

02 NCAC 34 .0101 is amended with changes as published in 39:01 NCR 6-8 as follows:

## CHAPTER 34 - STRUCTURAL PEST CONTROL DIVISION

### SECTION .0100 - INTRODUCTION AND DEFINITIONS

#### 02 NCAC 34 .0101 GENERAL DUTIES

(a) Applicable to licensees only:

- (1) All licensed structural pest control operators shall ~~faithfully and honestly~~ carry out the provisions and terms of all contracts into which they enter for the control of structural pests.
- (2) ~~In addition to following all minimum requirements outlined in the rules and regulations herein, licensed~~ Licensed structural pest control operators shall be responsible for obtaining satisfactory control of all insects, rodents, fungi, or other pests indicated in the control agreement(s).
- (3) Licensed structural pest control operators shall be responsible for obtaining ~~satisfactory~~ control of active infestations of pests for which control agreements were entered into prior to July 1, 1955, if contracts covering said agreements are currently effective.

(b) Applicable to both licensees and certified applicators:

- (1) The methods and materials used in structural pest control procedures shall be in accordance with the current label registrations of federal and State of North Carolina agencies responsible for making such ~~registrations~~ registrations, which can be found at the EPA's Pesticide Product and Label system website, <https://ordspub.epa.gov/ords/pesticides/f?p=PPLS:1>.
- (2) The possession, usage, application, storage, and disposal of all pesticides and all pesticide containers shall be in conformity with all ~~current label registrations~~, federal and North Carolina State laws and regulations governing the possession, usage, application, storage, and disposal of pesticides and pesticide ~~containers~~ containers, as set forth in 02 NCAC 34 .0407 and .0408.
- (3) Licensed structural pest control ~~operators~~ operators, or their authorized ~~agents~~ agents, and certified applicators shall maintain at their business location(s) copies of current registered labels for all pesticides used. Such labels shall be made available for inspection upon request of the ~~Division or the Committee~~ Structural Pest Control and Pesticides Division, or the Structural Pest Control Committee.
- (4) Requirements for direct supervision of registered technicians by licensed or certified applicators are as follows:

(A) ~~[ADOPTION BY REFERENCE:]~~ The North Carolina Structural Pest Control Committee hereby ~~[adopts]~~ incorporates by reference for all Pesticide Applicators, Part 171.201 "Supervision of Noncertified Applicators" of Title 40: Protection of Environment of the Code of Federal Regulations, titled "Certification of Pesticide Applicators Subpart B—Certification Requirements for Applicators of Restricted Use Pesticides" including

subsequent amendments. Copies of this material may be obtained at no cost from the U.S. Government Printing Office website, <http://www.gpo.gov/>.

(B) Before any registered technician may use any pesticide under the direct supervision of the licensed or certified applicator, the supervising licensed or certified applicator must ensure that the registered technician has met all of the following qualifications:

(i) The registered technician has completed all the training requirements under 02 NCAC 34 .0313;

(ii) The registered technician has been instructed within the last 12 months in the safe operation of any equipment he or she will use for mixing, loading, transferring, or applying pesticides as required under 02 NCAC 34 .0313(g); and

(iii) The registered technician is at least 18 years old.

(C) Use-specific conditions that must be met in order for a registered technician to use any pesticide are outlined in ~~the section.~~ this Subpart. The licensed or certified applicator must ensure that all of the following requirements are met before allowing a registered technician to use any pesticide under his or her direct supervision:

(i) The licensed or certified applicator must ensure that the registered technician has access to the applicable product labeling at all times during its use.

(ii) The licensed or certified applicator must provide the registered technician with all personal protective equipment (PPE) required by the labeling of any pesticide used and through training, documentation, or supervision, ensure that the PPE is being worn and used correctly for its intended purpose.

(iii) The licensed or certified applicator must provide to each registered technician, through training, the tools needed to analyze a site prior to an application being made and understand when it is necessary to postpone an application until the supervising licensed or certified applicator be contacted for input. This training must include reading ~~&~~ and understanding labeling directions, precautions, and requirements applicable to various sites and uses. ~~uses, and~~ This includes how the characteristics of a use site (e.g., structural pest identification, damage assessment, construction type, control/management options, as well as other factors which could impact any pesticide application decision such as surface and ground water, runoff potential, soil type, weather forecast, endangered species, local population) and the conditions of application (e.g. equipment, method of application, formulation) might increase or decrease the risk of adverse effects. The licensed or certified applicator must provide this information in a manner that the registered technician can understand.

