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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

2010 OCT 21 AM 10:22
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The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guahan
155 Hessler Street
Hagåtña, Guam 96910

OCT 20 2010

Dear Speaker Won Pat:

Transmitted herewith is Substitute Bill 441-30 (COR) "AN ACT TO REPEAL AND ADOPT A NEW TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, DIVISION III, CHAPTER 15; AND TO AMEND 10 GCA CHAPTER 50 RELATIVE TO THE GUAM ENVIRONMENTAL PROTECTION AGENCY'S PESTICIDE REGULATIONS," which I signed into law on September 1, 2010 as **Public Law 30-197**.

Sinseru yan Magåhet,

FELIX P. CAMACHO
I Maga'låhen Guahan
Governor of Guahan

Attachment: copy of Bill

30-10-0846

Office of the Speaker
Judith T. Won Pat, Ed.D.

Date

Time


Received by

9/30/10
10/20/10

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

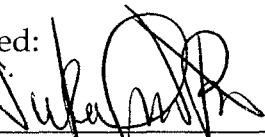
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Substitute Bill No. 441-30 (COR), "AN ACT TO REPEAL AND ADOPT A NEW TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, DIVISION III, CHAPTER 15; AND TO AMEND 10 GCA CHAPTER 50 RELATIVE TO THE GUAM ENVIRONMENTAL PROTECTION AGENCY'S PESTICIDE REGULATIONS"**, was on the 20th day of August, 2010, duly and regularly passed.



Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 21 day of Aug, 2010, at
1:20 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 1 SEPTEMBER 2010

Public Law No. P.L. 30-197

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Bill No. 441-30 (COR)

As substituted by the Committee on Rules,
Natural Resources, and Federal, Foreign
& Micronesian Affairs and amended on the Floor.

Introduced by:

R. J. Respicio
T. C. Ada
V. Anthony Ada
F. B. Aguon, Jr.
F. F. Blas, Jr.
E. J.B. Calvo
B. J.F. Cruz
J. V. Espaldon
Judith P. Guthertz, DPA
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
Telo Taitague
Ray Tenorio
Judith T. Won Pat, Ed.D.

**AN ACT TO *REPEAL* AND ADOPT A NEW TITLE 22,
GUAM ADMINISTRATIVE RULES AND
REGULATIONS, DIVISION III, CHAPTER 15; AND TO
AMEND 10 GCA CHAPTER 50 RELATIVE TO THE
GUAM ENVIRONMENTAL PROTECTION AGENCY'S
PESTICIDE REGULATIONS.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
3 the current provisions of the Pesticides Regulations in Title 22, Division III,
4 Chapter 15 of Guam Administrative Rules and Regulations (GARR) were

1 established in 1981. The 1997 version that is available from the Compiler of Laws
2 is a re-numbering of the 1981 version, however, no substance was changed.

3 These regulations have been reviewed and revised by the Guam
4 Environmental Protection Agency (GEPA), in accordance with the Administrative
5 Adjudication Law, and based on the authority of the Agency granted pursuant to
6 Title 10, GCA, Chapter 50 – “The Guam Pesticides Act”. The new regulations
7 proposed for adoption in this Act are an updated version of the 1981 regulations,
8 which have been amended to reflect current environmental concerns and
9 conditions.

10 These regulations were passed by the Guam Environmental Protection
11 Agency (GEPA) on May 12, 2010 and transmitted to *I Liheslaturan Guåhan* for
12 consideration on May 17, 2010. After further review of the documents, GEPA
13 provided technical amendments and clarifying language to the Committee on
14 Natural Resources to incorporate into the adopted version of the regulations.

15 It is the intent of *I Liheslatura* to *repeal* Title 22, GARR, Division III,
16 Chapter 15 and to *replace* said Chapter with the pesticide regulations adopted in
17 this Act, attached herein as “Appendix 1”.

18 It is also the intent of *I Liheslatura* to *repeal* and *reenact* §50107(d) of Title
19 10 GCA Chapter 50 – “The Guam Pesticides Act” to accurately reflect the changes
20 made to the applicator training requirements set forth in the regulations herein.

21 **Section 2.** Title 10, GCA, §50107(d) is hereby *repealed* and *reenacted* to
22 read:

23 “(d) Training. Any person who applies general use pesticides as the
24 primary part of his/her job or duties *shall* be required to meet specific
25 training requirements as set forth in the regulations promulgated under this
26 Chapter.”

1 **Section 3.** Title 22, Guam Administrative Rules and Regulations, Division
2 III, Chapter 15 is hereby *repealed*. Hereby *adopted* in its place are the provisions
3 set forth in “Appendix 1”.

4 **Section 4. Effective Date.** *Except* for Title 22 GARR §15602(a), “Basic
5 Training”, and Title 22 GARR §15703(b), “Basic Training Qualification Cards”,
6 the provisions of this Act *shall* be effective upon enactment. The provisions set
7 forth in Title 22 GARR §§ 15602(a) and 15703(b) *shall* be effective on October 1,
8 2011.

22 GARR – Guam Environmental Protection Agency

Division 3
Guam Pesticide Regulations

Chapter 15
Pesticides

Article 1
General Provisions

1 §15101. Words in Singular Form.

2 §15102. Definitions.

3 **§15101. Words in Singular Form.**

4 For purposes of this Chapter, words used in the singular form *shall* include the
5 plural and vice-versa, as appropriate.

6 **§15102. Definitions.**

7 Terms and expressions used in this Chapter but not defined below, *shall* have the
8 meanings set forth in 10 GCA §50102. For purposes of this Chapter, the following terms
9 and expressions *shall* have the meanings set forth below:

10 (a) *Act shall* mean “The Guam Pesticides Act” of Title 10, Guam Code Annotated,
11 Chapter 50 as enacted in 2007 by Public Law 29-26.

12 (b) ‘*Agricultural Commodity Applicator*’ *shall* mean a person who applies any pesticide
13 on or around any agricultural commodity.

14 (c) ‘*Agricultural Establishment*’ *shall* mean a farm, plant nursery, greenhouse or forest
15 area.

16 (d) ‘*Agricultural Operator*’ *shall* mean any person such as a landowner, grower, lease
17 holder or pesticide applicator who is responsible for management or condition of an
18 agricultural establishment that hires or uses such persons. Agricultural operator

1 includes any person who hires, contracts for or uses the services of any person
2 (compensated or uncompensated) to perform activities related to the production of
3 agricultural plants.

4 (e) *“Basic Training”* shall mean a type of pesticide training for certain applicants
5 handling general use pesticides. *Basic Training* is divided into two categories:

6 (1) *“Basic Training-A”* shall mean a type of pesticide training which involves a
7 four (4) hour training course and an open-book exam.

8 (2) *“Basic Training-B”* shall mean a type of pesticide training which involves an
9 eight (8) hour training course and a closed-book exam.

10 (f) *‘Body of Water’* shall mean any surface water resource within the borders of Guam
11 including, but not limited to lakes, rivers, streams, bays, lagoons, harbors, intertidal
12 areas, wetlands and coastal ocean waters.

13 (g) *‘Category Training’* shall mean a specialized type of training for the use, or
14 supervision of the use of, restricted use pesticides.

15 (h) *Certification* shall refer to

16 (1) The process which an individual must successfully complete in order to be
17 authorized to use, or supervise the use of, restricted use pesticides; or

18 (2) The successful completion of the process which an individual must
19 successfully complete in order to be authorized to use, or supervise the
20 use of, restricted use pesticides,

21 as appropriate to the context in which the term appears.

22 (i) *‘Certification Card’* shall mean an identification card issued by Guam EPA to an
23 individual, evidencing that he has successfully completed the process required for an
24 individual to be authorized to use or supervise the use of restricted use pesticides.

25 (j) *‘Certified Pesticide Sales Manager’* shall mean a person in charge of the sale of
26 restricted use pesticides and who has successfully passed an examination of any

1 category to qualify for that position.

2 (k) *Chemigation* shall mean the application of pesticides through any type of
3 irrigation system including any sprinkler, flood, furrow, drip or greenhouse system.

4 (l) *'Competent person'* shall mean a person who is qualified to perform functions
5 associated with pesticide application; the degree of capability required being directly
6 related to the nature of the activity and the associated responsibility. A *competent person*
7 must have successfully completed the appropriate training and must have obtained the
8 appropriate certification card from Guam EPA.

9 (m) *Dealer* shall mean any person, company or corporation engaged in the business
10 of purchasing and selling restricted and/or general use pesticide products or devices.

11 (n) *Distributor* shall mean any company other than a *dealer* or *sales outlet* that sells
12 only general use pesticides or devices.

13 (o) *'Federal Requirement'* shall refer to any and all applicable provisions of federal
14 law, especially "The Federal Insecticide, Fungicide, Rodenticide Act", and/or any and
15 all applicable provisions of the Code of Federal Regulations (CFR).

16 (p) *'Guam EPA'* shall mean the Guam Environmental Protection Agency.

17 (q) *Hazard* shall mean a situation where there exists a possibility that a given
18 pesticide will cause injury or have an adverse effect on the environment.

19 (r) *'Keep Out of Reach of Children'* shall mean that children under the age of seventeen
20 (17) shall not open or remove pesticides without parental supervision.

21 (s) *'Local Requirement'* shall refer to any and all applicable provisions of Guam law,
22 especially "The Guam Pesticides Act", and/or any and all applicable provisions of this
23 Chapter.

24 (t) *'Non-Refillable Container'* shall mean a container that is designed and constructed
25 for one time containment of a pesticide for sale or distribution. Reconditioned
26 containers are considered to be *non-refillable containers*.

1 (u) *Owner shall* mean any person who has present possessory interest (fee, leasehold,
2 rental or other) in any type of operation that uses, sells and/or distributes pesticides.

3 (v) *'Pest Control Operator (PCO)' shall* mean a company that provides pest control
4 activities for hire and that has obtained a PCO license from Guam EPA.

5 (w) *Program shall* mean the Guam EPA Pesticide Enforcement Program.

6 (x) *'Qualification Card' shall* mean an identification card issued by Guam EPA to an
7 individual, evidencing that he has successfully completed the process required for an
8 individual to be authorized to use or supervise the use of general use pesticides.

9 (y) *'Refillable Container' shall* mean a container that is intended by the registrant of
10 the pesticide to be filled with pesticide more than once for sale or distribution.

11 (z) *Respondent shall* mean an alleged violator.

12 (aa) *'Sales Outlet' shall* mean a location where any restricted use pesticide is sold or
13 distributed; or kept or stored for sale or distribution; and where records of such sales
14 and distribution are kept.

15 (bb) *'Treated Article' shall* mean an article or substance treated with or containing a
16 pesticide to protect the integrity of the article or substance itself treated with a pesticide
17 if the pesticide is registered for such use.

18 (cc) *'Under the Direct Supervision of a Certified Applicator' shall* refer to a situation in
19 which a restricted use pesticide is applied by a Core Training Qualified applicator
20 acting under the instructions, control and direct supervision of a certified applicator,
21 who is required to be physically present on-site and observing the application of the
22 RUP at the time of the application. The person supervising must be certified for the
23 type of pesticide application he is directly supervising.

22 GARR – Guam Environmental Protection Agency

Division 3

Substitute Bill No. 441-30 (COR)

APPENDIX 1

Guam Pesticide Regulations

Chapter 15 Pesticides

Article 2 Sale of Pesticides

1 §15201. Registration, Label and Labeling Requirements.

2 §15202. Sale of Restricted Use Pesticides.

3 **§15201. Registration, Label and Labeling Requirements.**

4 Every pesticide product sold and distributed in Guam must be registered with
5 USEPA and *shall* bear a label or labeling conforming to 10 GCA §50108 and all
6 applicable local and federal requirements. All persons must maintain the integrity of
7 the original pesticide label or labeling, including legibility and completeness.

8 **§15202. Sale of Restricted Use Pesticides.**

9 No restricted use pesticide *shall* be sold to a person who is not a certified
10 pesticide applicator.

11 **(a) Dealers and Sales Outlets.**

12 **(1) Dealer's License Required.** No person *shall* sell a restricted use pesticide
13 unless he has obtained a dealer's license from Guam EPA.

14 **(2) Certified Pesticide Sales Manager (CPSM) Required.** Each dealer and
15 sales outlet *shall* have a CPSM, who must hold a valid certification card by Guam EPA
16 in any category training. The name of each CPSM *shall* be submitted together with the
17 application for a dealer's license for each sales outlet. The Administrator must be
18 notified in writing by the owner of the sales outlet within fifteen (15) working days of
19 any change of personnel in this position.

20 **(b) Record Keeping and Reporting Requirements.**

21 Dealers and sales outlets *shall* keep a monthly record of each sale of each

1 restricted use pesticide. Dealers and sales outlets *shall* prepare sales records in
2 duplicate. Such records *shall* include: the name, address, and certification number of
3 the purchaser; the expiration date of the purchaser's certification; the date of sale; the
4 USEPA Registration number, quantity, and brand name of RUPs sold; and the CPSM's
5 signature, which must be affixed at the time of the sale transaction.

6 The original copies of the monthly sales records *shall* be submitted to the
7 Administrator within five (5) working days after the end of each month. The duplicate
8 copies *shall* be kept for a period of two (2) years at the physical location where the sale
9 transactions took place.

22 GARR – Guam Environmental Protection Agency

Division 3 Guam Pesticide Regulations

Chapter 15 Pesticides

Article 3 Use of Pesticides

1 §15301. Record Keeping and Reporting Requirements for Application.

2 §15302. Disposal.

3 §15303. Storage and Display.

4 §15304. Transportation.

5 §15305. Notice of Intent.

6 §15306. Posting of Signs.

7 §15307. Special Requirements for Foggers.

8 §15308. Special Requirements for Aerial Pesticide Application.

9 §15309. Worker Protection Standards.

10 **§15301. Record Keeping and Reporting Requirements for Application.**

11 Record keeping is required for all applicators who apply any amount of
12 restricted use pesticides. Applicators *shall* keep and maintain, for the period of at least
13 two (2) years, routine operational records, copies of which *shall* be provided by the
14 applicant to the site manager or facility owner. Such records *shall* include the following
15 information:

16 (a) The name, address, and certification number of the person who applied the
17 pesticide;

18 (b) The expiration date of the applicator's certification;

19 (c) The name and address of the entity for whom the pesticide was applied;

Substitute Bill No. 441-30 (COR)

APPENDIX 1

Page 7

1 (d) The USEPA registration number and trade (or common) name of each pesticide
2 applied;

3 (e) The date, time, location, and method of pesticide application;

4 (f) Target pests;

5 (g) Target site (i.e., the specific crop (or commodity), residence, school, etc...); and

6 (h) Where or how any rinsate, remaining pesticide and/or the pesticide container is
7 stored or disposed of.

