SOUTH CAROLINA PESTICIDE CONTROL ACT**

**Statutory Authority: Chapter 13 of Title 46 of the 1976 Code**

## ***27-1070. Definitions.***

**A. “Director” means the Director of the Division of Regulatory and Public Service Programs, Clemson University.**

**B. “Department” is the Department of Pesticide Regulation, a department within the Division of Regulatory and Public Service Programs, Clemson University, and the successor to the Department of Fertilizer and Pesticide Control and the Plant Pest Regulatory Service.**

**C. “Business” means any person, as defined in the Pesticide Control Act, engaging in activities regulated by the Act for hire or remuneration of any kind, including trade or barter, on the property of another. “Business activity” includes performing structural pest control activities, as defined below.**

**D. Performing “structural pest control activities” includes, but is not limited to, the use of any pesticide in, on, under, or immediately adjacent to any structure with the intent to prevent, destroy, repel or otherwise mitigate any pest or engaging in any other activities intended or claimed to mitigate pests in structures including the installation of devices. Structural pest control activities also includes the soliciting, advertising, or making of sales proposals in any form for any services involving the use of pesticides in, on, under, or immediately adjacent to any structure with the intent to prevent, destroy, repel, or otherwise mitigate any pest. (Licensing is mandatory in this category as per Section 27-1085 L, below.)**

**1) The use of EPA-registered disinfectants for ordinary or disaster-recovery cleaning purposes is not a structural pest control activity, provided that no claims are made for the control of pests in the structure.**

**2) The application of EPA-registered cleaning agents to the interior of ductwork as part of an ordinary cleaning process is not a structural pest control activity, provided that no claims are made for the control of pests in the structure or in the ductwork.**

**3) The installation of animal traps in structures for the control of nuisance vertebrate pests other than commensal rodents (e.g., rats and mice) is not a structural pest control activity.**

**4) Making an inspection for or issuing the Official South Carolina Wood Infestation Report, which must be issued by a licensed applicator as detailed below, is a structural pest control activity**

**5) Making pesticide treatment recommendations is a structural pest control activity.**



**6) The inspection of a structure for the purposes of rendering an opinion as a consultant or expert regarding structural damage due to insects or other organisms, the adequacy of previous treatment or inspection, or similar issues regulated under these Regulations is not a structural pest control activity.**

**E. “Warranty sales” means the sale of renewable or non-renewable warranty coverage or contracts against structural pests, excluding guarantees of accuracy associated with the issuance of the Official S.C. Wood Infestation Report, which are not supported by any treatment or control measures. The re-issuance of warranties in the purchasing company’s name following the purchase of one company by another is not a warranty sale, nor is the reinstatement of warranties on previously treated structures.**

**F. “Branch office” means any physical location at which business records are maintained separate from the main business office, or, if no records are maintained there, any location which three (3) or more employees utilize as their base of daily activities.**

**G. “Termiticide” means any pesticide or treated article intended to protect a structure against subterranean termites. The definition includes baits, all conventional soil-applied termiticides regardless of their mode of action, wood-treatment products such as borates when applied during or after construction, and construction materials impregnated with insecticides and intended to protect the structure from attack. It also includes stainless steel mesh, uniform-size sand or gravel materials, or other physical barriers for which termite control, termite detection, or termite mitigation claims are made.**

**H. “Pretreat” and “pretreatment” refer to the subterranean termite control treatment performed on a building while it is under construction. This treatment is normally performed in several stages as the building is completed.**

- 1) For liquid treatments a pretreat is considered to begin on the day that the first application of chemical is made.**
- 2) For pretreatments performed with bait systems or physical barriers the treatment is considered to have begun when bait or monitoring stations are first installed.**
- 3) For pretreatments conducted with borate or other wood-treatment products the treatment is considered to have begun at the time the first application to the structure is made.**

**I. “Pesticide use” means the distribution, holding for distribution or sale, sale, mixing, loading, transportation, application, or storage of any material for which pesticidal claims are made.**

**J. Performing public health pest control activities includes, but is not limited to, the use of any pesticide with the intent to prevent, destroy, repel, or otherwise mitigate any pest of public health significance or engaging in any other activities intended or claimed to mitigate pests of public health significance for compensation or as a government employee on the property of another, including the installation of devices. Public health pest control activities also includes the soliciting, advertising, or making of sales proposals in any form for any services involving the use of pesticides or devices with the intent to prevent, destroy, repel or otherwise mitigate any pest of public health significance. (Licensing is mandatory in this category as per Section 27-1085 L, below.)**

- 1) The use of EPA-registered disinfectants for ordinary or disaster-recovery cleaning purposes is not a public health pest control activity regulated by this Section.
- 2) The installation of animal traps in or around privately-owned structures for the control of vertebrate pests of public health significance (e.g., rats and mice) is not a public health pest control activity regulated by this Section.
- 3) The installation of animal traps and the distribution of poisons intended to control rat and mouse populations in or around municipal streets, utilities, and public buildings or in other public areas such as recreational and industrial parks, schools, public hospitals, and similar areas is a public health pest control activity regulated by this Section.
- 4) The installation of ultraviolet flying insect traps, air curtains, screens, and similar devices is not a public health pest control activity regulated by this Section unless the devices emit or employ pesticides or public health protection claims are made.

**K. Performing turf and ornamental pest control activities includes, but is not limited to, the use of any pesticide with the intent to prevent, destroy, repel or otherwise mitigate any pest of publicly or privately owned turf or ornamental plantings for compensation or as a government employee on the property of another, including the installation of devices. Turf and ornamental pest control activities also includes the soliciting, advertising, or making of sales proposals in any form for any services involving the use of pesticides or devices with the intent to prevent, destroy, repel, or otherwise mitigate any pest of turf or ornamental plantings. (Licensing is mandatory in this category as per Section 27-1085 L, below.)**

- 1) The application of pesticides to ornamental plants in a greenhouse or nursery is not a turf and ornamental pest control activity regulated by this Section.
- 2) The installation of irrigation systems and similar devices, including chemigation systems, is not a turf and ornamental pest control activity regulated by this Section.
- 3) The application of fertilizers not mixed with pesticides or herbicides is not a turf and ornamental pest control activity regulated by this Section, nor is the spray or broadcast application of grass seed, mulch, or mixtures not containing materials registered as pesticides or for which pesticidal claims are made.
- 4) Maintenance activities such as mowing, trimming, watering, and landscaping are not turf and ornamental pest control activities regulated by this Section, even if claims of weed reduction or plant health and growth are made.

**L. Performing aquatic pest control activities includes, but is not limited to, the use of any pesticide with the intent to prevent, destroy, repel or otherwise mitigate any pest of publicly or privately owned waters, including ponds, lakes, oceans, rivers, streams, reservoirs, and impoundments, whether or not they are navigable, for compensation on the property of another or as a government employee, including the installation of devices. Aquatic pest control activities also includes the soliciting, advertising, or making of sales proposals in any form for any services involving the use of pesticides or devices with the intent to prevent, destroy, repel, or otherwise mitigate any pest of publicly or privately owned waters, including ponds, lakes, oceans, rivers, streams, reservoirs, and**

**impoundments, whether or not they are navigable, for compensation on the property of another. (Licensing is mandatory in this category as per Section 27-1085 L, below.)**

**1) The application of pesticides to ornamental aquatic plants in a greenhouse or nursery is not an aquatic pest control activity regulated under this Section.**

**2) The installation of aeration systems and similar devices or the use of mechanical harvesters to remove vegetation is not an aquatic pest control activity regulated under this Section.**

**3) The application of fertilizers not mixed with pesticides or herbicides is not an aquatic pest control activity regulated under this Section, nor is the use of dyes to suppress the growth of aquatic vegetation.**

**4) The installation of devices to exclude, prevent, destroy, repel or otherwise mitigate aquatic pest animals is not an aquatic pest control activity regulated under this Section.**

**M. “Structure” and “building” mean any edifice to which activities regulated under these regulations are applied or proposed to be applied, including the area underneath and immediately adjacent to the foundation.**

**N. All pronouns and any variations thereof in these Regulations shall be deemed to refer to the masculine, feminine, neuter, singular, or plural, as the identity of the person or entity may require.**

#### ***27-1071. Registration of Pesticides.***

**A. All pesticide products must be registered with the Department for the period in which the products are offered for sale or distribution within the State.**

**1) Registrations must be maintained for a period of two (2) years after the last shipment of product into the State in order to support materials remaining in the channels of trade after registration ceases. This requirement includes products distributed in bulk but does not include technical-grade pesticide material used for formulation into other pesticide products or pesticides distributed under an experimental use permit.**

**2) Unregistered products must be removed from the retailer’s shelves. The Director may, however, allow a reasonable period of time for the retailer to dispose of existing stocks of pesticides after the manufacturer or distributor has ceased to register the product with the State. The method of disposal shall be determined by the Director after appropriate consultations with the affected parties or their representatives.**

**B. The recipient of a Federal experimental use permit must notify the Director in writing of each experimental use permit issued to them under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for pesticides to be used in the State. The notification must be furnished within thirty (30) days after their receipt of the federal permit. The following information must be provided:**

- 1) A copy of the label accepted by the U. S. Environmental Protection Agency in connection with the permit. The accepted chemical name(s) of the active ingredients must appear on the label.
- 2) A copy of the Experimental Use Permit issued by EPA, including the permit's identification number.
- 3) A copy of the EPA letter establishing any relevant temporary tolerances.
- 4) The location and acreage of each site within the State where the product will be used and the total amount of the product expected to be applied in the State.
- 5) The crops or sites involved and the intended purpose or pest targeted by the applications.

**C. The State hereby adopts the same requirements for labeling as established by the U. S. Environmental Protection Agency.**

- 1) The Department will normally accept a copy of the latest label accepted by the EPA for federal registration of the product, provided the label has been fully corrected with respect to changes requested by the EPA and provided the label is in compliance with the labeling requirements in existence at the time the label is submitted to the Department.
- 2) Notwithstanding the above, the existence of Federally-accepted labeling does not obligate the Department to register any product for use in the State.
- 3) The Director may refuse to register a product if in his opinion there is insufficient credible evidence regarding the formulation, efficacy, or suitability for use in South Carolina of the product.
- 4) Before registering a product for use in South Carolina, the Director may require the submission of data satisfactory to him from the registrant specifically supporting any claims made through labeling or any other media about the efficacy, formulation, or suitability for use in South Carolina of the product.

***27-1072. Special Permits.***

**A. Special permits may be granted by the Director for the use of certain pesticides within the State under specific circumstances. These permits will be in the form of either a South Carolina registration to meet certain special local needs or a South Carolina experimental use permit to allow the gathering of data needed to obtain a State registration for a special local need.**

**B. State registrations for special needs are authorized under Section 24(c) of Public Law 92-516, and State experimental use permits are authorized under Section 5(f) of Public Law 92-516. The Director shall adhere to the requirements established by pertinent Federal regulations relative to these two sections when issuing such State registrations or State experimental use permits.**

**C. Basic criteria for initial consideration of products for State registrations and State experimental**

use permits will be the following:

1) That there is a special local problem within the State which has created the requirement for the new product or for the amended labeling of a registered product and;

2) That the essential purpose of the request appears to the Director to be to fulfill the special local need rather than circumvent the normal process of obtaining a Federal registration or a Federal experimental use permit.

D. State registrations may be issued for a period of one (1) year or less and shall be subject to the prescribed registration fee. State registrations may be renewed annually upon written application to the Director. These applications will be reviewed annually by the Department to ensure that the use of the product still meets the basic criteria set forth in paragraphs B and C above.

E. State experimental use permits shall be issued for a specified period of time, are not subject to a registration fee, and may be extended at the discretion of the Director after appropriate consultations with the affected parties or their representatives.

***27-1073. Coloration and Discoloration.***

A. The Director shall use the Munsell Book of Color as a color standard as described in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136, et seq.).

***27-1074. Pesticide Samples.***

A. Authorized agents of the Division of Regulatory and Public Service Programs are authorized to collect official samples of pesticide products manufactured, distributed, sold, or held for sale within the State.

B. Authorized agents of the Division of Regulatory and Public Service Programs are authorized to collect official samples of pesticides and pesticide residues from known or suspected application sites, adjacent areas, application equipment, containers, service containers, or other locations reasonably expected to contain such pesticides, pesticide use dilutions, or pesticide residues within the State.

C. The samples will be collected and transported by a standard procedure outlined by the Director, in order to promote uniformity of the samples.

D. Samples taken will be analyzed for deficiencies and adulteration, or for other purposes as deemed appropriate by the Director.

E. The results of the analysis of samples obtained under the above provisions may be used as the basis for regulatory action initiated under the provisions of the South Carolina Pesticide Control Act.

***27-1075. Restricted Use Pesticide Classifications.***

**A. The State may adopt the same list of restricted use pesticides and use patterns established by the U. S. Environmental Protection Agency.**

**B. The pesticides and use patterns restricted in the State are those so classified by the U. S. Environmental Protection Agency or so established at the discretion of the Director after appropriate consultations with the affected parties or their representatives.**

**C. Micro-encapsulated agricultural insecticides are especially toxic to honeybees and other pollinators. For the purposes of this section, a micro-encapsulated insecticide is any insecticide labeled or formulated for agricultural use, the active ingredient of which is micro-encapsulated in whole or in part. Such insecticides must be classified as Restricted Use and are subject to the following conditions:**

**1) Micro-encapsulated insecticides formulated or labeled for agricultural use may be sold, offered for sale, distributed, or transferred only by licensed pesticide dealers.**

**2) Micro-encapsulated insecticides formulated or labeled for agricultural use may be sold, distributed, or offered for sale only to persons who possess a current certified applicator's license and a permit to possess and apply such insecticide.**

**3) Except as otherwise provided by law, no person shall possess or apply micro-encapsulated insecticides formulated or labeled for agricultural use to their own lands unless they possess a current private applicator's license and a valid permit to possess and apply such insecticides.**

**4) Except as otherwise provided by law, no person shall apply micro-encapsulated insecticides formulated or labeled for agricultural use to the lands of another unless they possess a commercial applicator's license and a valid permit to possess and apply such insecticides.**

**5) Any person desiring a permit to possess and apply micro-encapsulated insecticides formulated or labeled for agricultural use must submit on forms approved by the Department a request for such a permit. Such permit will incorporate the terms and conditions of issuance. Failure to comply with such terms and conditions will result in appropriate enforcement action.**

**6) A person holding a valid Pesticide Dealer License is authorized by the terms of his license to possess micro-encapsulated insecticides formulated or labeled for agricultural use.**

**7) Violations of this section shall be punished in accordance with Section 46-9-90, S. C. Code of Laws (1976) as amended.**

**D. The presence of descriptive phrases with a legally defined meaning on a pesticide label are enforceable restrictions on the distribution, sale, storage, and use of the affected product. Descriptions such as "certified applicator" or "pest control operator," for example, mean that the product can be distributed to or used by certified applicators only.**

**1) It is a violation of this Section to sell or otherwise distribute products with restrictive label language to persons not meeting the qualifications specified by the label description.**

**2) It is a violation of this Section for persons not meeting the qualifications specified on the product label to apply or otherwise use such products.**

***27-1076. Licensing of Pesticide Dealers and Dealer Records Maintenance.***

**A. No person younger than eighteen (18) years-old will be licensed as a pesticide dealer.**

**B. Pesticide dealers must pass a written examination, unless already certified as commercial applicators.**

**C. Pesticide dealers must complete an application form published by the Department.**

**D. The prescribed fee must accompany the application.**

**E. The dealer's license cannot be substituted for any part of an applicator's license, nor does the obtainment of a dealer's license reduce an applicant's obligation to pass examinations or pay the full fees for an applicator's license.**

**F. Pesticide dealer's licenses shall expire on December 31<sup>st</sup>. Licenses may be renewed annually prior to January 1<sup>st</sup> by application to the Director and payment of the annual fee. A 25% penalty will be charged for renewal applications filed on or after January 1<sup>st</sup>. Licenses that are not renewed by April 1<sup>st</sup> of the calendar year following their expiration, may not be renewed without the applicant's passing another examination and re-applying for the license.**

**G. There must be a separate individual licensed as a dealer for each store, sales location, or branch sales yard, including multiple sales locations owned by the same person, which sell restricted use pesticides.**

**H. Pesticide dealers must maintain records of all sales or other distributions of Restricted Use Pesticide for a period of two (2) years after the date of such sale or distribution. Records must include at a minimum the name and pesticide applicator's license number of the individual to whom the sale or distribution was made. These records must be presented to the Director or his agents for review and duplication upon request at the expense of the Department.**

***27-1077. Certification and Licensing of Private Applicators.***

**A. No person younger than eighteen (18) years-old will be licensed as a private applicator. In hardship cases, however, persons under the age of eighteen (18) may be licensed at the discretion of the Director after appropriate consultations with the affected parties or their representatives.**

**B. Private applicators are not required to demonstrate financial responsibility.**

**C. Persons holding a private applicator's license may use or directly supervise the use of a pesticide**

which is classified for restricted use, but only for the production of an agricultural commodity on property owned or rented by them or their employer. Private applicators may apply pesticides on the property of another person only if the application is performed without compensation, or if the only compensation provided is the trading of personal services between producers of agricultural commodities.

