



NOTICES OF FINAL RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Final Rulemaking. Final rules have been through the regular rulemaking process as defined in the Administrative Procedures Act. These rules were either approved by the Governor’s Regulatory Review Council or the Attorney General’s Office. Certificates of Approval are on file with the Office.

The final published notice includes a preamble and

text of the rules as filed by the agency. Economic Impact Statements are not published.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final rules should be addressed to the agency that promulgated them. Refer to Item #5 to contact the person charged with the rulemaking. The codified version of these rules will be published in the *Arizona Administrative Code*.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 29. OFFICE OF PEST MANAGEMENT

[R15-12]

PREAMBLE

1. Article, Part, or Section Affected (as applicable)

- R4-29-102
- R4-29-103
- R4-29-202
- R4-29-203
- R4-29-204
- R4-29-207
- R4-29-208
- R4-29-304
- R4-29-307
- R4-29-308
- R4-29-501
- R4-29-503

Rulemaking Action

- Amend

2. Citations to the agency’s statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. §§ 32-2304(A)-(B)
Implementing statutes: A.R.S. §§ 32-2304(A)-(B), 32-2312(A), 32-2317, and 32-2324(A)

3. The effective date of the rule:

March 3, 2015

a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

The Office has two reasons for an immediate effective date. First, the amendments to the fee rule qualify for an immediate effective date under A.R.S. § 41-1032(A)(4). These amendments reduce the current rule’s fees for licensing, certification, and registration. They also create a discount for persons who renew certifications and registrations for two years instead of one. Industry supports these reductions and anticipates their implementation prior to the next licensing cycle which begins this spring. In accordance with A.R.S. § 41-1032(A)(4), there is no penalty associated with these amendments and they provide the public with the benefit of lower costs for licenses, certifications, and registrations. Second, the other amendments in this rulemaking qualify for an immediate effective date under A.R.S. § 41-1032(A)(1). This rulemaking is part of an ongoing regulatory overhaul of the Office and its rules which was initiated by the Legislature. These amendments address issues that have been identified during the implementation of new rules governing the commercial use of pesticides. Effective regulatory oversight is critical to the welfare of both the public and the regulated community. Improper use of pesticides can cause severe damage to individuals, their property, and the environment. In accordance with A.R.S. § 41-1032(A)(1), these amendments are necessary for the Office to effectively regulate the use of pesticides and preserve public health and safety.

b. If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S.

**§ 41-1032(B):**

Not applicable

4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:

Notice of Final Exempt Rulemaking: 19 A.A.R. 2967, October 4, 2013.
Notice of Final Exempt Rulemaking: 20 A.A.R. 717, March 21, 2014.
Notice of Rulemaking Docket Opening: 20 A.A.R. 728, March 21, 2014.
Notice of Rulemaking Docket Opening: 20 A.A.R. 2894, October 31, 2014.
Notice of Proposed Rulemaking: 20 A.A.R. 2968, November 14, 2014.

5. The agency's contact person who can answer questions about the rulemaking:

Name: Jack Peterson
Address: 1688 W. Adams
Phoenix, AZ 85007
Telephone: (602) 542-3575
Fax: (602) 542-0466
E-mail: jpeterson@azda.gov

6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

Laws 2011, Ch. 20, § 6 required the Director of the Arizona Department of Agriculture (ADA) to appoint a nine member task force to study the regulation of structural pest management in Arizona. The Task Force's recommendations on statutory changes became SB 1290 (2013) and SB 1143 (2013), albeit with a few changes made by the Legislature. Both bills passed and were signed into law. See Laws 2013, Ch. 125 & Laws 2013, Ch. 64. Subsequently, the Office of Pest Management (the Office) established, by exempt rulemaking procedures, rules to implement the statutory changes. See 19 A.A.R. 2967, October 4, 2013 and 20 A.A.R. 717 March 21, 2014. The Office proposes this rulemaking to make its fee rule permanent, reduce license fees established under the rule, and to address practical issues in the rules that have been uncovered during the initial period of their enforcement. The proposed changes are set forth in further detail as follows:

The Office is amending R4-29-102 to allow individuals with an industrial license to perform all methods of mosquito control. This amendment was requested by the Office of Pest Management Advisory Committee.