8 **§15302. Disposal.**

9 Pesticides, empty containers (or parts thereof), or equipment that holds (or has
10 held) a pesticide, *shall* not be emptied or disposed of in such a manner that may present
11 a hazard to persons, animals (especially bees), food, feed, crops or property.

12 Empty non-refillable pesticide containers must be triple rinsed and punctured to
13 render useless. To dispose of any non-refillable pesticide container that cannot be triple
14 rinsed and punctured, the user must follow directions on the container's pesticide label.
15

16 Empty refillable containers must be triple rinsed and punctured to be rendered
17 useless if such container is not being returned to an authorized refiller.

18 Pesticides that are considered hazardous waste must be disposed of in
19 accordance with all applicable local and federal requirements.

20 **§15303. Storage and Display.**

21 No person *shall* store or display pesticides in violation of the USEPA-accepted
22 label or labeling or local or federal requirements. All pesticides must be stored in the
23 following manner:

24 (a) No pesticide, empty pesticide container (or parts thereof), or equipment that
25 holds (or has held) a pesticide *shall* be stored, displayed, or left unattended under
26 conditions:

1 **(1)** Where food, food containers, animal feed or any other products are likely
2 to become contaminated; or

3 **(2)** That may create a hazard or cause injury to humans, vegetation, crops,
4 live-stock, wildlife, beneficial insects or aquatic life.

5 **(b)** Pesticides must be stored in a locked, well-ventilated, cool and dry storage area.

6 **(c)** Restricted Use Pesticide storage areas must be posted with a warning sign that
7 states any, all, or any combination, of the following statements, as applicable:

8 **(1)** “Danger”;

9 **(2)** “Poison Storage Area”;

10 **(3)** “All Unauthorized Persons Keep Out”; or

11 **(4)** “Keep Door Locked When Not In Use”.

12 **(d)** Pesticides must not be stored in places where flooding is possible or in places
13 where pesticides might spill or leak into wells, drains, groundwater, or any body of
14 water.

15 **(e)** Pesticides must be stored or displayed in such a way that they are kept out of
16 reach of children and pets.

17 **(f)** Pesticides must not be stored near flammable liquids or solids; or near a source
18 of ignition including, but not limited to, a furnace, car, gas grill, or lawnmower.

19 **(g)** Pesticides must be stored in their original containers with the complete original
20 label, which includes, but is not limited to, the USEPA Registration number &
21 establishment number, ingredient statement, directions for use, personal protective
22 equipment and first aid steps in case of accidental poisoning.

23 **(h)** Pesticides must not be transferred to any container including, but not limited to,
24 soft drink bottles or other food or drink containers other than proper mixing and
25 application equipment.

26 **(i)** Pesticides must not be stored near incompatible chemicals.

1 **§15304. Transportation.**

2 Pest Control Operators transporting pesticides must have a company logo readily
3 recognizable to the public on all vehicles used for such transportation. Such vehicles
4 *shall* not be used for transportation of passengers and pets until such time that the
5 pesticides have been removed and the vehicle or pesticide equipment in the vehicle
6 have been properly sanitized.

7 **§15305. Notice of Intent.**

8 **(a) Notice of Intent: Structural Pesticide Application (NOI: SPA).** Any person
9 intending to perform structural pesticide applications for termites (including pre- or
10 post- construction treatments to soil), must submit a notice of intent for structural
11 pesticide prior to the proposed application.

12 **(1) NOI: SPA Form.** The NOI: SPA *shall* be on a form prescribed by the
13 Administrator and shall include, at minimum:

14 **(A)** The date and time of proposed application; and

15 **(B)** Information on the pesticide to be used:

16 **(i)** An electronic copy of the label or labeling for each pesticide to be
17 used;

18 **(ii)** A calculation of the amount of the pesticides to be applied; and

19 **(iii)** A description of the proposed application method;

20 **(C)** Information on the applicator:

21 **(i)** The name and certification number of each certified pesticide
22 applicator involved in the project; and

23 **(ii)** The name of the entity for which the applicator is performing the
24 application;

25 **(D)** Information on the application site:

26 **(i)** The physical address of the application site, including a map to

1 the site and the site lot number;

2 (ii) A description of the application site, including the size of the area
3 to be treated;

4 (iii) A map showing all bodies of water within one thousand (1,000)
5 feet of the application site. The Administrator may require additional
6 information to ensure that waters of Guam are protected.

7 **(2) NOI: SPA General Requirements.** Prior to any termite and other soil
8 applications, the applicator must ensure that:

9 (A) After the chemical pesticide application is completed, the treated
10 area is adequately protected from the elements to protect rainwater from
11 reaching the treated area.

12 (B) If the treated area is to be covered with concrete, the concrete must
13 be poured *no later than* twelve (12) hours after the application is completed.

14 Should it be determined that the proposed pesticide's physical-chemical
15 characteristics such as solubility, adsorption, volatility and degradation indicate
16 potential for adverse impact to surface and ground water of Guam, the
17 applicator must find a suitable less toxic or lower risk alternative for termite
18 treatment at the proposed site. Any alternative pesticide used must meet federal
19 and local requirements for the intended use.

20 **(b) Notice of Intent: Structural Fumigation (NOI: SF).** Any person intending to
21 perform fumigation of any structure including, but not limited to, buildings and any
22 fumigation of soil, must submit a notice of intent for structural fumigation to the
23 Agency *at least* two (2) days prior to the proposed application.

24 **(1) NOI: SF Form.** The NOI: SF *shall* be on a form prescribed by the
25 Administrator and shall include, at minimum:

26 (A) The date and time of proposed application; and

1 **(B) Information on the pesticide to be used:**

2 **(i)** An electronic copy of the label or labeling for each pesticide to be
3 used;

4 **(ii)** A calculation of the amount of the pesticides to be applied; and

5 **(iii)** A description of the equipment to be used;

6 **(C) Information on the applicator:**

7 **(i)** The name and certification number of each certified pesticide
8 applicator involved in the project; and

9 **(ii)** The name of the entity for which the applicator is performing the
10 application;

11 **(D) Information on the application site:**

12 **(i)** The physical address of the application site;

13 **(ii)** A description of the application site, including the size of the area
14 to be treated;

15 **(iii)** A map showing all residential homes, schools, hospitals, places of
16 worship and businesses within seventy-five (75) feet of the site;

17 **(iv)** A map showing all bodies of water and wells within seventy-five
18 (75) feet of the application site. The Administrator may require additional
19 information to ensure that waters of Guam are protected.

20 **(E) General Information on the Project:**

21 **(i)** The names and contact numbers of the facility owner and the
22 project manager;

23 **(ii)** A standard operating procedure for the project;

24 **(iii)** A health and safety plan;

25 **(iv)** Any additional information required in a Fumigant Management
26 Plan by the product label;

1 (v) A listing of the target pests.

2 **(2) NOI: SF General Requirements.**

3 (A) All affected parties must be notified as required by the pesticide label
4 for the product to be used.

5 (B) The Pest Control Operator must provide written notices to each
6 household and business that is located within seventy-five (75) feet of the
7 proposed application. If the application area is a single-owner complex with
8 multiple units, then The PCO must inform the owner and manager of the site
9 to be fumigated. Notices to the residents must be made by the applicator *at*
10 *least* two (2) days prior to the fumigation project. In the event of an
11 emergency, the Administrator may waive the two (2) day notice requirement.

12 (C) A Pest Control Company who proposes to apply a fumigant must
13 have in its possession an occupant's fumigation notice that has been signed
14 by the primary occupant of the household or business, or the designated
15 agent of the structure. The occupant's fumigation notice must state the pest
16 to be controlled, the proposed pesticide(s) to be applied including the active
17 ingredients and the registration number, and all applicable precautionary
18 statements. This form must state that the lethal gas will be used in the
19 indicated areas during the indicated date(s) and time(s), and that it is unsafe
20 to return to the indicated area until a notice of re-entry is posted by the
21 licensee in charge of the fumigation. In the event the primary occupant of the
22 household or business, or the designated agent of the structure, is unavailable
23 or unwilling to sign that he has received the fumigation notice, the PCO *shall*
24 provide proper documentation to Guam EPA evidencing all attempts made,
25 including, but *not limited to*, a written statement signed by the PCO
26 representative and a witness, along with a photograph of the fumigation

1 notice being left at the household, business or other structure.

2 (D) *At least* one (1) hour prior to any fumigation application, the PCO
3 must place a copy of the NOI: SF at the primary entrance of the building or
4 structure to be fumigated. The NOI: SF must remain posted throughout the
5 fumigation process. The NOI: SF must be removed by the PCO after the PCO
6 renders it safe to enter.

7 **§15306. Posting of Signs.**

8 (a) **RUP-Treated Areas.** *At least* one (1) hour prior to any restricted use pesticide
9 application, the project manager *shall* assure that warning signs, which must be written
10 in the English language, are posted within fifty (50) feet of all entrances leading to the
11 application site. The signs must include the appropriate wording, as indicated on the
12 label or labeling.

13 The signs must stay in place for the duration of any label mandated “Re-Entry
14 Interval” (REI) and must be removed after the REI has expired. In the event that the
15 pesticide does not have a label mandated REI, applicators must leave the signs in place
16 for *at least* one (1) hour after the application is completed; or until pesticide residues are
17 dry and *no longer than* twenty-four (24) hours after the pesticide application is
18 completed.

19 (b) **Public Right-of-Way or Roadside Areas.** *At least* one (1) hour prior to any
20 pesticide application on or along a roadside, the project manager *shall* assure that
21 warning signs are posted *at least* one (1) hour prior to the pesticide application. Signs
22 must be written in the English language and must be visible from all usual points of
23 entry to the treated area including each access road, border, footpath and other walking
24 route that leads to the treated area. When there are no usual points of entry, signs must
25 be posted in the corners of the treated area or in any other location affording maximum
26 visibility. The signs must include the appropriate wording, as indicated on the label or

1 labeling.

2 The signs must stay in place for the duration of any label mandated "Re-Entry
3 Interval" (REI) and must be removed after the REI has expired. In the event that the
4 pesticide does not have a label mandated REI, applicators must leave the signs in place
5 for *at least* one (1) hour after the application is completed; or until pesticide residues are
6 dry and *no longer than* twenty-four (24) hours after the pesticide application is
7 completed.

8 **(c) Structural Fumigation Application.** *At least* one (1) hour prior to any fumigation
9 application, the project manager *shall* assure that warning signs, which must be written
10 in the English language, are posted at all entrances to the application site. The signs,
11 which must be readable by the general public from *at least* (25) feet away, must include
12 the following information:

13 (1) The phrase: "DO NOT ENTER: PESTICIDE FUMIGATION IN
14 PROGRESS";

15 (2) The date of application;

16 (3) The name of a contact person;

17 (4) A telephone number where the contact person can be reached.

18 Signs must stay in place during the entire time of the application and must not be
19 removed until such time as the pesticide label indicates; or until there is no evidence of
20 fumigation fumes in the area. Project managers are responsible for removing the signs
21 at the appropriate times.

22 **§15307. Special Requirements for Foggers.**

23 **(d) Ventilation.** Pest Control Operators and for-hire applicators of foggers must
24 follow all requirements listed on the USEPA-accepted label. Applicators must verify
25 that there is no evidence of fogging fumes in the treated area prior to reentry by anyone.
26 Applicators may utilize industrial size fans and or air conditioning after fogging took

1 place before anyone is allowed into the treated area.

2 **(e) Posting of Signs.** *At least* one (1) hour prior to any fogging application, the
3 project manager *shall* assure that warning signs, which must be written in the English
4 language, are posted at all entrances to the application site. The signs, which must be
5 readable by the general public from *at least* (25) feet away, must include the following
6 information:

7 (5) The phrase: "DO NOT ENTER: PESTICIDE FOGGING IN PROGRESS";

8 (6) The date of application;

9 (7) The name of a contact person;

10 (8) A telephone number where the contact person can be reached.

11 Signs must stay in place during the entire time of the application and must not be
12 removed until such time as the pesticide label indicates; or until there is no evidence of
13 fogging fumes in the area. Project managers are responsible for removing the signs at
14 the appropriate times.

15 **§15308. Special Requirements for Aerial Pesticide Application.**

16 **(a) Aerial Pesticide Application Permit Required.** No person *shall* apply any
17 pesticides by aircraft unless specifically permitted by the accepted USEPA label; and
18 unless he has obtained a Guam EPA "Aerial Pesticide Application Permit". In addition,
19 the permittee *shall* notify the Administrator in writing at least three (3) days in advance
20 of any aerial pesticide application.

21 **(b) Pesticide Application Equipment Safety and Maintenance Requirements.**
22 Equipment used for aerial pesticide application shall be kept and maintained according
23 to the following conditions:

24 (1) Spray equipment on aircraft shall be leak-proof. Spray nozzles shall be
25 equipped with a device to prevent dribble when spray is turned off.

26 (2) Flexible hoses carrying liquid pesticides under pressure shall not pass

1 unshielded through the cockpit of an airplane or helicopter.

2 (3) Self-propelled power rigs used for inter-row or broadcast applications shall
3 be equipped with a pressure control device and a pressure gauge.

4 (4) Power rigs, mist blowers, boom sprayers and other pesticide application
5 equipment shall be in good working order with no leaks.

6 (5) Persons who own or operate pesticide mixing, loading or application
7 equipment shall ensure that equipment used for mixing, loading, transferring or
8 applying pesticides is inspected before each day of use for leaks, clogging, and worn
9 or damaged parts, and equipment with any safety defect is repaired or altered to
10 remove the hazard before further use.

11 (6) Applicators or employees who clean, service, or repair mixing and
12 application equipment shall be provided by their employer with any necessary
13 protective equipment or clothing and shall be instructed and supervised in the
14 maintenance operation in a manner that will reduce work hazards.

15 **§15309. Worker Protection Standard (WPS).**

16 Worker Protection Standard (WPS) is a federal regulation aimed at reducing the
17 risk of pesticide poisoning and injuries among workers, handlers, and volunteer
18 workers who work in any farm, forest, greenhouse or nursery.

19 All agricultural operators who have workers and handlers who work on a farm,
20 forest, greenhouse or nursery where a pesticide has been applied within the past thirty
21 (30) days must follow the WPS requirements as described in 40 CFR, Part 170.

