

# Structural Pest Control Regulations for North Carolina

AGRICULTURE- STRUCTURAL PEST CONTROL DIVISION

T02: 34 .0300

## SECTION.0300 - LICENSING AND CERTIFICATION

### .0301 FEES

(a) License, certified applicator's identification card, and registered technician's identification card fees shall not be prorated. All license, certified applicator's identification card and registered technician's identification card fees shall be paid, in full, in advance of the examination.

(b) Personal checks for fees returned unpaid for any reason shall be treated in the same manner as though no fee had been tendered.

(c) All moneys tendered in payment of fees shall be in the exact amount required for said fees.

*HistoryNote: Statutory Authority G-S,106-65.29;106-65.31;  
Eff July 1, 1976;  
Readopted Eff. November 22, 19 77;  
AmendedEff. January 1, 1991; January 1, 1989.*

### .0302 APPLICATION FOR LICENSES AND CARDS: EXAMINATION

(a) Application for licenses under the provisions of G.S. 106 -65.26(a) and (c):

- (1) Application for examination shall be on a regular form prescribed by the Division. All examinations shall be maintained and administered by the Committee secretary. The Committee may review the examinations and make recommendations regarding changes in same.
- (2) Upon approval of the application for examination, the Committee secretary shall notify the applicant of said approval and provide the necessary form(s) for the applicant to pre -register for the examination as required in Paragraph (c) of this Rule.
- (3) Applications to take the examination shall be either typed or printed in ink and sworn to before a notary public or some other official authorized by law to administer oaths.
- (4) A clear full-face, head, and shoulder photograph of the applicant, taken within the prece ding 12 months of the date of application, and not less than two and one -half inches square, shall be attached to the application.
- (5) All applications to take the examination shall be retained by the office of the Committee secretary. All documents filed in support of an application shall be kept by the office of the Committee secretary; provided, however, that the Committee may at its discretion permit such documents to be withdrawn upon substitution of a true copy. All examinations shall remain the property of the Committee.
- (6) An applicant who gives or receives unauthorized assistance during an examination shall be dismissed from the examination and his markings or results shall be voided and said applicants examination fee shall be forfeited. Such applicant shall not be permitted to take a re -examination for a period of six months from the date of the examination.

- (7) No person shall be admitted to the examination room except members of the Committee, the attorney for the Committee, the examining personnel, employees of the Structural Pest Control Division, and the applicants for licenses.
- (8) Any applicant making a score of 70 percent or more on any license examination(s) shall be issued a license in that phase(s) of structural pest control after making proper application therefor.
- (9) The applicant shall furnish such information as the Committee may require to establish that said applicant possesses qualifications as specified in G.S. 106-65.26 of the act for the particular license(s) which he seeks. The Committee, or its authorized representatives, may make such investigations as it deems necessary with respect to the applicant's qualifications.
- (10) All applicants passing the examination(s) for licenses shall apply for said licenses within six months from the date on which the examinations were passed. If such applicants fail to make application for said licenses, within the specified period, such applicants shall be required to take and satisfactorily pass re-examinations covering phases of structural pest control work for which licenses were applied before said licenses are issued.
- (11) If an applicant [within 60 days after notification that he has failed an examination] requests to review the examination(s), the Division shall allow such review during the earliest possible regular review session.

(b) Application for certified applicator's identification card under the provisions of G.S. 106-65.26(a) and (b):

- (1) Applications filed pursuant to G.S. 106-65.26(a) and (b) shall be on a regular form prescribed by the Division.
- (2) An applicant for a certified applicator's identification card in any phase of structural pest control shall furnish such information as the Committee may require to establish that said applicant possesses qualifications as specified in G.S. 106-65.26 of the act for the particular certified applicator's identification card which he seeks. The Committee or its authorized representatives may make such investigations as it deems necessary with respect to the applicant's qualifications.
- (3) All applications for certified applicator's identification cards under the provisions of G.S. 106-65.26(a) and (b) shall be retained by the office of the Committee secretary. All documents filed in support of an application shall be kept by the office of the Committee secretary; provided, however, that the Committee may at its discretion permit such documents to be withdrawn upon substitution of a true copy. All examinations shall remain the property of the Committee.
- (4) Any applicant making a score of 70 percent or more on the core certification examination and on any certified applicator's examination(s) shall be issued a certified applicator's identification card in that phase of structural pest control after making proper application therefor.
- (5) All applicants passing the examination(s) for certified applicator's identification cards shall apply for said cards within six months from the date on which the examinations were passed. If such applicants fail to make application for said certified applicator's identification cards within the specified period, such applicants shall be required to take and satisfactorily pass re-examinations covering phases of structural pest control work for which certified applicator's identification cards were applied before said cards are issued.
- (6) Upon receipt of the application for examination, the Committee secretary shall provide the necessary forms for the applicant to pre-register for the examination as required in Paragraph (e) of this Rule.
- (7) Subparagraphs (a)(2), (3), (5), (6) and (7) of this Rule shall also apply to all applicants for certified applicator's identification cards.