(iv) The licensed or certified applicator must, through training, documentation, or inspections, ensure that before each day of use, equipment used for mixing,

- loading, transferring, or applying pesticides is in proper operating ~~condition~~ condition, as intended by the ~~manufacturer~~ manufacturer, and can be used without risk of ~~reasonably~~ foreseeable adverse effects to the registered technician, other persons, or the environment.
- (v) The licensed or certified applicator must ensure that a means to immediately communicate with the licensed or certified applicator has been provided to each registered technician using any pesticide under his or her direct supervision.
- (vi) The licensed or certified applicator must be physically present at the use site, when required by the product labeling
- (5) Before any registered technician uses any pesticide under the direct supervision of the licensed or certified applicator, the supervising licensed or certified applicator must ensure that the registered technician has met all the requirements and been trained in accordance with 202 NCAC 34 .0313.
- (6) All licensed or certified applicators must adhere to the following provisions of recordkeeping as outlined in the following section and subsection.
- (A) Prior to the registered technician using any pesticide, the licensed or certified applicator must create or verify the existence of records documenting that each registered technician has met the qualifications required in Subparagraph (b)(5) of this Rule. For each registered technician, the records must contain the information as provided in Part (b)(6)(B) of this Rule.
- (B) The record must contain all of the following information:
- (i) The registered technician's printed name and signature;
- (ii) The date the training requirement in Subparagraph (b)(5) of this Rule was completed;
- (iii) The name of the person who provided the training; and
- (iv) The title or a description of the training provided.
- (C) The licensed or certified applicator supervising any registered technician must have access to records documenting the information required in Part (b)(6)(A) of this Rule at the licensed applicator's principal place of business for two years from the date the registered technician uses the pesticide.

*History Note: Authority G.S. 106-65.29;*  
*Eff. July 1, 1976;*  
*Readopted Eff. November 22, 1977;*  
*Amended Eff. August 3, 1992; August 1, 1980;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018.*  
*Amended Eff. February 1, 2025.*

02 NCAC 34 .0302 is amended with changes as published in 39:01 NCR 8-10 as follows:

**02 NCAC 34 .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 application form prescribed by the Division. Structural Pest Control and Pesticides Division, the requirements of the application which are set forth in G.S. 106-65.26. The Committee shall approve applications if a complete application was submitted to the Division and all criteria under G.S. 106-65.26 has been met. The application form shall include all information set forth by this Rule, as well as in G.S. 106-65.26, and:

(A) the applicant's full name;

(B) the applicant's home address;

(C) the applicant's contact information, either a telephone number or a valid email address;

(D) the applicant's identifying information, including social security number, hair color, eye color, height, and weight; and

(E) the applicant's current and previous employer.

(2) After submission, the application shall be reviewed for completeness by the Division. Applications shall be approved or denied on the basis of criteria set forth by G.S. 106-65.26. Upon approval of the application for examination, the Structural Pest Control Committee secretary shall notify the applicant of said approval and provide the necessary form(s) for allow 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 high-resolution, full-face, head, and shoulder photograph of the applicant, taken within the preceding 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 shall permit such documents to be withdrawn upon substitution of a true copy. Documents filed may include affidavits from homeowners or employers, evidence of a criminal background check, or educational transcripts and supporting documents. All examinations shall remain the property of the Committee.

(6) An applicant who fails to pass the license examination within 12 months of the approval of his or her application shall be required to provide current information concerning his or her qualifications to take the examination to ensure that the applicant is still qualified to take the examination.

(7) An applicant who gives or receives unauthorized assistance in answering test questions from anyone who is not employed by the Division during an examination shall be dismissed from the examination

and his or her markings or results shall be voided and said applicant's examination fee shall be forfeited. Unauthorized assistance means any outside assistance that has not been previously approved by the Division. SuchAny applicant using unauthorized assistance shall not be permitted to take a reexamination for a period of six months from the date of the examination. Authorized assistance approved by the Division shall include translation services, interpretation services, or other needs required to adhere to The Americans with Disabilities Act (ADA).

(8) 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 licensure.

(9) 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 submitting a completed application with all required fees and insurance documents therefor.