22 For the purposes of this section, *'worker'* shall mean any person who is
23 performing activities relating to the production of agricultural plants on an agricultural
24 establishment. This requirement applies to family members, friends, and volunteers.
25 Workers may or may not be compensated for their work.

26 For the purposes of this section, *'handler'* shall mean anyone who mixes or loads

1 pesticides on an agricultural establishment including, but not limited, to flaggers, those
2 handling or cleaning application equipment, those performing soil incorporation, and
3 those disposing of pesticides or pesticide containers.

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Division 3
Guam Pesticide Regulations

Chapter 15
Pesticides

Article 4
Importation of Pesticides and Pesticide Devices

1 §15401. Notice of Arrival.

2 §15402. Arrival of Shipment.

3 §15403. Release of Shipment or Entry Refused.

4 §15404. Sample of Imports.

5 **§15401. Notice of Arrival.**

6 **(a) Notice of Arrival Form.** Any person desiring to import pesticides or
7 pesticide devices into Guam – regardless of origin, type and quantity – *shall* submit
8 to the Administrator a completed Guam EPA “Notice of Arrival” (NOA) form, *no*
9 *later than* ten (10) calendar days prior to the arrival of the shipment in Guam. The
10 Administrator, or his designee, may waive this deadline if the importer provides
11 valid documents evidencing that the shipment will arrive in Guam in less than 10
12 days from the date of exportation from the point of origin.

13 For any shipment that includes more than one (1) type of pesticide and/or device,
14 the importer must indicate the on his NOA form all pertinent information for each
15 pesticide and/or device. Importers who apply for a NOA for the first time for a
16 specific pesticide or device must also provide respective labels for each pesticide or
17 device.

1 Upon receipt, the Administrator, or his designee, *shall* complete the form,
2 indicating the disposition to be made of the shipment of pesticides or devices upon
3 its arrival in Guam and *shall* return the form to the importer or his agent.

4 **(b) Notice of Arrival Required.** No pesticide or device *shall* be imported into
5 Guam without an accompanying “Notice of Arrival” that has been approved and
6 signed by the Administrator or his designee.

7 **§15402. Arrival of Shipment.**

8 **(a) Notice of Arrival Presented.** Upon the arrival of a shipment, the importer, or
9 his designee, *shall* present to the Customs Officer at the port of entry an approved
10 and signed NOA which indicates the action to be taken by the Customs Officer with
11 respect to the shipment. The Customs Officer *shall* compare entry documents for the
12 shipment with the NOA and must notify the Administrator of any discrepancies.

13 **(b) Notice of Arrival Not Presented.** Upon the arrival of a shipment, if the
14 importer, or his designee, does *not* present an approved and signed NOA to the
15 Customs Officer at the port of entry, the shipment *shall* be detained until such time a
16 signed and approved NOA is presented; or until other disposition is ordered by the
17 Administrator.

18 **(c) Detained Shipments.** A shipment may be detained for up to fifteen (15)
19 days. A shipment that remains detained for more than fifteen (15) days *shall* be
20 treated as prohibited importation.

21 **§15403. Release of Shipment or Entry Refused.**

22 If the signed and approved NOA directs the Customs Officer to release the
23 shipment of pesticides or devices, and from examination if it appears to be in
24 compliance, the shipment *shall* be released to the importer or his designee. If the signed
25 and approved NOA directs the Customs Officer to refuse entry of a shipment, or from
26 examination of the shipment it appears to violate local or federal requirements, such

1 shipment *shall* be refused entry and treated as prohibited importation.

2 The Customs Officer *shall* notify the importer at least twenty (20) days prior to
3 the date of exportation of the shipment. If a shipment of pesticides or devices is refused
4 entry into Guam, the shipment can be detained at the importer's storage area pending
5 exportation to the country of origin. However, during the detainment period, the
6 shipment shall not be used, sold or distributed or otherwise disposed of other than
7 exportation.

8 Any expenses incident to the handling, storage or transfer of pesticides or
9 devices refused entry into Guam *shall* be at the risk and expense of the importer.

10 **§15404. Sample of Imports.**

11 Upon the request of the Administrator, either on the NOA or otherwise written
12 request, the Customs Officer *shall* allow the Administrator, or his designee, to collect
13 samples from a shipment. If the sample is found to be in compliance with local and
14 federal requirements, the Administrator *shall* notify the Customs Officer in writing that
15 the shipment may be released to the importer or his designee.

16 If upon the examination or analysis, the sample demonstrates that there is a
17 violation of local or federal requirements, the Administrator, or his designee, *shall*
18 promptly notify the importer, who *shall* be provided with an opportunity to introduce
19 testimony to show cause why the shipment should not be refused entry. If after
20 consideration of all the evidence presented, it remains the opinion of the Administrator
21 that the shipment is in violation of local or federal requirements; the Administrator
22 shall notify the Customs Officer that the shipment *shall* be refused entry and treated as a
23 prohibited importation.

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Division 3 Guam Pesticide Regulations

Chapter 15 Pesticides

Article 5 Special Pesticides

1 §15501. Exemptions.

2 §15502. Determination by Use.

3 §15503. Locally Designated Restricted Use Pesticides.

4 **§15501.Exemptions.** The pesticides or classes of pesticides listed in this section have been
5 determined to be of a character not requiring regulation under FIFRA, and are therefore exempt
6 from all provisions of FIFRA, the Act and this Chapter when intended for use, and used, only in
7 the manner specified.

8 (a) **Treated articles or substances.** An article or substance treated with, or containing, a
9 pesticide to protect the article or substance itself (for example, paint treated with a pesticide to
10 protect the paint coating, or wood products treated to protect the wood against insect or fungus
11 infestation), if the pesticide is registered for such use.

12 (b) **Pheromones and pheromone traps.** Pheromones and identical or substantially
13 similar compounds labeled for use only in pheromone traps (or labeled for use in a manner
14 which the Administrator determines poses no greater risk of adverse effects on the environment
15 than use in pheromone traps), and pheromone traps in which those compounds are the sole
16 active ingredient(s).

17 (1) For the purposes of this paragraph, a pheromone is a compound produced by
18 an arthropod which, alone or in combination with other such compounds, modifies the
19 behavior of other individuals of the same species.

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1 (2) For the purposes of this paragraph, a synthetically produced compound is
2 identical to a pheromone only when their molecular structures are identical, or when the
3 only differences between the molecular structures are between the stereochemical
4 isomer ratios of the two compounds, except that a synthetic compound found to have
5 toxicological properties significantly different from a pheromone is not identical.

6 (3) When a compound possesses many characteristics of a pheromone but does
7 not meet the criteria in paragraph (b)(2) of this section, it may, after review by the
8 Agency, be deemed a substantially similar compound.

9 (4) For the purposes of this paragraph, a pheromone trap is a device containing a
10 pheromone or an identical or substantially similar compound used for the sole purpose
11 of attracting, and trapping or killing, target arthropods. Pheromone traps are intended
12 to achieve pest control by removal of target organisms from their natural environment
13 and do not result in increased levels of pheromones or identical or substantially similar
14 compounds over a significant fraction of the treated area.

15 **(c) Preservatives for biological specimens.**

16 (1) Embalming fluids.

17 (2) Products used to preserve animal or animal organ specimens, in mortuaries,
18 laboratories, hospitals, museums and institutions of learning.

19 (3) Products used to preserve the integrity of milk, urine, blood, or other body
20 fluids for laboratory analysis.

21 **(d) Foods.** Products consisting of foods and containing no active ingredients, which are
22 used to attract pests.

23 **(e) Natural cedar.**

24 (1) Natural cedar blocks, chips, shavings, balls, chests, drawer liners, paneling,
25 and needles that meet all of the following criteria: (i) The product consists totally of
26 cedarwood or natural cedar. (ii) The product is not treated, combined, or impregnated
27 with any additional substance(s). (iii) The product bears claims or directions for use
28 solely to repel arthropods other than ticks or to retard mildew, and no additional claims

1 are made in sale or distribution. The labeling must be limited to specific arthropods, or
2 must exclude ticks if any general term such as arthropods, insects, bugs, or any other
3 broad inclusive term, is used. The exemption does not apply to natural cedar products
4 claimed to repel ticks.

5 (2) The exemption does not apply to cedar oil, or formulated products which
6 contain cedar oil, other cedar extracts, or ground cedar wood as part of a mixture.

7 **(f) Minimum risk pesticides.**

8 **(1) Exempted products.** Products containing the following active ingredients are
9 exempt from the requirements of FIFRA, alone or in combination with other substances
10 listed in this paragraph, provided that all of the criteria of this section are met.

11 Castor oil (U.S.P. or equivalent)

12 Cedar oil Cinnamon and cinnamon oil

13 Citric acid

14 Citronella and citronella oil

15 Cloves and clove oil

16 Corn gluten meal

17 Corn oil

18 Cottonseed oil

19 Dried blood

20 Eugenol

21 Garlic and garlic oil

22 Geraniol

23 Geranium oil

24 Lauryl sulfate

25 Lemongrass oil

26 Linseed oil

27 Malic acid

28 Mint and mint oil

1 Peppermint and peppermint oil
2 2-Phenethyl propionate (2-phenylethyl propionate)
3 Potassium sorbate
4 Putrescent whole egg solids
5 Rosemary and rosemary oil
6 Sesame (includes ground sesame plant) and sesame oil
7 Sodium chloride (common salt)
8 Sodium lauryl sulfate
9 Soybean oil
10 Thyme and thyme oil
11 White pepper
12 Zinc metal strips (consisting solely of zinc metal and impurities)

13 **(2) Permitted inerts.** A pesticide product exempt under paragraph (g)(1) of this
14 section may only include inert ingredients listed in the most current List 4A. This list is
15 updated periodically and is published in the Federal Register. The most current list may
16 be obtained by writing to Registration Support Branch (4A Inerts List) Registration
17 Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200
18 Pennsylvania Ave., NW., Washington, DC 20460.

19 **(3) Other conditions of exemption.** All of the following conditions must be met
20 for products to be exempted under this section: (i) Each product containing the
21 substance must bear a label identifying the name and percentage (by weight) of each
22 active ingredient and the name of each inert ingredient.

23 (ii) The product must not bear claims either to control or mitigate
24 microorganisms that pose a threat to human health, including but not limited to
25 disease transmitting bacteria or viruses, or claims to control insects or rodents
26 carrying specific diseases, including, but not limited to ticks that carry Lyme
27 disease.

(iii) The product must not include any false and misleading labeling statements, including those listed in 40 CFR 156.10(a)(5)(i) through (viii).

§15502. Determination by Use.

Some products are not pesticides because they are not deemed to be used for a pesticidal effect. A product that is not intended to prevent, destroy, repel, or mitigate a pest, or to defoliate, desiccate or regulate the growth of plants, is not considered to be a pesticide. The following types of products or articles are not considered to be pesticides unless a pesticidal claim is made on their labeling or in connection with their sale and distribution:

(a) Deodorizers, bleaches, and cleaning agents;

(b) Products not containing toxicants, intended only to attract pests for survey or detection purposes, and labeled accordingly;

(c) Products that are intended to exclude pests only by providing a physical barrier against pest access, and which contain no toxicants, such as certain pruning paints to trees.

§15503. Locally Designated Restricted Use Pesticides.

(a) Local Designation Authority. Pursuant to 10 GCA §50103(3), the Board, or its designee, has the authority to designate a restricted use pesticide. The consideration and designation of a restricted use pesticide must be done in accordance with Title 5, Chapter 9 of Guam Code Annotated – “The Guam Administrative Adjudication Law.” Restricted use pesticides so classified in Guam *shall* be in addition to those USEPA-classified restricted use pesticides.

(b) Chlorine Gas. All chlorine gas used as a pesticide (including, but not limited to, chlorine gas that has a USEPA registration number and establishment number) is hereby considered a restricted use pesticide in Guam. Persons applying chlorine gas must be hold a valid certification card in Category 7d, “Chlorine Gas”; or must otherwise hold a valid certification card for Core Training *and* must, at the time of

1 application, be under the direct supervision of an applicator who holds a valid
2 certification card in Category 7d.

3 **(c) Designation by Label or Labeling.** If the registered label for a general use
4 pesticide states, or has related statements indicating, that the applicator must be
5 professional, licensed, registered, certified, or trained (for example, "Only For Sale, Use,
6 and storage by Professional Pest Control Operators", etc...), the applicator must be
7 certified by Guam EPA in the category most related to the pesticide use prior to the
8 application of said pesticide.

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Chapter 15 Pesticides

Article 6 Certification

- 1 §15601. Instructor Qualifications.
- 2 §15602. General Use Pesticide Training Qualification.
- 3 §15603. Restricted Use Pesticide Training Certification.
- 4 §15604. Course and Exam Offerings.
- 5 **§15601. Instructor Qualifications.**

6 Basic Training, Core Training, or Category Training may be offered by the
7 University of Guam, the Guam Community College or an independent contractor. Any
8 person intending to provide any type of training must first meet the requirements set
9 forth below.

10 **(a) Conducting “Train-the-Trainer”.** Instructor qualifications and requirements to
11 conduct a “Train-the-Trainer” course are:

12 **(1)** Two (2) Letters of Recommendation from a former or current supervisor, or
13 individual who holds a managerial position, with expertise in pesticide-related
14 activity. Such persons include, but are not limited to, university professors,
15 owners/managers of pesticide companies, or directors of an environmental or public
16 health regulatory agency;

17 **(2)** A Guam EPA approved training plan, as described in §15602(d) below;

18 **(3)** Practical knowledge of the training material and all applicable local and federal
19 requirements; and

1 (4) The ability to effectively prepare student-instructors for teaching the required
2 course material, including the use of a variety of teaching tools.

3 **(b) Conducting Training.** Instructor qualifications and requirements to conduct
4 Basic, Core or Category Training are:

5 (1) Two (2) Letters of Recommendation from a former or current supervisor, or
6 individual who holds a managerial position, with expertise in pesticide-related
7 activity. Such persons include, but are not limited to, university professors,
8 owners/managers of pesticide companies, or directors of an environmental or public
9 health regulatory agency;

10 (2) Successful completion of a Guam-EPA approved "Train-the-Trainer" course
11 and the passage of any applicable exam;

12 (3) Current qualification/certification in the type of training to be conducted (BT-A,
13 BT-B, Core or the applicable Category/ies);

14 (4) A Guam EPA approved training plan, as described in §15602(d) below;

15 (5) Practical knowledge of the training material and all applicable local and federal
16 requirements; and

17 (6) The ability to teach and communicate effectively with student-applicators to
18 prepare them for proper performance of their occupational duties.