(c) Pre-registration for license and certified applicator examination applicants:

- (1) All applicants for the license and/or certified applicator's examination(s) shall pre-register with the Committee secretary for said examination(s) no less than 10 days prior to the date of the examination.
  - (2) Applicants who fail to pre-register shall not be permitted to take the examination.
  - (3) Pre-registration shall include a properly completed application for examination.
- (d) Frequency of examination by license applicant limited:
- (1) An applicant who initially fails to pass the license examination may retake the examination at any subsequent regularly scheduled examination.
  - (2) An applicant who fails to pass the second license examination shall wait a minimum of three examinations between each subsequent examination: except that, in the event of a death of a licensee the applicant intending to succeed the deceased licensee may take the examination a third time prior to the first three examination waiting period.

*HistoryNote: Statutory Authority G.S. 106-65.29;  
Eff. July 1, 1976;  
Readopted Eff November 22, 1977;  
Amended Eff August 3, 1992; January 1, 1991; January 1, 1989; August 1, 1980.*

### **.0303 DATES OF EXAMINATION**

Examinations for all phases of structural pest control shall be given the first Monday of each month; provided, however, that date is not a national or state holiday. If the first Monday of any month is a national or state holiday, said examinations shall be given the second Monday of that month.

*HistoryNote: Statutory Authority G.S 106-65.29;  
Eff. July 1, 1976;  
Readopted Eff. November 22, 1977*

### **.0304 BRANCH OFFICE**

*HistoryNote: Statutory Authority G. S. 106-65.29;  
Eff. July 1, 1976;  
Readopted Eff. November 22, 1977;  
Amended Eff. August 1, 1980;  
Repealed Eff. January 1, 1991.*

### **.0305 FILING FORMS**

All applications for a structural pest control license, certified applicator's card or registered technician's identification card shall be made on forms prescribed by the Division. Incomplete forms shall be returned to the applicant. No license, certified applicator's identification card, or registered technician's identification card shall be issued, until completed forms and required fees are received by the Division.

*History Note: Statutory Authority G. S. 106-65.27; 106-65.29;  
Eff. July 1, 1976;  
Readopted Eff November 22, 1977;  
Amended Eff. January 1, 1991; August 1, 1980.*

### **.0306 MAILING OF RENEWAL FORMS**

On or before May 1 of each year the Division shall forward renewal forms to all holders of licenses and identification cards for their use in applying for renewal of said licenses, certified applicator's identification cards, and/or registered technician's identification cards. Mailing of these forms shall be the only notice for renewal.

*HistoryNote: Statutory Authority G.S. 106-65.29;  
Eff July 1, 1976;  
Readopted Eff November 22, 1977;  
Amended Eff January 1, 1991; August 20, 1980; August 1, 1980.*

### **.0307 LICENSEE CERTIFICATION CARD**

A licensee certification card shall be provided annually to each licensee at the time of the renewal of his license(s). The licensee certification card and the license of the card holder shall bear the same license number and license phase(s), and expire when the license expires. Each licensee certification card shall bear only one license number and not more than three license phases. The licensee certification card shall be carried on the person of the licensee at all times when performing any phase of structural pest control work. A licensee certification card shall be displayed upon demand to an inspector, the committee or its authorized representative, or the person for whom any phase of structural pest control work is being performed.

