

# Pesticide Update

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## New Structural Pest Control and Pesticides Division Director: J. Patrick Jones

On May 31st, the SPCAP Division sadly said our goodbyes to former division director James W. Burnette Jr. Jim was a pillar of the agricultural regulatory community in North Carolina for 45 years.

Not all news is sad however, because on July 1st we welcomed with great excitement, J. Patrick Jones as our new director.

Patrick graduated from NC State University with a Bachelor of Science in Agronomy. He started his career with NCDA&CS in 1983 as Pesticide Inspector and has served as the division's Deputy Director of Pesticide Programs since 2006.



## New Forest Pest Management Manual

Starting July 1, 2023 all Forest Pest Control Exams given will be the new exam created from the new Forest Pest Management Manual.

You can find this new manual at [www.pesticidemanuals.com](http://www.pesticidemanuals.com).



# How to Become a Licensed UAV Pesticide Applicator

## Requirements checklist:

- FAA Part 107
- FAA Part 137
- FAA Certificate of Authorization
- Registration of the Drone with FAA
- NCDA & CS examination:
  - A. North Carolina Pesticide Applicator Core Exam
  - B. Aerial Methods Exam
  - C. One exam in the specialty category in which you will work, such as Ag Pest Plant.

If you have completed the requirements above, and you are a new aerial applicator, without 125 hours of operation and one year of flying experience, you must hold an **AERIAL APPRENTICE LICENSE (029)**. As an apprentice you will be required to operate under the supervision of a licensed aerial applicator pilot. This pilot can operate fixed wing, rotary, or a UAV. You must document 125 hours of operations and one year of flying experience as a pilot in the field of aerial pesticide application. In addition, an annual inspection fee of \$25.00 shall be submitted for each aircraft to be licensed. The FAA requirements will need to be met for using an UAV.

If you completed the requirements checklist and have 125 hours of operation and one year of flying experience as a pilot in the field of aerial pesticide application, you must hold an **AERIAL PILOT LICENSE (027)**.

For an aerial apprentice and pilot license, both must work under a licensed **NC AERIAL CONTRACTOR LICENSE (028)**, the contractor license must also fulfilled the examination requirements with NCDA & CS, and show a current FAA 137 certification establishing that company as an aerial pesticide application business. If the company is out of state, but they do have a FAA 137 certification, the person who qualifies as a Pilot (027) or apprentice (029), can submit a contractor application (028).

The application fee for each license is \$75.00.

Each license must be renewed each year with a cost of \$75.00, and must meet the following continuing education requirement, every 2 years:

- One credit of Aerial Methods
- Three credits specific to their aerial license category
- 1 credit on other secondary categories (if applicable)

## DO YOU HAVE ENOUGH CREDITS TO RECERTIFY?

Attend a class now before your busy season starts!

**Check your credits online here:**

<http://www.ncagr.gov/SPCAP/LicenseSearch.htm>

**Find approved continuing education courses here:**

<https://apps.ncagr.gov/AgRSysPortalV2/course/calendar>

**See how many continuing education credits are required for your license category here:**

<http://www.ncagr.gov/SPCAP/pesticides/RECREDRE.HTM>

## RECERTIFICATION REMINDERS

When you add a category to an existing license, your certification expiration date **does not change.**

Certification credits for the new category must be earned by your current certification expiration date, **unless** the new category was added in the same year that you recertify.

For commercial and public licenses, credit requirements for **each** category must be split up into at least **2 different calendar years.**

If your certification date is 6/30/2023 or 9/30/2023 but your license does not expire until 12/31/2023,

**you must get your credits by your certification date.**

**ONLINE COURSES AVAILABLE NOW!**

# North Carolina Pesticide Board Actions



*At the Fall 2022 and Spring 2023 meetings of the North Carolina Pesticide Board, the following settlement agreements were approved for alleged violations of the NC Pesticide Law of 1971. Consent to the terms of the settlement agreement does not constitute an admission of guilt to any alleged violation.*