**D. Private applicators must accomplish all of the following prior to being certified and licensed:**

- 1) Complete an application form published by the Department.
- 2) Complete a prescribed training program and pass an exam dealing with pesticides.
- 3) Pay the pro-rated portion of the prescribed normal fee for the remainder of the licensing period in which the license is issued.

**E. Persons holding valid commercial and noncommercial applicator licenses, if they desire, may obtain a private applicator's license simply by submitting the proper application form and the prorated fee for the remainder of the licensing period to the Director. Additional training is not required.**

**F. Private applicator licenses are issued in five (5) year licensing periods or "recertification blocks." Blocks end in 2004, 2009, 2014, etc. Licenses are pro-rated and expire at the end of the block in which they are issued. During each recertification block after the one in which the license is issued each private applicator must successfully complete five (5) Continuing Certification Hours of training. Alternatively, the private applicator may complete the initial licensing requirements and re-apply to the Director for a license. All Continuing Certification Hours must be approved in advance by the Department.**

**G) All applications of Restricted Use Pesticides to any crop or commodity while it is held in a commercial storage or processing facility must be made by or under the direct supervision of a commercial applicator certified in Category 1C.**

*27-1078. Certification and Licensing of Commercial Applicators.*

- A. No person younger than eighteen (18) years-old will be licensed as a commercial applicator.**
- B. Commercial applicators must demonstrate to the Director the financial responsibility required by law, before the Director may issue a license.**
- C. Continuous financial responsibility is an on-going responsibility of the commercial applicator, and no commercial applicator may receive, purchase, apply, use, supervise, or conduct other application-related activities without the required financial responsibility in place.**
  - 1) Category 3, 5, and 8 applicators must maintain financial responsibility in the amount of \$50,000 with an annual aggregate claims limit of not less than \$100,000.00 before performing any pest control activities, including advertising, as specified in Section 27-1085 L, below.



**2) Category 7 applicators must maintain comprehensive general liability financial responsibility of not less than \$100,000.00 combined single limit liability coverage, which must include both bodily injury and property damage coverage.**

**3) Failure to maintain the requisite financial responsibility in any category shall cause the immediate and automatic suspension of the commercial applicator's license until such time as current financial responsibility is satisfactorily demonstrated to the Director. If the applicator fails to re-instate their financial responsibility within three months, or if their license expires sooner, the license is automatically revoked and must not be restored until the applicator has again completed the certification process, including the exams.**

**D. The insurance or surety company must be one licensed to do business in South Carolina, and must give at least ten days written notice by certified mail to the Department as a condition precedent to the cancellation by the surety or insurer, material change, or cancellation by the insured.**

**E. The above notwithstanding, commercial applicators are not relieved from liability for damages to persons or property caused by pesticides applied by or under the supervision of the licensee whether or not such use conforms to the requirements of the product label and the rules and regulations promulgated by the Director.**

**F. Financial Responsibility may be demonstrated by:**

**1) A current public liability and property damage insurance policy and or certificate of insurance (issued by an insurance company). Binders are not acceptable.**

**2) A certificate of self-insurance issued by the Workman's Compensation Commission. (Although this certificate is specifically designed to cover workman's compensation claims, the Department considers this certificate indicates sufficient assets to cover the liability requirements of the law).**

**G. All commercial applicators must provide a phone number where the commercial applicator can normally be reached during normal working hours. If this number changes, the Department must be notified within three (3) working days.**

**H. Persons holding a commercial applicator's license may use restricted use pesticides, but only for work in the specific categories in which the commercial applicator has demonstrated competence. Commercial applicator's licenses will be issued for the following categories of commercial pesticide-application operations:**

**1) Agricultural Pest Control (Category 1).**  
**(a) Plant (Category 1A).**  
**(b) Animal (Category 1B).**  
**(c) Stored Product Pest Control (Category 1C).**

**2) Forest Pest Control (Category 2).**

**3) Ornamental and Turf Pest Control (Category 3).**

- 4) Seed treatment (Category 4).
- 5) Aquatic Pest Control (Category 5).
- 6) Right-of-way Pest Control (Category 6).
- 7) Industrial, Institutional, Structural and Health-Related Pest Control (Category 7).
  - (a) General (Category 7A).
  - (b) Fumigation (Category 7B).
- 8) Public Health Pest Control (Category 8).
- 9) Regulatory Pest Control (Category 9).
- 10) Demonstration and Research Pest Control (Category 10).
- 11) Aerial Applicator (Category 11).
- 12) Miscellaneous (Category 12).
  - (a) Wood Preservative Treatment (Category 12A).
  - (b) Anti-fouling paint (TBT) Application (Category 12B).
  - (c) Small Animal Pest Control (Category 12C).
  - (d) Sewer Line Pest Control (Category 12D).

**I. Commercial applicators must accomplish the following prior to being certified and licensed:**

- 1) Pass the Core examination, a basic test dealing with the minimum amount of subject matter considered essential to the safe use of restricted use pesticides.
- 2) Pass a separate Category examination for each of the practice areas listed above.  
**Note: passing the core exam without passing a category exam does not entitle the applicant to use or supervise the use of Restricted Use Pesticides or perform pest control activities in categories for which licensing is required.**
- 3) Complete an application form published by the Department.
- 4) Fees for the examinations, licensing, and for certification in additional categories beyond the initial category of certification shall be as prescribed.

**J. Aerial Applicators.**

- 1) All aerial applicators of pesticides (including transient aircraft pilots) are subject to the same requirements outlined in paragraph D (1) above. All aerial applicators must be certified and licensed by the Department before applying restricted use pesticides by air within the State.
- 2) These regulations concerning aerial applicators do not in any way negate the regulations promulgated by the Aeronautics Division of the SC Department of Commerce or its successors.

**3) Aircraft must be secured against theft and tampering in a manner as prescribed by the Director after appropriate consultations with the affected parties or their representatives.**

**4) Chemicals, use-dilutions, and their containers both on and off the aircraft must be secured in a manner as prescribed by the Director after appropriate consultations with the affected parties or their representatives.**

**K. Commercial applicator licenses shall expire on December 31<sup>st</sup> of each year.**

**L. Commercial applicator licenses are renewable annually by re-application to the Director prior to January 1<sup>st</sup> and payment of the prescribed annual fee. A 25% penalty will be charged for renewal applications filed after January 1<sup>st</sup>. Reexamination is not required for licenses renewed before April 1<sup>st</sup> as long as the recertification requirements of Paragraph 6, below, and continuous financial responsibility has been maintained as per Section 27-1078 C, above.**

**M. Commercial applicators holding valid licenses who desire to have a private applicator's license may submit the proper application form and the prescribed fee to the Director. A private applicator license will be issued with no additional training required.**

**N. Recertification periods for commercial applicators are five (5) year periods, beginning January 1<sup>st</sup> of 1994 and ending on December 31<sup>st</sup> of 1998, 2003, 2008, and every five (5) years thereafter. During each recertification period after the one in which the license is issued each Commercial Applicator must successfully complete ten (10) Continuing Certification Hours of training. Alternatively the applicator may complete the initial licensing requirements and re-apply to the Director for a license. All Continuing Certification Hours must be approved in advance by the Department.**

***27-1079. Certification and Licensing of Noncommercial Applicators.***

**A. No person younger than eighteen (18) years-old will be licensed as a noncommercial applicator.**

**B. Noncommercial applicators are not required to demonstrate the same financial responsibility required of commercial applicators.**

**C. Persons holding a noncommercial applicator's license may use restricted use pesticides, but only for work in the specific categories, as outlined for commercial applicators, in which the applicator has demonstrated competence. These licenses are issued to permit qualified governmental employees to perform their official duties on the job.**

**(1) Noncommercial applicators must submit an application form published by the Department and must pass the same set of examinations required of the commercial applicators.**

**(2) Noncommercial applicators are exempt from the fee requirements imposed on commercial applicators.**

**(3) Noncommercial applicators' licenses shall expire on December 31<sup>st</sup> of each year.**

**(4) Noncommercial applicators' licenses are renewable annually by re-application to the Director prior to January 1<sup>st</sup>. Reexamination is not required for licenses renewed before April 1<sup>st</sup> as long as the recertification requirements of Paragraph 6, below, are complied with.**

**(5) Noncommercial applicators holding valid licenses who desire to have a private applicator's license may submit the proper application form and the prescribed fee to the Director. A private applicator license will be issued with no additional training required.**

**(6) Recertification periods for noncommercial applicators are five year periods, beginning January 1<sup>st</sup> of 1994 and ending on December 31<sup>st</sup> of 1998, 2003, 2008, and every five (5) years thereafter. During each recertification period after the one in which the license is issued each Noncommercial Applicator must successfully complete ten (10) Continuing Certification Hours of training. Alternatively the applicator may complete the initial licensing requirements and re-apply to the Director for a license. All Continuing Certification Hours must be approved in advance by the Department.**

***27-1080. Exemptions from the Requirement of a License and of Certification.***

**A. Doctors of veterinary medicine applying pesticides to animals during the normal course of their practice are exempt from the requirements of certification and licensing provided that they are not regularly engaged in the business of applying pesticides for hire as their principal or regular occupation.**

**B. Medical personnel (both private and government) applying pesticides to man during the normal course of medical practice are exempt from the requirements of certification and licensing.**

***27-1081. Safe Handling, Storage, Display and Distribution of Pesticides.***

**A. The distribution of pesticides which have been classified for restricted use must be made only to the following:**

**(1) Licensed pesticide dealers;**

**(2) Licensed certified applicators; and**

**(3) Persons exempt from the requirements of licensing and certification.**

**B. Storage of pesticides in quantity (both general use (except as listed in paragraph D below) and restricted use items) by certified applicators, wholesalers, dealers and retailers must comply with the following:**

**(1) All pesticides stored in quantity must be stored in securely locked well ventilated rooms, well away from all food or feed items. The pesticides should be stored in such manner as to**

prevent fumes from contaminating food or feed.

(2) Pesticides should be separated during storage, preferably in bins, depending upon the type of pesticide. Each type of pesticide, i.e., herbicides, insecticides, fungicides, et cetera, must be stored separately from each other.

(3) Herbicides must not be stored in a bin on top of, or located above, any other type of pesticide, to preclude accidental contamination of other pesticides by leakage or spillage.

(4) Any pesticide container which is leaking or otherwise damaged must be immediately removed to an area where its contents will be fully contained in the event that its condition deteriorates further. The use of “overpack” containers or similar devices is sufficient to meet this requirement. Any pesticide material spilled or otherwise allowed to move outside of the container must be immediately cleaned up by an appropriate decontamination method. The location where any pesticide material has been spilled must likewise be immediately decontaminated by a method appropriate to the material spilled.

**C. Display of pesticides (both general use and restricted use items) by dealers and retailers must comply with the following:**

(1) All pesticides offered for sale must be in the registrant’s approved container with the appropriate labeling from the registrant permanently attached.

(2) All restricted use pesticides must be separated from general use pesticides in displays of pesticides offered for sale to the general public.

(3) Herbicides must be separated from all other types of pesticides when displayed for sale to the general public. Furthermore, herbicides must not be displayed in a position above other types of pesticides, to prevent accidental contamination of other pesticides by leakage or spillage.

(4) All pesticides (either general use (except as listed in paragraph D below) or restricted use items) on display to the general public, should be displayed at a minimum distance of twenty-five (25) feet from all fresh, soft, loosely packaged or other types of food or feed items that can or may absorb odors from the pesticides. Examples of such food items would be bread, pastries, potatoes, fresh meats, cheese, macaroni and candy. All pesticides must be displayed at a minimum distance of four feet from canned foods or any other type of food or edible item.

(5) Any pesticide container which is leaking or otherwise damaged must be immediately removed from the display area to a location where its contents will be fully contained in the event that its condition deteriorates further. The use of “overpack” containers or similar devices is sufficient to meet this requirement. Any pesticide material spilled or otherwise allowed to move outside of the container must be immediately cleaned up by an appropriate decontamination method. The location where any pesticide material has been spilled must likewise be immediately decontaminated by a method appropriate to the material spilled.

**D. The following types of pesticides are exempt (unless classified as restricted use pesticides) from storage and display requirements of paragraphs B and C (2) through C (4) above. They are still**

subject to the requirement of paragraph C above.

- 1) Bleach products.
- 2) Disinfectant products.
- 3) Pet animal and tropical fish treatment products.
- 4) Sink drain and toilet bowl products.
- 5) Paint products other than TBT paints.
- 6) Additional exemptions may be granted by the Director upon special request, if warranted.