(10) The applicant shall furnish the information required by G.S. 106-65.26 and this Rule 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 or she seeks. The Committee or its authorized representatives or the Division may, based upon their review of the contents of an application, make such investigations as the Committee deems necessary to review an applicant's qualifications.

(11) All applicants passing the examination(s) for licenses shall apply for said licenses within six months from the date on which the examinations were taken. If such applicants fail to make application for said licenses, within the specified period, such applicants shall be required to take and pass reexaminations covering phases of structural pest control work for which licenses were applied before said licenses are issued.

(12) If an applicant for a license fails an examination, he or she may review the examination at the next scheduled 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 form prescribed by the Division as set forth by G.S. 106-65.26.

(2) An applicant for a certified applicator's identification card in any phase of structural pest control shall furnish information as specified in G.S. 106-65.26 of the Act to establish that said applicant possesses qualifications for the particular certified applicator's identification card which he or she seeks. The Committee or the Division its authorized representatives may, based upon their review of the contents of an application, make such investigations as it deems necessary with respect to the applicant's qualifications. qualifications, to determine if they meet the criteria specified in G.S. 106-65.26.

(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 secretary;

provided, however, that the Committee shall 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 submitting a completed Division's Certified Applicator Card application with required fees therefor. ADOPTION BY REFERENCE: The North Carolina Structural Pest Control Committee, hereby ~~adopts~~ incorporates by reference for all Certified Applicators, Part 171.103 (a) through (e) "Standards for certification of commercial applicators" of Title 40: Protection of Environment of the Code of Federal Regulations, titled "Certification of Pesticide Applicators Subpart B-Certification Requirements for Applicators of Restricted Use Pesticides" including subsequent amendments. Copies of this material may be obtained at no cost from the U.S. Government Printing Office website, <http://www.gpo.gov/>.

(A) Industrial, Institutional ~~&~~ and Structural is the only federal category regulated under the NC Structural Pest Control ~~Law~~ Law, G.S. 106-65.25(a), and that category is divided into three subcategory phases. The three subcategory phases and their subsequent competency standards are detailed in this section.

(B) Household Pest Control: Applicators must demonstrate practical knowledge of household pests, pest ~~problems~~ problems, and pests that are important vectors of disease, including recognizing the pests and signs of their presence, their habitats, their life cycles, biology, and behavior as it may be relevant to problem identification and control. The required knowledge also includes how to minimize damage to, and contamination of areas treated, acute and chronic exposure of people and pets, and non-target exposures.

(C) Wood-Destroying Organisms: Applicators must demonstrate a practical knowledge of wood-destroying organisms which may devour or destroy wood, wood ~~products~~ products, and other cellulose material in, on, ~~under in~~ under, and in contact with and around structures, including recognizing these pests and signs of their presence, their life cycles, biology, and behavior as it may be relevant to problem identification, treatment and control. The required knowledge also includes how to minimize damage to, and contamination of areas treated, acute and chronic exposure of people and pets, and non-target exposures.

(D) Fumigation (non-soil): Applicators must demonstrate practical knowledge of the pest problems and pest control practices associated with performing fumigation applications of restricted use pesticides to sites other than ~~soil~~ soil, such as enclosed spaces or structures, including recognizing these pests and signs of their presence, their life cycles, biology, and behavior as it may be relevant to problem identification, treatment, and control. The required knowledge also includes how to minimize damage to, and contamination of areas treated, acute and chronic exposure of people and pets, and non-target exposures.

- (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 taken. 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 reexaminations covering phases of structural pest control work for which certified applicator's identification cards were applied before said cards are issued.~~ 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 submitting a completed division's certified applicator card application with required fees therefor.
- (6) ~~If an applicant fails to obtain a certified applicator's identification card within 12 months of passing the core examination the applicant shall take and pass a reexamination before being eligible for the card.~~ 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 taken. 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 reexaminations covering phases of structural pest control work for which certified applicator's identification cards were applied before said cards are issued.
- (7) ~~Upon receipt of the application for examination, the Committee secretary shall provide the necessary exam pre registration forms for the applicant to pre register for the examination as required in Paragraph (c) of this Rule.~~ If an applicant fails to obtain a certified applicator's identification card within 12 months of passing the core [examination] examination, the applicant shall take and pass a reexamination before being eligible for the card.
- (8) ~~If an applicant for a certified applicator's card fails an examination, he or she may review the examination at the next scheduled review session.~~ Upon receipt of the application for examination, the Committee secretary shall provide the necessary exam pre-registration forms for the applicant to pre-register for the examination as required in Paragraph (c) of this Rule.
- (9) ~~Subparagraphs (a)(2), (5), (7), and (8) of this Rule shall also apply to all applicants for certified applicator's identification cards.~~ If an applicant for a certified applicator's card fails an examination, he or she may review the examination at the next scheduled review session.
- (10) ~~Completion of the Registered Technician School shall be a prerequisite for the certification examination.~~ Subparagraphs (a)(2), (5), (7), and (8) of this Rule shall also apply to all applicants for certified applicator's identification cards.
- (11) Completion of the registered technician school shall be a prerequisite for the certification examination.