19 **(c) Approved Training Plan Required.** An approved training plan must adequately
20 incorporate general standards developed by Guam EPA concerning the use of
21 pesticides as appropriate to the type of activities in which the pesticide applicator will
22 be engaged. An approved training plan must identify the type of training to be
23 provided (Basic Training-A, Basic Training-B, Core Training and/or Category Training),
24 and must include, at a minimum:

25 (1) Instructor information, including:

26 (A) The name and address of each instructor;

1 **(B)** A description of each instructor’s qualifications and experience;

2 **(C)** A copy of the current qualification/certification card for each instructor;

3 and

4 **(2)** Training information, including a copy of the training agenda and descriptions
5 of:

6 **(A)** Topics to be covered;

7 **(B)** The target audience;

8 **(C)** How the trainer will ensure that the training is provided in a manner and
9 language that the target audience will understand;

10 **(D)** When, where and how often the training will be conducted;

11 **(E)** How the exam will be administered and graded, if applicable; and

12 **(F)** How the training will incorporate information on all relevant local and
13 federal requirements; and Guam-specific challenges and needs.

14 **§15602. General Use Pesticide Training Qualification.**

15 **(a) Basic Training.**

16 **(1) Basic Training-A (“BT-A”).** BT-A is required for applicants who are paid
17 housekeeping workers including, but not limited to, cleaners and janitors in hotels,
18 hospitals, apartment complexes or condominium complexes, nursing homes, or
19 other non-private residences, and who apply general use antibacterial,
20 antimicrobials, antifungal, disinfectants and other pesticides as part of their
21 occupational duties. BT-A applicants must complete a four (4) hour training course
22 and must successfully pass the open-book BT-A exam.

23 The Basic Training-A curriculum *shall* be developed by the Agency in
24 conjunction with USEPA. The Agency *shall* also establish and consult a local task
25 force, which *shall* include representative from the public and private sectors,

1 including but *not limited to* the University of Guam, the Guam Community College,
2 and the Guam Hotel and Restaurant Association.

3 **(2) Basic Training-B ("BT-B").** BT-B is required for applicants who are paid
4 swimming pool operators and water treatment operators using general use
5 pesticides as part of their occupational duties. BT-B applicants must complete an
6 eight (8) hour training course and must successfully pass the closed-book BT-B
7 exam.

8 Workers in this category *may* satisfy this requirement by attending eight (8)
9 hours of Core Training and passing either the BT-B or Core Training exam.

10 Swimming pool or water treatment operators who intend to use RUP-chlorine
11 products in carrying out their occupations duties must successfully complete Core
12 Training and are not required to complete BT-B. Any applicant who intends to use
13 chlorine gas *must also* obtain certification in Category 7d.

14 **(b) Core Training.** Core Training is required for any applicant, other than those
15 described in subsection (a) above, who intends to use general use pesticides as part of
16 carrying out his occupational duties. Core Training consists of a sixteen (16) hour
17 training course and a closed-book exam.

18 **§15603. Restricted Use Pesticide Training Certification.**

19 **(a) Certification of RUP-Applicators.** Category Training is required for all
20 restricted use pesticide applicators. Satisfactory completion of Core Training is
21 required as a prerequisite for Category Training. Category Training consists of sixteen
22 hours (16) of a specialized type of training course and a closed-book exam. Applicators
23 applying restricted use pesticides shall be certified either as a commercial applicator or
24 a private applicator.

1 **(1) Commercial Applicators** include persons using, or supervising the use of,
2 restricted use pesticides in pest control work, demonstration work or similar pest
3 control activity. Commercial applicators are paid for their services.

4 **(2) Private Applicators** include persons using, or supervising the use of,
5 restricted use pesticides for the purpose of producing any agricultural commodity
6 on property owned or rented by him, his employer, or another person. Persons in
7 this category are not compensated for their work. For purposes of this section,
8 ‘*compensation*’ does not include the trading of personal services between producers
9 of agricultural commodities.

10 **(b) RUP-Applicator Categories.** Applicators shall be further divided into the
11 following categories and subcategories based on general patterns of use and sites where
12 specific knowledge related to the use pattern or site is required to demonstrate
13 competency. A person may be certified in as many categories or subcategories as
14 necessary.

15 **Category 1: Agricultural Pest Control.**

16 **Category 1a: Plants.** This category includes applicators using or
17 supervising the use of restricted use pesticides in production of
18 agricultural crops, including without limiting the foregoing, tobacco,
19 peanuts, cotton, feed grains, soybeans and forage; vegetables, small fruits,
20 fruit trees and nuts, as well as on grasslands and non-crop agricultural
21 lands.

22 **Category 1b: Animals.** This category includes applicators using or
23 supervising the use of restricted use pesticides on animals, including
24 without limiting the foregoing, beef cattle, dairy cattle, swine, sheep,
25 horse, goats, poultry, and livestock, and to places on or in which animals
26 are confined. Doctors of Veterinary Medicine engaged in the business of

1 applying pesticides for hire, publicly holding themselves out as pesticide
2 applicators, or engaged in large scale use of pesticides are included in this
3 category.

4 **Category 2: Forest Pest Control.** This category includes commercial
5 applicators using or supervising the use of restricted use pesticides in forests,
6 forest nurseries, and forest seed producing areas.

7 **Category 3: Ornamental and Turf Pest Control.** This category includes
8 commercial applicators using or supervising the use of restricted use pesticides
9 to control pests in the maintenance and production of ornamental trees, shrubs,
10 flowers, and turf.

11 **Category 4: Seed Treatment.** This category includes commercial
12 applicators using or supervising the use of restricted pesticides on seeds.

13 **Category 5: Aquatic Pest Control.** This category includes commercial
14 applicators using or supervising the use of any restricted use pesticide
15 purposefully applied to any body of water as defined in these regulations,
16 including but not limited to standing or running water; the territorial sea; and
17 bays and harbors of Guam, excluding applicators engaged in public health
18 activities included in Category (8).

19 **Category 6: Right-of-Way Pest Control.** This category includes
20 commercial applicators using or supervising the use of restricted use pesticides
21 in maintenance of public roads, electric power lines, pipelines, railway rights-of-
22 way or other similar areas.

23 **Category 7: Industrial, Institutional, Structural and Health-Related Pest**
24 **Control.**

25 **Category 7a: General and Structural Pest Control.** This category
26 includes commercial applicators using or supervising the use of restricted

1 use pesticides in, on, or around food handling establishments, human
2 dwellings, institutions such as schools and hospitals, industrial
3 establishments, including warehouses and grain elevators, and any other
4 structures and adjacent areas, public or private; and for the protection of
5 stored, processed, or manufactured products.

6 **Category 7b: Structural and Commodity Fumigations.** This
7 category is for applicants who apply fumigants to sites including but not
8 limited to commodity storage or holding sites, buildings, boats, and
9 shipping containers. In addition to being certified, applicators of
10 fumigants must submit a Guam EPA "Notice of Intent: Structural
11 Fumigation" prior to any application of any fumigants, as stipulated in
12 §15305(b) of this Chapter.

13 **Category 7c: Soil Fumigation.** This category is for applicants who
14 apply fumigants to kill organisms such as fungi, insects, nematodes,
15 parasite and other soil-borne diseases. In addition to being certified,
16 applicators of fumigants must submit a Guam EPA "Notice of Intent:
17 Structural Fumigation" prior to any application of any fumigants, as
18 described in §15305 of this Chapter.

19 **Category 7d: Chlorine Gas.** This category is for commercial
20 applicants who use, or supervise the use of, chlorine gas for the treatment
21 of swimming pools, hot tubs, spas and production wells.

22 **Category 8: Public Health Pest Control.** This category includes local,
23 federal or other governmental employees using or supervising the use of
24 restricted use pesticides in public health programs for the management and
25 control of pests having medical and public health importance.

1 **Category 9: Regulatory Pest Control.** This category includes local, federal
2 or other governmental employees who use or supervise the use of restricted use
3 pesticides in the control of regulated pests.

4 **Demonstration and Research Pest Control.** This category includes
5 individuals who demonstrate, or supervise a demonstration, to the public the
6 proper use and techniques of applications of restricted use pesticides. Examples
7 of such persons include, but are not limited to, extension specialists and local
8 agents, commercial representatives demonstrating pesticide products, and those
9 individuals demonstrating methods used in public programs. Category 10 also
10 includes persons conducting field research with pesticides and in doing so, use,
11 or supervise the use of, restricted use pesticides. This includes, but is not limited
12 to, local, federal, other governmental employees, or other commercial
13 applicators.

14 **(c) Standards for Certification.**

15 **(1) Commercial Applicators.**

16 **(A) Determination of Competency.** Competence in the use and handling
17 of pesticides *shall* be determined on the basis of written examinations and, as
18 appropriate, performance testing based upon the standards set forth below, both
19 of which *shall* be approved by the Administrator. Such examination and testing
20 *shall* include the general standards applicable to all categories and the additional
21 standards specifically identified for each category or subcategory in which an
22 applicator is to be classified, and to the pesticide or class of pesticides covered by
23 the persons certification.

24 **(B) General Standards of Competency.** All commercial applicators *shall*
25 demonstrate practical knowledge of the principles and practices of pest control
26 and safe use of pesticides as described below. Testing shall be based on

1 examples of problems and situations appropriate to the particular category or
2 subcategory of the applicator's certification and the following areas of
3 competency:

4 **(i) Label and Labeling Comprehension.** Including factors such as:

5 (aa) General format of labels and terminology that are used on
6 pesticide labels and labeling;

7 (bb) Instructions, warnings, terms, symbols, and other
8 information commonly appearing on pesticide labels;

9 (cc) Classification of the product, general or restricted; and

10 (dd) Necessity for use consistent with the label.

11 **(ii) Safety.** Including factors such as:

12 (aa) Pesticide toxicity and hazard to man and common exposure
13 routes;

14 (bb) Common types and causes of pesticide accidents;

15 (cc) Precautions necessary to guard against injury to applicators
16 and other individuals in or near treated areas;

17 (dd) Need for and use of protective clothing and equipment;

18 (ee) Symptoms of pesticide poisoning;

19 (ff) First Aid and other procedures to be followed in case of a
20 pesticide accident; and

21 (gg) Proper identification, storage, transport, handling, mixing
22 procedures and disposal methods for pesticides and used pesticide
23 containers, including precautions to be taken to prevent children from
24 having access to pesticides and pesticide containers.

25 **(iii) Potential Environmental Consequences of the Use and Misuse**
26 **of Pesticides.** Including influential factors such as:

- (aa) Weather and other climatic conditions;
- (bb) Types of terrain, soil or other substrate;
- (cc) Presence of fish, wildlife and other non-target organisms;
- and
- (dd) Drainage patterns.

(iv) Pests. Including factors such as:

- (aa) Common features of pest organisms and characteristics of damage needed for pest recognition;
- (bb) Recognition of relevant pests; and
- (cc) Pest development and biology as it may be relevant to problem identification and control.

(v) Pesticides. Including factors such as:

- (aa) Types of pesticides;
- (bb) Types of formulations;
- (cc) Compatibility, synergism, persistence and animal and plant toxicity of the formulations;
- (dd) Hazards and residues associated with use;
- (ee) Factors which influence effectiveness or lead to such problems as resistance to pesticides; and
- (ff) Dilution procedures, including calculations to achieve correct application rate.

(vi) Equipment. Including factors such as:

- (aa) Types of equipment and advantages and limitations of each type; and
- (bb) Use, maintenance and calibration.

(vii) Application techniques. Including factors such as:

1 (aa) Methods of procedure used to apply various formulations of
2 pesticides, solutions, and gases, together with knowledge of which
3 technique of application to use in a given situation;

4 (bb) Relationship of discharge and placement of pesticides to
5 proper use, unnecessary use, and misuse; and

6 (cc) Prevention of drift and pesticide loss into the environment.

7 **(viii) All local and federal requirements.**

8 **(C) Specific Standards of Competency.** Commercial Applicators should
9 demonstrate additional competence and knowledge appropriate to their
10 particular category of certification, described as follows:

11 **Category 1: Agricultural Pest Control.**

12 **Category 1a: Plants.** Applicators must demonstrate practical
13 knowledge of the crops grown and the specific pests on these crops on
14 which they may be using RUPs. The importance of such competency is
15 amplified by the extensive areas involved, the quantities of pesticides
16 needed, and the ultimate use of many commodities as food and feed.
17 Practical knowledge is required concerning soil and water problems, pre-
18 harvest intervals, re-entry intervals, phytotoxicity, and potential for
19 environmental contamination, non-target injury and community problems
20 from the use of restricted use pesticides in agricultural areas.

21 **Category 1b: Animals.** Persons applying pesticides directly to
22 animals must demonstrate knowledge of such animals and their
23 associated pests. A practical knowledge is also required concerning
24 specific pesticide toxicity and residue potential, since host animals will
25 frequently be used for food. Further, the applicator must know the

1 relative hazards associated with such factors as formulation application
2 techniques, age of animals, and focus and extent of treatment.

3 **Category 2: Forest Pest Control.** Applicators shall demonstrate practical
4 knowledge of the extent and types of forests, forests nurseries, and seed
5 production in Guam and the pests involved. They should demonstrate practical
6 knowledge of the cyclic occurrence of certain pests and specific population
7 dynamics as a basis for programming pesticide applications. A practical
8 knowledge is required of the relative biotic agents and their vulnerability to
9 pesticides to be applied. Because forest stands frequently include aquatic
10 habitats and harbor wildlife, the consequences of pesticide use may be difficult to
11 assess. The applicators must therefore demonstrate practical knowledge of
12 control methods that will minimize the possibility of secondary problems such as
13 unintended effects on wildlife. Proper use of specialized equipment must be
14 demonstrated, especially as it may relate to meteorological factors and adjacent
15 land use.

16 **Category 3: Ornamental and Turf Pest Control.** Applicators shall
17 demonstrate practical knowledge of pesticide problems associated with the
18 production and maintenance of ornamental trees, shrubs, plantings, and turf,
19 including cognizance of potential phytotoxicity due to a wide variety of plant
20 material, drift, and persistence beyond the intended period of pest control.
21 Because of the frequent proximity of human habitations to application activities,
22 applicators in this category must demonstrate practical knowledge of the
23 hazards to humans, pets, and other domestic animals.