R4-29-103 was established under exempt rulemaking. The Office is adopting the rule through this regular rulemaking to make the fee rule permanent and avoid the necessity for future exempt rulemakings. The Office is also amending the rule to reduce licensure, certification and registration fees as follows:

1. For an applicator: the applicator certification fee is reduced from \$100 to \$75; the applicator certification broadening application fee is reduced from \$50 to \$0;
2. For a qualifying party: the QA certification fee is reduced from \$200 to \$100; the QA certification broadening application fee is reduced from \$100 to \$25; the fee for registration, at a different time than application for renewal of the business license, is reduced from \$100 to \$50; the registration broadening fee is reduced from \$50 to \$25;
3. For a business: the business license fee is reduced from \$300 to \$250; the applicator registration fee is reduced from \$25 to \$0; and
4. For a branch: the branch office registration fee is reduced from \$100 to \$50 per branch; the fee for branch supervisor registration, at a different time than branch office registration, is reduced from \$50 to \$25.

The Office is amending R4-29-103(B) to allow for pre-payment of certain fees for a ten percent fee reduction.

The Office is amending R4-29-202 to implement statutory requirements for an applicant's proof of financial security as prescribed by A.R.S. §§ 32-2304(A)(1)(b) and 32-2313(B) through 32-2313(E).

The Office is amending R4-29-203, R4-29-204 and R4-29-207 to require proof of lawful presence to be submitted earlier in the application process to reduce the amount of unnecessary time an applicant who cannot provide proof of lawful presence spends on an application.

The Office is amending R4-29-204 to remove the requirement that an applicant have applicator certification in each category for which the applicant seeks QA certification.

The Office is amending R4-29-208(E) to provide applicators who have a good disciplinary record a one-time exception to the re-examination requirement for failure to comply with the renewal deadline. Currently, if the



renewal deadline is missed, an applicator must apply as a new applicator and retake and pass the applicable certification examinations. The Office is amending R4-29-208(G) to create a legal mechanism for surrendering an applicator or business license. Prior to this rulemaking there has not been a clearly defined method for surrendering a license, causing individuals to keep or renew their license even though they no longer have a need for the license and do not intend to perform pest management activities.

The Office is amending R4-29-304 to correct a punctuation issue.

The Office is amending R4-29-307 to clarify what is required when applicators are inspecting structures that include crawlspaces and to increase the amount of clear space between the bottom of a floor and grade level which will be deemed inaccessible to an applicator conducting an inspection.

The Office is amending R4-29-308(B) to require that an on-site inspection take place prior to issuance of a treatment proposal or quote of a fee for service.

The Office is amending R4-29-308(I) to clarify that applications must treat soil along the exterior of foundation walls and be made in accordance with specific and generally accepted commercial practices unless directions on a product label prevent them from doing so and to require that post construction treatments be made in accordance with the terms of their respective treatment proposals unless authorized and approved by the authorized agent prior to performing the treatment. In the past the Office has received consumer complaints about applicators using rates lower than that prescribed on the pesticide label and basing treatment proposals on one brand or type of pesticides but actually applying a lower quality and less expensive product.

The Office is amending R4-29-501 and R4-29-503 to clarify recordkeeping requirements for pesticide applicators, business licensees and political subdivisions.

The Office discussed the rulemaking with the Pesticide Management Advisory Committee (PMAC) and members of the public representing pesticide management industry at the August 22, 2014 PMAC meeting. After the discussion, the Committee unanimously voted to approve the Office’s request to move forward with rulemaking.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.

9. The summary of the economic, small business, and consumer impact:

The harm resulting from the conduct the rule is designed to change and the likelihood it will continue to occur if the rule is not changed:

The Office’s funding balance has grown. If the number of licenses, certifications, and registrations remains generally consistent, there is a high probability that the fund balance will continue to grow and the regulated industry will pay fees beyond what is necessary to fund the Office and its services. If the Office does not amend the rules to address practical implementation issues there is a high probability the public and regulated industry will suffer from ineffective regulatory oversight.