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

- 1           (1)     All applicants for the license or certified applicator's examination(s) shall pre-register with the  
2                     Committee secretary for said examination(s) no less than 10 days prior to the date of the  
3                     examination.
- 4           (2)     Applicants who fail to pre-register shall not be permitted to take the examination.
- 5           (3)     Pre-registration shall include a completed application for examination.
- 6   (d) Frequency of examination by license applicant limited:
- 7           (1)     An applicant who fails to pass the license examination on his or her first attempt may retake the  
8                     examination at any subsequent scheduled examination.
- 9           (2)     An applicant who fails to pass the second license examination shall wait a minimum of one  
10                    examination between each subsequent examination: except that, in the event of a death of a licensee  
11                    the applicant intending to succeed the deceased licensee may take the examination a third time prior  
12                    to the first one examination waiting period.
- 13          (3)     No applicant shall be permitted to take the examination more than six times per year nor more than  
14                    two times in consecutive months, except as provided for in Subparagraph (d)(2) of this Rule.

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16   *History Note:*     *Authority G.S. 106-65.29;*  
17                       *Eff. July 1, 1976;*  
18                       *Readopted Eff. November 22, 1977;*  
19                       *Amended Eff. July 1, 1998; August 3, 1992; January 1, 1991; January 1, 1989;*  
20                       *Readopted Eff. June 1, 2020.*  
21                       *Amended Eff. February 1, 2025.*



02 NCAC 34 .0309 is amended with changes as published in 39:01 NCR 10-11 as follows:

### **02 NCAC 34 .0309            RECERTIFICATION**

(a) ~~Certified applicators and licensees shall be certified for a five year period. At the end of said five year period, a certified applicator or licensee, at his or her discretion, may be recertified for another five year period by choosing one of the following options:~~ **ADOPTION BY REFERENCE:** ~~]~~The North Carolina Structural Pest Control Committee, hereby **[adopts]** **[incorporates]** by reference for all Certified Applicators, Part 171.107 “Standards for recertification of commercial applicators” of Title 40: Protection of Environment of the Code of Federal Regulations, titled "Certification of Pesticide Applicators Subpart B–Certification Requirements for Applicators of Restricted Use Pesticides" including subsequent amendments. Copies of this material may be obtained at no cost from the U.S. Government Printing Office website, <http://www.gpo.gov/>.

- ~~(1) — reexamination taken between January 1, prior to the expiration of the five year recertification period, and June 30;~~
- ~~(2) — for recertification after July 1, 2002: earning Continuing Certification Units 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: 10 CCUs total, five of which shall be solely applicable to the phase in which recertification is desired;~~
  - ~~(B) — recertification in any two phases: 15 CCUs total, five of which shall be solely applicable to the first phase and five solely applicable to the second phase in which recertification is desired;~~
  - ~~(C) — recertification in all three phases: 20 CCUs total, five of which shall be solely applicable to the first phase, five solely applicable to the second phase, and five solely applicable to the third phase in which recertification is desired;~~
  - ~~(D) — licensees and noncommercial certified applicators shall earn at least one of the required continuing certification units established in Subparagraph (a)(3) of this Rule in at least four years of the five year recertification period;~~
  - ~~(E) — commercial certified applicators shall earn at least one of the required continuing certification units established in Subparagraph (a)(3) of this Rule in at least three years of the five year recertification period;~~
  - ~~(F) — continuing certification units shall not be carried forward beyond the five year recertification period.~~