**E. All aircraft pesticide loading zones must be adequately delimited and posted with signs indicating that the area is used as a pesticide loading zone for aircraft. For mobile support vehicles (e.g., trucks supplying fuel and chemical for helicopter applications) the placement of equivalent signage on the truck shall be sufficient to comply with this Section. Conformance with the requirements of this Section does not relieve any person from liability for injury or damage to another person caused by the pesticides, either while being stored or after spillage on the ground.**

**F. All pesticides distributed in bulk must be registered both with the U. S. Environmental Protection Agency and with the State.**

- 1) Any firm distributing or selling bulk pesticides within the State must notify the Department of such practice on January 1<sup>st</sup> of each year.
- 2) A copy of the accepted label for the product must be attached to the shipping papers, and left with the consignee at the time of delivery.
- 3) Pesticide products stored in bulk containers, whether mobile or stationary, which remain in the custody of the user, must bear a copy of the accepted label or labeling, including all appropriate directions for use, securely attached to the container in the immediate vicinity of the discharge control valve.
- 4) The appropriate provisions of Title 49 of the Code of Federal Regulations, as administered by the U. S. Department of Transportation, concerning the transportation of hazardous materials must be adhered to by any person transporting pesticide products within the State.
- 5) All containers (both holding tanks of the formulator and the customers' stationary containers) must be provided with suitable sample points to permit withdrawal of samples by personnel of the Department. Samples obtained by Departmental personnel in this manner must be accepted without reservation as being representative of the material in the container and described on its label.

**G. All persons engaged in pesticide operations using compressed gas tanks or cylinders must ensure that all propellant supplies for pesticides used in fumigations or other pesticide applications are**

equipped with properly functioning back flow prevention devices which will prevent the entry of pesticide into the compressed gas tank or cylinder.

- 1) No person shall operate any compressed gas tank or cylinder in pesticide operations unless a back flow prevention device is installed and properly functioning.
- 2) The back flow prevention device must be placed between the tank/cylinder regulator and the pesticide system.
- 3) Pesticide operations must cease prior to the tank/cylinder pressure falling below twice the pesticide system operating pressure, or 200 psi, whichever is greater.

***27-1082. Disposal of Pesticides and Pesticide Containers.***

Unwanted pesticides and pesticide containers must be disposed of in accordance with the regulations promulgated by the South Carolina Department of Health and Environmental Control.

***27-1083. Pesticide Application Assurance, Vehicle Identification, Applicator Records Maintenance, and Direct Supervision.***

A. At each customer's request, all licensed commercial and non-commercial pesticide applicators are hereby required to provide the following information:

1) Structural and general household pest control operations:

(a) Provide all customers at their request with a completed, fully legible, statement with respect to any application of pesticides on property under their ownership or control.

(b) The statement must contain at a minimum the following information:

(1) The name of the company or firm and their address.

(2) The pest or pests to be controlled.

(3) The common chemical name of the active ingredient(s) (not the brand name) of the pesticide applied.

(4) The name of responsible licensed applicator.

(c) If pest-control services are being provided under a continuing contract (i.e., monthly, quarterly, or otherwise other than a one-time treatment) for general household insect control other than wood-destroying insects or rats and mice, then more general terms may be used relative to the name of the pest and several alternate chemicals may be listed. In this event all of the above requirements for record maintenance and disclosure must also be complied with.

**2) Aerial applicators.**

**(a) Provide all customers at their request with a completed fully legible statement with respect to any application of pesticides.**

**(b) The statement must contain the following information, as a minimum:**

**(1) Company or firm name and address.**

**(2) The pest or pests to be controlled, or purpose of the pesticide application.**

**(3) The chemical or common name of the active ingredient(s) (not the brand name) of the pesticide applied.**

**(4) Name of responsible licensed applicator.**

**3) Custom ground applicators. (This group includes commercial agricultural applicators, lawn, golf course, ornamental plant and tree pesticide applicators, mosquito control pesticide applicators, wood preservative applicators, and all other types of commercial and non-commercial pesticide applicators.)**

**(a) Provide all customers at their request with a completed, fully legible, statement with respect to any application of pesticides.**

**(b) The statement must contain the following information, as a minimum:**

**(1) Company or firm name and address.**

**(2) The pest or pests to be controlled, or purpose of the pesticide application.**

**(3) The chemical or common name of the active ingredient(s) (not the brand name) of the pesticide applied.**

**(4) Name of responsible licensed applicator.**

**4) For non-commercial applicators only, or for commercial applicators making applicators for and under the direct supervision of a governmental entity, the disclosure requirements of the above Sections may be met by announcement or publication of the nature and timing of pesticide applications in the appropriate mass media outlets not less than 24 hours prior to the application.**

**B. All vehicles used by licensed commercial and non-commercial pesticide applicators to transport pesticides to and from the application site, or used in the actual application of pesticides, must bear an identification symbol, furnished by the Department, on both the right and left sides of the vehicle. All boats used in commercial and non-commercial pesticide applications must bear the same symbol on both the right and the left side of the vessel. Aircraft are identified by their registration number and thus will not be required to bear the State identification symbol.**



- 1) The symbol must be maintained clean and recognizable from a minimum distance of one hundred feet.
- 2) State identification symbols are not required on every piece of small equipment used by a licensed applicator, nor on every automobile or truck owned by a company, firm, or applicator. Symbols are required only on the actual transport, service and application vehicles.

**C. Applicator records maintenance.**

- 1) Records must be maintained by each company or firm employing licensed commercial or noncommercial pesticide applicators, each licensed commercial applicator if self-employed, and by the employer of each licensed noncommercial applicator, of all pesticides used.
- 2) The record must include the quantity of each pesticide used, received, or purchased, the common chemical name of the active ingredient(s) (not the product name), the pest or purpose for which the pesticide was applied, and the date and place of application. It is not necessary to list the pests involved for general household insect control or for general insect control measures in commercial and industrial establishments. In these cases the record may indicate merely “household pests” or “general insect control.”
- 3) Records of pesticide applications must be maintained by the company, firm, or licensed commercial or noncommercial applicator as detailed below:
  - a) For pre-construction termite-control treatments (“pretreats”), including the installation of bait systems and baits containing active ingredients, records of termiticide application must be maintained for a period of five (5) years or as long as a continuing warranty or contract exists, whichever is longer, and must be made available to the Director or his designee for review and duplication upon request at the expense of the Department.
  - b) For post-construction termite-control treatments, including the installation of bait systems and baits containing active ingredients, records of termiticide application must be maintained for a period of two (2) years from the date of application or as long as a continuing warranty or contract exists, whichever is longer, and must be made available to the Director or his designee for review and duplication upon request at the expense of the Department.
  - c) Records of pesticide applications other than termiticides must be maintained for a period of two (2) years from the date of the application.
- 4) The Director may request records of all pesticides used by any applicator. This includes application records as well as any records of or related to pesticides purchased or otherwise received by the applicator. The expense of copying or duplicating those records shall be paid by the Department.

**D. Direct Supervision:** The level of direct supervision required for certain pest control activities will vary according to the nature of the application.

1) Unless the label of the product being applied requires a licensed applicator on site, Licensed Commercial and non-commercial applicators whose business location is not within the boundaries of the State of South Carolina must have a licensed applicator within 30 (thirty) minutes of the application site by ordinary ground transportation and immediately available by telephone or radio.

2) For Licensed Commercial and non-commercial applicators whose business location is within the boundaries of the State of South Carolina:

(a) The use of all fumigants will require an applicator holding a valid Commercial Applicators License in Category 7B, Category 1C, or other appropriate category as determined by the Department, to be physically present on site and supervising the application at all times when pesticide is being applied.

(b) The use of any pesticide classified as restricted use by the EPA or the Department, regardless of the signal word, will require the supervising licensed applicator (licensed in the proper category), to be within 30 (thirty) miles by ordinary ground transportation of the application site and immediately accessible by telephone or radio.

(c) For categories of use in which licensing is mandatory, the use of any pesticide which has the signal word “danger” or “warning” will require the licensee supervising the application to be within 60 (sixty) miles by ordinary ground transportation of the application site and immediately accessible by telephone or radio.

(d) For categories of use in which licensing is mandatory, the use of any pesticide which has the signal word “Caution” will require the licensee supervising the application to be within 100 (one-hundred) miles by ordinary ground transportation of the application site and immediately available by telephone or radio.

***27-1084. Denial, Suspension or Revocation of a License or Certification; Assessment of Criminal Penalties.***

A. Each of the following acts shall be considered a violation of the South Carolina Pesticide Control Act, in addition to those mentioned in the Act, and shall constitute grounds for denial, suspension or revocation of a license or certification:

(1) Use of a pesticide in a manner inconsistent with the labeling accepted by the U.S. Environmental Protection Agency or the South Carolina registration for that pesticide. The term “use” shall include distribution, application, mixing, loading, storage and disposal.

(2) Making false, fraudulent or inadequate records, invoices or reports, or failing to keep the records required by the Act.

(3) Committing an act resulting in assessment of a civil or criminal penalty under 7 U.S.C. Section 136-1, as amended.

**B. Any person who commits any of the above acts shall be deemed guilty of a misdemeanor and criminal penalties may be assessed pursuant to Section 18 of the South Carolina Pesticide Control Act.**

***27-1085. Standards for Prevention or Control of Wood-destroying Organisms. (Statutory Authority: 1976 Code Section 46-13-55)***

**A. Every person performing either preventive measures against or control measures for termites and other wood-destroying organisms (both insects and fungi) on the property of another must follow at a minimum the methods and procedures specified in the following codified paragraphs of this regulation.**

**B. Control measures used must be appropriate for the type of termite or other wood-destroying organisms present.**

**1) For other than subterranean termite treatments, if no wood-destroying organism is actually present then this fact and the preventative nature of the proposed treatment must be disclosed to the consumer in writing before the work begins.**

**2) Treatment and inspection must be performed in accordance with these regulations and with the terms of the written agreement or contract for as long as the contract is valid.**

**3) Copies of the warranty, treatment records, waivers issued, and inspection records must be maintained by the firm for a period of five (5) years or for the duration of the warranty, whichever is longer, and must be presented to the Director or his authorized representatives for review and duplication upon their request at the expense of the Department.**

**4) The presence of Formosan subterranean termites (*Coptotermes formosanus* Shiraki) must be disclosed when an active infestation has been found in a structure. The documentation provided with any subterranean termite control contract or warranty must specify whether coverage for Formosan subterranean termites is included and the nature of that coverage (i.e. whether coverage is for retreatment only or includes the repair of damages due to the Formosan subterranean termite infestation).**

**C. Treatment for each property must be made to the entire structure and must meet the standards outlined in these Regulations unless structural or physical characteristics of the property or the stipulations of the property owner or their agent make adherence to these standards unnecessarily difficult or costly. In such cases, an Official Waiver of Standards Form clearly identifying the standard(s) not performed must be executed and acknowledged in writing by the property owner before work begins.**

**1) The Waiver form must be the most recent version published by the Department and must be provided by the pest control operator. A signed copy of the waiver must be supplied to the property owner. A signed copy of the waiver must be maintained by the pest control operator for as long as the property is covered by the warranty based on the treatment for which the waiver was issued.**

**2) Due to the accessibility of the various construction elements during construction and prior to completion of the buildings, waivers must not be issued during preconstruction treatments unless the applicator has requested and received permission in writing from the Director or his authorized representative. This prohibition does not include those situations that are out of the control of the applicator such as wooden decks added after the completion of the final grade, step down footers, or similar items.**

**3) All waivers issued must meet the intent of this Section and must not be used to create an opportunity to sell a treatment using less labor or termiticide.**

**a) Multiple structures may be included on the same waiver form only if there is a common authorized agent for or owner of the structures and the same treatment standards are being waived on each building. In this case each structure or building where treatment standards are being waived must be identified on the waiver form.**

**b) Where the two conditions identified in paragraph “a” above are not both met, a separate and unique waiver must be properly executed for each structure where treatment standards will not be completed.**

**4) Waivers are not required for retreatments performed under an existing contract, booster treatments performed to continue coverage under an existing contract, or partial treatments performed to re-instate a contract that has lapsed for less than one (1) year.**

**D. The chemicals, methods, and systems permitted in the control of termites or other wood-destroying organisms shall be only those pesticides which are registered in South Carolina for that use. The chemical and control methods must be used in the proper proportions and in the quantities and manner directed on the label or in these Standards.**

**1) No application of termiticides may be made for any purpose using a rate or volume lower than that specified in the labeling of the product as accepted in South Carolina.**

**2) If the State has accepted the labeling of a termiticide product that allows the structure to be protected by completion of less than a full conventional liquid termiticide treatment as described in these Standards, then only those standards that apply to the treatment actually performed shall be required to be completed.**

**a) Excepting the standards noted in Section (3) below, waivers as detailed in Section C above need not be completed for standards not required to be completed by the termiticide label.**

**b) This provision only applies to post construction treatments.**

**3) For every termite-control treatment performed in the State, regardless of the method of control employed or whether the treatment is conducted during construction or as a post-construction treatment, the following Standards detailed in Section 27-1085 G (2) (a), (b), and (c) must be completed or waived if they are appropriate to the structure. These Standards require, respectively, the removal of cellulose debris and other debris that may interfere with inspection and treatment, the correction of wood-to-ground contact,**

including expanded-foam insulation materials, and the removal of subterranean termite shelter tubes on both masonry and wooden foundation elements. Section 27-1085 G (2) (g), which requires the installation of at least one square foot of ventilator for every 150 (one-hundred fifty) square feet of crawlspace area, must be completed or waived on post-construction treatments.

4) Termite control products or devices (e.g. barriers, wood treatments) must be properly registered with the Department before they can be used.

a) Before a licensed applicator can employ, install, or supervise the use of any termite control product or device not applied to the soil the registrant of that product or device must certify to the Department in writing that the applicator has been properly trained in the product's use and management. Use, installation, or supervision of the use of these products by a licensed applicator for whom certification has not been received by the Department at the time of the installation, use, or supervision is a violation of this Section.

b) Registrants must not provide materials or devices referenced under this section to an applicator who has not been properly trained.

5) The Standards referenced in Section (3) above must be completed for all bait and wood-treatment termite-control methods unless an Official Waiver of Standards Form or the equivalent documentation published by the Department is properly executed. This form must be completed and signed by the property owner or their agent before the work begins. The Waiver must be maintained by the firm for a period of five (5) years or for the duration of the warranty, whichever is longer, and must be presented to the Director or his authorized representatives for review and duplication upon their request at the expense of the Department. The termiticide residue requirements referenced in this Section cannot be waived.

6) All applications of termiticides, including re-treatments and supplemental or "booster" treatments, must be properly recorded on the Record of Termiticide Use form published by the Department or in an alternative manner acceptable to the Department. These record-keeping requirements for termiticide applications apply to bait installations and wood-treatment methods as well as to liquid termiticides. These records must be maintained by the firm as specified in Section 27-1083 C, above, and must be presented to the Director or his authorized representatives for review and duplication upon their request at the expense of the Department. Record-keeping requirements do not apply to the installation of devices intended only to monitor or reveal subterranean termite populations.

E. Periodic inspections may be made by Department employees to ensure that all structural pest control activities are performed in compliance with these regulations and the treatment standards. Soil, use-dilution, or other appropriate samples may be drawn during these inspections. The Department shall develop sampling protocols and threshold residue levels for each registered termiticide which reflect the minimum amount of termiticide residue expected to be present within an appropriate period of time after a proper treatment. Termiticide applications which do not meet or exceed these residue levels are in violation of this Section.