The estimated change in frequency of the targeted conduct expected from the rule change:

These fee reductions will be in effect for the next licensing cycle, prior to May 2015. The Office estimates that conduct which has been targeted in the other amendments will greatly be reduced. The rules being amended were recently adopted. The Office has worked closely with the regulated industry to ensure that the amendments are appropriate and understood.

Brief summary of the information included in the economic, small business, and consumer impact statement:

The reduction in fees in the rules will provide a new saving to the regulated industry of approximately \$400,000 per year. Additionally, the fee rule contains fee decreases that were promulgated by exempt rulemaking. By putting the fee rule through this regular rulemaking those fees will now become permanent. The savings generated by the exempt rulemaking was approximately \$300,000 per year. Thus the total benefit of this package to the regulated industry is permanent reduction in fees in the amount of approximately \$700,000 per year.

The Office’s intent in proposing the amendments indicated in this rulemaking is to benefit the regulated commu-



nity, members of the public, and the Office by reducing fees, clarifying rule language, and reducing the burden on the regulated community where practical. The Office anticipates the rulemaking will result in an overall benefit to the regulated community, members of the public, and the Office. The Office anticipates the rulemaking will result in little or no impact to political subdivisions of this state; private and public employment in businesses, agencies or political subdivisions, or state revenues. The Office has determined that there are no less intrusive or costly alternative methods of achieving the purpose of the rulemaking. Therefore, the Office has determined that the benefits of the rulemaking outweigh any costs.

10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

The Office included the text of the rule in R4-29-103 in place of the words “no change” to clarify that fees which were adopted under exempt rulemaking are now permanent.

The Office removed the words “at a different time than branch office registration” from R4-29-103(B) after determining the phrase is redundant and unnecessary.

Minor grammatical and style corrections were made at the request of the Governor’s Regulatory Review Council staff.

11. An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

The Office received one written stakeholder comment in support of the rulemaking from the Arizona Pest Professional Organization (AzPPO). The AzPPO comment expressed appreciation for the Office’s involvement of industry in the rulemaking process and stated that the fee reductions are critical to the industry and that the APPO looks forward to these reductions taking effect prior to the 2015 licensing renewal cycle. The Office appreciated the comment in support of the rulemaking from APPO and the industry members for participating in the process. Industry input is crucial part of the Office’s rulemakings. The Office agrees that the fee decreases are critical for industry and will implement the decreases as soon as the rulemaking is effective.

At the oral proceeding Kevin Etheridge asked if R4-29-308 will apply to warranty service or renewals. The Office responded that the amendments would not affect warranty service or renewals. The amendments to R4-29-308 prevent issuance of a treatment proposal when no on-site inspection has been performed.

The rulemaking was approved by the Office’s Pesticide Management Advisory Committee on August 21, 2014.

12. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The rules in this rulemaking do not require a permit. R4-29-201 which relates to the rules in this rulemaking requires a permit, but R4-29-201 is not being amended or repealed by this rulemaking. Rules R4-29-102, R4-29-103, R4-29-202, R4-29-203, R4-29-204, R4-29-207, and R4-29-208 set requirements for obtaining permits required by R4-29-201. General permitting is not used because the authorizing statutes prescribe seven categories of certification and distinct licensure requirements for businesses and individuals. See A.R.S. §§ 32-2312, 32-2313, 32-2314, and 32-2315.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Pesticide Programs, 40 C.F.R. §§ 150-180, contains the federal regulations related to pesticide registration, application, and certification of pesticide applicators. A State may certify applicators of restricted use pesticides by obtaining approval from EPA of a State plan for that purpose. See 40 CFR 171.7. The standards of certification in the State plan must “conform and be at least equal to those prescribed” in the federal regulations. 40 CFR 171.4(a). See also 40 CFR 171.5(a), 171.7(e)(1)(i)(C) and 171.7(e)(1)(ii)(B). These rules are in conformance with 40 C.F.R. §§ 150-180 and the approved State plan. Furthermore, the Director of the Arizona Department of Agriculture (the Director) is responsible for administering the Office of Pest Management statutes and A.R.S. § 32-2304(A)(1) expressly authorizes the Director to adopt rules that are more stringent than corresponding federal law for the following:

- (a) Administrative provisions.
- (b) Licensure, certification and registration requirements and qualifications, including training and education requirements and financial security standards.
- (c) Health and safety provisions.
- (d) Duties and responsibilities.