*History Note: Statutory Authority G.S. 106-65.29;  
Eff. July 1, 1976;  
Readopted Eff November 22, 1977.*

### **.0308 DISPLAY OF CERTIFIED APPLICATOR'S IDENTIFICATION CARD**

A certified applicator's identification card shall be provided annually to each certified applicator at the time of the renewal of his certified applicator's identification card. If a certified applicator is employed by a licensee, his certified applicator's identification card shall bear his employer's license number and phase(s), and expire when his employees license expires. Each such certified applicator's identification card shall bear only one license number, one company name, and not more than three license phases. The certified applicator's identification card shall be carried on the person of the certified applicator at all times when performing any phase of structural pest control work. A certified applicator's identification card shall be displayed upon demand to an inspector, the committee or its authorized representative, or the person for whom any phase of structural pest control work, is being performed.

*HistoryNote: Statutory Authority G.S. 106-65.29;  
Eff. July], 19 76;  
Readopted Eff November 22, 1977;  
Amended Eff. August 1, 1980.*

### **.0309 RE-CERTIFICATION**

(a) All certified applicator's identification cards shall expire on June 30 of each year and shall be renewed on an annual basis. Certified applicators shall be certified for a five year period. At the end of said five year period, a certified applicator, at his discretion, may be re-certified for another five year period by choosing one of the following options:

- (1) re-examination without formal training;
- (2) earning Continuing Certification Units of formal training approved by the committee and received by the certified applicator during the five years immediately preceding the expiration date of his certification. The number of CCUs required shall be as follows:
  - (A) recertification in any one phase: 5 CCUs total, 2 of which must be solely applicable to the phase in which recertification is desired;
  - (B) recertification in any two phases: 7 CCUs total, 2 of which must be solely applicable to the first phase and 2 solely applicable to the second phase in which recertification is desired;
  - (C) recertification in all three phases: 9 CCUs total, 2 of which must be solely applicable to the first phase, 2 solely applicable to the second phase, and 2 solely applicable to the third phase in which recertification is desired.
  - (D) licensees and non-commercial certified applicators must earn at least one of the required continuing certification units established in Rule .0309(a)(2) in each of three years of the five year recertification period.

(E) non-licensed commercial certified applicators must earn at least one of the required continuing certification units established in Rule .0309(a)(2) in at least two years of the five year recertification period.

(F) continuing certification units shall not be carried forward beyond the five year recertification period.

(b) Licensees or certified applicators required to be recertified prior to June 30, 1991 shall not be subject to Rule .0309(a)(2)(D) or (E) until their first complete recertification interval thereafter.

(c) Licensees holding an inactive license shall be subject to the requirements of this Rule.

*History Note:* Statutory Authority G.S. 106-65.29;  
Eff July 1, 1976;  
Readopted Eff November 22, 1977;  
Amended Eff January 1, 1989; August 1, 1980.

### **.0310 REGISTRATION FEE**

Any registration fee paid for an employee shall not be refundable or transferred to another employee.

*History Note:* Statutory Authority G. S. 106-65.29;  
Eff July 1, 1976;  
Readopted Eff November 22, 1977;  
Amended Eff January 1, 1991; August 1, 1980.

### **.0311 RE-ISSUANCE FEE**

*History Note:* Statutory Authority G. S. 106-65.29;  
Eff. July 1, 1976;  
Readopted Eff. November 22, 1977;  
Repealed Eff. September 1, 1987.

### **.0312 INFORMATION ON CERTIFIED APPLICATOR'S IDENTIFICATION CARDS**

(a) A certified applicator's identification card shall contain, but not be limited to, the following information:

- (1) name of certified applicator;
- (2) home address of certified applicator;
- (3) certification number and phase(s) in which certified;
- (4) employer and employees address;
- (5) employees license number and phase(s) if applicable;
- (6) age, weight, height, color of hair and eyes of applicator;
- (7) job classification of card holder;
- (8) issuance date, expiration date, and license year covered by card.

(b) If a certified applicator is employed by a licensee, his certified applicator's identification card shall bear the same license number and license phase(s) as that of his employer. Each certified applicator's card shall bear only one license number, one company name, and not more than three license phases.

*History Note:* Statutory Authority G.S. 106-65.29;  
Eff. July 1, 1976;  
Readopted Eff November 22, 1977;  
Amended Eff August 1, 1980.