24 **Category 4: Seed Treatment.** Applicators shall demonstrate practical
25 knowledge of types of seeds that require chemical protection against pests and
26 factors such as seed coloration, carriers, and surface active agents which

1 influence pesticide binding and may affect germination. They must demonstrate
2 practical knowledge of hazards associated with handling, sorting and mixing,
3 and misuse of treated seed such as introduction of treated seed into food and
4 feed channels, as well as proper disposal of unused treated seed.

5 **Category 5: Aquatic Pest Control.** Applicators shall demonstrate practical
6 knowledge of the secondary effects which can be caused by improper application
7 rates, incorrect formulations, and faulty application of restricted use pesticides
8 used in this category. They shall demonstrate practical knowledge of various
9 water use situations and the potential of downstream effects. Further, they must
10 have practical knowledge concerning potential pesticide effects on plants, fish,
11 birds, beneficial insects and other organisms which may be present in aquatic
12 environments. These applicators shall demonstrate practical knowledge of the
13 principles of limited area application.

14 **Category 6: Right-of-way Pest Control.** Applicators shall demonstrate
15 practical knowledge of a wide variety of environments since rights-of-ways can
16 traverse many different terrains, including waterways. They shall demonstrate
17 practical knowledge of the problems of runoff, drift, and excessive foliage
18 destruction and ability to recognize target organisms. They shall also
19 demonstrate practical knowledge of the nature of herbicides and the need for
20 containment of these pesticides within the right-of-way area, and the impact of
21 their application activities in the adjacent areas and communities and special
22 drift control methods and procedures.

23 **Category 7: Industrial, Institutional, Structural and Health-Related Pest**
24 **Control.**

25 **Category 7a: General and Structural Pest Control.** Applicators must
26 demonstrate practical knowledge of a variety of pests including their life

1 cycles, as well as types of formulations appropriate for their control and
2 methods of application that avoid contamination of food and damage and
3 contamination of habitat, and exposure of people and pets. Since human
4 exposure, especially to babies, children, pregnant women, and elderly
5 people, is frequently a potential problem, applicators must demonstrate
6 practical knowledge of the specific factors which may lead to a hazardous
7 condition, including continuous exposure in the various situations
8 encountered in this category. Because health related pest control may
9 involve outdoor applications, applicators in this category must also
10 demonstrate practical knowledge of environmental conditions particularly
11 related to this activity.

12 **Category 7b: Structural and Commodity Fumigation.** In this
13 subcategory, types of structures include, but are *not* limited to inhabited
14 buildings, containers, boat. Applicators must demonstrate practical
15 knowledge of core requirements covering fumigant and fumigation use
16 laws and regulations, the basic principles of fumigant use, of handler and
17 worker safety requirements especially pesticide safety training, preventing
18 heat-related illnesses, of fumigant labels, how to interpret and follow label
19 directions and requirements.

20 Applicators must demonstrate practical knowledge of the hazards
21 associated with fumigant use and preventing human exposure,
22 environmental contamination, off-site movement/drift, and phytotoxicity,
23 of safe fumigant handling practices, proper PPE selection, use, and care,
24 and responding to fumigant emergencies.

25 Applicators must demonstrate practical knowledge of proper
26 fumigant application procedures, selecting and using appropriate

1 application equipment and its calibration, and of hazards and safe use
2 practices.

3 **Category 7c: Soil Fumigation.** Applicators must demonstrate
4 practical knowledge of core requirements covering fumigant and
5 fumigation use laws and regulations, the basic principles of fumigant use,
6 of handler and worker safety requirements especially pesticide safety
7 training, preventing heat-related illnesses, of fumigant labels, how to
8 interpret and follow label directions and requirements.

9 Applicators must demonstrate practical knowledge of the hazards
10 associated with fumigant use and preventing human exposure,
11 environmental contamination, off-site movement/drift, and phytotoxicity,
12 of safe fumigant handling practices, proper PPE selection, use, and care,
13 and responding to fumigant emergencies.

14 Applicators must demonstrate practical knowledge of proper
15 fumigant application procedures, selecting and using appropriate
16 application equipment and its calibration, and of hazards and safe use
17 practices.

18 **Category 7d: Chlorine Gas.** Applicators must demonstrate practical
19 knowledge of the toxicity of liquefied chlorine gas; the dispersion
20 properties and other characteristics of gaseous chemicals; equipment types;
21 calibration procedures; application techniques; air and water monitoring
22 procedures; use and maintenance of personal protective equipment and
23 clothing; and factors that may lead to a hazardous conditions, including
24 handling of pressurized chemicals and direct or continuous exposure to
25 chlorine gas.

1 **Category 8: Public Health Pest Control.** Applicators must demonstrate
2 practical knowledge of pests of public health importance, vector-disease
3 relationships, and etiology of disease-host relationships. Since a wide variety of
4 pests are involved, these pests must be known and recognized by public health
5 control applicators, and the life's cycles and habitats of each thoroughly
6 understood. These applicators should be familiar with a great variety of
7 environmental conditions ranging from streams to dwellings. They should also
8 be cognizant of such non-chemical control methods as sanitation, waste disposal,
9 and drainage.

10 **Category 9: Regulatory Pest Control.** Applicators shall demonstrate
11 practical knowledge of regulated pests, applicable law relating to quarantine and
12 other regulation of pests, and the potential impact on the environment of
13 restricted use pesticides used in suppression and eradication programs. They
14 shall demonstrate knowledge of factors influencing introduction, spread, and
15 population dynamics of relevant pests. Their knowledge shall extend beyond
16 that required by their immediate duties, since their services are frequently
17 required in Guam and other areas of the country where emergency measures are
18 invoked to control regulated pests and where individual judgments in new
19 situations must be made.

20 **Category 10: Demonstration and Research Pest Control.** Persons
21 demonstrating the safe and effective use of pesticides to other applicators and the
22 public will be expected to meet comprehensive standards reflecting a broad
23 spectrum of pesticide uses. Many different pest problems situations will be
24 encountered in the course of activities associated with demonstration, and
25 practical knowledge of problems, pests, and population levels occurring in each
26 demonstration situation is required. Further, they should demonstrate an

1 understanding of pesticide-organism interactions and the importance of
2 integrating pesticide use with other control methods.

3 Applicators doing demonstration pest control work, conducting field
4 research or method improvement work with RUPs should possess a practical
5 knowledge of all of the general standards detailed in §15603(c)(2) of this Chapter.
6 In addition, they shall be expected to know the specific standards described in
7 §15603(c)(3)(A) through (I) of this Chapter as may be applicable to their
8 particular activity.

9 For the purposes of this Chapter, the above standards do not apply to
10 persons conducting laboratory-type research involving RUPs; or Doctors of
11 Medicine or Doctors of Veterinary Medicine applying pesticides as drugs or
12 medication during the course of their normal practice.

13 **(2) Private Applicators.**

14 **(A) Determination of Competency.** Competence in the use and handling of
15 pesticides *shall* be determined on the basis of written examinations and, as
16 appropriate, performance testing based upon the standards set forth below both
17 of which *shall* be approved by the Administrator. Such examination and testing
18 *shall* include the standards applicable to Category 1, 1a and 1b in which an
19 applicator is to be classified.

20 **(B) Standards of Competency.** Competence in the use and handling of
21 pesticides by a private applicator *shall* be determined by the procedures set forth
22 below. As a minimum requirement for certification, a private applicator must
23 show that s/he possesses a practical knowledge of the pest problems and pest
24 control practices associated with his agricultural operations; proper storage, use,
25 handling and disposal of the pesticides and containers; and his related legal
26 responsibility. The practical knowledge includes ability to:

1 (i) Recognize common pests to be controlled and damage caused by
2 them;

3 (ii) Read and understand the label and labeling information including
4 the common name of pesticides he applied; pest(s) to be controlled, timing
5 and methods of application; safety precautions; any pre-harvest or re-entry
6 restrictions; and any specific disposal procedures;

7 (iii) Apply pesticides in accordance with label instructions and
8 warnings, including the ability to prepare the proper concentrations of
9 pesticide to be used under particular circumstances taking into account
10 such factors as area to be covered, speed at which application equipment
11 will be driven, and the quantity dispersed in a given period of operation;

12 (iv) Recognize local environmental situations that must be considered
13 during application to avoid contamination;

14 (v) Recognize poisoning symptoms and procedures to follow in case of
15 pesticide accident; and

16 (vi) Consult reliable sources of information on the safe and proper use
17 of each pesticide related to the applicator's certification.

18 **(3) Standards for Supervision of Uncertified Applicators.** The supervisor of a
19 uncertified applicator must ensure that the applicator holds a valid Core Training
20 Qualification Card and is someone who follows instructions. In addition, the
21 supervisor must be certified in the appropriate category for the type of application
22 he/she is directly supervising; he must demonstrate practical knowledge of all local
23 and federal requirements; and he must be physically present on site observing the
24 application of the pesticide at the time of application. The uncertified applicator
25 must complete the appropriate category training *no later than* ninety (90) days from
26 his date of hire.

1 **§15604. Course and Exam Offerings.**

2 Training course and exam offerings are subject to space and instructor availability.

3 Exams, however, will be offered at least once per month.

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Division 3
Guam Pesticide Regulations

Chapter 15
Pesticides

Article 7
Licenses, Permits, Cards and Fees.

1 §15701. Special Licenses.

2 §15702. Permits.

3 §15703. Qualification and Certification Cards.

4 §15704. Fees.

5 **§15701. Special Licenses.**

6 (a) **Pest Control Operator (PCO) License.** Any person intending to conduct
7 structural pest control in or around residential and commercial buildings *shall* obtain
8 a PCO License from Guam EPA prior to conducting any structural pest control.

9 (b) **Pesticide Trainers License.** Any person intending to provide Basic
10 Training, Core Training or Category Training must obtain a Pesticide Trainers
11 License from Guam EPA. This licensure requirement is in addition to the training
12 instructor qualifications and requirements stipulated in §15601 of this Chapter. All
13 applicable requirements must be satisfied prior to the start of any pesticide training.

14 (c) **Pesticide Dealers License.** Any person intending to sell restricted use
15 pesticides must first obtain a Pesticide Dealers License from Guam EPA.
16 Additionally, a Pesticide Dealers License *shall* be required for each sales outlet
17 operating in Guam. Each Pesticide Dealers License issued *shall* expire on December
18 31 of the year in which the license was issued. The application for a Pesticide

Dealers License *shall* be on a form prescribed by the Administrator and shall include, at minimum:

- a. The name and address of the applicant;
- b. The physical address of the sales outlet (primary and all branch outlets, when applicable); and
- c. The name, address, and certified applicator number of the Certified Pesticide Sales Manager (CPSM) at each sales outlet.

§15702. Permits.

(a) Fumigation Permit. Any person intending to perform any fumigation must first obtain a Fumigation Permit from Guam EPA. An application for a Fumigation Permit *shall* be on a form prescribed by the Administrator and shall include, at minimum:

(1) Information on the pesticide to be used:

(A) The name, registration number, and an electronic copy of the label or labeling for each pesticide to be used;

(B) A description of the equipment to be used; and

(C) An estimated amount of the fumigant to be used for each permit period.

(2) Information on the applicator:

(A) The name and certification number of each certified pesticide applicator involved in the project; and

(B) The name of the entity for which the applicator is performing the application;

(3) Information on the permanent application site, or any temporary sites, if applicable:

(A) The physical address of the application site;

(B) A description of the application site, including the size of the area to be treated;

1 (C) A map showing all residential homes, schools, hospitals, places of
2 worship and businesses within seventy-five (75) feet of the site;

3 (4) General Information on the Project:

4 (A) The names and contact numbers of the facility owner and the project
5 manager;

6 (B) Description or history of the company's work experience with using the
7 fumigant that is proposed for application;

8 (C) A standard operating procedure for the project;

9 (D) A health and safety plan;

10 (E) Any additional information required in a Fumigant Management Plan
11 by the product label;

12 (F) A listing of the target pests.

13 (b) **Chemigation Permit.** Any person intending to conduct any chemigation, must
14 first obtain a Chemigation Permit from Guam EPA; and must meet the following
15 conditions:

16 The applicator must provide sufficient written evidence to Guam EPA in advance of
17 the application that a chemigation application is the only viable method for pest
18 control. In order to demonstrate to Guam EPA that there are no other viable
19 methods of pest control, the applicator must provide a list of target pests, location of
20 proposed chemigation, a description of equipment to be used, including required
21 back flow prevention devices to prevent contamination of the water sources, a copy
22 of the label for the pesticide(s) proposed for use, and a description of the other types
23 of pest control methods that have been attempted and the results of these methods.
24 The copy of the label submitted to Guam EPA must be a copy of the label on the
25 container(s) of the pesticide to be used. Upon review of the applicator's submission
26 and the EPA accepted label for the product to be used, Guam EPA will make a

determination as to whether the chemigation application will be allowed. If Guam EPA allows the application, a written permit will be issued by Guam EPA. The pesticide to be used must be registered by U.S. EPA for use in chemigation.

(1) Areas to be chemigated must be posted with a sign when 1) any part of a treated area is within 300 feet of sensitive areas such as residential areas, labor camps, businesses, day care centers, hospitals, in-patient clinics, nursing homes or any public areas such as schools parks, playgrounds, or other public facilities not including public roads., or 2) when the chemigated areas is open to the public such as golf courses or retail greenhouses.

(2) Application areas must be posted by the pesticide applicator with signs in English at all usual points of entry and along likely routes of approach from the listed sensitive area. When there are not usual point of entry, signs must be posted in the corners of the treated areas and in any other locations affording maximum visibility to sensitive areas. The printed side of the sign must face away from the treated area towards the sensitive area. The signs must be printed in the English language. Signs must be posted prior to the application and remain posted until foliage has dried and soil surface water as disappeared. Signs must remain in place indefinitely as long as they are composed of materials to prevent deterioration and maintain legibility for the duration of the posting period. Applicators are responsible to remove the signs from the treated areas.

(3) Effective posting consists of letters at least 2 ½ inches tall, with all letters and symbols in color which sharply contrasts with their immediate background. At the top of the sign must be the words "KEEP OUT", followed by an octagonal stop sign symbol at least 8 inches in diameter containing the word "STOP". Below the stop sign symbol must be the words "PESTICIDE IN IRRIGATION WATER."