F. Discrepancies in treatment procedures found during any inspection, including minor violations

as determined by the inspector and identified in writing by the Department, must be corrected within a period of time as specified by the Director, after written notification to the applicator. The Department may base formal enforcement actions on these discrepancies. Failure to correct these discrepancies within the period of time specified may result in additional civil/criminal penalties. Corrections must be made so long as the property is under the ownership of the individuals who initially contracted for the subterranean termite treatment, their heirs or estate, whether or not the property remains under contract with the applicator at the time the notification is given.

**G. Only pesticides properly labeled for subterranean termite control and registered for use in South Carolina shall be used.**

**1) Where the Federal labeling accepted in the State requires more thorough treatment (e.g. closer spacing of drill holes or more volume of termiticide) than the treatment standards listed below the Federal labeling shall have precedence. Where the State standards require more thorough treatment the State standards must be followed.**

**2) On each initial Subterranean Termite Control Treatment the Pest Control Operator must perform a complete treatment as detailed in these Regulations, except as provided for in Section D (2) above, and must provide the following minimum service:**

**(a) Remove from crawl spaces all cellulose debris (wood, paper, stumps, cloth, cotton, or other similar materials) and any other debris or rubble which would interfere with effective treatment and inspection. Remove all form boards which are in contact with the soil or are less than eight (8) inches from the soil.**

**(b) In the structure being treated, all wood contacting the ground must be of the proper grade of treated lumber as specified in the current edition of the appropriate Building Code. Where the proper grade of treated wood is not used in a ground contact situation the ground contact must be broken by setting the affected part of the building on a solid concrete base or other such base which is impervious to termites or must otherwise be altered so that there is no direct contact with the ground. Rigid foam-board insulation of polystyrene insulation or similar materials, including the various synthetic stucco systems, are susceptible to subterranean termite attack and must be treated the same as untreated wood in contact with the ground. These requirements cannot be met solely by treatment of the soil immediately adjacent to and in contact with the untreated wood, rigid-foam insulation, or similar material.**

**(c) Scrape off all visible and accessible termite shelter tubes, including those on the wood. Because the presence of intact subterranean termite shelter tubes is presumptive evidence of the presence of an active infestation of subterranean termites, all subterranean termite shelter tubes must be removed at the time of the first inspection following the initial treatment. Subterranean termite shelter tubes must also be removed following any retreatment of the structure. Breaking gaps into the shelter tubes is not sufficient to meet this requirement.**

**(d) For conventional liquid treatments, treat all soil adjacent to foundation walls, pillars, and other supports by forming a narrow trench at the base of each side and flooding it with termiticide in accordance with label directions. Back-fill placed in**

the trench must also be treated in accordance with the label directions. Where footings are not covered by soil the trench may follow the edge of the footing. The soil around locations where pipes enter the soil must be treated in the same manner as foundation supports. When pipes are covered with insulating material, soil or insulation should be removed so that the insulation stops at the soil and the area should be thoroughly treated as previously described. In no case should termiticide be applied to soil in contact with ventilation ducts.

**(e) All cavities and voids within hollow masonry units (except bricks), between courses of masonry units, or within or between construction elements that are in contact with the soil must be drilled at intervals of no more than 16 (sixteen) inches or as prescribed by the product label if the label requires closer spacing of drill holes and treated with termiticide as per the label instructions. Voids must be treated as low as practical. Voids that have been filled with concrete need not be treated but should be test-drilled to verify their condition.**

**(f) Soil areas beneath attached concrete slabs (earth-fill porches, patios, carports, garages, walkways, etc.) which are less than 18 (eighteen) inches below the sill or plate line of the structure must be treated by one of the following methods:**

**(1) By cutting access openings and removing soil adjacent to the foundation and below the expansion joint the length of the fill at least six (6) inches deep below the bottom of the slab and six (6) inches wide and applying chemical as specified on the label.**

**(2) Or by drilling vertically and applying chemical from the top of the slab at not more than twelve (12) inch intervals parallel to and not more than twelve (12) inches away from the foundation wall or expansion joint.**

**(3) Or by rodding from the side(s) and applying the permitted chemical beneath the slab along the length of the expansion joint (“long-rodding”) in a continuous barrier not more than six (6) inches from foundation walls.**

**(4) Or by drilling from the crawl space or basement side and through the foundation wall immediately beneath the slab at no more than twelve (12) inch intervals and treating the soil beneath the slab.**

**(5) The void in the double brick perimeter walls of earth-filled and suspended porches must be drilled and treated at intervals of no more than sixteen (16) inches if the superstructure above the porch rests on wooden supports such as posts, columns, railings, or similar elements. If there are no wooden supports the voids in the side walls perpendicular to the main structure must be drilled and treated to a distance of 4 feet from the main structure at intervals of no more than sixteen (16) inches.**

**(g) Install foundation vents to meet the following requirements:**

**(1) One square foot of ventilator must be present for each 150 (one-hundred fifty) square feet of crawl space area.**

**(2) There must be no “dead ends” or other areas left unventilated.**

**(h) In the crawl space remove enough soil to give sufficient space between the wooden substructure and the soil for access for visual inspection and for the application of proper control measures. In any case, minimum clearance between untreated wood and soil must be at least eight (8) inches.**

**(i) In treating structures built on a concrete slab or on the ground (including basements), soil beneath all points of potential termite entry, such as expansion joints, plumbing pipes, and similar areas must be saturated with termiticide by treating from above or by horizontally drilling or rodding at no more than twelve (12) inch intervals, immediately beneath the slab. Treatment from above must consist of vertically drilling the slab no more than twelve (12) inches from the potential point of termite entry. Open bath traps must be treated by cutting an access opening to permit the application of termiticide or by a comparable method.**

**(j) Inspections must be conducted as per the terms of the warranty or the termiticide label, whichever results in more frequent inspection of the structure.**

#### **H. Subterranean Termite Control Pretreatment of Structures.**

**1) In new construction treatment, the approved liquid termiticide must be applied in accordance with label instructions to cavities in pillars, tiles, brick or concrete block walls, voids between brick and block walls, or other cavities likely to be penetrated by wood destroying organisms by flooding the voids before they are covered.**

**2) Soil surfaces to be covered by slabs must be treated with a liquid termiticide or other approved appropriate technology before the slab is poured. If treatment is not performed before the slab is poured then the slab must be treated as per Section G (2) (f) or G (2) (i), or both if both are applicable, above.**

**(a) Within ninety (90) days after the transfer of the property to the first deeded owner or notification that the final outside grade has been completed, whichever occurs first, treat the soil that is adjacent to the outside foundation wall with an approved liquid termiticide or approved alternative technology.**

**(b) If another technology is used to protect the slab, such as barriers or termiticide baits, the alternative technology must be used in strict accordance with the accepted South Carolina labeling for the product. All applicators or installers of alternative technology must be trained and certified as per the requirements of Section D (3) above.**

**3) For crawlspace foundations the pretreatment must comply with the provisions of Section D (4) above. Except as provided for by the label provisions noted in Section D (3) all applicable treatment Standards detailed in Section G (2) must be properly completed or waived.**

**4) Warranty.**



**(a) For new single family residential construction the Pest Control Operator (PCO) will provide to the Builder (or the owner, if known at time of treatment) a one year transferrable warranty covering the repair of damage due to subterranean termites and retreatment of the infested portions of the property. The warranty period begins the day the first chemical application is made. The licensed pest-control business must offer to transfer the warranty to the first deeded owner of the property or to any person who purchases the property within five (5) years of the initial treatment date provided that the warranty has remained in effect through each owner of the property. The licensed pest-control business must offer each owner of the property the opportunity to renew the warranty on the same terms and conditions the business offers renewals of the regular termite treatment contracts for the first five (5) years after the initial treatment date. Failure of the homeowner to renew in any one year relieves the business of any future responsibility for renewals, based upon this section. The renewal warranty must at a minimum offer retreatment coverage but may also offer damage-repair coverage, at the option of the business.**

**(b) The requirement to issue warranty coverage shall not extend to:**

- (1) Violations of the appropriate Building Code by the builder or the first property owner after the builder which are installed after the completion of the pretreatment.**
- (2) Structures with rigid foam board insulation material of any kind extending below the exterior grade.**
- (3) Structures with untreated wood or with inadequately treated wood extending below the exterior grade.**
- (4) Structures with inadequate ground clearance or other design features which preclude the proper completion of the minimum treatment standards referenced in these Regulations.**
- (5) Structures to which additional rooms or other features have been added after the completion of the pretreat but without the applicator having the opportunity to treat the additions.**
- (6) Structures where remodeling or landscaping after the completion of the pretreat has resulted in a degree of soil disturbance that could reasonably be expected to have significantly affected the termite treatment.**
- (7) Other situations as determined on a case-by-case basis by the Department's field inspectors. In these cases the Department will provide a written explanation of its determination.**

**(c) Because of the ease of access to all construction features, waivers may not be issued for treatment standards during pretreats without the express written consent of the Department. If waivers are issued both the waiver and the written**

memorandum from the Department authorizing the waiving of treatment standards on that specific structure must be delivered to the first property owner after the builder.

(d) The Director may require that deficiencies in pretreatments that cannot be corrected as detailed in Section 27-1085 G 2 above because of the completion of that stage of construction be corrected by the treatment of the structure with another appropriate technology.

**I. Control measures are not normally necessary for infestations of wood-destroying organisms which are not capable of reinfesting structural lumber or other properly seasoned wood except as provided below.**

1) Control measures may be performed for non-reinfesting wood-destroying pests at the customer's request. In such cases the applicator shall provide to the customer before the work begins a statement to the effect that the infestation is not capable of re-infesting seasoned lumber and that the treatment is being performed at the customer's request.

2) Rustic structures and modern log homes may be initially infested with large numbers of buprestid and cerambycid beetles. Control measures may be proposed and performed in these situations even though these insects normally do not re-infest, subject to the identification and disclosure requirements of this Section.

3) Structural infestations of other wood-destroying organisms will be identified and disclosed as follows:

a) An infestation of old house borers (*Hylotrupes bajulus* L.) will be reported by either its scientific name or the common name "old house borer."

b) Powder post beetles for which control strategies are very similar such as the families Lyctidae, Anobiidae, and Bostrichidae will be reported by either their family names or as "powder post beetles."

c) The specific cause of damage due to non-reinfesting beetles does not have to be identified. This does not relieve the applicator of the responsibility to disclose that damage when required (as on the Official South Carolina Wood Infestation Report).

d) Wood-decay fungi and surface molds and mildews may be identified and disclosed as such without further detail.

e) Drywood termites may be disclosed as such without further detail.

4) Before treatment is recommended, infestations of other wood-destroying organisms capable of reinfesting structural lumber or seasoned wood must be determined to be active.

(a) The following criteria will be used to determine the activity of these infestations.

(1) Drywood termites: The emergence of live insects inside the structure, the repeated presence of swarmers (alive or dead) inside the structure, or a repeated accumulation of fecal pellets in an area are all reasonable

indications of an active infestation of drywood termites. Preventative treatments for these insects are not normally warranted in South Carolina due to the slow rate at which their damage accumulates.

(2) Powder Post Beetles (Anobiidae, Lyctidae, Bostrichidae, and related beetles): The presence of a trail or “stream” of fresh frass (the color of fresh-cut wood) stuck to the wood below emergence holes or piled beneath emergence holes indicates an active infestation of powder post beetles. Emergence holes alone do not indicate activity nor does the presence of old dingy frass in emergence holes, galleries, or protected locations.

(3) Old House Borer: (*Hylotrupes bajulus* L.). A live adult or larval specimen must be collected from the wood to demonstrate activity of this insect in a structure. Alternatively, the presence of the distinctive larval gnawing noises can be used to establish activity. The presence of ragged oval exit holes or fresh-appearing frass is not sufficient to indicate activity in the absence of specimens or noises.

(b) Treatment: All beetle frass must be removed from treated vertical surfaces during a localized treatment. During a fumigation frass must be removed from at least two readily-accessible areas to allow the determination of the success of the fumigation. If streaming frass is observed during the next season of activity the infestation must be considered to have remained active. Treatments, especially fumigations, may be proposed and conducted only when there is conclusive evidence of an active infestation, or with the specific written consent and acknowledgment of the lack of activity on the part of the property owner or their agent.

#### **J. Moisture Control.**

1) Excessive moisture conditions are present any time wood moisture content readings reach or exceed 20% or standing water is present in the crawlspace or around the foundation. Wood-decay fungi become active, and decay damage occurs, at wood moisture-content levels of 28% and above. Reports of excessive moisture conditions and active decay fungi must follow these guidelines.

2) Correction of excessive wood moisture levels is normally accomplished by the installation of a polyethylene vapor barrier over the crawlspace soil or the installation of additional foundation vents. Excessive moisture conditions caused by poor drainage and the constant influx of water into the crawlspace soil may require the installation of a sump pump and drain system. The application of fungicidal sprays to the substructure for the control of wood-destroying fungi may not be performed until the physical correction of the excessive moisture conditions has been accomplished. Sump pumps may not be installed without an accompanying drain or trench system sufficient to carry water to the pump.

#### **K. Wood Infestation Report.**

1) Any wood infestation report issued for the purpose of describing the apparent absence of wood-destroying organisms from a building or structure in connection with a sale or mortgage of real property must be issued by an individual currently licensed in Category

**7A, Industrial, Institutional, Structural, and Health-Related Pest Control and covered under a valid Pest Control Business License issued by the Department. The report must be signed by the licensed individual and include their applicator and business license number.**

**2) The inspection must be reported on the most current Official South Carolina Wood Infestation Report Form as published by the Department. The form for this report shall be furnished by the licensee.**

**3) The inspection for the Wood Infestation Report must include at a minimum:**

**(a) A visual inspection of all accessible portions of the interior and exterior of the structure, including crawlspaces, utility areas, and attics.**

**(b) Careful sounding and probing of all areas where damage is visible.**

**(c) Representative wood moisture-content readings around the interior perimeter of the crawlspace and in the accessible portions of the center of the crawlspace.**

**(d) The determination of the nature and activity of all visible and accessible wood-destroying insect infestations in the structure.**

**(e) The determination of the nature and cause of all visible and accessible wood-destroying insect damage in the structure.**

**(f) The determination of the nature and activity of all wood-destroying fungi, including decay damage whether active or not, present in the structure below the level of the first main living-area floor. The first main living-area floor of the house is the first floor above the basement or crawlspace, or the elevated living-area floor in houses raised upon pilings. The phrase “below the level of the first main living-area floor” also includes the substructure below the first main living floor of the house. Decay damage in the upper portions of exterior siding, fascia and trim boards, chimneys, eaves, soffits, and similar areas is beyond the scope of the Wood Infestation Report. Decay damage in the lower portions of exterior doors, door jambs and frames, and similar construction elements, however, must be reported.**

**4) The Wood Infestation Report is in no way a report of the presence or absence of health-related fungi or conditions conducive to their presence or development in the structure.**

**5) The Wood Infestation Report must at a minimum disclose:**

**(a) All inaccessible parts of the structure.**

**(b) The apparent presence or absence of all visible insect-related damage in all accessible areas of the structure. The reporting of a “previous infestation” of a particular insect is not sufficient to meet this requirement to report insect damage.**

**(c) The apparent presence or absence of all visible active and previous wood-destroying insect infestation in all accessible areas of the structure.**