### **.0313 REGISTERED TECHNICIAN'S IDENTIFICATION CARDS TRAINING MATERIALS**

(a) A registered technician's identification card shall contain, but not be limited to, the following information:

- (1) name of registrant;
- (2) name of licensee or employer;

- (3) name of licensee's company;
- (4) address of licensee's company;
- (5) license number and phase(s) of licensee;
- (6) age, weight~ height, color of hair and eyes of registrant;
- (7) job classification of card holder;
- (8) issuance date, expiration date and license year covered by card.

(b) The registered technician's identification card and the license of the employer of the card holder shall bear the same license number and license phase(s). Each registered technician's identification card shall bear only one license number, one company name, and not more than three license phases.

(c) A licensee or non-commercial certified applicator applying for the issuance or renewal of a registered technician's identification card for his employee shall certify to the Division that the employee has completed employee training approved by the Committee in structural pest control work.

(d) In the event the Committee approves employee training materials produced by the Division, such materials shall be purchased for each home office and by at least one non-commercial certified applicator at each business location; provide d, however, licensees performing work under the structural pest control license of another and non-commercial certified applicators who are not currently engaged in structural pest control shall not be required to purchase the training materials. The following training material is approved by the Committee: "Safe Use of Pesticides for Structural Pests" video at a cost of fifty dollars (\$50.00) per video.

(e) Training materials shall be made available for inspection during regular business hours upon request by the Division.

*HistoryNote: Statutory Authority G.S. 106-65.29;  
Eff July 1, 1976;  
Readopted Eff November 22, 19 77;  
AmendedEff. August 3,1992: January 1, 1991; December 1, 1987; August 1, 1980.*

#### **.0314 REVOCATION AND/OR SUSPENSION OF CARDS**

*HistoryNote: Statutory Authority G.S. 106-65.29;  
Eff. July 1, 1976; ReadoptedEff. November 22,1977; RepealedEff. August], 1980.*

#### **.0315 REPLACEMENT OF LOST CARDS AND LICENSES**

*HistoryNote: Statutory Authority G.S. 106-65.29;  
Eff. July], 19 76;  
Readopted Eff November 22, 19 77;  
AmendedEff. August 1, 1980;  
RepealedEff September 1, 1987.*

#### **.0316 NOTIFICATION OF CHANGE OF BUSINESS ADDRESS**

For the purpose of the administration of the Structural Pest Control Law, the committee shall consider that the license and certified applicator's identification card are issued to the individual and that they are valid anywhere in the State of North Carolina; provided, however, that the licensee and certified applicator notify the committee secretary, in writing, within ten days of any change of business address on a form prescribed by the Division. If there is a change in the status of the employment of the licensee, his license number may be changed at the discretion of the committee.

*HistoryNote: Statutory Authority G.S. 106-65.29;  
Eff. July 1, 1976;  
Readopted Eff November 22, 1977;  
A m ended Eff A ugust 1, 1980.*

#### **.0317 LICENSE AND/OR CARD ISSUED TO ADDRESS OF HOME OFFICE**

The license and/or certified applicator's identification card shall be issued to the licensee and/or certified applicator at the address of his home office in North Carolina.

*HistoryNote: Statutory Authority G.S. 106-65.29;  
Eff. July, 19 76;  
Readopted Eff November 22, 19 77;  
AmendedEff. January 1, 1991; January 1, 1989; August 1, 1980.*

### **.0318 CHANGE IN STATUS OF LICENSEE AND/OR CERTIFIED APPLICATOR**

(a) When there is a change in the status of a licensee \*in relation to the company or home office, the license number given to the original licensee of a company may be retained by that company or home office, at the discretion of the Committee, and upon written request within 10 days of such change.

(b) It shall be the responsibility of each licensee and certified applicator to inform the Committee secretary, in writing, on a form prescribed by the Division, and within 10 days, of any change in employment status, including but not limited to:

- (1) change from one employer to another;
- (2) change of business address;
- (3) change of company name;
- (4) change of telephone number;
- (5) sale of business;
- (6) discontinuance of business;
- (7) change of business location;
- (8) change of resident agent.