- (e) Recordkeeping and production of records requirements.
- (f) Licensee inspection and treatment report requirements.
- (g) Disciplinary action provisions.
- (h) Equipment provisions.
- (i) Advertising requirements.
- (j) The use, storage and application of pesticides and devices used in pest management.

c. Whether a person submitted an analysis to the agency that compares the rule’s impact of the competitiveness of business in this state to the impact on business in other states:

No

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None

14. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable

15. The full text of the rule follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 29. OFFICE OF PEST MANAGEMENT

ARTICLE 1. GENERAL AND ADMINISTRATIVE PROVISIONS

Section

- R4-29-102. Certification Categories; Scope
- R4-29-103. Fees; Charges; Exemption

ARTICLE 2. CERTIFICATION, REGISTRATION AND LICENSURE; CONTINUING EDUCATION

Section

- R4-29-202. Business License
- R4-29-203. Applicator Certification
- R4-29-204. Qualified Applicator Certification
- R4-29-207. Applicator Registration
- R4-29-208. License, Certification and Registration Renewal

ARTICLE 3. PEST MANAGEMENT

Section

- R4-29-304. Devices Exempt ~~From from~~ Licensure and Registration; Advertising
- R4-29-307. Performing a Wood-destroying Insect Inspection; WDIIRs
- R4-29-308. Performing Wood-destroying Insect Management

ARTICLE 5. RECORDKEEPING AND REPORTING

Section

- R4-29-501. Applicator Recordkeeping
- R4-29-503. Business Licensee and Political Subdivision Recordkeeping and Retention

ARTICLE 1. GENERAL AND ADMINISTRATIVE PROVISIONS

R4-29-102. Certification Categories; Scope

The name and scope of each certification category are as follows:

1. Industrial and institutional: pest management in, on, around or adjacent to a structure not covered by another category; pest management in or on asphalt, concrete, gravel, rocks and similar surfaces, including man holes, not covered by another certification category; pest management of health related pests wherever found ~~other than in water; and pest management of insects (in all life stages) in water limited to using pesticide briquettes;~~ but excluding anti-microbial pest management and fungi inspection.
2. No change



- a. No change
- b. No change
3. Ornamental and turf: pest management, including weeds, in the maintenance of turf or bare ground not covered by the right-of-way category and ornamental trees, shrubs, and flowers by a means other than use of a fumigant.
4. No change
5. No change
6. No change
7. No change

R4-29-103. Fees; Charges; Exemption

A. A person shall pay the following application and renewal fees for licensure, certification, and registration:

1. For an applicator:
 - a. Applicator certification, ~~\$100~~ \$75.
 - b. Applicator certification broadening application, ~~\$50~~ \$0.
 - c. QA certification, ~~\$200~~ \$100.
 - d. QA certification broadening application, ~~\$100~~ \$25.
2. For a qualifying party:
 - a. Registration at same time as application for or renewal of the business license, \$0.
 - b. Registration at a different time than application for or renewal of the business license, ~~\$100~~ \$50.
 - c. Registration broadening, ~~\$50~~ \$25.
 - d. Temporary qualifying party registration, \$100.
3. For a business:
 - a. Business license, ~~\$300~~ \$250.
 - b. Business license for federal entity, \$0.
 - c. Applicator registration, ~~\$25~~ \$0 per applicator.
4. For a branch:
 - a. Branch office registration, ~~\$100~~ \$50 per branch.
 - b. Branch supervisor registration at same time as branch office registration, \$0.
 - c. Branch supervisor registration at a different time than branch office registration, ~~\$50~~ \$25.

B. A person renewing an applicator certification, QA certification, business license, branch office registration, or branch supervisor registration shall receive a 10 percent reduction in the renewal fee for renewals submitted for a two year renewal period.

~~B.C.~~ In addition to the fees listed in subsection (A), a person shall pay a \$10 handling fee for each application or renewal form not submitted electronically when OPM allows electronic submission.

~~C.D.~~ A person shall pay a late fee equal to half of the renewal fee for any license, certification, or registration that is not renewed timely. If a business license remains expired for more than 30 days, to renew the license, a person shall also pay an additional late fee of \$15 per month that the license remains expired, not to exceed \$165. Late fees are in addition to the renewal fee.

