

Occupational Authorizations

for the meeting of the
ALC-OCCUPATIONAL LICENSING REVIEW SUBCOMMITTEE
Thursday, July 18, 2024 at 2:00 PM

Arkansas State Plant Board

AERIAL 2, 4-D AUTHORIZATION

Authorization Type: Licensure # of Individuals Regulated:

Entity Division Name: Plant Industries Division Pesticide Section

Scope of Practice: Provides commercial pesticide application services for hire including the use State restricted use pesticides.

Statutory Requirement(s): 20-20-208. Licenses - Requirements generally - Exception.
(a) No person shall use or supervise the use of any restricted use pesticide which is restricted to use by certified applicators without that person first complying with the licensing requirements pursuant to § 20-20-209, § 20-20-210, § 20-20-211, or § 20-20-217 or other restrictions as determined by the State Plant Board as necessary to prevent unreasonable adverse effects on the environment, including injury to the applicator or other person, for that specific pesticide use.
(b) No person working under the direct supervision of a certified applicator in accordance with § 20-20-203(26) shall be considered in violation of this section.

20-20-209. Licenses - Commercial applicators - Application.
(a) No commercial applicator as defined in § 20-20-203(5) shall engage in the business of applying restricted-use or other pesticides or the aerial application of seed or fertilizers to the lands of another at any time without a commercial applicator's license issued by the State Plant Board. Application for a license shall be made in writing to the State Plant Board on a designated form obtained from the State Plant Board. Each application for a license shall contain information regarding the applicant's qualifications, proposed operations, and license classification the applicant is applying for...

20-20-212. Licenses - Pilots.
(a) It shall be unlawful for any pilot to apply by means of an aircraft any pesticide, seed, or fertilizer in this state unless the pilot shall have a current valid license issued by the State Plant Board.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

If NO, the rule establishing the expedited process and procedure:

- [Rule for Expedited Process and Procedure for Military Service Member or Spouse](#)

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	License Fee	\$35.00	Annually

Arkansas State Plant Board (Continued)

AERIAL 2, 4-D AUTHORIZATION (Continued)

Administrative Rules Documents

Document Type	Document
Rules	Rules-on-Pesticide-Classification-adopted-clean.pdf
Rules	Rules-on-Pesticide-Classification-adopted-clean.pdf

Supporting Evidence Documents

No Supporting Evidence Documents Provided

COMMERCIAL APPLICATOR (GROUND AND/OR PILOT)

Authorization Type: Licensure # of Individuals Regulated:

Entity Division Name: Plant Industries Division Pesticide Section

Scope of Practice: Provides commercial pesticide application services for hire including the use of restricted use pesticides.

Statutory Requirement(s): 20-20-208. Licenses - Requirements generally - Exception.
 (a) No person shall use or supervise the use of any restricted use pesticide which is restricted to use by certified applicators without that person first complying with the licensing requirements pursuant to § 20-20-209, § 20-20-210, § 20-20-211, or § 20-20-217 or other restrictions as determined by the State Plant Board as necessary to prevent unreasonable adverse effects on the environment, including injury to the applicator or other person, for that specific pesticide use.
 (b) No person working under the direct supervision of a certified applicator in accordance with § 20-20-203(26) shall be considered in violation of this section.

20-20-209. Licenses - Commercial applicators - Application.
 (a) No commercial applicator as defined in § 20-20-203(5) shall engage in the business of applying restricted-use or other pesticides or the aerial application of seed or fertilizers to the lands of another at any time without a commercial applicator's license issued by the State Plant Board. Application for a license shall be made in writing to the State Plant Board on a designated form obtained from the State Plant Board. Each application for a license shall contain information regarding the applicant's qualifications, proposed operations, and license classification the applicant is applying for...

20-20-212. Licenses - Pilots.
 (a) It shall be unlawful for any pilot to apply by means of an aircraft any pesticide, seed, or fertilizer in this state unless the pilot shall have a current valid license issued by the State Plant Board.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

If NO, the rule establishing the expedited process and procedure:

- [Rule for Expedited Process and Procedure for Military Service Member or Spouse](#)

Arkansas State Plant Board (Continued)

COMMERCIAL APPLICATOR (GROUND AND/OR PILOT) (Continued)

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	License fee with minimum of one category	\$135.00	Annually

Administrative Rules Documents

Document Type	Document
Rules	Rules-on-Pesticide-Classification-adopted-clean.pdf
Rules	Pesticide-Use-and-Application-Law-and-Rules.pdf

Supporting Evidence Documents

No Supporting Evidence Documents Provided

CUSTOM PERMIT (2, 4D)

Authorization Type: Licensure # of Individuals Regulated:

Entity Division Name: Plant Industries Division Pesticide Section

Scope of Practice: Allow the use of the pesticide 2,4-d where otherwise prohibited in certain locations in the State.