*HistoryNote: Statutory Authority G.S. 106-65.29;  
Eff. July, 19 76;  
ReadoptedEff November 22, 1977;  
AmendedEff. August 3, 1992; January 1, 1991; January 1, 1989; August 1, 1980.*

### **.0319 FILING CALL OFFICE LOCATIONS**

A complete listing of all call office locations in North Carolina, including complete names and addresses, shall be filed with the committee secretary on or before July 1 of each year by the licensee on a form prescribed by the Division. All deletions, additions, and other changes in call office locations shall be filed with the committee secretary, within 30 days of such change, by the licensee, on a form prescribed by the Division. This form may be obtained by writing the North Carolina Department of Agriculture, Structural Pest Control Division, P.O. Box 27647, Raleigh, NC 27611 or by calling (919) 733-6100. The inclusion of an employee's home telephone number on a business card or other literature will not necessarily cause the employee's home to be classified as a call office.

*HistoryNote: Statutory Authority G.S. 106-65.29;  
Eff. July 1, 1976;  
Readopted Eff November 22, 19 77;  
AmendedEff. January 1, 1991; August 1, 1980.*

### **.0320 DISPLAY OF LICENSE NUMBER ON SERVICE VEHICLE**

The license number and phase(s) of each licensee in charge of an office or the company name of the licensee as specified in Rule .0326 shall be prominently displayed on both sides of all service vehicles of that office, but shall not be required on vehicles used exclusively in selling structural pest control work. Vehicles requiring display of license number(s) and phase(s) or company name shall bear such display within 30 days after the date on which said vehicle(s) is required to be so identified. The license number and license phase(s) or company name displayed on said vehicles of an office shall be the same as the license number and license phase(s) or company name borne by the license or the person in charge of that office. All said vehicles of a company may bear the same license number even though the company may have more than one licensee or office; provided, however, notice is made in writing annually to the committee and the committee approves the

license number used in such cases. The license number and license phase(s) or company name and all other letters displayed on said vehicles, shall be a minimum of two inches in height, in bold print on a background of contrasting color.

The license number shall be designated as: North Carolina Pest Control License No. \_\_\_\_\_. This may be abbreviated to N.C. Pest Control Lic. \_\_\_\_\_.

*HistoryNote: Statutory Authority G.S.106-65.29;  
Eff. July 1, 1976;  
Readopted Eff November 22, 19 77;  
Amended Eff January 1, 1991; August 1, 1980.*

### **.0321 USE OF CERTIFICATION AND LICENSE NUMBERS IN ADVERTISING**

(a) If the license number is used in advertising or on letterhead stationery or business cards, it shall be designated as: North Carolina Pest Control License No. \_\_\_\_\_. This may be abbreviated to N.C. Pest Control Lic. \_\_\_\_\_.

(b) License numbers shall be given as follows:

- (1) 000P--license for the control of household pests other than wood -destroying organisms by any method other than fumigation;
- (2) 000W--license for the control of wood-destroying organisms such as termites, powder -post beetles, fungi, and other pests by any method other than fumigation;
- (3) 000F--license to fumigate;
- (4) 000PWF--or any other combination of P, W, or F is used when the operator is licensed in more than one phase of structural pest control.

(c) Certification numbers shall be given as follows:

- (1) CA0000P or CA000P--certification for the use of restricted -use pesticides for the control of household pests other than wood-destroying organisms by any method other than fumigation;
- (2) CA0000W or CA000W--certification for the use of restricted -use pesticides for the control of wood-destroying organisms such as termites, powder -post beetles, fungi, and other pests by any method other than fumigation;
- (3) CA0000F or CA00017--certification to fumigate using restricted -use pesticides;
- (4) CA0000PWF or CA000PWF--or any other combination of P, W, or F is used when the person is certified to use restricted-use pesticides in more than one phase of structural pest control.

(d) The certified applicator's identification card number shall not be used in advertising or on vehicles or on letterhead stationery or on business cards.

*HistoryNote: Statutory Authority G.S. 106-65.29;  
Eff. July 1, 1976;  
Readopted Eff. November 22, 19 77;  
Amended Eff. January 1, 1989; August 1, 1980.*

### **.0322 EXPIRATION OF LICENSES AND CARDS**

*HistoryNote: Statutory Authority G.S. 106-65.29;  
Eff July 1, 1976;  
Readopted Eff November 22 1977;  
Amended Eff August 1, 1980;  
Repealed Eff January], 1991.*

### **.0323 DISPLAY OF LICENSE AT PLACE(S) OF BUSINESS**

All structural pest control licenses shall be kept at the business address on the license. In the case of a non -resident license holder, the license shall be kept at the office shown on license certificate, unless authorization is obtained from the Division

to keep the license at the address of the resident agent. All licenses shall be subject to inspection by the Division anytime during regular business hours.