~~(b) Licensees holding an inactive license shall be subject to the requirements of this Rule.~~ Certified applicators and licensees shall be certified for a five-year period. At the end of said five-year period, a certified applicator or licensee, at his or her discretion, may be recertified for another five-year period by choosing one of the following options:

- (1) Reexamination taken between January 1, prior to the expiration of the five-year recertification period, and June 30; or

(2) For recertification after July 1, 2002: earning ~~continuing certification units~~ Continuing Certification Units (CCUs) during the five years immediately preceding the expiration date of ~~his certification, and~~ his or her certification; the number of CCUs required shall be as follows:

(A) recertification in any one phase: 10 CCUs total, five of which shall be solely applicable to the phase in which recertification is desired;

(B) recertification in any two phases: 15 CCUs total, five of which shall be solely applicable to the first phase and five solely applicable to the second phase in which recertification is desired;

(C) recertification in all three phases: 20 CCUs total, five of which shall be solely applicable to the first phase, five solely applicable to the second phase, and five solely applicable to the third phase in which recertification is desired;

(D) licensees and noncommercial certified applicators shall earn at least one of the required continuing certification units established in Subparagraph (b)(2) of this Rule in at least four years of the five- year recertification period;

(E) commercial certified applicators shall earn at least one of the required continuing certification units established in Subparagraph (b)(2) of this Rule in at least three years of the five-year recertification period; and

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

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

*History Note: Authority G.S. 106-65.29;*

*Eff. July 1, 1976;*

*Readopted Eff. November 22, 1977;*

*Amended Eff. July 1, 1998; January 1, 1989; August 1, 1980;*

*Readopted Eff. June 1, 2020.*

*Amended Eff. February 1, 2025.*

02 NCAC 34 .0313 is amended with changes as published in 39:01 NCR 11-12 as follows:

**02 NCAC 34 .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~~hair, and eyes of registrant;
- (7) job classification of card ~~holder;~~holder; and
- (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 noncommercial certified applicator applying for the issuance or renewal of a registered technician's identification card for his or her employee shall certify to the Structural Pest Control and Pesticides Division that the employee meets all the minimum requirements [as]set forth in [02 NCAC 34 .0101(b)(4)(A)]02 NCAC 34 .0101(b)(4)(B) and has completed employee training approved by the Structural Pest Control Committee in structural pest control work.

(d) All individuals who make applicationapply for the issuance, not renewal, of registered technician's identification cards after January 1, 1999, shall complete the following training, or its equivalent, or a program approved by the Division that meets the minimum requirements set out in this Rule, before becoming eligible for the identification card:

- (1) Introductory Training:
  - (A) Introductory training shall include completion of the workbook, Introductory Training for Registered Technicians; and
  - (B) A minimum of 24 hours of on-the-job training in applicable phases of structural pest control by ~~the~~a licensee, certified applicator, or registered technician having at least two years of experience.
- (2) On-the-job training involving the equipment, methods,~~methods~~ and materials the employee will use in the day-to-day performance of ~~his~~his or her duties.
- (3) The North Carolina Structural Pest Control Registered Technician School. A fee of twenty-five dollars (\$25.00) shall be charged for each employee attending the Registered Technician School.

(e) Training materials and records shall be made available for inspection during regular business hours upon request by the Division and shall be retained two years beyond the last date of the individual's employment.

(f) Introductory training shall be completed before the employee is permitted to mix or apply pesticides without the on-site supervision of a registered technician, certified applicator, or licensee.

(g) Registered technicians shall complete an annual training in the safe operation of any equipment he or she will use for mixing, loading, transferring, or applying pesticides.

(1) The person who conducts this training must meet one of the following criteria:

(A) Be currently licensed or certified in the phase that the technician is to be registered;

or

(B) Be currently designated as a trainer of registered technicians by the committee or the director.