**(d) The wood moisture-content readings obtained in the substructure, as well as any decay damage, active wood-destroying decay fungi, or excessive moisture conditions in visible and accessible areas below the level of the first main floor. Decay damage must be reported as such.**

**(e) The specific location and approximate extent of all damages, active infestations, previous infestations, and excessive moisture conditions. These items may be reported as “widespread,” “throughout the substructure,” or in similar terms only if their extent and occurrence justifies such broad language.**

**(f) All damage must be reported whether or not it requires or may require repair or further inspection by another professional. Damage remaining in areas that have previously been repaired must also be reported.**

**6) The Wood Infestation Report is not a warranty against future infestation, nor does it place any obligation for the correction of reported damage or infestation upon the applicator or business issuing the report.**

**7) In determining whether an infestation of insects or decay fungi is active in a structure the inspector must use the criteria set forth in Sections I and J, above. Inspectors must fully explain on the reverse of the form the basis for their determination of whether an infestation of insects or decay fungi is or is not active in the structure.**

**L. Any person performing any of the activities listed below on the property of another must be licensed in the category indicated by the Department or must work under the direct supervision of one so licensed.**

**1) Any person performing a structural pest control activity as defined in Section 27-1070 D of these Regulations. Persons performing structural pest control activities in or adjacent to property rented, leased, or otherwise occupied by unrelated persons (in schools, apartment or condominium complexes, hospitals, and similar situations) are not exempt from these requirements.**

**2) Any person performing a public health pest control activity as defined in Section 27-1070 J of these Regulations.**

**3) Any person performing a turf and ornamental pest control activity as defined in Section 27-1070 K of these Regulations.**

**4) Any person performing an aquatic pest control activity as defined in Section 27-1070 L of these Regulations.**

**M. No main business office where records are kept or branch office must engage in structural pest control activities in the State without first obtaining a Pest Control Business License from the Department.**

**1) A Business License will be issued only when the location has appointed a Designated Certified Applicator in charge (DCA). The DCA must be licensed by the Department in Category 7A and permanently assigned to that specific location on a full time basis while**

**the business is operating. The DCA must be present during the normal operation of the business, except for normal sick or annual leave and training days away from the office. No individual may be designated as the DCA for more than one location from which pesticide applications are made.**

**(a) Application must be made to the department on the Business License application form and must include copies of the proposed DCA's Category 7A applicator's current license and proof of financial responsibility statement.**

**(b) All applicants must demonstrate to the satisfaction of the Department that the DCA is duly licensed and operates from the applicant's location. Additionally the DCA must possess either a four-year college degree in the natural sciences or two years of verifiable experience in pest control. The Director may waive the experience requirement upon written application by the business licensee. In appointing a DCA the Director will consider, among other factors, the enforcement histories of the business and the proposed DCA, the record of Continuing Certification Hours, and past examination results.**

**(c) No business whose business license has been revoked or suspended may circumvent this suspension or revocation by applying for a new "Business License" under another name or in the name of another business. This prohibition exists for the duration of the suspension or revocation period. Sale of the business to a separate party is not prohibited by this section provided it is not an attempt to circumvent appropriate enforcement action against the business.**

**(d) The annual Business License fee shall be as prescribed. The Business License is valid from January 1<sup>st</sup> through December 31<sup>st</sup> unless suspended or revoked.**

**(e) Changes of material information such as, but not limited to, the name or license status of the certified Category 7A applicator, the financial responsibility status of that applicator, or any change in the location of the facility must be reported to the Department within ten (10) days.**

**(f) Violations of the South Carolina Pesticide Act that occur as a result of activities generated at or by a location may result in sanctions against the Business License as well as or in lieu of sanctions against the individual licensee. Such sanctions may include penalties up to \$1000 (one-thousand dollars) and / or modification, suspension, or revocation of the license. Suspension or revocation of the Business License will be reserved for serious or repeated violations. All suspensions or revocations are subject to a hearing upon request.**

**(g) For each termite treatment performed, the business licensed to perform structural pest control must record, on the Record of Termiticide Use form published by the Department or in a similar manner acceptable to the Department, at least the following information:**

**1) The address of the structure and the nature of the treatment (e.g., pretreat, existing structure, retreatment due to infestation, bait installation).**

**2) The applicator making the actual treatment and his license number if he is licensed.**

**3) Whether an Official Waiver of Standards was issued.**

**4) The brand name, quantity, and dilution rate of the termiticide applied, if applicable.**

**5) The treatment technique (trenching, void treatment, pretreat, bait station installation, wood treatment, etc.)**

**6) This information must be maintained by the business as detailed below:**

**a) For pre-construction termite-control treatments (“pretreats”), including the installation of bait systems and baits containing active ingredients, records of termiticide application must be maintained for a period of five (5) years or as long as a continuing warranty or contract exists, whichever is longer, and must be made available to the Director or his designee for review and duplication upon request at the expense of the Department.**

**b) For post-construction termite-control treatments, including the installation of bait systems and baits containing active ingredients, records of termiticide application must be maintained for a period of two (2) years from the date of application or as long as a continuing warranty or contract exists, whichever is longer, and must be made available to the Director or his designee for review and duplication upon request at the expense of the Department.**

**(h) If a DCA can no longer be present at a business location due to unforeseen circumstances, the business must appoint another applicator licensed in Category 7A and employed by the business to serve as DCA. If no new DCA is appointed within 30 (thirty) days of the departure of the previous DCA the Business License must be surrendered to the Department. The Business may petition the Director in writing for a “hardship” stay of the surrender of the Business License. The duration of the stay will be determined by the Director but in normal circumstances will not extend beyond the next available examination date. No structural pest control activities may be performed during the stay.**

**2) Business licenses must be prominently displayed at each location.**

**3) Each vehicle which transports pesticides used in structural pest control activities must display the appropriate Department, the business license number, and the company name. This information must be in letters one (1) inch in height or greater, on a contrasting background, and placed on each side on the front half and above the mid-line of the vehicle. If a vehicle is used at more than one location, it should bear the business license number of its primary location.**

**4) All pest control personnel performing structural pest control activities must carry (not display) on their person an official identification card which demonstrates verifiable training in the area of pest control in which they operate and provides the business and appropriate commercial license number, technician's name, or other pertinent information, as designated by the department. This identification must be presented upon request, and failure to do so shall constitute a violation of this Section. The card shall remain the property of the Department and must be surrendered when the cardholder employment ceases. Office personnel who do not conduct inspections or apply pesticides are not subject to this provision.**

**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 that it has previously treated.**



**South Carolina Code of Laws**  
**(Unannotated)**  
**Current through the end of the 2005 Regular Session**  
Disclaimer

This statutory database is current through the 2005 Regular Session of the South Carolina General Assembly. Changes to the statutes enacted by the 2006 General Assembly, which will convene in January 2006, will be incorporated as soon as possible. Some changes enacted by the 2006 General Assembly may take immediate effect. The State of South Carolina and the South Carolina Legislative Council make no warranty as to the accuracy of the data, or changes which may have been enacted since the 2005 Regular Session or which took effect after this database was prepared and users rely on the data entirely at their own risk.

**Title 46 - Agriculture**  
CHAPTER 13.  
PESTICIDE CONTROL ACT

**SECTION 46-13-10.** Short title; administration.

This chapter may be cited as the "South Carolina Pesticide Control Act" and must be administered by the State Crop Pest Commission.

**SECTION 46-13-20.** Definitions.

For purposes of this chapter:

A. The term "active ingredient" means:

- (1) in the case of a pesticide other than a plant regulator, defoliant, or desiccant, an ingredient which will prevent, destroy, repel, or mitigate any pest;
- (2) in the case of a plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of plants or the product thereof;
- (3) in the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant; and
- (4) in the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

B. The term "administrator" means the Administrator of the United States Environmental Protection Agency.

C. The term "adulterated" applies to any pesticide if:

- (1) its strength or purity falls below the professed standard or quality as expressed on its labeling under which it is sold;
- (2) any substance has been substituted wholly or in part for the pesticide; or
- (3) any valuable constituent of the pesticide has been wholly or in part abstracted.

D. The term "animal" means all vertebrate and invertebrate species, including but not limited to man and other mammals, birds, fish, and shellfish.

E. "Antidote" means a practical treatment in case of poisoning and includes first-aid treatment.

F. "Committee" means the Pesticide Advisory Committee.

G. (1) The term "certified Applicator" means any individual who is certified by the Director as being competent to use or supervise the use of any pesticide which is classified for restricted use.

(2) The term "private applicator" means a person who uses or supervises the use of any pesticide which is classified for restricted use for purposes of producing any agricultural commodity, including forestry products, on property owned or rented by him or his employer or (if applied without compensation other than trading of personal services between producers of agricultural commodities) on the property of another person.

(3) The term "commercial applicator" means a person engaged in the business of using or supervising the use of any restricted use pesticide on the property of another.

(4) The term "noncommercial applicator" means a person (including officials or employees of federal, state or local government) who uses or supervises the use of any restricted use pesticide who is not a private applicator (whether or not he is a private applicator with respect to some uses) or a commercial applicator.

H. "Defoliant" means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

I. "Desiccant" means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

J. "Device" means any instrument or contrivance containing or integrally associated with a pesticide, but not including equipment used for the application of pesticides when sold separately therefrom.

K. "Director" means the Director of the Division of Regulatory and Public Service Programs, College of Agricultural Sciences, Clemson University.

L. "Disinfectant" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any virus, bacteria or other microorganisms (except viruses, bacteria or other microorganisms on or in living man or other living animals).

M. "Environment" includes water, air, land, and all plants and man and other animals living therein, and the interrelationships which exist among these.

N. "Equipment" means any type of ground, water or aerial equipment or contrivance using motorized, mechanical or pressurized power and used to apply any pesticide on land and anything that may be growing, habitating or stored on or in such land, but shall not include any pressurized hand sized household apparatus used to apply any pesticide or any equipment or contrivance of which the person who is applying the pesticide is the source of power or energy in making such pesticide application.

O. "Establishment" means any place where a pesticide or device is produced or held, for sale or distribution.

P. "Fungus" means any non-chlorophyll-bearing thallophyte (that is, any non-chlorophyll-bearing plant of a lower order than mosses and liverworts) as for example, rust, smut, mildew, mold, yeast and bacteria,

except those on or in living man or other living animals, and except those on or in processed food, beverages, or pharmaceuticals.

Q. "Fungicide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any fungus.

R. "Herbicide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed or shrub.

S. "Imminent hazard" means a situation which exists when the continued use of a pesticide during the time required for cancellation proceedings would be likely to result in unreasonable adverse effects on the environment or will involve unreasonable hazard to the survival of a species declared endangered by the Secretary of the Interior under Public Law 91-135.

T. "Inert ingredient" means an ingredient which is not active.

U. "Ingredient statement" means a statement which contains:

(1) the name and percentage of each active ingredient, and the total percentage of all inert ingredients, in the pesticide; and

(2) if the pesticide contains arsenic in any form, a statement of the percentages of total and water soluble arsenic, calculated as elemental arsenic.

V. "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the Class Insecta, comprising six-legged, usually winged forms, as for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as for example, spiders, mites, ticks, centipedes, and wood lice.

W. "Insecticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects which may be present in any environment whatsoever.

X. (1) The term "label" means the written, printed or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers.

(2) The term "labeling" means all labels and all other written, printed, or graphic matter:

(a) accompanying the pesticide or device at any time; or

(b) to which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of the Environmental Protection Agency, the United States Departments of Agriculture and Interior, The Department of Health, Education and Welfare, state experiment stations, state agricultural colleges, and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

Y. The term "misbranded" shall apply:

(1) To any pesticide or device subject to this chapter:

(a) If its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading;

(b) If it is contained in a package or other container which does not conform to the standards established by the Administrator pursuant to Section 25(c)(3) of Public Law 92-516;

(c) If it is an imitation of or is distributed under the name of another pesticide or device without disclosure;

(d) If any word, statement, or other information, required by this chapter or regulations adopted thereunder to appear on the label or labeling, is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling), and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(2) To any pesticide:

(a) If its labeling bears any reference to registration under the provisions of this chapter unless such reference be required by regulations under this chapter;

(b) If the labeling does not contain a statement of the use classification under which the product is registered;

(c) If the label does not bear:

(i) Name, brand or trademark under which the pesticide is distributed;

(ii) An ingredient statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient statement on the immediate container cannot be clearly read, of the retail package which is presented or displayed under customary conditions of purchase; provided, that the Director may permit the ingredient statement to appear prominently on some other part of the container, if the size or form of the container makes it impracticable to place it on the part of the retail package which is presented or displayed under customary conditions of purchase;

(iii) Directions for use which are necessary for effecting the purpose for which the product is intended and if complied with adequate for the protection of health and the environment;

(iv) A warning or caution statement which may be necessary and which, if complied with, would be adequate to protect the health and environment;

(v) The net weight or measure of the contents subject to the provisions of Chapter 9 of Title 39 of the 1976 Code;

(vi) The name and address of the manufacturer, registrant or person for whom manufactured; and

(vii) The registration number assigned to each establishment in which it was produced if required by regulations under this chapter.

(d) If that pesticide contains any substance or substances in quantities highly toxic to man, determined, as provided by Section 46-13-30, unless the label bears, in addition to any other matter required by this chapter:

(i) The skull and crossbones;

(ii) The word "POISON" in red prominently displayed on a background of distinctly contrasting color; and

(iii) A statement of an antidote or practical treatment (first aid or otherwise) in case of poisoning by the pesticide.

(e) If the pesticide container does not bear a label or if the label does not contain all the information required by this chapter or the regulations adopted under this chapter.

Z. "Nematode" means invertebrate animals of the Phylum Nemathelminthes and Class Nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-like bodies covered with cuticle, and inhabiting soil, water, plants, or plant parts; may also be called nemas or eelworms."

AA. "Nematicide" means any substance intended for preventing, destroying, repelling or mitigating nematodes, other worms, or any other invertebrates which are destructive, constitute a liability, and may be classified as pests.

BB. "Person" means any individual, partnership, association, fiduciary, corporation, or any organized group of persons whether incorporated or not.

CC. "Pest" means (a) any insect, snail, slug, rodent, nematode, fungus, weed, or (b) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other microorganism (except viruses, bacteria, or other microorganisms on or in living man or other living animals) which the Director declares to be a pest.

DD. "Pesticide" means (a) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, (b) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

EE. "Pesticide dealer" means any person who is engaged in the business of distributing, selling, offering for sale, or holding for sale pesticides classified for restricted uses for distribution directly to users. The term "pesticide dealer" does not include:

(1) Persons whose sales of pesticides are limited to pesticides which are not restricted use pesticides; or

(2) Practicing veterinarians and physicians who prescribe, dispense, or use pesticides in the performance of their professional services.

FF. "Plant regulator" means any substance or mixture of substances, intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the products thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments. Also the term "plant regulator" shall not be required to include any of such of those nutritional mixtures or soil amendments as are commonly known as vitamin-hormone horticultural products, intended for improvement, maintenance, survival, health, and propagation of plants, and as are not for pest destruction and are nontoxic, nonpoisonous in the undiluted packaged concentration.