1 **(c) Aerial Pesticide Application Permit.** Any person intending to apply pesticides
2 by aircraft must first obtain and Aerial Pesticide Application Permit from Guam EPA.
3 An application for a Aerial Pesticide Application Permit *shall* be on a form prescribed
4 by the Administrator and shall include, at minimum:

5 **(1)** Information on the pesticide to be used:

6 **(A)** The name and registration number of each pesticide to be applied;

7 **(B)** An electronic copy of the label or labeling for each pesticide to be used;

8 **(C)** The formulation, dilution and application rates for each pesticide to be
9 applied;

10 **(D)** A description of the equipment to be used;

11 **(2)** Information on the applicant, pilot and/or applicator:

12 **(A)** The name, certification number, and certification expiration date of the
13 applicant and pilot/applicator, if different from the applicant;

14 **(B)** A copy of the certification card for the applicant and pilot/applicator, if
15 different from the applicant;

16 **(C)** A copy of the pilot license and any other licenses needed in Guam to
17 operate an aircraft;

18 **(3)** Information on the application site:

19 **(A)** The physical address of the proposed application site; and

20 **(B)** A sketch or map of the site, indicating general wind directions,
21 surrounding homes, bodies of water, schools, hospitals, places of worship,
22 roadways, and crop plantings within five hundred (500) feet of the application
23 site. The Administrator may require additional information to ensure that
24 waters of Guam are protected.

25 **(4)** General Information on the Project:

26 **(A)** A description of the purpose of aerial application and why aerial

1 application is desired;

2 (B) The method of aerial application of the proposed pesticides to be
3 applied;

4 (C) The number of application to be made, and the proposed time and date
5 of each application;

6 (D) A description of prior attempts to control the subject pest by other
7 application methods and the results of those efforts;

8 (E) An indication of what measures will be taken to prevent drift or
9 overspray of non-target sites.

10 The Administrator may refuse to issue an Aerial Pesticide Application Permit if
11 it is determined that the proposed aerial treatment may cause unreasonable adverse
12 effects to human health or the environment.

13 Any Aerial Pesticide Application Permit issued pursuant to this Chapter *shall*
14 specify the time period for which the permit is valid. The Administrator may specify
15 and limit the Aerial Pesticide Application Permit to cover a single treatment or multiple
16 and continued treatments when conditions are not expected to change or vary during
17 subsequent treatments that are conducted in the same designated area. In no case *shall*
18 any pesticide be applied contrary to the U.S. EPA accepted label.

19 The issuance of an Aerial Pesticide Application Permit *shall* not relieve the
20 permittee from the penalty provisions of the Act or any litigation for any damage or
21 contamination of crops or plants, animals, man and the environment resulting from
22 such aerial treatment.

23 **§15703. Qualification and Certification Cards.**

24 Any person intending to apply pesticides as part of their occupational duties must
25 first obtain a qualification/certification card from Guam EPA. Qualification/Certification
26 cards *shall* be issued after successful completion of the appropriate training. Successful

1 completion is measured by the applicator's attendance at the appropriate training
2 course (as certified by the training instructor), together with passing the appropriate
3 exam with a score of seventy percent (70%) or higher (as certified by the exam
4 administrator).

5 **(a) Temporary Cards.** Temporary cards may be issued to individuals who are
6 unable to attend a the appropriate training course (due to the availability of classes)
7 within approximately one month's time from the date he has submitted his application
8 for qualification/certification to Guam EPA. Temporary cards issued pursuant to this
9 section *shall* expire on the last day of the month in which the next appropriate training
10 course will be offered.

11 **(b) Basic Training Qualification Cards.**

12 **(1) Basic Training-A Qualification Card.** Any person intending to apply
13 general use antibacterial, antimicrobials, antifungal, disinfectants and other
14 pesticides as part of their occupational duties must first obtain a "Basic Training-A
15 Qualification Card" from Guam EPA prior to any pesticide application. Any new or
16 transferred employee may be granted a three (3) month grace period to come into
17 compliance with the qualification requirements of this section.

18 **(2) Basic Training-B Qualification Card.** Any person who is a paid
19 swimming pool operator or water treatment operator intending to use general use
20 pesticides as part of his occupational duties must first obtain a "Basic Training-B
21 Qualification Card" from Guam EPA prior to any pesticide application. This
22 requirement does not apply to paid swimming pool operators or water treatment
23 operators who intend to use RUP-chlorine products. Such applicators must obtain
24 RUP-Certification, as described below, in Category 7d as described in §15604 of this
25 Chapter.

1 **(c) Core Training Qualification Card.** Any person, other than those described in
2 subsection (a) above, intending to use general use pesticides as part of carrying out his
3 occupational duties must first obtain a “Core Training Qualification Card” from Guam
4 EPA prior to any pesticide application. Applicants for Core Training Qualification must
5 be at least seventeen (17) years of age.

6 **(d) Certification Card.** Any person intending to apply restricted use pesticides must
7 first obtain a Certification Card from Guam EPA for the appropriate category(ies).
8 Applicants for RUP-Certification Training must be at least eighteen (18) years of age.
9 RUP-Applicators *shall* be certified either as a

10 **(1) Commercial Applicator,** in the category or subcategory most related to the
11 pesticide he will be using; or

12 **(2) Private Applicator,** in Category 1, 1a, or 1b, as described in §15604 of this
13 Chapter.

14 **(e) Renewal.** All Certification Cards issued pursuant to this Chapter *shall* be
15 renewed every three (3) years. Individuals may submit applications for renewal *no more*
16 *than* thirty (30) days prior to the expiration date of their certification. Individuals
17 intending to renew their certification must successfully pass the appropriate exam.
18 Training for each applicant is required upon initial application for certification. All
19 individuals who hold “Core Training Certification Cards” older than three (3) years
20 from the effective date of this Chapter must renew their certification.

21 **§15704. Fees.**

22 In order to fulfill the duties and responsibilities associated with the implementation
23 of these regulations, the Agency hereby establishes conditions and fees as set forth in
24 Table 1 of this Chapter. All fees *shall* be paid to and deposited into “The Pesticide
25 Management Fund” as specified in 10 GCA §50119, which shall be maintained separate
26 and apart from any other government of Guam bank account. All fees are non-

1 refundable and must be paid in the following manner:

2 **(a) Qualification/Certification Card Fees.** Fees must be paid upon issuance of
3 the qualification/certification card or a replacement card.

4 **(b) Training/Exam Fees.** Fees must be paid prior to each training/exam session.

5 **(c) License/Permit Fees.** Fees must be paid at the time a license/permit
6 application is submitted.

7 **(d) Notice of Arrival Fees.** Fees must be paid at the time the NOA form is
8 submitted; or based upon an agreed payment plan between the importer and the
9 Agency.

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Division 3 Guam Pesticide Regulations

Chapter 15 Pesticides

Article 8 Enforcement

1 §15801. Enforcement Authorities.

2 §15802. Enforcement Procedures.

3 §15803. Denial, Suspension, and Revocation.

4 **§15801. Enforcement Authorities.**

5 The rules and regulations in this Chapter are promulgated by the Agency
6 pursuant to 10 GCA Chapter, “The Guam Pesticides Act”. The Act also specifies the
7 Agency’s authority to inspect and take necessary enforcement actions to carry out the
8 provisions of the Act or this Chapter.

9 In addition, the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”) is
10 applicable to Guam. Pursuant to Section 23 of FIFRA, the Guam Environmental
11 Protection Agency and the U.S. Environmental Protection Agency have entered into a
12 Cooperative Agreement. Under this agreement, Guam EPA has primary enforcement
13 responsibility for pesticide use violations.

14 The provisions of “The Guam Pesticide Act” and this Chapter are intended to
15 meet minimal requirements of FIFRA. Should there arise a conflict between local and
16 federal requirements, the more stringent requirement applies.

17 **§15802. Enforcement Procedures.**

18 All enforcement procedures *shall* comply with 5 GCA Chapter 9 – “The Guam
19 Administrative Adjudication Law” and 10 GCA Chapter 50 – “The Guam Pesticides

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APPENDIX 1

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1 Act”.

2 **(a) Notice of Violation and Order of Compliance (NOV/OC).** If – from an
3 inspection, complaint, examination or analysis – there appears to be a violation of the
4 regulations of “The Guam Pesticides Act” or this Chapter, a written NOV/OC *shall* be
5 sent by the Agency to the person against whom proceedings are contemplated. The
6 NOV/OC *shall* state the violation, the manner in which the alleged violator failed to
7 meet the requirement of “The Guam Pesticides Act” or this Chapter, and what should
8 be done to correct the violation.

9 When a violation has been alleged, and a NOV/OC has been issued, and the
10 respondent has received the NOV/OC, the respondent has the option of: (1) within ten
11 (10) working days, entering into a “Voluntary Compliance Agreement” (See Section 8.5)
12 with Guam EPA to come into compliance with the violated provision; said settlement
13 agreement shall be prepared in accordance with the requirements of this Chapter; or (2)
14 within fifteen (15) working days, appealing the NOV/OC to the Board.

15 **(b) Notice of Defense.** A “Notice of Defense” form *shall* be included with the
16 issued NOV/OC. Should the respondent wish to appeal the NOV/OC to the Board, the
17 respondent must submit a completed “Notice of Defense” form to the Board. The
18 Notice must be received by the Board within fifteen (15) working days from receipt of
19 the NOV/OC. Once the Board receives the “Notice of Defense,” any administrative
20 action upon the case *shall* be suspended until a “Notice of Judgment” has been issued
21 by the Board.

22 **(c) Prosecution.** Pursuant to “The Guam Pesticides Act,” the Administrator may
23 impose fines before an appeal has been filed or before the violation has been corrected.
24 Enforcement actions may include monetary fines based on civil/administrative penalties
25 and/or license suspension, revocation, non-renewal, and/or permit cancellation.

26 **(d) Voluntary Compliance Agreement (VCA).** If the respondent wishes to

1 resolve the NOV/OC without appealing to the Board, the respondent has the option of
2 entering into a Voluntary Compliance Agreement (VCA) with the Agency, which must
3 be reached within ten (10) working days. The respondent must immediately notify the
4 Agency of such intentions upon receipt of the NOV/OC. The Agency may work in
5 conjunction with the respondent to determine the terms and conditions of a VCA. The
6 Agency *shall* inform the respondent that he may exercise his right to appeal the
7 NOV/OC to the Board at any time during the fifteen (15) working day time frame by
8 submitting a completed "Notice of Defense" Form.

9 The purpose of the VCA option is to provide an opportunity to resolve the
10 NOV/OC without going through the appeal process with the Board or the referral
11 process with the Attorney General of Guam.

12 **§15803. Denial, Suspension, and Revocation.**

13 The issuance, suspension, or revocation of any certification card, license or
14 permit issued under these regulations *shall* not relieve an individual from the criminal
15 and civil penalty provisions of the Act or any litigation for any damage or
16 contamination resulting from pesticide related activities.

17 **(a) Probable Denial of Application for Certification, License or Permit.** An
18 application for any qualification/certification card, license or permit issued pursuant to
19 this Act or this Chapter, may be denied by the Board as provided in §57135 of the Act,
20 for the following causes:

21 (1) Falsification of any information required in the application process.

22 (2) Falsification of or failure to maintain records as required by the Act and
23 this Chapter.

24 (3) Conviction in a court of competent jurisdiction within a five (5) year
25 period immediately preceding the date of application of any violation of the Act
26 or this Chapter.

1 (4) Failure to comply with any order of the Board made pursuant to the Act
2 and this Chapter.

3 (5) A suspension of applicant's qualification/certification under the Act and
4 this Chapter within a five (5) year period immediately preceding the date of
5 application.

6 (6) Misuse of a pesticide as defined by the Act and this Chapter.

7 **(b) Denial of Application for Qualification/Certification, License or Permit.**

8 An application for any qualification/certification card, license or permit issued pursuant
9 to this Act or this Chapter, *shall* be denied by the Board as provided in §57135 of the
10 Act, for the following causes:

11 (1) Applicant has been convicted in a court of competent jurisdiction within a
12 five (5) year period immediately preceding the date of the application of two (2)
13 or more violations of the Act or this Chapter or of the Federal Insecticide,
14 Fungicide and Rodenticide Act as amended, or the rules and regulations
15 promulgated pursuant thereto.

16 (2) Two (2) or more suspensions of applicant's qualification/certification,
17 license or permit under this Act and this Chapter within a five (5) year period
18 immediately preceding the date of application.

19 (3) Revocation of applicant's qualification/certification, license or permit
20 under this Act and this Chapter within a one (1) year period immediately
21 preceding the date of application.

22 **(c) Probable Suspension of Qualification/Certification, License or Permit.** A
23 qualification/certification card, license or permit issued pursuant to this Act or this
24 Chapter may be suspended pursuant to §57135 of the Act for the following causes.

1 (1) Falsification of any information required in the application process or
2 falsification of or failure to maintain records required by the Act and this
3 Chapter.

4 (2) Misuse of a pesticide as defined by the Act and this Chapter.

5 **(d) Suspension of Qualification/Certification, License or Permit.** A
6 qualification/certification card, license or permit issued pursuant to this Act or this
7 Chapter *shall* be suspended for not less than thirty (30) days and not more than one
8 hundred eighty (180) days for the following causes:

9 (1) Conviction in a court of competent jurisdiction of a violation of §57131 of
10 the Act.

11 (2) Failure to comply with two (2) warning notices issued by GEPA within a
12 two (2) year period.

13 **(e) Probable Revocation of Qualification/Certification, License or Permit.** A
14 qualification/certification card, license or permit issued pursuant to this Act or this
15 Chapter may be revoked for cause. Revocation *shall* be effectuated by a written
16 statement of the Administrator indicating the effective date of the revocation and causes
17 for such action. Possible causes include, but are not limited to, the following:

18 (1) Conviction in a court of competent jurisdiction of a violation of §57131 of
19 the Act.

20 (2) Misuse of a pesticide as defined by the Act and this Chapter.

21 (3) Falsification of any information required in the application process or
22 falsification of or failure to maintain records required by the Act and this
23 Chapter.

22 GARR – Guam Environmental Protection Agency

**Division 3
Guam Pesticide Regulations**

**Chapter 15
Pesticides**

**Article 9
Severability**

1 **§15901. Severability.**

2 *If* any provision of this Chapter or its application to any person or circumstance
3 is found to be invalid or contrary to law, such invalidity *shall not* affect other provisions
4 or applications of this Chapter which can be given effect without the invalid provision
5 or application, and to this end the provisions of this Chapter are severable.