- **Allen Smith, Jr.**, of Castle Bay Golf Course in Hampstead, agreed to pay \$800 for applying pesticides at the golf course during a time when his commercial pesticide applicator license had expired.
- **Austin P. Locklear**, agreed to pay \$1,200 for applying a pesticide in the Lumberton area without the proper license and the required additional training for paraquat application. The application resulted in drift damage to plants in a nearby residential yard, which violated pesticide(s) particles of vapors results in adverse effect.
- **Avery L. Cottle**, the holder of a private pesticide applicator license for Cottle Farms near Faison, agreed to pay \$1,800 for applying a fumigant pesticide without the required certification on his license.
- **Brenda Wallen**, the holder of a pesticide applicator license for Laughing Goat Botanicals in Siler City, agreed to pay \$800 for applying pesticides without a valid pesticide applicator's license.
- **Brett J. Clinch**, the holder of a commercial pesticide applicator license for TruGreen in Greensboro, agreed to pay \$300 because an employee of the company applied a pesticide to an incorrect residential lawn in Greensboro.
- **Candido V. Busto**, the holder of commercial pesticide applicator license for Progressive Solutions in Bean Station, Tenn., agreed to pay \$1,000 for applying a pesticide in a nearby utility company right of way in Gibsonville, in which the pesticide appeared to have drifted onto a nearby tobacco crop. The application violated requirements of the products' labels related to preventing drift and application and/or drift to water.
- **Charles W. Harrell**, a licensed private pesticide applicator with the Agrarian, Inc. farm in Stantonsburg, agreed to pay \$600 for applying a soil fumigant restricted use pesticide without the required fumigation subcategory on his certification.
- **Christopher B. White**, Christopher B. White of Red River Specialties in Burlington, agreed to pay \$1,200 for performing services as a pest control consultant without a license.
- **Christopher D. Gammons**, a Winston-Salem based pilot with Blue Ridge Helicopter Service in Lawrenceville, GA, agreed to pay \$2,600 for an aerial application of restricted use pesticides near Ennice without a valid license in North Carolina and violating several other provisions of the state's pesticide law and/or other regulations. The other violations related to drift and improper location of deposited pesticides.
- **Christopher L. Kikes**, the manager of Fat Boy's Produce in Charlotte, agreed to pay \$1,000 for applying a fire ant insecticide around produce, which is a manner of use inconsistent with the product's labeling.
- **Colton Wyatt**, the holder of a pesticide aerial apprentice licensee for Crabbe Aviation near Elizabeth City, agreed to pay \$1,200 for a pesticide application that drifted onto nearby non-target property, a road, and its right of way south of Woodville.
- **David A. Griffin**, the holder of a pesticide dealer license for TriEst Ag Group in Greenville, agreed to pay \$2,100 for making a restricted use soil fumigant pesticide available to an applicator who didn't have the proper fumigant certification and for incomplete records related to that transaction.