GG. "Producer" means the person who manufactures, prepares, compounds, propagates, or processes any pesticide or device.

HH. "Produce" means to manufacture, prepare, compound, propagate or process any pesticide or device.

II. "Protect health and the environment" and "protection of health and the environment" mean protection against any unreasonable adverse effects on the environment.

JJ. "Public Law 92-516" means the Federal Environmental Pesticide Control Act of 1972 which amended the Federal Insecticide, Fungicide, and Rodenticide Act of 1947.

KK. "Registrant" means a person who has registered any pesticide pursuant to the provisions of this chapter.

LL. The term "registration" includes reregistration.

MM. "Restricted use pesticide" means any pesticide or pesticide use classified for restricted use by the administrator or the director.

NN. "Unreasonable Adverse Effects on the Environment" means any unreasonable risk to man or the environment, taking into account the economic, social and environmental costs and benefits of the use of any pesticide.

OO. "Under the Direct Supervision of a Certified Applicator". Unless otherwise prescribed by its labeling, a pesticide shall be considered to be applied under the direct supervision of a certified applicator if it is applied by a competent person acting under the instructions and control of a certified applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is applied.

PP. "Weed" means any plant which grows where not wanted.

**SECTION 46-13-30. Duties delegated to Director.**

A. The Commission shall delegate the duties provided in this chapter to the Director, and the Director is authorized after due notice and opportunity for a hearing:

(1) To declare as a pest any form of plant or animal life (except virus, bacteria, or other microorganisms on or in living man or other living animals) which is injurious to man, desirable animals, desirable plants, and land; and

(2) To determine which pesticides are highly toxic to man and shall, in making this determination, be guided by the federal definition of highly toxic, as defined in Title 40, Code of Federal Regulations 162.8 as issued or hereafter amended;

(3) To determine which pesticides, and the quantities of substances contained in pesticides, which are injurious to the environment, and shall be guided by the Environmental Protection Agency regulations in this determination; and

(4) To prescribe regulations requiring any pesticide to be colored or discolored if he determines that such requirement is feasible and is necessary for the protection of health and the environment.

B. The Director is responsible, after due notice and a public hearing, to make appropriate regulations for carrying out the provisions of this chapter, including but not limited to regulations providing for:

(1) The collection, examination, and reporting of samples of pesticides or devices;

(2) The safe handling, storage, display, and distribution of pesticides and their containers;

(3) Restricting or prohibiting the use of certain types of containers or packages for specific pesticides. These restrictions may apply to type of construction, strength, and size to alleviate danger of spillage, breakage, or misuse and shall be guided by federal regulations concerning pesticide containers;

(4) Labeling requirements of all pesticides required to be registered under provisions of this chapter;

(5) The labeling of devices;

(6) Adopting lists of restricted use pesticides for the State or for designated areas within the State if it is determined that such pesticides may require regulations restricting or prohibiting their distribution or use. The regulations may include the time and conditions of distribution or use of such restricted use pesticides; provided, that all persons may be required to maintain records as to the use of all, restricted use pesticides. The Director shall be guided by the Environmental Protection Agency regulations in adopting these lists.

C. In issuing such regulations, consideration shall be given to pertinent research findings and recommendations of other agencies of this State, the federal government, or other reliable sources and may by regulation require that notice of a proposed application of a restricted use pesticide be given to landowners adjoining the property to be treated or in the immediate vicinity thereof, if he finds that such notice is necessary to carry out the purpose of this chapter.

D. For the purpose of uniformity of requirements between the states and the federal government, and to avoid confusion endangering the environment, the Director may, after a public hearing, adopt regulations in conformity with the primary pesticide standards, particularly as to labeling, registration requirements, and restricted use pesticides as established by the Environmental Protection Agency or other federal or state agencies.

E. The Director may issue experimental use permits under the terms and conditions established by Section 5, Public Law 92-516.

F. The Director may provide for registration of pesticides formulated for distribution and use within the State to meet special local needs, pursuant to the terms and conditions specified in Section 24, Public Law 92-516.

**SECTION 46-13-40.** Registration of pesticides and devices.

(A) Every pesticide or device which is distributed within this State or delivered for transportation or transported in intrastate commerce or between points within this State through a point outside this State must be registered subject to this chapter. Sections 46-13-170 and 46-13-200 provide enforcement procedures. The registration must be renewed annually before September first.

(1) Products which have the same formula and are manufactured by the same person, the labeling of which contains the same claims and the labels of which bear a designation identifying the product as the same pesticide, may be registered as a single pesticide. Additional names and labels must be added by supplemental statements during the current period of registration. The foregoing applies if the manufacturer is also the distributor. Products manufactured by one person for distribution by another and labeled as the distributor's products must be treated as separate products from those marketed as the manufacturer's products.

(2) A change in the labeling or formulas of a pesticide may be made within the current period of registration without requiring a registration of the product. Notwithstanding other provisions of this section, registration is not required for a pesticide shipped from one plant within this State to another plant within this State operated by the same person.

(3) Registration is not required if the pesticide is distributed under the provisions of an experimental use permit issued under Section 46-13-30(E) or an experimental use permit issued by the Environmental Protection Agency.

(B) The applicant for registration shall file a statement with the director which must include:

(1) the 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) the name of the pesticide;

(3) a complete copy or facsimile of the labeling accompanying the pesticide and a statement of all claims to be made for it, including the directions for use;

(4) the use classification as provided in the Federal Insecticide, Fungicide, and Rodenticide Act when required by regulations under that act.

(C) The director, when he considers it necessary, may require the submission of the complete formula of a pesticide including the active and inert ingredients.

(D) The director may require a full description of the tests made and the results upon which the claims are based on a pesticide not registered federally or on a pesticide on which restrictions are being considered. For a renewal of registration, a statement is required only with respect to information which is different from that furnished when the pesticide was registered or last reregistered.

(E) The director may prescribe other necessary information by regulation.

(F) The applicant desiring to register a pesticide shall pay an annual registration fee in accordance with the provisions of Section 46-13-45. Registrations expire on August thirty-first each year.

(G) Registration approved by the director and in effect on the thirty-first day of August for which a renewal application has been made and the proper fee paid continues in effect until the director notifies the applicant that the registration has been renewed or otherwise denied in accord with this section. Forms for reregistration must be mailed to registrants at least thirty days before the due date.

(H) If the renewal of a pesticide registration is not filed before September first of any one year, an additional fee of twenty-five dollars for each label must be assessed and added to the original fee and paid by the applicant before the registration renewal for that pesticide may be issued. The payment of the additional fee is not a bar to prosecution for doing business without proper registry.

(I) If it appears to the director that the composition of the pesticide is such as to warrant the proposed claims for it and if the pesticide and its labeling and other material required to be submitted comply with the requirements of this chapter and if approved and registered by the Environmental Protection Agency under Public Law 92-516, the product must be registered.

(J) The director shall publish an annual report of the results of analyses based on official samples as compared with the analyses guaranteed and information concerning the distribution of pesticides. Individual distribution information is not a public record.

(K)(1) In submitting data required by this chapter, the applicant may:

(a) clearly mark portions which in his opinion are trade secrets or commercial or financial information;



(b) submit the marked material separately from other material required to be submitted under this chapter.

(2) Notwithstanding other provisions of this chapter, the director may not make public information which in his judgment contains or relates to trade secrets or commercial or financial information obtained from a person and privileged or confidential, except when necessary to carry out this chapter, information relating to formulas of products acquired by authorization of this chapter may be revealed to a state or federal agency consulted.

(3) If the director proposes to release for inspection information which the applicant or registrant believes to be protected from disclosure under item (2), he shall notify the applicant or registrant, in writing, by certified mail. The director may not make the data available for inspection until thirty days after receipt of the notice by the applicant or registrant. During this period the applicant or registrant may institute an action in appropriate court for a declaratory judgment as to whether the information is subject to protection under item (2).

**SECTION 46-13-45.** Pesticide registration fees; classes of fees.

There are two classes of pesticide registration fees as follows:

(1) Basic. All pesticide products are classified as basic pesticides, solely for determination of the annual registration fee. The classification may not affect a pesticide's state or federal classification as a general use pesticide or a restricted use pesticide. All registrants shall pay an annual basic registration fee of one hundred seventy-five dollars for each product registered. This fee may not be increased except by an act passed by the General Assembly other than the annual appropriations bill. This fee must be used to support the general regulatory enforcement and education programs of the Division of Regulatory and Public Service.

(2)(a) Special. In instances where identifiable types of pesticides require regulatory activities exceeding those provided by the general regulatory program, the director in consultation with pesticide registrants shall prepare and submit to the legislature a report containing:

(i) the identity of the particular types of pesticides and a listing of such pesticides which warrant special regulatory activity;

(ii) an evaluation and explanation of the special regulatory activity necessary, the approximate duration, and the costs of implementing and maintaining this activity;

(iii) a recommendation of the appropriate allocation of these costs; and

(iv) a recommendation of a special registration fee to collect the necessary amount to be paid by the registrants to fund the special regulatory activity.

(b) All special fees collected must be devoted exclusively to the special regulatory activities for which they were established and are not subject to any direct or indirect charges, costs, or assessments by any state agency. Special fees must be terminated when the special regulatory activities which these fees support are no longer required.

**SECTION 46-13-50.** Licensing of pesticide dealers.

A. (1) After October 21, 1976, no person shall act in the capacity of a pesticide dealer, or shall engage or offer to engage in the business of, advertise as, or assume to act as a pesticide dealer unless he is licensed annually as provided in this chapter. A separate license and fee shall be obtained 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.

(2) Applications for a pesticide dealer license shall be in the form and shall contain the information prescribed by the Director. Each initial application shall be accompanied by a fee of twenty-five dollars; additional license for applicants at the same location shall be five dollars per applicant. All licenses issued under this chapter shall expire on December thirty-first of the year for which they are issued.

(3) The license for a pesticide dealer may be renewed annually upon application to the Director accompanied by a fee of twenty-five dollars for each license, on or before the first day of January of the calendar year for which the license is issued.

(4) Every licensed pesticide dealer who changes his address or place of business shall notify the Director within ten days.

(5) The Director shall issue to each applicant that satisfies the requirements of this chapter a license which entitles the applicant to conduct the business described in the application for the calendar year for which the license is issued, unless the license is sooner revoked or suspended.

(6) If an application for renewal of a pesticide dealer license is not filed on or prior to January first of any one year an additional fee of twenty-five percent of the original fee shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued; provided, that such additional fee shall not apply if the applicant furnishes an affidavit that he has not operated as a licensed pesticide dealer subsequent to the expiration of his prior license.

B. (1) An applicant for a license must present evidence satisfactory to the Director concerning his qualifications for such license. Each applicant for an original license must demonstrate upon written, or written and oral, examination to be prescribed by the Director his knowledge of pesticides, their usefulness and their hazards, his competence as a pesticide dealer; and his knowledge of the laws and regulations governing the use and sale of pesticides.

(2) The Director shall by regulation designate what persons or class of persons shall be required to pass the examination in the case of a pesticide dealer operating more than one location, and in the case of an applicant that is a corporation, governmental unit or agency, or other organized group.

C. (1) Every licensed pesticide dealer shall submit to the Director with each application for an original or renewal license, and at such other times as the Director may prescribe, the names of all persons employed by him who sell or recommend restricted-use pesticides.

(2) Each pesticide dealer shall be responsible for the actions of every person who acts as his employee or agent in the solicitation or sale of pesticides, and in all claims and recommendations for use of application of pesticides.

(3) Provisions of this section shall not apply to a licensed pesticide applicator who sells pesticides only as an integral part of his pesticide application service when such pesticides are dispensed only through equipment used for such pesticide application; or any federal, state, county, or municipal agency which provides pesticides only for its own programs.

D. The Director shall prescribe regulations requiring pesticide dealers to maintain such records with respect to their operations as necessary for the effective enforcement of this chapter.

After an opportunity for a hearing, the Director may require additional information to be included in these records.

E. No person shall sell a restricted use pesticide to an establishment in South Carolina from which such pesticides are sold, distributed, held for sale, or offered for sale unless the establishment is licensed as provided in this chapter.

**SECTION 46-13-55.** Regulation of structural pest control activity.

Structural pest control activity must be regulated by the director in accordance with this chapter and the regulations promulgated by its authority. The director may promulgate the necessary regulations relating to structural pest control activity.

**SECTION 46-13-60.** Standards for certification of pesticide applicators; applicators' licenses.

The director may prescribe standards for the certification of applicators of pesticides. The standards must conform with the standards for certification as specified by Section 4, Public Law 92-516. The standards for certification of private applicators of restricted use pesticides do not become effective except as becomes necessary under Section 4, Public Law 92-516 and the resulting regulations established under that law.

(1) Private applicators:

(a) No "private applicator" may use or supervise the use of a "restricted use pesticide" which is restricted to use by "certified applicators" without that private applicator first complying with the certification requirements necessary to prevent unreasonable adverse effects on the environment, including injury to the applicator or other persons, for that specific pesticide use.

(b) Certification standards to determine the individual's competency with respect to the use of the pesticide or class of pesticides the private applicator is to be certified to use must be promulgated by the director.

(i) To be certified as a private applicator to use "restricted use pesticides" (categorized for this examination requirement) the applicant is required to pass a written or oral examination or otherwise demonstrate his competency with respect to the use of the pesticide or category of pesticides covered by his certification before purchase and use of the product.

(ii) Applications for a private applicator's license must be in the form and must contain the information prescribed by the director. Each application must be accompanied by a fee equaling one dollar a valid year. All licenses issued under this chapter expire on December thirty-first of the year that the license is dated to expire.

(iii) Private applicator licenses, issued by the director, are valid for a period as prescribed by the director in regulations. The director may renew a private applicator license without reexamination. The director by regulation shall establish provisions, which do not include reexamination unless required to do so by federal law, to ensure that private applicators continue to meet the requirements of changing technology and to ensure a continuing level of competence and ability to use pesticides safely and properly.

(iv) If the director does not issue or renew a private applicator's license, he shall inform the applicant in writing of the reasons therefor. The applicant is eligible for reexamination after thirty days.

(2) Other applicators:

(a) Application for a license must be made in writing to the director on a designated form obtained from the director's office. Each application for a license must contain information regarding the applicant's qualifications and proposed operations, the type of license (commercial or noncommercial), the license classification for which the applicant is applying, and must include the following:

(i) the full name of the person applying for the license;

(ii) the principal business address of the applicant in the State and elsewhere;

(iii) the name and address of a person, who may be the Secretary of State, whose domicile is in the State, and who is authorized to receive and accept services of summons and legal notice of all kinds for the applicant;

(iv) the type of equipment (excluding manually powered equipment) used by the applicant to apply pesticides.

(b) The director may not issue a commercial or noncommercial applicator's license until the individual who uses or supervises the use of a restricted use pesticide is certified by passing an examination to demonstrate to the director his knowledge of how to use and supervise the use of pesticides under the classifications he has applied for, and his knowledge of the nature and effect of pesticides he may apply under those classifications.