22 GARR – GUAM ENVIRONMENTAL PROTECTION AGENCY
DIVISION III, CHAPTER 15 – PESTICIDES
TABLE 1 – GUAM PESTICIDE REGULATION FEES

TYPE OF DOCUMENTATION	COST	EXPLANATION
1. Notice of Arrival (NOA)	\$3/case for up to 10 cases; \$1/additional case Chlorine tabs/gas \$5/1000 lbs or \$5/1,000 gallons (Note: Min. \$5)	Note: Effective January 1, 2011
2. Termite Soil Application	\$50 < 250 gal. of emulsion mix \$100 ≥ 250 gal. of emulsion mix	Each application
3. Fumigation Permit Fee	\$1,000	Per Year*
4. Chemigation Permit Fee	\$100	Per Permit
5. Pesticide Dealers License	\$250/Primary Sales Outlet \$50/Branch Sales Outlet	Expires Dec 31 (Each Year*)
6. Certification Cards	a. Cards \$15 b. Training \$100 (16 hours) c. Exam \$50 d. Replacement Cards \$10	3 Years*
7. Qualification Cards – (Basic & Core Training)	a. Cards \$15 (Core); \$15 for (Basic Training-A/B) b. Training \$75 (Core); \$35 (BT-B), \$15 (BT-A) c. Exam \$25 (Core); \$15 for (BT-A/B) d. Replacement Cards \$10 e. Exam Study Materials \$15	3 Years*
8. Pest Control Operators License	\$150	Expires Dec 31 (Each Year*)
9. Pesticide Trainers License	a. Cards \$15 b. Training \$100 (16 hours) c. Exam \$50 d. Replacement Cards \$10	Per Year*

*Annual fees are pro-rated

6
without engrossment

I MINA' TRENTA NA LIHESLATURAN GUÅHAN

2010 (SECOND) Regular Session

Date: 8/20/10

VOTING SHEET

SBill No. 441-30(COR)

Resolution No. _____

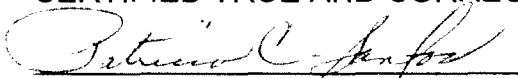
Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
AGUON, Frank B., Jr.	✓				
BLAS, Frank F., Jr.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J. F.	✓				
ESPALDON, James V.	✓				
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
TAITAGUE, Telo	✓				
TENORIO, Ray	✓				
WON PAT, Judith T.	✓				

TOTAL

15 _____

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRMAN
COMMITTEE ON RULES, NATURAL RESOURCES
AND FEDERAL, FOREIGN & MICRONESIAN AFFAIRS



I Mina'Trenta na Liheslaturan Guåhan
THIRTIETH GUAM LEGISLATURE

August 19, 2010

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'Trenta Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

RE: Committee Report on Substitute Bill No. 441-30 (COR)

Hafa Adai Speaker Won Pat:

The Committee on Rules, Natural Resources, and Federal, Foreign & Micronesian Affairs to hereby reports out **Substitute Bill No. 441-30 (COR) - "An Act To Repeal And Adopt A New Title 22, Guam Administrative Rules And Regulations, Division III, Chapter 15; and to Amend 10 GCA Chapter 50 Relative To The Guam Environmental Protection Agency's Pesticide Regulations."**

Committee votes are as follows:

<u>4</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>2</u>	TO REPORT OUT ONLY
<u>0</u>	TO ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

Very Truly Yours,


Rory J. Respicio
Chairperson

2010 AUG 19 PM 2:57

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRMAN
COMMITTEE ON RULES, NATURAL RESOURCES
AND FEDERAL, FOREIGN & MICRONESIAN AFFAIRS



I Mina'Trenta na Liheslaturan Guåhan
THIRTIETH GUAM LEGISLATURE

Committee Report on
Bill No. 441-30 (COR) As Substituted
by the Committee on Rules, Natural Resources and
Federal, Foreign & Micronesia Affairs
(Sponsored By: R.J. Respicio)

“An Act to Repeal and Adopt a New Title
22, Guam Administrative Rules and
Regulations, Division III, Chapter 15; and
to Amend 10 GCA Chapter 50 Relative to
the Guam Environmental Protection
Agency’s Pesticide Regulations.”

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRMAN
COMMITTEE ON RULES, NATURAL RESOURCES
AND FEDERAL, FOREIGN & MICRONESIAN AFFAIRS




I Mina'Trenta na Liheslaturan Guåhan
THIRTIETH GUAM LEGISLATURE

August 19, 2010

MEMORANDUM

To: All Members
Committee on Rules, Natural Resources, and Federal, Foreign & Micronesian
Affairs

From: Senator Rory J. Respicio
Committee Chairperson 

Subject: Committee Report on Substitute Bill No. 441-30 (COR)

Transmitted herewith for your consideration is the report on **Substitute Bill No. 441-30 (COR) - "An Act to Repeal and Adopt a New Title 22, Guam Administrative Rules and Regulations, Division III, Chapter 15; and to Amend 10 GCA Chapter 50 Relative to the Guam Environmental Protection Agency's Pesticide Regulations."**

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Bill No. 441-30 (COR) As Introduced
- Bill No. 441-30 (COR) As Substituted
- Public Hearing Sign-in Sheet
- Submitted Testimonies
- Fiscal Note on Bill No. 441-30 (COR)
- COR Referral of Bill No. 441-30 (COR)
- Public Hearing Notices
- Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os Ma'åse!

SENATOR RORY J. RESPICIO

MAJORITY LEADER

CHAIRMAN, COMMITTEE ON RULES

CHAIRMAN, COMMITTEE ON NATURAL RESOURCES
& FEDERAL, FOREIGN & MICRONESIAN AFFAIRSI MINA' TRENTA NA LIHESLATURAN GUÅHAN
THIRTIETH GUAM LEGISLATURE**COMMITTEE VOTING SHEET**

Substitute Bill No. 441-30 (COR) – R. J. Respicio – “An Act to *Repeal* and *Adopt* a New Title 22, Guam Administrative Rules and Regulations, Division III, Chapter 15; and to *Amend* 10 GCA Chapter 50 Relative to the Guam Environmental Protection Agency’s Pesticide Regulations.”

	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN DUE TO POTENTIAL CONFLICT	TO PLACE IN INACTIVE FILE
SENATOR RORY J. RESPICIO Chairperson						
SENATOR JUDITH P. GUTHERTZ Vice-Chairperson						
SPEAKER JUDITH T. WON PAT, Ed.D. Member						
VICE-SPEAKER BENJAMIN J.F. CRUZ Member				8/18/10 		
LEGISLATIVE SECRETARY TINA ROSE MUÑA BARNES Member						
SENATOR THOMAS C. ADA Member						
SENATOR FRANK B. AGUON, JR. Member	 8/19/10					
SENATOR ADOLPHO B. PALACIOS Member				8/19/10 		
SENATOR VICENTE C. PANGELINAN Member						
SENATOR FRANK F. BLAS, JR. Minority Member						
SENATOR JAMES V. ESPALDON Minority Member						

SENATOR RORY J. RESPICIO

MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES, NATURAL RESOURCES
AND FEDERAL, FOREIGN & MICRONESIAN AFFAIRS



I Mina'Trenta na Liheslaturan Guåhan
THIRTIETH GUAM LEGISLATURE

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 441-30 (COR) - "An Act To Repeal And Adopt A New Title 22, Guam Administrative Rules And Regulations, Division III, Chapter 15 Relative To The Guam Environmental Protection Agency's Pesticide Regulations" was introduced by Senator Rory J. Respicio on August 3, 2010; and was subsequently referred to the Committee on Rules, Natural Resources, and Federal, Foreign & Micronesian Affairs on the same day.

Senator Rory J. Respicio, Chairperson of the Committee on Rules, Natural Resources and Federal, Foreign and Micronesian Affairs convened a public hearing on Bill 441 on Tuesday, August 10, 2010 at 5:30 P.M. in the Legislature's Public Hearing Room to receive public testimony on the measure.

Public Notice Requirements

In accordance with the Open Government Law, notices were disseminated to all senators and to all main media broadcasting outlets on August 3, 2010 and August 9, 2010. Notices were also issued to various public and private entities.

Senators Present

Senator Rory J. Respicio, Chairperson
Senator Thomas C. Ada, Member
Senator Telo Taitague
Senator V. Anthony Ada

II. SUMMARY OF TESTIMONY & DISCUSSION

The public hearing on Bill No. 441-30 (COR) was Called-to-Order at 5:30 P.M.

The public panel was comprised of representatives from the Guam Environmental Protection Agency ("Guam EPA"), the Guam Hotel and Restaurant Association ("GHRA"), NoKaOi, and the University of Guam ("UOG"). Testimony and discussion focused on the following areas:

"Basic Training-A"

The mandating of a basic training requirement for general housekeepers, janitorial, custodial workers and the like has been a point of contention for as long as Guam EPA has been working to develop these regulations, which has spanned over a period of three years.

GHRA expressed its willingness to compromise on the issue of requiring basic training for all general housekeeping and janitorial workers. This compromise is based on the establishment of a "Train-the-Trainer" Program, wherein Guam EPA can train individuals to conduct in-house training for their individual establishments (i.e. each hotel, etc...) or as a service provided by that individual as an independent contractor. This compromise eases the concerns of GHRA regarding Guam EPA's creation of an additional bureaucratic requirement that would affect over 1,000 workers, and yet the agency may not be ready to adequately meet the demands it has placed on itself.

Committee Chairperson Senator Respicio notes that he is pleased the stakeholders are not arguing against the necessity of these workers to having a basic level of specialized education as it applies to their field of work. He further notes his satisfaction with the work both the government, regulatory side and the private, industry side have done to reach this agreement. Guam EPA echoes the sentiments of Senator Respicio.

Senator Respicio adds that the establishment of a "Train-the-Trainer" program does provide an added cost for the Agency so the appropriate adjustments were made to the fee schedule to reflect this. The fees originally set for the training course, exam, ID cards, and replacement cards remain in place for those individuals who are not part of large organizations and may need to satisfy this training requirement through other means (i.e. GCC, UOG, independent contractor, etc...). Senator Respicio confirms with Guam EPA that the changes made to the regulations do not dilute the efforts the Agency has made in drafting these regulations. Guam EPA confirms and expresses content with the fact that an agreement could finally be reached on the training issue, which at the end of the day is good all-around, for the workers, the general public, and the environment.

Pheromones

The identification of pheromones as pesticides is another point of contention in the draft pesticide regulations. In the draft regulations submitted to the Legislature, language identifying pheromones as pesticides was included. After discussions during the Roundtable Discussion held on the draft regulations (prior to the public hearing), UOG made a strong argument that pheromones are not pesticides, unless used in such a manner as to kill (or trap to

kill); while Guam EPA contested this argument, the Agency didn't have any documentation ready to support their claims. During the public hearing, however, Guam EPA provided this Committee with documentation indicating that USEPA expressed caution to Guam EPA that the Agency may potentially lose its primacy (the ability to regulate locally) over the enforcement of FIFRA should its local regulations be inconsistent with federal regulations.

Extensive and lengthy discussion centered on the debate over whether or not pheromones are pesticides. UOG made their argument and provided supporting documents claiming that pheromones should not be classified as pesticides; and Guam EPA argued the contrary. Both UOG and Guam EPA expressed that they have been going back-and-forth on this issue for years; and have even gone into conference calls with USEPA. Both sides agree that they have come to an impasse. In the end, it was decided that the best compromise would be to cite the language provided in the pertinent sections of the Code of Federal Regulations.

"Effective Date"

Senator Tom Ada questioned the reasoning behind setting the "effective date" for the basic training requirement one year later; which was clarified with the explanation that the program isn't in place yet because it still needs to be developed. Guam EPA assured the Committee that it is a great thing Guam is leading the nation in this direction; and that even though the program isn't yet developed, it is a very basic program that Guam EPA and USEPA has already started crafting. It is not complicated and shouldn't take more than 4-5 months to develop. Once the program is developed, the Agency will work with industry to get all affected individuals up to speed with the new requirements.

In the event no classes are available, temporary IDs will be issued to those individuals who pass the prerequisite exam. A three month grace period will also be granted to any new, or transferred, employees.

Requested Amendments

The focus of the discussion then shifted towards requests for specific amendments to the bill and the included regulations. The amendments requested were to address the issues listed below. Descriptions of discussion on the requested amendments, and how the amendments were subsequently addressed by this Committee are detailed in "Part III: Findings and Recommendations" of this report.

- **Establishment of a Task Force for Basic Training-A;**
- **Amended Language for Page 3, Section 4 – Definition of "Certification";**

- Replace “Certification” with “Qualification” for Basic/Core Training Completion;
- Electronic Transmission of Pesticide Labels and Labeling;
- Removal of Requirement to Include Company History in “Notice of Intent”;
- Deadline for Issuance of Fumigation Notices to Surrounding Residents; and
- Pheromones.

Senator Respicio concluded the public hearing on Bill No. 441-30 (COR) at 7:35 P.M.

III. FINDINGS & RECOMMENDATIONS

The “Guam Pesticides Act” of 2007 directed the Guam Environmental Protection Agency to draft regulations to govern the Agency’s pesticides program. The draft regulations were approved by the Guam EPA Board of Directors on May 12, 2010. Pursuant to the Administrative Adjudication Law of Guam, the regulations were forwarded to the Legislature for review and consideration on May 17, 2010. The consideration of the regulations fell under the jurisdiction of the Committee on Natural Resources, chaired by Senator Respicio, and was thereby referred to this Committee.

Committee and Agency staff spent a few weeks reviewing and revising the regulations. The Committee then held a Roundtable Discussion on Monday, August 2, 2010 to involve the public in the review process of the draft regulations. Following the Roundtable, Senator Respicio incorporated the draft regulations into legislation.

Bill No. 441-30 (COR) - “An Act To Repeal And Adopt A New Title 22, Guam Administrative Rules And Regulations, Division III, Chapter 15 Relative To The Guam Environmental Protection Agency’s Pesticide Regulations” was introduced by Senator Respicio on August 3, 2010; and it was subsequently referred to this Committee on the same day. The public hearing on Bill 441 took place the following week.

Based on the testimony from the public hearing, the following amendments have been made to the bill as introduced and are reflected in Substitute Bill No. 441:

(1) Establishment of a Task Force for Basic Training-A.

GHRA was content to see a list of requirements and qualifications for the training instructors and the training plans, but requested for language to be included that would establish a task force made up of the enforcement agency(ies), the educational institutions, and the private sector, or specifically GEPA, GHRA, GCC, and UOG. The task force would be tasked with reviewing the Basic Training-A curriculum to ensure that the necessary requirements and standards are in place for the instructors, the training programs, and the exams. This amendment was made and is reflected in the substitute bill.

(2) Amended Language for Page 3, Section 4 – Definition of “Certification”.