~~D.E.~~ A business licensee shall pay the following TARF fees:

1. Electronic submissions, \$2;
2. Electronic final grade treatment TARF submissions, \$0;
3. Electronic TARF submissions for a pretreatment or new-construction treatment of an addition that abuts the slab of an originally treated structure, \$0, if the business licensee:
 - a. Performed the pretreatment or new-construction treatment of the main structure,
 - b. Filed a TARF regarding the pretreatment or new-construction treatment,
 - c. Has the structure under warranty, and
 - d. Treats the abutting addition under the terms of the site warranty;
4. All paper submissions, \$8; and
5. Late fee equal to the original TARF fee for any TARF submission more than 30 days after the due date, except that the late fee for an electronic final grade treatment TARF submission more than 30 days after the due date shall be \$2.

~~E.F.~~ If the OPM administers a certification examination, an applicant shall pay \$50 to take the examination. If an examination service or testing vendor administers a certification examination, an applicant shall pay the examination service or testing vendor the examination cost established in the vendor's contract with the OPM.

~~F.G.~~ OPM employees are exempt from the applicator and examination fees listed in this Section.

~~G.H.~~ An applicant who makes a payment for a fee due under this Section that is rejected by a financial institution will be subject to all of the following:

1. The OPM shall void any approval of the application or renewal.
2. The applicant shall pay any financial institution fee incurred by the OPM.
3. The OPM may require the applicant to pay all fees due using a method other than a personal or business check.



- 4. An application for renewal will be considered untimely if the substitute payment is not received by the OPM by the original due date, and the applicant will be subject to a late fee based on the date of receipt of the substitute payment.

H.I. The OPM may reject an application or request for service that is submitted with the incorrect fee and not process the application or provide the service. An application for renewal will be considered untimely if the substitute payment is not received by the OPM by the original due date, and the applicant will be subject to a late fee based on the date of receipt of the substitute payment.

H.J. In addition to the fees listed in this Section, the OPM may collect service charges from persons who pay with alternative payment methods, including credit cards, charge cards, debit cards and electronic transfers.

ARTICLE 2. CERTIFICATION, REGISTRATION AND LICENSURE; CONTINUING EDUCATION

R4-29-202. Business License

A. No change

- 1. No change
 - a. No change
 - b. No change
 - c. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change

- 2. No change
- 3. No change
- 4. No change

B. No change

- 1. No change
- 2. No change
- 3. No change
- 4. No change
- 5. No change

C. No change

D. No change

E. No change

- 1. No change
- 2. No change

F. No change

G. No change

H. If an applicant's proof of financial security includes an insurance policy which provides for a deductible in excess of one percent of the total financial security for each occurrence, the applicant shall provide other evidence of financial security for the excess deductible amount as required by A.R.S. § 32-2313. Financial security in the following forms will be acceptable, provided that the nature of the security provides adequate protection for persons who may suffer bodily injury or property damage as a result of the operations of the applicant:

- 1. Liability insurance, self-insured retention or surety bond issued by an insurer that holds a valid certificate of authority or that is permitted to transact surplus lines insurance in this state;
- 2. Bank statement evidencing a deposit of money in an amount equal to, or greater than, the excess deductible amount;
or
- 3. Certified Check in an amount equal to, or greater than, the excess deductible amount.

R4-29-203. Applicator Certification

A. Application. An applicant for applicator certification shall submit the fee specified in R4-29-103 and the following information on a form obtained from the OPM:

- 1. No change
- 2. No change
- 3. No change
- 4. No change



5. No change
 6. No change
 7. No change
 8. No change
 9. No change
 10. No change
 11. No change
 12. No change
 13. No change
 14. Information and documentation concerning lawful presence required by A.R.S. § 41-1080.
- B.** No change
1. No change
 2. No change
 3. No change
- C.** No change
- D.** No change
- E.** No change
- F.** No change
1. No change
 2. No change
 3. No change