(c) If the deputy director finds the applicant qualified to use and supervise the use of pesticides in the classifications he has applied for, and if an applicant applying for a commercial applicator license files the evidence of financial responsibility required under Section 46-13-100, and if the applicant applying for a license to engage in aerial application of pesticides has met all of the requirements of the Federal Aviation Agency, the Division of Aeronautics of the Department of Commerce for the State, and any other applicable federal or state laws or regulations to operate the equipment described in the application, the deputy director shall issue a pesticide applicator's license limited to the classifications for which he is qualified, which shall expire at the end of the calendar year of issue unless it has been revoked or suspended prior thereto by the deputy director for cause. The deputy director may limit the license of the applicant to the use of certain areas, or to certain types of equipment if the applicant is only so qualified.

(d) An applicator license issued to an individual representing a government entity or a corporation, partnership, sole proprietorship, or other juridical person, is valid only so long as that individual satisfying the examination requirement of Section 46-13-60(2)(b) is employed by the business, or is an official or employee of the governmental entity. A licensee shall notify the director within thirty days of the date of invalidation of a license pursuant to this provision. Supervision required by a licensee pursuant to this chapter must be performed only by an individual satisfying the examination requirement of Section 46-13-60(2)(b).

(3) All persons:

(a) No person (including officials or employees of federal, state, or local government) may use or supervise the use of a restricted use pesticide without a private, commercial, or noncommercial applicator license issued by the director.

(b) An annual fee of twenty-five dollars for each pesticide applicator's license issued to each office at which records relative to the sale or application of pesticides are maintained is required. Payment of this annual fee permits the certification of one individual under any or all of the classifications. A five dollar annual fee is required to certify each additional applicant who desires to be certified in any one classification. Noncommercial applicators are exempt from all fee requirements.

(c) If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons for the denial.

(d) An applicant is eligible for reexamination after thirty days.

(e) The license of an applicator whose financial responsibility, as required by Section 46-13-100 lapses, expires, or otherwise ceases to comply is suspended automatically until proof of continuing responsibility is provided by the applicator. It is unlawful for the person to engage in the business of applying pesticides until the financial responsibility is brought into compliance with the requirements of Section 46-13-100, and his license is reinstated by the director. If the applicator fails to reinstate his financial responsibility within three months or his applicator's license expires sooner, his license automatically is revoked and must not be restored until he has complied with the requirements of this section.

**SECTION 46-13-70.** Classification of certified applicators' licenses.

The Director shall classify licenses to be issued to certified applicators under this chapter. Such classifications may include but not be limited to ground, aerial, or manual methods used by any licensee to apply pesticides or the use of pesticides to control pests.

**SECTION 46-13-80.** Expiration and renewal of licenses.

(A) All licenses provided for in this chapter expire December thirty-first of the year dated to expire. A person holding a current valid license may renew the license upon payment of applicable fees and without reexamination.

(B) The director by regulation shall establish provisions, which may not include reexamination, unless required to do so under federal law, to ensure that certified applicators continue to meet the requirements of changing technology and to ensure a continuing level of competence and ability to use pesticides safely and properly.

(C) If a license is not renewed by April first of the calendar year following its expiration, the licensee shall take another examination. If application for renewal of a license is not filed before January first annually, a penalty of twenty-five percent of the original fee must be assessed.

**SECTION 46-13-90.** Denial, suspension, revocation or modification of licenses and certificates.

(1) The Director, after opportunity for a hearing, may deny, suspend, revoke, or modify any provision of any license or certificate issued under this chapter, if he finds that the applicant or the holder of a license or certificate has violated any provision of this chapter or has been convicted or is subjected to a final order imposing a civil penalty under 7 U.S.C., subsection 136 (L), or if he has committed any of the following acts, each of which is declared to be a violation of this chapter.

A. Made false or fraudulent claims through any media, intentionally misrepresenting the effect of materials or methods to be utilized;

B. Made a pesticide recommendation or application inconsistent with the labeling or the Federal Environmental Protection Agency or South Carolina state registration for that pesticide;

C. Applied known ineffective or improper materials;

D. Knowingly operated faulty or unsafe equipment;

E. Made application of any pesticides in a grossly negligent manner;

F. Refused or, after notice, neglected to comply with the provisions of this chapter, the rules adopted hereunder, or of any lawful order;

G. Refused or neglected to keep and maintain the records required by this chapter, or to permit access for inspection and copying of records as provided in this chapter;

H. Made false or fraudulent records, invoices or reports;

I. Used or supervised the use of a restricted use pesticide on the lands or property of another without first having an applicator's license issued under the terms of this chapter;

J. Used fraud or misrepresentation in making an application for, or renewal of, a license, or certification;

K. Refused or neglected to comply with any limitations or restrictions on or in a duly issued license or certificate;

L. Aided or abetted a licensed or an unlicensed person to violate the provisions of this chapter, conspired with such a licensed or an unlicensed person to violate the provisions of this chapter, or allowed one's license, or certification to be used by another person;

M. Knowingly made false or misleading statements during or after an inspection concerning any infestation or infection of pests found on land;

N. Impersonated any federal, state, county or city inspector or official; or

O. Violated any provision of this chapter or of any rule or regulation or of any lawful order;

P. Used a pesticide under an experimental use permit contrary to the provisions of such permit.

(2) Any licensee whose license is revoked under the provisions of this chapter shall not be eligible to apply for a new license hereunder until such time has elapsed from the date of the order revoking the license (not to exceed two years), or if an appeal is taken from the order or revocation, not to exceed two years from the date of the order or final judgment sustaining the revocation.

**SECTION 46-13-100.** Financial responsibility required for commercial applicator's license.

The director may not issue a commercial applicator's license until the applicant has furnished evidence of financial responsibility with the director which may include, but is not limited to, a surety bond or a liability insurance policy or certification protecting persons who may suffer legal damages as a result of the application of pesticides by the commercial applicator or his agents or employees.

(1) The amount of the financial responsibility provided in this section must be not less than twenty-five thousand dollars for property damage and public liability insurance. The director by regulation may increase the financial responsibility to not more than one hundred thousand dollars by category or classification. Financial responsibility must be maintained at not less than that sum at all times during the licensed period. The director must be notified ten days before a reduction or cancellation at the request of the applicant or cancellation or nonrenewal of surety financial responsibility by the surety or insurer. The director may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding one thousand dollars. If the applicant has not satisfied the requirement of the deductible clause it must not be accepted by the director unless the applicant furnishes the director with a surety bond or liability insurance which satisfies the amount of the deductible as to all claims that may arise in his application of pesticides. A surety bond or insurance policy must be issued by a company authorized to do business within this State. The bond must be filed with the department and exists for the benefit of a holder of a final judgment against the person who filed the bond for personal liability or property damages, or both, as contemplated in item (4). Aerial applicators insured or bonded under Section 55-8-50, may utilize the coverage provided by that policy or bond if the policy or bond specifically covers

personal injury or property damage, or both, caused by the aerial application of pesticides in the required amount. The aerial applicator shall furnish appropriate documentation of the coverage to the director.

(2) The director may provide by regulation for self insurance.

(3) Nothing in this chapter relieves a person from liability for damage to the person or lands of another caused by the use of pesticides even though the use conforms to the regulations promulgated by the director.

(4) The insurance or bond coverage required of commercial applicators must provide specifically for personal injuries or property damages, or both, caused by the application of pesticides by the commercial applicator or his agents or employees. However, this requirement does not guarantee control of the pest for which the application is made.

**SECTION 46-13-110.** Reporting of accidents and incidents.

The Director may by regulation require the reporting of significant pesticide accidents or incidents to the Department of Health and Environmental Control.

**SECTION 46-13-120.** Records as to use of restricted use pesticides.

The Director may require licensees to maintain records with respect to amount of restricted use pesticides used. Such records shall be kept for that period of time required by regulations promulgated by the Environmental Protection Agency under Public Law 92-516 from the date of the purchase of the pesticide to which such records refer, and the Director or his designee shall, upon submitting a request in writing, have access to inspect and copy all records required to be maintained by this chapter.

**SECTION 46-13-130.** Reciprocity.

The Director may issue a license or certificate on a reciprocal basis with other states and federal agencies without examination to a nonresident who furnishes evidence that he is licensed or certified in another state substantially in accordance with the provisions of this chapter; provided, that financial security as provided for in Section 46-13-100 is met.

Licenses or certifications issued pursuant to this subsection may be suspended or revoked in the same manner and on the same grounds as other licenses or certifications pursuant to this chapter, or upon suspension or revocation of the license, or certification of another state or the federal government supporting the issuance of a South Carolina license or certification.

**SECTION 46-13-140.** Exemptions from licensing requirements.

A. The provisions of Section 46-13-60 relating to licenses and requirements for their issuance shall not apply to a doctor of veterinary medicine applying pesticides to animals during the normal course of his veterinary practice; provided, that he is not regularly engaged in the business of applying pesticides for hire amounting to a principal or regular occupation or does not publicly hold himself out as a pesticide applicator.

B. The provisions of Section 46-13-60 relating to licenses and requirements for their issuance shall not apply to medical personnel (both private and governmental) applying pesticides to man during the normal course of medical practice.

**SECTION 46-13-150.** Pesticide advisory committee.

There is created a pesticide advisory committee consisting of five licensed commercial applicators residing in the State, one of whom must be licensed to operate horticultural ground equipment, one must be licensed to operate agricultural ground equipment, one must be licensed to operate aerial equipment, and two must be licensed for structural pest control; one entomologist in public service; one toxicologist in public service; one herbicide specialist in public service; two members from the agrichemical industry, one of whom must be a pesticide dealer; two producers of agricultural crops or products on which pesticides are applied or which may be affected by the application of pesticides; one representative of the South Carolina Department of Natural Resources; one plant pathologist in public service; one representative of the South Carolina State Forestry Commission; one representative of the South Carolina Department of Agriculture; one representative of the South Carolina Department of Health and Environmental Control; and two citizens from the State at large. The members must be residents of this State and must be appointed by the Governor on the recommendation of the following organizations:

- (1) The South Carolina Aerial Applicators' Association shall recommend the pesticide applicator licensed to operate aerial equipment.
- (2) The South Carolina Pest Control Operator's Association shall recommend the pesticide applicator licensed to operate horticultural ground equipment and two pesticide applicators licensed for structural pest control.
- (3) The Vice President and Vice Provost of Agriculture and Natural Resources of Clemson University shall recommend the herbicide specialist in public service, the entomologist in public service, and the plant pathologist in public service.
- (4) The members of the South Carolina Fertilizer and Agrichemical Association shall recommend the member from the agrichemical industry and the pesticide dealer.
- (5) The South Carolina Farm Bureau shall recommend the two producers of agricultural crops or products on which pesticides are applied or which may be affected by the application of pesticides, and the commercial applicator licensed to operate agricultural ground equipment.
- (6) The Director of the South Carolina Department of Natural Resources shall recommend the member from the South Carolina Department of Natural Resources.
- (7) The State Forester shall recommend the member from the South Carolina State Forestry Commission.
- (8) The Commissioner of Agriculture shall recommend the member from the South Carolina Department of Agriculture.
- (9) The director of the Department of Health and Environmental Control shall recommend the member from that department.
- (10) The administrator of the Department of Consumer Affairs shall recommend the two citizens at large.

Such members shall be appointed for terms of four years and may be appointed for successive terms; provided, that at the inception of this chapter the pesticide applicator licensed to operate aerial equipment, the entomologist in public service, the herbicide specialist, one of the two producers of agricultural crops, and the representative from the South Carolina Department of Agriculture shall be appointed for two years; the pesticide applicator licensed for structural pest control, one of the two pesticide applicators licensed to operate ground equipment, one of the two producers of agricultural crops, the pesticide dealer representing the South Carolina Pesticide Association, and the plant pathologist in public service shall be appointed for a period of three years; one of the two pesticide applicators licensed to operate ground equipment, the toxicologist in public service, the member of the agrichemical industry representing the South Carolina



Pesticide Association, the representative of the South Carolina Department of Natural Resources, the representative from the South Carolina Commission of Forestry and the representative from the Department of Health and Environmental Control shall be appointed for a period of four years. All subsequent terms for appointment to such committee shall be for a period of four years.

The appointing organizations shall have the authority to recommend the removal of the appointees prior to the expiration of their term of appointment for cause.

Upon the death, resignation, or removal for cause of any member of the committee, such vacancy shall be filled within thirty days of its creation for the remainder of its term in the manner herein prescribed for appointment to the committee.

The committee shall elect one of its members chairman. The members of the committee shall meet at such time and at such place as shall be specified by the call of the Director, Chairman, or a majority of the committee.

The committee shall advise the Director on any or all problems relating to the use and application of pesticides. This may include pest control problems, environmental or health problems related to pesticide use, and review of needed legislation, regulations and agency programs.

**SECTION 46-13-160.** Information and courses of instruction.

The Cooperative Extension Service and other divisions of Clemson University shall, in cooperation with other public educational institutions and any other state agency, publish information and conduct short courses of instruction in the areas of knowledge required in Section 46-13-60.

**SECTION 46-13-170.** Inspection of premises; legal actions; "stop sale, use, or removal" orders.

(A) For the purpose of carrying out the provisions of this chapter, the Director or his designated agents may enter upon any public or private premises at reasonable times, by consent or by warrant in order to carry out any of the provisions of this chapter.

Before undertaking such inspection, the officers or employees must present to the owner, operator, or agent in charge appropriate credentials and a written statement as to the reason for the inspection, including a statement as to whether a violation of the law is suspected. If no violation is suspected an alternate and sufficient reason shall be given in writing. Each such inspection shall be commenced and completed with reasonable promptness. If the officer or employee obtains any samples, prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained and, if requested, a portion of such sample equal in volume or weight to the portion retained. If an analysis is made of such samples, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or agent in charge.

(B) For purposes of enforcing the provisions of this chapter and upon a showing to an officer or court of competent jurisdiction that there is reason to believe that the provisions of this chapter have been violated, officers or employees duly designated by the Director are empowered to obtain and to execute warrants authorizing:

(1) entry for the purpose of this section;

(2) inspection and reproduction of all records showing quantity, date of shipment, and the name of consignor and consignee of any pesticide or device found which is adulterated, misbranded, not registered (in the case of a pesticide) or otherwise in violation of this chapter and in the event of the inability of any

person to produce records containing such information, all other records and information relating to such delivery, movement, or holding of the pesticide or device; and

(3) the seizure of any pesticide or device which is in violation of this chapter.

(C)(1) The examination of pesticides or devices shall be made in such place as the Director may designate for the purpose of determining from such examinations whether they comply with the requirements of this chapter. If it shall appear from any such examination that they fail to comply with the requirements of this chapter, the Director shall cause notice to be given to the person against whom criminal or civil proceedings are contemplated. Any person so notified shall be given an opportunity to present his views, either orally or in writing, with regard to such contemplated proceedings, and if in the opinion of the Director it appears that the provisions of this chapter have been violated by such person, then the Director shall certify the facts to the appropriate authorities, with a copy of the results of the analysis or the examination of such pesticide.

(2) The notice of contemplated proceedings and opportunity to present views set forth in this subsection are not prerequisites to the institution of any proceeding by the Director.

(3) Nothing in this chapter shall be construed as requiring the director to institute proceedings for prosecution of minor violations of this chapter whenever he believes that the public interest will be adequately served by a suitable written notice of warning.