Statutory Requirement(s): No State or Federal law. State Rule

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

If NO, the rule establishing the expedited process and procedure:

- [Rule for Expedited Process and Procedure for Military Service Member or Spouse](#)

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Permit Fee	\$100.00	Annually

Administrative Rules Documents

Document Type	Document
Rules	Rules-on-Pesticide-Classification-adopted-clean.pdf
Rules	Pesticide-Use-and-Application-Law-and-Rules.pdf

Supporting Evidence Documents

No Supporting Evidence Documents Provided

PRIVATE APPLICATOR (5 YEARS)

Authorization Type: Licensure # of Individuals Regulated:

Entity Division Name: Plant Industries Division Pesticide Section

Scope of Practice: A certified applicator who uses or supervises the use of any pesticide which is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by him or his employer or the property of another person if applied without compensation other than trading of personal services between producers of agricultural commodities.

Statutory Requirement(s): 20-20-208. Licenses - Requirements generally - Exception.
(a) No person shall use or supervise the use of any restricted use pesticide which is restricted to use by

Arkansas State Plant Board (Continued)

PRIVATE APPLICATOR (5 YEARS) (Continued)

certified applicators without that person first complying with the licensing requirements pursuant to § 20-20-209, § 20-20-210, § 20-20-211, or § 20-20-217 or other restrictions as determined by the State Plant Board as necessary to prevent unreasonable adverse effects on the environment, including injury to the applicator or other person, for that specific pesticide use.
 (b) No person working under the direct supervision of a certified applicator in accordance with § 20-20-203(26) shall be considered in violation of this section.

20-20-211. Licenses - Private applicators.
 (a)(1) IN GENERAL. No private applicator as defined in § 20-20-203(4) shall use or supervise the use of any restricted-use pesticide without a private applicator's license issued by the State Plant Board, with such license being conditioned on the applicator complying with the certification requirements determined by the State Plant Board as necessary to prevent unreasonable adverse effects on the environment, including injury to the applicator or other persons for the pesticide use.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

No

If NO, the rule establishing the expedited process and procedure:

- [Rule for Expedited Process and Procedure for Military Service Member or Spouse](#)

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	License Fee	\$45.00	Quinquennially

Administrative Rules Documents

Document Type	Document
Rules	Pesticide-Use-and-Application-Law-and-Rules.pdf
Rules	Rules-on-Pesticide-Classification-adopted-clean.pdf

Supporting Evidence Documents

No Supporting Evidence Documents Provided

PESTICIDE DEALER

Authorization Type: Licensure # of Individuals Regulated:

Entity Division Name: Plant Industries Division Pesticide Section

Scope of Practice: Any person who distributes restricted use pesticides or pesticides whose uses or distribution are further restricted by the State Plant Board by regulation.

Statutory Requirement(s): 20-20-213. Licenses - Pesticide dealers.
 (a) It shall be unlawful for any person to act in the capacity of a restricted-use pesticides dealer, or advertise as,

Arkansas State Plant Board (Continued)

PESTICIDE DEALER (Continued)

assume to act as a dealer of, or distribute any restricted-use pesticide at any time without first having obtained an annual license from the State Plant Board. This license shall limit distribution of restricted-use pesticides only to persons holding a current commercial applicator, noncommercial applicator, private applicator, or dealer's license.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

No

If NO, the rule establishing the expedited process and procedure:

- [Rule for Expedited Process and Procedure for Military Service Member or Spouse](#)

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	License Fee	\$65.00	Annually

Administrative Rules Documents

Document Type	Document
Rules	Rules-on-Pesticide-Classification-adopted-clean.pdf
Rules	Pesticide-Use-and-Application-Law-and-Rules.pdf

Supporting Evidence Documents

No Supporting Evidence Documents Provided

NON-COMMERCIAL APPLICATOR (PER CATEGORY)

Authorization Type: Licensure # of Individuals Regulated:

Entity Division Name: Plant Industries Division, Pesticide Section

Scope of Practice: Any firm, persons, or government agencies who use, supervise the use, or demonstrate the use of any pesticide classified for restricted use and who do not qualify as a private applicator or a commercial applicator.