R4-29-204. Qualified Applicator Certification

- A.** Before applying for QA certification, an applicant shall ~~have applicator certification in each category for which the applicant seeks QA certification and~~ fulfill the experience requirement for each category.
- B.** Application. An applicant for QA certification shall submit the fee specified in R4-29-103 and the following information on a form obtained from the OPM:
1. No change
 2. No change
 3. No change
 4. No change
 5. No change
 6. No change
 7. No change
 8. No change
 9. No change
 10. No change
 11. No change
 12. No change
 13. No change
 14. No change
 15. No change
 16. Information and documentation concerning lawful presence required by A.R.S. § 41-1080, if not on file.
- C.** No change
1. No change
 2. No change
 - a. No change
 - b. No change
 3. No change
- D.** No change
- E.** No change
1. No change
 2. No change
 3. No change
- F.** No change
1. No change
 2. No change
- G.** No change
- H.** No change
1. No change
 2. No change
 3. No change



I. No change

R4-29-207. Applicator Registration

A. No change

B. To register an applicator, a person shall submit the fee specified in R4-29-103 and the following information about the applicator on a form obtained from the OPM:

- 1. No change
- 2. No change
- 3. No change
- 4. No change
- 5. For an uncertified applicator, the applicator's:
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. ~~Information and documentation concerning lawful presence required by A.R.S. § 41-1080; and~~
- 6. No change

C. No change

D. No change

E. No change

F. No change

G. No change

H. No change

R4-29-208. License, Certification and Registration Renewal

A. No change

B. No change

- 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
- 2. No change
 - a. No change
 - b. No change
 - c. No change
- 3. No change
 - a. No change
 - b. No change
- 4. No change

C. No change

D. No change

E. Expired license, certification, or registration.

- 1. No change
- 2. No change
 - a. No change
 - b. No change
- 3. No change
- 4. No change
- 5. No change
- 6. Notwithstanding subsections (E)(1) and (E)(2)(a), an applicator who fails to renew by June 30 may renew by submitting a complete renewal application, including the renewal fee and the late fee, by August 31 if:
 - a. The applicator has not received discipline from the Office within 5 years immediately preceding the renewal application; and
 - b. The applicator has not previously renewed their certification after June 30.

F. No change

- 1. No change
 - a. No change
 - b. No change
- 2. No change



G. Surrendering a certification or license.

1. An applicator or business licensee may surrender their certification or license at any time, except for the following situations:
 - a. The applicator or business licensee is currently the subject of an investigation; or
 - b. The applicator or business licensee owes civil penalties or termite action registration form fees.
2. An applicator or business licensee that has surrendered their certification or license is not absolved of any termite action registration form fees or civil penalties based on actions or omissions that occurred prior to surrendering their certification or license.
3. The Office shall not refund any certification or licensing fees paid prior to the applicator or business licensee surrendering their certification or license.

ARTICLE 3. PEST MANAGEMENT

R4-29-304. Devices Exempt From from Licensure and Registration; Advertising

- A.** No change
1. No change
 2. No change
 3. No change
 4. No change
 5. No change
 6. No change
 7. No change
- B.** An unlicensed person who engages in the business of pest management, but is exempt from licensure and registration because the person does not apply any pesticides and only uses devices listed in subsection (A) shall prominently display or include the phrase “Not a licensed ~~pest control company~~ to apply pesticides” in all written and oral advertisements.

R4-29-307. Performing a Wood-destroying Insect Inspection; WDIIRs

- A.** No change
- B.** An applicator completing a WDIIR shall inspect all areas of a structure including crawlspaces that are visible or accessible at the time of the inspection. The applicator may use techniques such as non-destructive probing and sounding.
- C.** No change
- D.** No change
1. No change
 2. Inaccessible sub-area such as an area with less than ~~18~~ 24 inches of clear space between the bottom of a floor joist and grade level;
 3. No change
 - a. No change
 - b. No change
 - c. No change
 4. No change
 5. No change
- E.** No change
- F.** No change
- G.** No change