(D) When the Director has reasonable cause to believe a pesticide or device is being distributed, stored, transported, or used in violation of any of the provisions of this chapter, or of any of the prescribed regulations under this chapter, he may issue and serve a written "stop sale, use, or removal" order upon the owner or custodian of any such pesticide or device. If the owner or custodian is not available for service of the order upon him, the Director may attach the order to the pesticide or device and notify the registrant. The pesticide or device shall not be sold, used, or removed until the provisions of this chapter have been complied with and the pesticide or device has been released in writing under conditions specified by the Director or the violation has been otherwise disposed of as provided in this chapter by a court of competent jurisdiction.

**SECTION 46-13-175.** Discretion to make pesticides available for minor uses.

The director shall use discretion to waive any provisions of this chapter, as necessary, to insure the availability of pesticides for minor uses.

**SECTION 46-13-180.** Penalties.

(1) Criminal Penalty. Any person who wilfully violates the provisions of this chapter 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 one hundred dollars or imprisonment for not more than thirty days;

(b) For a second offense, by a fine of not more than five hundred dollars or imprisonment for not more than sixty days;

(c) For a third or subsequent offense, by a fine of not more than one thousand dollars or imprisonment for not more than ninety days.

(2) Civil Penalty. In addition to a denial, suspension, revocation, or modification of a license or certificate or any other penalty as set forth in this chapter, an applicant, a holder of a license or certificate, or a person who receives compensation for making a pesticide application on property who violates a provision of this chapter may be assessed a civil penalty by the director of not more than one thousand dollars for each offense. The provisions of this subsection do not apply to a homeowner who makes a pesticide application in his home in accordance with state and federal law.

**SECTION 46-13-185.** Prosecution of criminal violators; use of counsel.

The director may prosecute criminal violators of this chapter and may use his own counsel in inferior courts but only when the defendant chooses to be represented by counsel. Counsel employed by the director may assist the solicitor, when requested, in general sessions court, the Court of Appeals, and the Supreme Court.

**SECTION 46-13-190.** Subpoenas.

The Director may issue subpoenas to compel the attendance of witnesses or production of books, documents and records anywhere in the State in any hearing affecting the authority or privilege granted by a license or permit issued under the provisions of this chapter.

**SECTION 46-13-200.** Adjudication of alleged violations; disposal of condemned pesticides or devices.

A. After service of a "stop sale, use, or removal" order is made upon any person, either that person, the registrant, or the Director may file an action in a court of competent jurisdiction in the county in which a violation of this chapter or regulations adopted thereunder is alleged to have occurred for an adjudication of the alleged violation. The court in such action may issue temporary or permanent injunctions mandatory or restraining, and such intermediate orders as it deems necessary or advisable. The court may order condemnation of any pesticide or device which does not meet the requirements of this chapter or regulations adopted thereunder.

B. If the pesticide or device is condemned, it shall, after entry of decree, be disposed of by destruction or sale as the court directs, and if such pesticide or device is sold, the proceeds, less costs including legal costs, shall be paid to the State treasury; provided, that the pesticide or device shall not be sold contrary to the provisions of this chapter or regulations adopted thereunder. Upon payment of costs and execution and delivery of a good and sufficient bond conditioned that the pesticide or device shall not be disposed of unlawfully, the court may direct that the pesticide or device be delivered to the owner thereof for relabeling, reprocessing, or otherwise bringing the product into compliance.

**SECTION 46-13-210.** Judicial review.

A person aggrieved by action of the director in a contested case, as defined in Section 1-23-310, may obtain a review of the case pursuant to the Administrative Procedures Act.

**SECTION 46-13-220.** Delegation of authority to employees of Clemson University.

The functions vested in Clemson University by this chapter may, from time to time, be delegated to such employees of Clemson University as may be designated by the Director.

**SECTION 46-13-230.** Disposition of fees.

All fees collected pursuant to the provisions of this chapter shall be retained by the Director of the Division of Regulatory and Public Service Programs of Clemson University and deposited in a separate fund for use in the administration of this chapter.

**SECTION 46-13-240.** Federal, interstate and intrastate cooperation.

The Director may cooperate, receive grants-in-aid, and enter into agreements with any agency of the federal government, of this State or its subdivisions, or with any agency of another state, to obtain assistance in the implementation of this chapter and in order:

- A. To secure uniformity of regulations;
- B. To cooperate in the enforcement of the Federal Pesticide Control Laws through the use of state and federal personnel and facilities and to implement cooperative enforcement programs;
- C. To develop and administer state programs for training and certification of certified applicators consistent with federal standards;
- D. To contract for training with other agencies including federal agencies for the purpose of training certified applicators;
- E. To contract for monitoring pesticides for the national plan;
- F. To prepare and submit state plans to meet federal certification standards; and
- G. To regulate certified applicators.

**APPENDIX C**

**PHF Inventory List**

## CHEMICAL INVENTORY LIST

Department	Chemical Name	Active Ingredient	Active Ingredient CAS No.	Application Method	Estimated Usage Amount	Comment		
Vector Control	Altosid Liquid Larvicide	(S)-methoprene	65733-16-5	Spraying		Pesticide (mosquito)		
	Altosid XR Briquets	(S)-methoprene	65733-16-6	Solid briquet	0 briquets	2005 usage amount; stored at Vector Control building		
	Bti Briquets	Bti bacteria	N/A	Solid briquet	4157 briquets	2005 usage amount; stored at Vector Control building		
	Bti WP	Bti bacteria	N/A		0 lbs	2005 usage amount; stored at Vector Control building		
	Vectobac Granules	Bti bacteria	N/A		333 lbs	2005 usage amount; stored at Vector Control building		
	Teknar	Bti bacteria	N/A		6.5 lbs	2005 usage amount; stored at Vector Control building		
	Golden Bear 1111	Aliphatic petroleum hydrocarbons		Spraying	112 gallons	2005 usage amount; stored at Vector Control building		
Agnique MMF	Isostearyl alcohol 1,4-Dioxane		Spraying	113.78 gallons	2005 usage amount; stored at Vector Control building			
Facilities and Grounds	Journey	Imazapic Glyphosate-isopropylammonium	104098-48-8 38641-94-0	Spraying (Tractor)	0.176 lb A/acre	55 acres	Herbicide	Applied by NaturChem at Owens Field 2-3 times per year
	Weedar 64	Acetic acid, (2,4-dichlorophenoxy)-, dimethylamine salt	2008-39-1	Spraying (Tractor)	0.48 lb A/acre	55 acres	Herbicide	Applied by NaturChem at Owens Field 2-3 times per year
	Aquaneat	Glyphosate, N-(phosphonomethyl)glycine	38641-94-0	Spraying			Herbicide	May be applied around lights at Owens Field by NaturChem
	Diuron 4L	3-(3,4-dichlorophenyl) 1,1-dimethylurea	330-54-1	Spraying			Herbicide	May be applied around lights at Owens Field by NaturChem
	Quick Pro	Ammonium salt of glyphosate family Diquat dibromide	114370-14-8 85-00-7				Herbicide	Storage room on G-2 Richland County Courthouse parking garage
	0-0-7 Fertilizer						Fertilizer	Storage room on G-2 Richland County Courthouse parking garage
	24-5-11 Fertilizer						Fertilizer	Storage room on G-2 Richland County Courthouse parking garage
	Ortho Max	Acephate	30560-19-1				Pesticide (ants)	Storage room on G-2 Richland County Courthouse parking garage
	Boric acid dust		10043-35-3 / 11113-50-1				Pesticide	Storage room on G-2 Richland County Courthouse parking garage
	Multipurpose fungicide						Fungicide	Storage room on G-2 Richland County Courthouse parking garage
	Spectricide	2,4-D derivative 2,4-D derivative Dicambo Naphthalene	1908-43-4 28631-35-8 1918-00-9 91-20-3				Herbicide	Storage room on G-2 Richland County Courthouse parking garage
	Lesco Broad Leaf	Bromoxynil octanoate	1689-99-2				Herbicide	Storage room on G-2 Richland County Courthouse parking garage
	Vantage	Glyphosate IPA salt	38641-94-0				Herbicide	Storage room on G-2 Richland County Courthouse parking garage
	Roundup	Glyphosate, Isopropylamine salt of N-(phosphonomethyl) glycine	38641-94-0				Herbicide	Storage room on G-2 Richland County Courthouse parking garage
	Talstar	Bifenthrin	82657-04-3	Hand application	-1 lb/application		Insecticide	Applied by Gregory Pest Control for fire ants (fire stations, magistrate offices, Owens Field)
	Niban	Orthoboric acid (boric acid)	10043-35-3	Hand application	-1 lb/application		Insecticide	Applied by Gregory Pest Control for fire ants (fire stations, magistrate offices)
	WeatherBlok XT	Brodifacoum	56073-10-0	Bait blocks	20 blocks		Pesticide (rodents)	Placed by Gregory Pest Control at Owens Field
Detention Basins	Garlon 3A	Triclopyr Ethanol TEA EDTA	57213-69-1 64-17-5 121-44-8 60-00-4	Spraying			Herbicide	May be sprayed by NaturChem
	HY-END NaturChem90	Ethanol, 2,2-oxybis	111-46-6	Spraying			Herbicide (surfactant)	
	Aquaneat	Glyphosate, N-(phosphonomethyl)glycine	38641-94-0	Spraying			Herbicide (aqu.)	May be sprayed by NaturChem
	Altosid XR	(S)-methoprene	65733-16-6	Solid briquet			Pesticide (mosquito)	May be put out by NaturChem
	Journey	Imazapic Glyphosate-isopropylammonium	104098-48-8 38641-94-0	Spraying			Herbicide	May be sprayed by NaturChem
	Weedar 64	Acetic acid, (2,4-dichlorophenoxy)-, dimethylamine salt	2008-39-1	Spraying			Herbicide	May be sprayed by NaturChem
Roads and Drainage (Ditches)	Aquaneat	Glyphosate, N-(phosphonomethyl)glycine	38641-94-0	Spraying			Herbicide (aqu.)	May be sprayed by NaturChem
	Weedar 64	Acetic acid, (2,4-dichlorophenoxy)-, dimethylamine salt	2008-39-1	Spraying			Herbicide	May be sprayed by NaturChem
Landfill	Liquid 8 herbicide				2 gal		Herbicide	Landfill main office building; amount listed is inventory amount
	16-4-8 fertilizer				2,650 lbs		Fertilizer	Landfill main office building; amount listed is inventory amount
	15-0-15 fertilizer				320 lbs		Fertilizer	Landfill main office building; amount listed is inventory amount

# **APPENDIX D**

## **Spill Reporting and SWPPP Information**

***Designated Pollution Prevention Team:***

Bill Peters, Fleet Manager

**Work Phone Number:** (803) 576-2457

**Home Phone Number:** (803) 996-6313

Srinivas Valavala, Stormwater Services Manager

**Work Phone Number:** (803) 576-2465

**Home Phone Number:** (803) 873-7024

Darryl Buggs, Roads & Drainage Superintendent

**Work Phone Number:** (803) 576-2420

**Home Phone Number:** (803) 786-9113

John Hixon, Interim Director of Public Works

**Work Phone Number:** (803) 576-2456

**Home Phone Number:** (803) 786-0756

James Bouknight, Stormwater Associate

**Work Phone Number:** (803) 576-2408

**Home Phone Number:** (803) 518-1473



## SIGNIFICANT SPILL OR LEAK REPORT FORM

The Pollution Prevention Team should fill out the following questionnaire following a significant spill or leak. Provide as much detail as possible concerning the significant spill or leak. A separate report form should be filled out for each significant spill or leak and kept as a component of the Storm Water Pollution Prevention Plan records.

1. Date of significant spill or leak: \_\_\_\_\_

2. Location of significant spill or leak:

---

---

---

3. Type and quantity of material released:

---

---

---

4. Source and cause of significant spill or leak:

---

---

---

---

---

5. Spill or leak response (amount of material recovered, exposure of material to storm water, and corrective actions taken):

---

---

---

---

---

---

6. Additional Comments:

---

---

---

---

---

---

Signature: \_\_\_\_\_

Date: \_\_\_\_\_  
Inspector: \_\_\_\_\_

## Storm Water Pollution Prevention Program Monthly Inspection Form

	<u>Acceptable</u>	<u>Needs Improvement</u>
Outfall 01	<input type="checkbox"/>	<input type="checkbox"/>
Propane Tank for Construction Maintenance Building	<input type="checkbox"/>	<input type="checkbox"/>
Recycling Center	<input type="checkbox"/>	<input type="checkbox"/>
Machinery Storage	<input type="checkbox"/>	<input type="checkbox"/>
<i>Vector Garage/Larvicide Room</i>		
<i>Pesticides</i>	<input type="checkbox"/>	<input type="checkbox"/>
Roads and Drainage Maintenance Facility		
Construction Materials	<input type="checkbox"/>	<input type="checkbox"/>
Scrap Metal Storage	<input type="checkbox"/>	<input type="checkbox"/>
<i>Pesticide Storage Shed</i>		
<i>Pesticides</i>	<input type="checkbox"/>	<input type="checkbox"/>
Fueling Station		
Diesel Fuel Dispensers	<input type="checkbox"/>	<input type="checkbox"/>
Gasoline Dispensers	<input type="checkbox"/>	<input type="checkbox"/>
Facilities and Grounds Building		
Solid Waste Dumpster	<input type="checkbox"/>	<input type="checkbox"/>
Propane Tank	<input type="checkbox"/>	<input type="checkbox"/>
Diesel Fuel Tank	<input type="checkbox"/>	<input type="checkbox"/>
Public Works Building		
Solid Waste Dumpsters	<input type="checkbox"/>	<input type="checkbox"/>
Sand, piping, and construction equipment storage	<input type="checkbox"/>	<input type="checkbox"/>

# Storm Water Pollution Prevention Program Monthly Inspection Form

	<u>Acceptable</u>	<u>Needs Improvement</u>
<b>Fleet Maintenance</b>		
Used Oil Tank	<input type="checkbox"/>	<input type="checkbox"/>
Solid Waste Dumpsters	<input type="checkbox"/>	<input type="checkbox"/>
Metals Storage Bin	<input type="checkbox"/>	<input type="checkbox"/>
Empty Drum Storage	<input type="checkbox"/>	<input type="checkbox"/>
Washdown Area	<input type="checkbox"/>	<input type="checkbox"/>
Storage in South portion of Building	<input type="checkbox"/>	<input type="checkbox"/>
Storage in East portion of Building	<input type="checkbox"/>	<input type="checkbox"/>
Solvents and Cleaning Stations	<input type="checkbox"/>	<input type="checkbox"/>
Waste Oil Pit	<input type="checkbox"/>	<input type="checkbox"/>
Storage in West portion of Building	<input type="checkbox"/>	<input type="checkbox"/>
<i>Richland County Courthouse Parking Garage</i>		
<i>Storage room on G-2</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Landfill</i>		
<i>Main office building</i>	<input type="checkbox"/>	<input type="checkbox"/>

*\*Italicized rows indicate typical storage areas for pesticides, herbicides, and fertilizers (PHFs)*

Note any discrepancies and suggested corrective actions:

---



---



---



---



---