*HistoryNote: Statutory Authority G.S. 106-65.29;  
Eff July 1, 1976;  
Readopted Eff November 22, 19 77;  
Amended Eff January], 1991; August], 1980.*

#### **.0324 DESIGNATION OF RESIDENT AGENT**

*HistoryNote: Statutory Authority G.S. 106-65.29;  
Eff July 1, 1976;  
Readopted Eff November 22, 19 77;  
Repealed Eff August 1, 1980.*

#### **.0325 DUTY OF LICENSE HOLDER TO CONTROL ACTIVITIES**

(a) If any office or individual employee of a license holder is not within 75 miles of the licensee's residence, by the nearest public road, the licensee shall submit to the committee, in writing, information to show that he is, in fact, controlling, directing and supervising the structural pest control activities of said office or employee. In the event information submitted to the committee by a license holder is insufficient for the committee to determine that said holder is, in fact, controlling, directing and supervising the structural pest control activities of his office or employees, the committee shall require said holder to appear before it and set forth, in detail, information to show that he is, in fact, in charge of the structural pest control activities of his office or employees.

(b) It shall be a violation of the rules and regulations of the committee for any license holder to fail to adequately control, direct and supervise the structural pest control activities of his office or employees.

*HistoryNote: Statutory Authority G.S. 106-65.29;  
Eff. July 1, 1976;  
Readopted Eff. November 22, 19 77;  
A m ended Eff January 1, 1989; August 1, 1980.*

#### **.0326 INFORMATION ON LICENSE CERTIFICATE**

(a) The license certificate shall contain, but not be limited to, the following information:

- (1) name of licensee,
- (2) name of company,
- (3) address of home office,
- (4) license number and certification number and phase(s) of work in which holder is licensed and certified,
- (5) date of issuance and/or reissuance,
- (6) expiration date of license and certification,
- (7) period covered by license and certification,
- (8) signature of commissioner,
- (9) name and address of resident agent of nonresident lice nse holder.

(b) Each license certificate shall bear only one license number, one company name, and not more than three license phases. All license phases of a license holder shall be issued in the same company name and on one license certificate.

*History Note: Statutory A uthority G. S, 106-65.29;  
Eff. July], 19 76;  
Readopted Eff November 22, 1977;  
Amended Eff January 1, 1991; August 1, 1980.*

#### **.0327 LICENSES AND CARDS NOT ISSUED TO PERSONS UNDER 18**

No license certificate or certified applicator's identification card shall be issued to any person who is less than 18 years old.

*HistoryNote: Statutory Authority G.S. 106-65.29;  
Eff. July 1, 1976;  
ReadoptedEff. November 22, 1977.*

### **.0328 RECORDS: PESTICIDES AND APPLICATION EQUIPMENT USED**

All required structural pest control records and pesticides and application equipment used by the licensee or non-commercial certified applicator shall be maintained at the office location to which the license or certified applicator's card is issued unless prior approval for another location has been granted by the Division. All such records, pesticides and equipment shall be made available for inspection during regular business hours upon request by the Division.

*HistoryNote: Statutory Authority G.S. 106-65.29; Eff. August 1, 1980; AmendedEff. January 1, 1989.*

### **.0329 EXPIRATION OF LICENSES AND CARDS**

(a) Any licensee whose license expires and is subject to reexamination pursuant to G.S. 106 -65.31(b) shall meet all the requirements for licensing prescribed in G.S. 106 -65.26 and Rule .0302(a) and (c) of this Section.

(b) Any certified applicator whose certified applicator's identification card expires and is subject to reexamination pursuant to G.S. 106-65.31 (a) shall meet all the requirements for certification prescribed in G.S. 106-65.26 and Rule .0302(b) and (c) of this Section.

*History Note: Statutory Authority G.S. 106-65.29;  
Eff. August 3, 1992.*