## North Carolina Pesticide Board Actions Continued

- **Doyle Retherford**, the holder of a commercial pesticide applicator license for High Water Farms in Atkinson, agreed to pay \$1,300 after an employee was exposed to a soil fumigant. The investigation cited Retherford for violating provisions of the Worker Protection Standard, which calls for protection for handlers and training in safe handling of fumigants. Those violations also indicated pesticide use in a manner inconsistent with its labeling.
- **Harrison S. Rotan**, a pilot and the holder of an aerial pesticide applicator license for Parrish Aviation in Plymouth, agreed to pay \$600 for applying pesticides near Pettigrew State Park during a lapse in his pilot license.
- **Jared D. Barefoot**, of Hines Farms near Selma, agreed to pay \$600 for drift damage to a vineyard from a pesticide application to an adjacent soybean field. N.C. law states that no person shall apply pesticides under such conditions that drift from pesticide particles or vapors results in adverse effects.
- **Jessie T. Spruill**, a licensed private pesticide applicator in Plymouth, agreed to pay \$800 for improperly disposing of pesticides containers, specifically violating the state regulations that states “no person shall dispose of, discard or store pesticides or pesticide containers in such manner as may cause injury to humans, vegetation, crops, livestock, wildlife or to pollute any water supply or waterway.
- **Joey A. Murphrey**, of Eastern Exterior Landscaping in Snow Hill, agreed to pay \$900 for applying pesticides commercially in Kinston without having a licensed commercial pesticide applicator on staff. The company had previously been warned with a Notice of Non-Compliance.
- **Khamla Vongvoraseng**, of Veggie on the Run, agreed to pay \$1,000 for applying a fire ant pesticide around produce, which is a manner of inconsistent with the product’s labeling.
- **Michael S. Desantis**, of Desantis Landscaping in Newport, agreed to pay \$800 for applying pesticides commercially in Beaufort without having a licensed commercial pesticide applicator on staff.
- **Nain Flores**, agreed to pay \$800 for making a pesticide application in Chapel Hill and engaging in the business of pesticide applicator without a license. Flores has previously been issued a Notice of Non-Compliance.
- **Oscar W. Goods**, a manager at Petsmart in Jamestown, agreed to pay \$800 for applying flea and tick treatment with an expired commercial pesticide applicator license. Goods had previously been warned with a Notice of Non-Compliance.
- **Paul E. Keel**, agreed to pay \$800 for making a pesticide application in Rocky Mount and engaging in the business of pesticide applicator without a license.
- **Stanley T. Stikeleather**, an employee of Nutrien Ag Solutions in Statesville, agreed to pay \$800 because drift from a pesticide application he made to a field near Salisbury resulted in adverse effect to orchard grass in a nearby pasture. Stikeleather was also found to have applied the paraquat herbicide without the required training.
- **Thomas A. Sartain**, a pilot and holder of an aerial pesticide applicator license for Industrial Helicopters in Lafayette, La., agreed to pay \$4,000 for violations related to aerial pesticide applications to a utility right of way in Macon County. Investigations found indications of improper pesticide application over water and pesticide coming in contact with non-target vegetation. The application violated state law/regulations that prohibit operating in a faulty, careless, or negligent manner and making a pesticide application in a manner inconsistent with its labeling, which stated the products used should not contact water or non-target vegetation.

## **North Carolina Pesticide Board Actions Continued**

- **Todd M. Rinda**, a licensed commercial pesticide applicator with Weed Man in Raleigh, agreed to pay \$400 for damaging grass in a residential yard in Holly Springs during an application to an adjacent yard.
- **Trevor Vandermark**, the holder of a private pesticide applicator license for Vandermark Farms near Whitakers, agreed to pay \$800 for applying certain pesticides to his sod farm that were not labeled for use on turf or sod farms.
- **Wesley Y. Hopkins Jr.**, of Hopkins Hill Farm in New Hope, agreed to pay \$1,000 for applying a pesticide to a field in the Denton area without the proper license and the required additional training for paraquat application. The application resulted in drift to a residential swimming pool nearby, which violated the law stating pesticides should not be applied under such conditions that drift from pesticide(s) particles or vapors results in adverse effects.
- **William E. Davis**, of Alex Pine Straw and Mulch in Greenville, agreed to pay \$800 because a crew he managed applied pesticides to landscaping and lawns in Winterville and Greenville without a commercial pesticide applicator license.
- **William G. Moore**, of NC Lawn Solutions in Hillsborough, agreed to pay \$1,200 for applying pesticides commercially in Hillsborough without a commercial pesticide applicator license.

# Resources

## PESTICIDE SECTION

- INFORMATION & ASSISTANCE WITH PESTICIDE REGULATIONS & COMPLIANCE
- PESTICIDE CERTIFICATION & LICENSING QUESTIONS
- EXAM SCHEDULES & REGISTRATION
- RECERTIFICATION CREDIT QUESTIONS & APPROVED COURSES

NC Department of Agriculture & Consumer Services  
Structural Pest Control and Pesticides Division  
J. Patrick Jones, Director

1090 Mail Service Center, Raleigh, NC 27699-1090  
Phone - (919) 733-3556 • Fax - (919) 733-9796  
<http://www.ncagr.gov/SPCAP/pesticides/>

### **POLLINATOR PROTECTION:**

<http://ncagr.gov/spcap/bee/>

### **PESTICIDE WASTE DISPOSAL:**

Derrick Bell  
<http://www.ncagr.gov/SPCAP/pesticides/pdap/>

## PESTICIDE SCHOOLS AND MATERIALS FOR CERTIFICATION & RECERTIFICATION

CONTACT: Phyllis Knight, Dept. of Horticultural Science  
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