*History Note: Authority G.S. 106-65.29;*

*Eff. July 1, 1976;*

*Readopted Eff. November 22, 1977;*

*Amended Eff. July 1, 1998; August 3, 1992: January 1, 1991; December 1, 1987;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018.*

*Amended Eff. February 1, 2025.*

02 NCAC 34 .0327 is amended with changes as published in 39:01 NCR 12 as follows:

**02 NCAC 34 .0327            LICENSES AND CARDS NOT ISSUED TO PERSONS UNDER 18**

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

*History Note:     Authority G.S. 106-65.29;*

*Eff. July 1, 1976;*

*Readopted Eff. November 22, 1977;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018.*

*Amended Eff. February 1, 2025.*

02 NCAC 34 .0604 is amended with changes as published in 39:01 NCR 12-13 as follows:

**02 NCAC 34 .0604      WOOD-DESTROYING ORGANISMS RECORDS**

(a) A duplicate of each written agreement and waiver (if applicable) for the control or prevention of any wood-destroying organism shall be kept by the licensee for a minimum of two years beyond the expiration date of the written agreement. The duplicate of each written agreement shall contain, in addition to the information specified under 02 NCAC 34 .0605, the following:

- (1) EPA approved brand name of ~~pesticide~~all pesticides used;
- (2) Names of all employees who applied ~~pesticide;~~a pesticide;
- (3) ~~Information required by EPA;~~All record keeping requirements required by the EPA under 40 CFR Part 171.303(b)(7)(vi);
- (4) For restricted use pesticides, as defined in G.S. 106-65.24(21), the concentration and approximate total volume of each pesticide applied. For restricted use pesticides, this information, along with the information required by Subparagraphs (a)(1) and (2) of this ~~Rule~~Rule, shall also be included on the customer's copy of the written agreement; and
- (5) ~~In addition, for~~For all treatments performed pursuant to 02 NCAC 34 .~~0505~~.0503, .0505, or .0506, the following records shall be made and maintained:
  - (A) the date of each termiticide application;
  - (B) the portion or portions of the structure treated;
  - (C) the approximate volume of termiticide applied during each treatment; and
  - (D) the concentration at which the termiticide is applied.

(b) A duplicate of each wood-destroying insect or wood-destroying organism report shall be kept by the licensee for a minimum of two years beyond the date of issuance.

(c) Noncommercial certified applicators shall maintain the following records for two years beyond the last date of treatment:

- (1) EPA approved brand name of all pesticides used;
- (2) Concentration and approximate total volume of ~~pesticide~~pesticides applied;
- (3) Names of all employees that applied ~~pesticide;~~pesticides;
- (4) ~~Target pest;~~Target pest(s);
- (5) Site of application;
- (6) Date of application; and
- (7) ~~Information required by EPA;~~All record keeping requirements required by the EPA under 40 CFR Part 171.303(b)(7)(vi).

(d) If the pesticide used to control any wood-destroying organism requires or recommends monitoring or inspecting for the pest to be controlled, the licensee, certified applicator, or their employees shall make and maintain records of all such inspection or monitoring activities. Such records shall be made available for inspection as provided ~~for~~in 02 NCAC 34 .0328.

(e) For all treatments performed pursuant to 02 NCAC 34 .0505 or .0506, the licensee shall place, or cause to be placed, a record of treatment in the permit box or, if no box exists, with the building permit on the job site. The treatment record shall be on a form prescribed by the ~~Division~~Division, which can be found at <https://www.ncagr.gov/divisions/structural-pest-control-and-pesticides/structural/forms> and shall include ~~at least~~ the following information:

- (1) Date of application(s);
- (2) Specific area(s) treated during each application;
- (3) Name of termiticide applied;
- (4) Approximate volume of termiticide applied; and
- (5) Date of final treatment.

*History Note: Authority G.S. 106-65.29;*

*Eff. July 1, 1976;*

*Readopted Eff. November 22, 1977;*

*Amended Eff. August 3, 1992; January 1, 1989; August 1, 1980;*

*Temporary Amendment Eff. January 10, 1997;*

*Temporary Amendment Expired Eff. October 31, 1997;*

*Amended Eff. July 1, 2004; August 1, 2002; July 1, 1998;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018.*

*Amended Eff. February 1, 2025.*

02 NCAC 34 .0703 is amended with changes as published in 39:01 NCR 13 as follows:

**02 NCAC 34 .0703 WRITTEN RECORDS OF HOUSEHOLD PEST CONTROL**

(a) Written records on the treatment for the control of all household pests shall be maintained by the licensee and made available for inspection at any time during regular business hours upon request from the Structural Pest Control and Pesticides Division. Such records shall include the following information:

- (1) Name(s) and address(es) of the property owner(s) or his or her authorized representative(s);
- (2) Name and address of the company represented by the certified applicator or ~~licensee~~licensee, or their authorized ~~representatives~~representatives, and the license number of the licensee responsible for the treatment;
- (3) Address(es) of property(ies) treated, type(s) of treatment(s), and date(s) treatment(s) performed;
- (4) Common name(s) of pest(s) to be controlled or covered by the initial agreement or any subsequent treatments;
- (5) The EPA approved brand name of ~~pesticide~~all pesticides used;
- ~~(6) Information required by EPA;~~
- ~~(6) All record keeping requirements required by the EPA under 40 CFR Part 171 .0303(b)(7)(vi);~~
- (7) Name of licensee, certified applicator, or registered technician making the application; and
- (8) For "restricted use pesticides," as defined in G.S. 106-65.24(21), the information required by Subparagraphs (a)(5), (a)(6), and (a)(7) of this Rule shall also be included on the customer's copy of the written agreement or service record.

(b) Noncommercial certified applicators shall maintain and make available for inspection the following records of pesticides applied:

- (1) EPA approved brand name of all pesticides applied;
- (2) Target pest(s);
- (3) Site of application;
- (4) Date of application;
- (5) Name of certified applicator or registered technician making the application; and
- ~~(6) Information required by EPA.~~All record keeping requirements required by EPA under 40 CFR Part 171.303(b)(7)(vi).

(c) Records shall be retained for two years beyond the last date of treatment.

*History Note: Authority G.S. 106-65.29;*

*Eff. July 1, 1976;*

*Readopted Eff. November 22, 1977;*

*Amended Eff. August 1, 2002; July 1, 1998; January 1, 1989; August 20, 1980; August 1, 1980;*

*Readopted Eff. June 1, 2020.*

*Amended Eff. February 1, 2025.*



02 NCAC 34 .0803 is amended with changes as published in 39:01 NCR 13-14 as follows:

**02 NCAC 34 .0803 WRITTEN RECORDS OF FUMIGATION**

(a) Written records shall be maintained on all fumigation operations and be made available for inspection, upon request, by the enforcement agency or Structural Pest Control Committee anytime during regular business hours. Such records shall include the following information for each fumigation performed:

- (1) Name(s) and address(es) of the property owner(s) or his or her authorized representative(s);
- (2) Name and address of the company represented by the licensee or certified applicator, or their authorized representative, and the license number of the licensee responsible for the treatment;
- (3) Address of property(ies) to be fumigated;
- (4) Common name(s) of pest(s) to be fumigated;
- (5) EPA approved common name of fumigant used;
- (6) EPA registration number of fumigant applied;
- (7) If a restricted use pesticide is used, as defined by G.S. 106-65.24(21), ~~that information required by EPA; all record keeping information required by the~~ EPA under 40 CFR Part 171.303(b)(7)(vi);
- (8) ~~Total amount of fumigant applied; Date and time of application;~~
- (9) ~~Name of licensee or certified applicator performing the fumigation;~~ Total amount of fumigant applied;
- (10) ~~For restricted use pesticides, the information required by Subparagraphs (a)(5), (6), (8), and (9) of this Rule shall also be included on the customer's copy of the written agreement or service record;~~ Name of licensee or certified applicator performing the fumigation;
- (11) ~~If the pest to be fumigated is a wood-destroying organism, all of 02 NCAC 34 .0605 shall be followed.~~ For restricted use pesticides, the information required by Subparagraphs (a)(5), (6), (8), and (9) of this Rule shall also be included on the customers copy of the written agreement or service record; and
- (12) If the pest to be fumigated is a wood-destroying organism, all the requirements of 02 NCAC 34 .0605 shall be followed.

(b) Noncommercial certified applicators shall maintain the following records of pesticides applied:

- (1) EPA approved brand name of all fumigants applied;
- (2) EPA registration number of fumigant applied;
- (3) Total amount of fumigant applied;
- (4) Name of certified applicator performing the fumigation;
- (5) Target pest(s);
- (6) Site of application;
- (7) Date and time of application; and
- (8) ~~Any information required by EPA.~~ All record keeping information required by the EPA under 40

1 CFR Part 171.303(b)(7)(vi).

2 (c) Records must be retained for two years beyond the last date of treatment or the expiration of the written agreement,  
3 if applicable.