Statutory Requirement(s): 20-20-208. Licenses - Requirements generally - Exception.
 (a) No person shall use or supervise the use of any restricted use pesticide which is restricted to use by certified applicators without that person first complying with the licensing requirements pursuant to § 20-20-209, § 20-20-210, § 20-20-211, or § 20-20-217 or other restrictions as determined by the State Plant Board as necessary to prevent unreasonable adverse effects on the environment, including injury to the applicator or other person, for that specific pesticide use.
 (b) No person working under the direct supervision of a certified applicator in accordance with § 20-20-203(26) shall be considered in violation of this section.

20-20-208. Licenses - Requirements generally - Exception.
 (a) No person shall use or supervise the use of any restricted use pesticide which is restricted to use by certified applicators without that person first complying with the licensing requirements pursuant to § 20-20-

Arkansas State Plant Board (Continued)

NON-COMMERCIAL APPLICATOR (PER CATEGORY) (Continued)

209, § 20-20-210, § 20-20-211, or § 20-20-217 or other restrictions as determined by the State Plant Board as necessary to prevent unreasonable adverse effects on the environment, including injury to the applicator or other person, for that specific pesticide use.

(b) No person working under the direct supervision of a certified applicator in accordance with § 20-20-203(26) shall be considered in violation of this section.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

No

If NO, the rule establishing the expedited process and procedure:

- [Rule for Expedited Process and Procedure for Military Service Member or Spouse](#)

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	License Fee	\$35.00	Annually

Administrative Rules Documents

Document Type	Document
Rules	Rules-on-Pesticide-Classification-adopted-clean.pdf
Rules	Pesticide-Use-and-Application-Law-and-Rules.pdf

Supporting Evidence Documents

No Supporting Evidence Documents Provided

PESTICIDE COMMERCIAL APPLICATOR TECHNICIAN

Authorization Type: Licensure # of Individuals Regulated: 35

Entity Division Name: Plant Industries Division, Pesticide Section

Scope of Practice: Provides pesticide application services while working under a licensed commercial applicator.

Statutory Requirement(s): 20-20-208. Licenses - Requirements generally - Exception.
 (a) No person shall use or supervise the use of any restricted use pesticide which is restricted to use by certified applicators without that person first complying with the licensing requirements pursuant to § 20-20-209, § 20-20-210, § 20-20-211, or § 20-20-217 or other restrictions as determined by the State Plant Board as necessary to prevent unreasonable adverse effects on the environment, including injury to the applicator or other person, for that specific pesticide use.
 (b) No person working under the direct supervision of a certified applicator in accordance with § 20-20-203(26) shall be considered in violation of this section.

20-20-209. Licenses - Commercial applicators - Application.
 (a) No commercial applicator as defined in § 20-20-203(5) shall engage in the business of applying restricted-use

Arkansas State Plant Board (Continued)

PESTICIDE COMMERCIAL APPLICATOR TECHNICIAN (Continued)

or other pesticides or the aerial application of seed or fertilizers to the lands of another at any time without a commercial applicator's license issued by the State Plant Board. Application for a license shall be made in writing to the State Plant Board on a designated form obtained from the State Plant Board. Each application for a license shall contain information regarding the applicant's qualifications, proposed operations, and license classification the applicant is applying for...

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

No

If NO, the rule establishing the expedited process and procedure:

- [Rule for Expedited Process and Procedure for Military Service Member or Spouse](#)

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	License Fee	\$25.00	Annually

Administrative Rules Documents

Document Type	Document
Rules	Pesticide-Use-and-Application-Law-and-Rules.pdf
Rules	Rules-on-Pesticide-Classification-adopted-clean.pdf

Supporting Evidence Documents

No Supporting Evidence Documents Provided

PRIVATE APPLICATOR (1 YEAR)

Authorization Type: Licensure # of Individuals Regulated:

Entity Division Name: Plant Industries Division, Pesticide Section

Scope of Practice: A certified applicator who uses or supervises the use of any pesticide which is classified for restricted use purposed of producing an agricultural commodity on property owned or rented by him or his employer or on the property of another person if applied without compensation other than trading of personal services between producers of agricultural commodities.