R4-29-308. Performing Wood-destroying Insect Management

- A.** No change
- B.** An applicator shall not perform wood-destroying insect management, issue a treatment proposal, or quote a fee for service until the business licensee ~~or political subdivision~~ that employs the applicator ensures that:
1. ~~A wood-destroying insect~~ An on-site inspection of the property is performed, in accordance with R4-29-307, by a certified applicator meeting the training requirement under A.R.S. § 32-2332(E),
 2. A treatment proposal is prepared, based upon the on-site inspection, on a form approved by the OPM and contains the information required under A.R.S. § 32-2332(B) and (C), and
 3. The treatment proposal is delivered to the person requesting the proposal or treatment, prior to the treatment.
- C.** No change
- D.** No change
1. No change
 - a. No change
 - b. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change



- v. No change
 - vi. No change
 - vii. No change
- 2. No change
- 3. No change
 - a. No change
 - b. No change
 - c. No change
- 4. No change
 - a. No change
 - b. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
- 5. No change
- 6. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - j. No change
 - k. No change
 - l. No change
 - m. No change
 - n. No change
 - o. No change
 - p. No change
- 7. No change
- 8. No change
- E.** No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
- F.** No change
 - 1. No change
 - 2. No change
 - 3. No change
- G.** No change
- H.** No change
- I.** Post-construction treatment for commercial or residential construction.
 - 1. No change
 - 2. No change
 - 3. Unless precluded by label directions, any application to treat the soil along the exterior of foundation walls shall be made at an effective treatment rate of four gallons of chemical preparation per ten linear feet in a trench six inches wide or other method of treatment prescribed by the label to achieve the effective treatment rate.



4. All post construction treatments shall be made in accordance with the treatment proposal delivered as required under subsection (B). Any deviations to the original proposal shall be redelivered in writing in a revised treatment proposal and shall be approved prior to performing the treatment by the person who requested the original proposal or their authorized agent.

ARTICLE 5. RECORDKEEPING AND REPORTING

R4-29-501. Applicator Recordkeeping

- A. An applicator shall make all records required by law and provide the records to the business licensee or political subdivision that supervises, directs, or employs the applicator within five business days.
- B. Service records. An applicator shall make a record of each pest management service provided. The applicator shall include the following information in the service record:
1. No change
 2. No change
 3. No change
 4. No change
 5. No change
 6. No change
 7. Amount of pesticide applied, in terms of percent active ingredient and ~~volume~~ total amount of diluent (water, etc.); diluted mixture or in terms of total amount of liquid concentrate and total amount of diluent (water, etc.); or total amount of ready-to-use product by weight or volume (e.g. lbs, grams, ounces, etc.); granular material, or bait stations; and
 8. No change
- C. No change
1. No change
 2. No change
 3. No change
 4. No change
 5. No change
- D. No change
1. No change
 2. No change
 3. No change
 4. No change
 5. No change
 6. No change
 7. No change
 8. No change
- E. No change
1. No change
 2. No change
 3. No change
 4. No change
 5. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - j. No change
 - k. No change
 - l. No change
 - m. No change
 - n. No change
 - o. No change
 - p. No change
- F. No change

R4-29-503. Business Licensee and Political Subdivision Recordkeeping and Retention



- A. In addition to ensuring that the records required under R4-29-501 and R4-29-502 are made and maintained, a business licensee and political subdivision shall make and maintain records of the following:
 - 1. The specimen label and SDS for each registered pesticide currently used by an applicator supervised, directed or employed by the business licensee or political subdivision;
 - 2. No change
 - 3. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
 - 8. No change
 - 9. No change
 - 10. Personnel records including for each ~~employee of~~ applicator supervised, directed or employed by the business licensee or political subdivision:
 - a. Date of hire or beginning of relationship;
 - b. Date on which pest management services are first performed;
 - c. Training and continuing education received;
 - d. Supervision received;
 - e. Protective clothing, safety supplies, and equipment issued to employee;
 - f. Name of supervisor; and
 - g. Employment or relationship ending date.
- B. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
 - 8. No change
 - 9. No change
 - 10. No change
- C. When an applicator supervised, directed or employed by a business licensee submits a WDIIR, the business licensee shall record the following on the WDIIR:
 - 1. No change
 - 2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - 3. No change
- D. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - 4. No change
 - a. No change
 - b. No change
 - i. No change
 - ii. No change
 - iii. No change



- 5. No change
 - a. No change
 - b. No change
 - c. No change
 - i. No change
 - ii. No change
 - iii. No change
 - d. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - e. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change