4  
5 *History Note: Authority G.S. 106-65.29;*

6 *Eff. July 1, 1976;*

7 *Readopted Eff. November 22, 1977;*

8 *Amended Eff. August 1, 2002; July 1, 1998; January 1, 1989; August 20, 1980; August 1, 1980;*

9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November*  
10 *22, 2018.*

11 *Amended Eff. February 1, 2025.*

02 NCAC 34 .0902 is amended with changes as published in 39:01 NCR 14 as follows:

**02 NCAC 34 .0902 FINANCIAL RESPONSIBILITY**

(a) A licensee shall obtain and maintain ~~financial responsibility in the form of~~ a general liability insurance policy which covers structural pest control operations in progress and completed structural pest control operations. The insurance policy must provide coverage for all employees that work for the licensee. If an insurance policy is issued to a structural pest control company that employs more than one licensee and the policy otherwise meets the standard set forth in this Rule, all licensees employed by the structural pest control company will be deemed to have insurance.

(b) The insurance policy required in Paragraph (a) of this Rule must provide the following minimum coverage:

- |     |                       |                           |
|-----|-----------------------|---------------------------|
| (1) | Single limit          |                           |
|     | Property Damage       | \$100,000 Each Occurrence |
|     | Bodily Injury         | \$300,000 Each Occurrence |
| (2) | Combined single limit | \$300,000 Each Occurrence |

(c) Each applicant for a license in any phase of structural pest control shall show evidence of ~~his~~ his or her financial ability to the Structural Pest Control Division to ~~properly~~ indemnify persons ~~suffering from~~ adversely affected by the use or application of pesticides in the form of a Certificate of Insurance completed by the insurance company with the Division named as a certificate holder.

(d) The Certificate of Insurance shall ~~clearly~~ set forth the type of coverage, limits of liability, and any exclusions of the policy and shall have an endorsement attached ~~an endorsement~~ which indicates that the policy provides coverage for any pollution or contamination occurring as a result of the use or application of any ~~pesticide~~ pesticide, or shall state that such an endorsement has been issued with the policy.

(e) The license applicant shall be responsible for the submission of the Certificate of Insurance to the Division as specified in Paragraphs (c) and (d) of this Rule. No license shall be issued, reissued, or renewed until said Certificate of Insurance is received by the Division.

(f) The insurance policy(s) shall be with companies licensed, or otherwise approved to do business in North Carolina, by the NC Department of Insurance. The insurance policy shall be in full force and effect during the entire period covered by the license certificate. The license shall expire upon:

- |     |  |
|-----|--|
| (1) | reduction of the available coverage under the policy below the minimum limits set forth in Paragraph (b) of this Rule; |
| (2) | cancellation of the policy; or   |
| (3) | expiration of the policy.  |

Such expired license shall be reinstated only upon ~~satisfactory proof~~ submission to the Division that the licensee has obtained the required Certificate of Insurance from the insurer, financial responsibility coverage, as required in this Rule.

(g) The licensee shall give the Division at least 10 days notice prior to the occurrence of the following:

- |     |                                   |
|-----|-----------------------------------|
| (1) | cancellation of the policy;       |
| (2) | material change in the policy; or |

1 (3) reduction of the available coverage under the policy below the minimum limits set forth in Paragraph  
2 (b) of this Rule.

3 (h) No structural pest control license shall be issued to any person ~~where there exists~~when an outstanding and unpaid  
4 final judgment ~~exists~~ against said person resulting from any ~~civil suit arising out of~~ damages suffered by a plaintiff as  
5 the result of a misuse of a pesticide by said person. Any current and valid structural pest control license shall become  
6 null and void 180 days following the imposition of a final judgment awarding damages to any plaintiff resulting from  
7 a civil suit arising out of losses suffered as the result of a pesticide misuse by the holder of said ~~license~~license, unless  
8 the final judgment is settled in full within said 180 days.

9 (i) Paragraphs (a) through (g) of this Rule shall not apply to any person holding an inactive ~~license~~license, as defined  
10 by ~~2 NCAC 34 .0102(30)~~02 NCAC 34 .0102(31).

11  
12 *History Note: Authority G.S. 106-65.37;*

13 *Eff. July 1, 1976;*

14 *Readopted Eff. November 22, 1977;*

15 *Amended Eff. July 1, 1998; November 2, 1992; January 1, 1989; August 1, 1983; August 1, 1980;*

16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November*  
17 *22, 2018.*

18 *Amended Eff. February 1, 2025.*