Statutory Requirement(s): 20-20-208. Licenses - Requirements generally - Exception.
 (a) No person shall use or supervise the use of any restricted use pesticide which is restricted to use by certified applicators without that person first complying with the licensing requirements pursuant to § 20-20-209, § 20-20-210, § 20-20-211, or § 20-20-217 or other restrictions as determined by the State Plant Board as necessary to prevent unreasonable adverse effects on the environment, including injury to the applicator or other person, for that specific pesticide use.
 (b) No person working under the direct supervision of a certified applicator in accordance with § 20-20-203(26) shall be considered in violation of this section.
 20-20-211. Licenses - Private applicators.

Arkansas State Plant Board (Continued)

PRIVATE APPLICATOR (1 YEAR) (Continued)

(a)(1) IN GENERAL. No private applicator as defined in § 20-20-203(4) shall use or supervise the use of any restricted-use pesticide without a private applicator's license issued by the State Plant Board, with such license being conditioned on the applicator complying with the certification requirements determined by the State Plant Board as necessary to prevent unreasonable adverse effects on the environment, including injury to the applicator or other persons for the pesticide use.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

No

If NO, the rule establishing the expedited process and procedure:

- [Rule for Expedited Process and Procedure for Military Service Member or Spouse](#)

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	License Fee	\$10.00	Annually

Administrative Rules Documents

Document Type	Document
Rules	Pesticide-Use-and-Application-Law-and-Rules.pdf
Rules	Rules-on-Pesticide-Classification-adopted-clean.pdf

Supporting Evidence Documents

No Supporting Evidence Documents Provided

ALC – Occupational Licensing Review Subcommittee Occupational Entity Questionnaire

Responses to the following questions are due via email to Subcommittee staff no later than the 15th of the month immediately preceding the month the occupational authorization is scheduled for review by the Subcommittee.

1. Would consumers be at risk of substantial harm if Arkansas did not have this occupational authorization? **No, we still have requirements under FIFRA that all applicators be certified and licensed in Arkansas.**
What instances of specific and substantial harm have been documented in the past year? **Pesticide Section is not charged with tracking instances of specific/substantial harm, only enforcing pesticide misuse. Several Pesticide Drift violations were issued as part of the 26 enforcement actions during the past year.**
2. How many complaints were made to the occupational entity by consumers being harmed by unauthorized practitioners? **2**
What specific action was taken by the occupational entity? **2 Civil Penalties**
3. How many complaints were made to the occupational entity by consumers being harmed by authorized practitioners? **24**
What specific action was taken by the occupational entity? **22 Warning Letters and 2 Civil Penalties**
4. Were any applicants who otherwise met authorization requirements denied an authorization in the past year? **No** If so, why?
5. How much does the occupational entity collect annually in fees: **\$191,000, varies year-to-year.**
What are annual expenses? **\$191,000, varies year-to-year.**
How much money does the occupational entity have in reserves? **\$0**
6. If the occupational entity has a positive amount in reserves, when was the last time reserve funds were used? **FY24**
For what purpose? **To support program cost when expenses exceed collection also varies from year to year**
7. Does the occupational entity have any other sources of revenue? **No**

ALC – Occupational Licensing Review Subcommittee
Occupational Entity Questionnaire

Could occupational authorization fees be reduced without causing the occupational entity to be underfunded? **No**

8. How many applicants for the occupational authorization fail each year? **75 Varies from year to year**

Does the occupational entity track how many applicants that do not progress are veterans, women, or minorities? **No**

9. Can applicants complete the training requirements for this occupational authorization with vocational or non-traditional education (e.g., apprenticeships)? **No**

What percentage of applicants complete apprenticeships? **All training classes for the Pesticide Section license is conducted under an agreement with the University of Arkansas. University of Arkansas is responsible for all Ag Pesticide Trainings.**

10. In what ways would removal of the occupational authorization or reduction of occupational authorization requirements be harmful to current authorization holders?

Pesticide section cannot answer for the authorization holders; however, the Pesticide Section still has to abide by the rules and regulations of FIFRA that state individuals must be licensed to apply pesticides.