It was initially requested that the definition of “certification” in “Section 4” of Bill 441 be revised to indicate that a person can receive “certification” from *either* the Agency *or* a private training program. “Section 4”, however, was drafted because the regulations as proposed in the introduced version of Bill 441 made “certification” a blanket requirement/process for all pesticide application (general or restricted). The type of certification one would need to obtain would be dependent on the type of pesticides he would apply. Instead, however, this entire section, which proposed a revised definition of “certification” was deleted altogether because Guam EPA, based on USEPA advice, requested that “certification” not be used as a blanket requirement/process, but instead be used to refer to only training for restricted use pesticides (which was reflected in the original definition of “certification” in 10 GCA Chapter 50).

(3) Replace “Certification” with “Qualification” for Basic/Core Training Completion.

As stated in item (2), Bill 441 was drafted in such a way as to create a blanket certification process for all pesticide training; further, it established various types of certification based on the type of pesticide to be applied. Guam EPA, however, requested that alternate language be used for the successful completion of basic/core training because USEPA advised that the term “certification” be specific to restricted use pesticide application. Guam EPA suggested that “Pesticide Training License” be the alternate term, but “Pesticide Training License” is already used interchangeably with “Pesticide Trainers License” for individuals who successfully complete a “Train-the-Trainer” course. Therefore, Committee staff and Agency staff agreed on the term “qualification”. Those who successfully complete basic/core training would then receive either a “Basic Training-A Qualification Card”, “Basic Training-B Qualification Card”, or “Core Training Qualification Card”, as applicable. It was re-iterated in the hearing that all “Qualification Cards” would be issued by Guam EPA, although training courses, exams, and grading may be overseen by other parties.

(4) Electronic Transmission of Pesticide Labels and Labeling.

On pages 10 and 12 in Appendix 1, the “Notice of Intent” requirements for Structural Pesticide Application and Structural Fumigation include the submission to Guam EPA of labels or labeling for pesticides to be used by Pest Control Operators. It was requested that the language in the regulations indicate that the label or labeling could be provided electronically, since some pesticides are used multiple times, but even more so, since some labels or labeling are rather lengthy. This amendment was made and is reflected in the substitute bill.

(5) Removal of Requirement to Include Company History in “Notice of Intent”.

On page 13 of Appendix 1, the “Notice of Intent: Structural Fumigation” requirements mandate that the Pest Control Operator include a “description or history of the company’s work experience with using the fumigant that is proposed for application”. It was requested that this requirement be removed for “Notices of Intent: Structural Fumigation” because this requirement is already met in the review/application process for the annual Fumigation Permit. This amendment was made and is reflected in the substitute bill.

(6) Deadline for Issuance of Fumigation Notices to Surrounding Residents.

On page 13 of Appendix 1, the “Notice of Intent: Structural Fumigation” requirements mandate that a Pest Control Operator issue notices to surrounding residents at least fourteen (14) days prior to the fumigation project. Lengthy discussion ensued during the public hearing between the Agency, private sector representatives and the Committee members. It was agreed that the purpose of the requirement is to ensure that surrounding residents are notified, regardless of whether or not it takes two days or fourteen. The 14 day requirement, however, poses problems for consumers and providers in that it hamstring business operations because fumigations are almost always last minute, emergency decisions for consumers and therefore, planning 14 days becomes impractical. It was agreed that the deadline would be reduced from 14 days to 2 days; that the Guam EPA Administrator would have the ability to waive this requirement in the case of an emergency; and that a company would be able to provide the Agency with valid documents evidencing situations in which the receiving agent for the household, business or structure is unavailable or unwilling to sign receipt of a fumigation notice.

(7) Pheromones.

The debate on whether or not the regulations should classify pheromones as pesticides, as mentioned in “Part II: Summary of Testimony & Discussion”, was settled an amendment to include the language on pheromones as it appears on the Code of Federal Regulations.

(8) The title of Bill 441 as introduced has been amended to read:

“Substitute Bill No. 441-30 (COR) - An Act to *Repeal* and *Adopt* a New Title 22, Guam Administrative Rules and Regulations, Division III, Chapter 15; and to *Amend* 10 GCA Chapter 50 Relative to the Guam Environmental Protection Agency’s Pesticide Regulations.”

With consideration of the above, this Committee hereby submits its findings on Bill No. 441; and hereby reports out “**Substitute Bill No. 441-30 (COR)** - An Act to *Repeal* and *Adopt* a *New Title 22*, Guam Administrative Rules and Regulations, Division III, Chapter 15; and to *Amend* 10 GCA Chapter 50 Relative to the Guam Environmental Protection Agency’s Pesticide Regulations.”

**Bill No. 441-30 (COR) As Substituted
by the Committee on Rules, Natural Resources and
Federal, Foreign & Micronesian Affairs
(Sponsored By: R.J. Respicio)**

***“An Act to Repeal and Adopt a New Title
22, Guam Administrative Rules and
Regulations, Division III, Chapter 15; and
to Amend 10 GCA Chapter 50 Relative to
the Guam Environmental Protection
Agency’s Pesticide Regulations.”***

I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Bill No. 441-30 (COR)

As Substituted by the Committee on Rules,
Natural Resources, and Federal, Foreign & Micronesian Affairs

Introduced by:

R.J. RESPICIO

AN ACT TO REPEAL AND ADOPT A NEW TITLE 22, GUAM
ADMINISTRATIVE RULES AND REGULATIONS, DIVISION III, CHAPTER
15; AND TO AMEND 10 GCA CHAPTER 50 RELATIVE TO THE GUAM
ENVIRONMENTAL PROTECTION AGENCY'S PESTICIDE
REGULATIONS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

SECTION 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the current provisions of the Pesticides Regulations in Title 22, Division III, Chapter 15 of Guam Administrative Rules and Regulations (GARR) were established in 1981. The 1997 version that is available from the Compiler of Laws is a re-numbering of the 1981 version, however, no substance was changed.

These regulations have been reviewed and revised by the Guam Environmental Protection Agency (GEPA), in accordance with the Administrative Adjudication Law, and based on the authority of the Agency granted pursuant to 10 GCA Chapter 50 – “The Guam Pesticides Act”. The new regulations proposed for adoption in this Act are

1 an updated version of the 1981 regulations, which have been amended to reflect current
2 environmental concerns and conditions.

3 These regulations were passed by the Guam Environmental Protection Agency
4 (“GEPA”) on May 12, 2010 and transmitted to *I Liheslaturan Guåhan* for consideration on
5 May 17, 2010. After further review of the documents, GEPA provided technical
6 amendments and clarifying language to the Committee on Natural Resources to
7 incorporate into the adopted version of the regulations.

8 It is the intent of *I Liheslatura* to *repeal* Title 22, GARR, Division III, Chapter 15
9 and to *replace* said chapter with the pesticide regulations adopted in this Act, attached
10 herein as “Appendix 1”.

11 It is also the intent of *I Liheslatura* to *repeal* and *reenact* §50107(d) of 10 GCA
12 Chapter 50 – “The Guam Pesticides Act” to accurately reflect the changes made to the
13 applicator training requirements set forth in the regulations herein.

14 **SECTION 2.** 10 GCA §50107(d) is hereby *repealed* and *reenacted* to read:

15 “(d) Training. Any person who applies general use pesticides as the primary
16 part of his/her job or duties shall be required to meet specific training requirements as
17 set forth in the regulations promulgated under this Chapter.”

18 **SECTION 3.** Title 22, Guam Administrative Rules and Regulations, Division III,
19 Chapter 15 is hereby *repealed*. Hereby *adopted* in its place are the provisions set forth in
20 “Appendix 1”.

1 **SECTION 4. Effective Date.** *Except* for 22 GARR §15602(a) “Basic Training” and
2 22 GARR §15703(b) “Basic Training Qualification Cards”, the provisions of this Act *shall*
3 be effective upon enactment. The provisions set forth in 22 GARR §§ 15602(a) and
4 15703(b) *shall* be effective on October 1, 2011.

22 GARR – Guam Environmental Protection Agency

Division 3
Guam Pesticide Regulations

Chapter 15
Pesticides

Article 1
General Provisions

1 §15101. Words in Singular Form.

2 §15102. Definitions.

3 **§15101. Words in Singular Form.**

4 For purposes of this Chapter, words used in the singular form *shall* include the
5 plural and vice-versa, as appropriate.

6 **§15102. Definitions.**

7 Terms and expressions used in this Chapter but not defined below, *shall* have the
8 meanings set forth in 10 GCA §50102. For purposes of this Chapter, the following terms
9 and expressions *shall* have the meanings set forth below:

10 (a) *Act shall* mean “The Guam Pesticides Act” of Title 10, Guam Code Annotated,
11 Chapter 50 as enacted in 2007 by Public Law 29-26.

12 (b) ‘*Agricultural Commodity Applicator*’ *shall* mean a person who applies any pesticide
13 on or around any agricultural commodity.

14 (c) ‘*Agricultural Establishment*’ *shall* mean a farm, plant nursery, greenhouse or forest
15 area.

16 (d) ‘*Agricultural Operator*’ *shall* mean any person such as a landowner, grower, lease
17 holder or pesticide applicator who is responsible for management or condition of an
18 agricultural establishment that hires or uses such persons. Agricultural operator

1 includes any person who hires, contracts for or uses the services of any person
2 (compensated or uncompensated) to perform activities related to the production of
3 agricultural plants.

4 (e) "*Basic Training*" shall mean a type of pesticide training for certain applicants
5 handling general use pesticides. *Basic Training* is divided into two categories:

6 (1) "*Basic Training-A*" shall mean a type of pesticide training which involves a
7 four (4) hour training course and an open-book exam.

8 (2) "*Basic Training-B*" shall mean a type of pesticide training which involves an
9 eight (8) hour training course and a closed-book exam.

10 (f) '*Body of Water*' shall mean any surface water resource within the borders of Guam
11 including, but not limited to lakes, rivers, streams, bays, lagoons, harbors, intertidal
12 areas, wetlands and coastal ocean waters.

13 (g) '*Category Training*' shall mean a specialized type of training for the use, or
14 supervision of the use of, restricted use pesticides.

15 (h) *Certification* shall refer to

16 (1) The process which an individual must successfully complete in order to be
17 authorized to use, or supervise the use of, restricted use pesticides; or

18 (2) The successful completion of the process which an individual must
19 successfully complete in order to be authorized to use, or supervise the
20 use of, restricted use pesticides,

21 as appropriate to the context in which the term appears.

22 (i) '*Certification Card*' shall mean an identification card issued by Guam EPA to an
23 individual, evidencing that he has successfully completed the process required for an
24 individual to be authorized to use or supervise the use of restricted use pesticides.

25 (j) '*Certified Pesticide Sales Manager*' shall mean a person in charge of the sale of
26 restricted use pesticides and who has successfully passed an examination of any

category to qualify for that position.

(k) *Chemigation* shall mean the application of pesticides through any type of irrigation system including any sprinkler, flood, furrow, drip or greenhouse system.

(l) *'Competent person'* shall mean a person who is qualified to perform functions associated with pesticide application; the degree of capability required being directly related to the nature of the activity and the associated responsibility. A *competent person* must have successfully completed the appropriate training and must have obtained the appropriate certification card from Guam EPA.

(m) *Dealer* shall mean any person, company or corporation engaged in the business of purchasing and selling restricted and/or general use pesticide products or devices.

(n) *Distributor* shall mean any company other than a *dealer* or *sales outlet* that sells only general use pesticides or devices.

(o) *'Federal Requirement'* shall refer to any and all applicable provisions of federal law, especially "The Federal Insecticide, Fungicide, Rodenticide Act", and/or any and all applicable provisions of the Code of Federal Regulations (CFR).

(p) *'Guam EPA'* shall mean the Guam Environmental Protection Agency.

(q) *Hazard* shall mean a situation where there exists a possibility that a given pesticide will cause injury or have an adverse effect on the environment.

(r) *'Keep Out of Reach of Children'* shall mean that children under the age of seventeen (17) shall not open or remove pesticides without parental supervision.

(s) *'Local Requirement'* shall refer to any and all applicable provisions of Guam law, especially "The Guam Pesticides Act", and/or any and all applicable provisions of this Chapter.

(t) *'Non-Refillable Container'* shall mean a container that is designed and constructed for one time containment of a pesticide for sale or distribution. Reconditioned containers are considered to be *non-refillable containers*.

1 (u) *Owner shall* mean any person who has present possessory interest (fee, leasehold,
2 rental or other) in any type of operation that uses, sells and/or distributes pesticides.

3 (v) *'Pest Control Operator (PCO)' shall* mean a company that provides pest control
4 activities for hire and that has obtained a PCO license from Guam EPA.

5 (w) *Program shall* mean the Guam EPA Pesticide Enforcement Program.

6 (x) *'Qualification Card' shall* mean an identification card issued by Guam EPA to an
7 individual, evidencing that he has successfully completed the process required for an
8 individual to be authorized to use or supervise the use of general use pesticides.

9 (y) *'Refillable Container' shall* mean a container that is intended by the registrant of
10 the pesticide to be filled with pesticide more than once for sale or distribution.

11 (z) *Respondent shall* mean an alleged violator.

12 (aa) *'Sales Outlet' shall* mean a location where any restricted use pesticide is sold or
13 distributed; or kept or stored for sale or distribution; and where records of such sales
14 and distribution are kept.

15 (bb) *'Treated Article' shall* mean an article or substance treated with or containing a
16 pesticide to protect the integrity of the article or substance itself treated with a pesticide
17 if the pesticide is registered for such use.

18 (cc) *'Under the Direct Supervision of a Certified Applicator' shall* refer to a situation in
19 which a restricted use pesticide is applied by a Core Training Qualified applicator
20 acting under the instructions, control and direct supervision of a certified applicator,
21 who is required to be physically present on-site and observing the application of the
22 RUP at the time of the application. The person supervising must be certified for the
23 type of pesticide application he is directly supervising.

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Guam Pesticide Regulations

Chapter 15 Pesticides

Article 2 Sale of Pesticides

1 §15201. Registration, Label and Labeling Requirements.

2 §15202. Sale of Restricted Use Pesticides.

3 **§15201. Registration, Label and Labeling Requirements.**

4 Every pesticide product sold and distributed in Guam must be registered with
5 USEPA and *shall* bear a label or labeling conforming to 10 GCA §50108 and all
6 applicable local and federal requirements. All persons must maintain the integrity of
7 the original pesticide label or labeling, including legibility and completeness.

8 **§15202. Sale of Restricted Use Pesticides.**

9 No restricted use pesticide *shall* be sold to a person who is not a certified
10 pesticide applicator.

11 **(a) Dealers and Sales Outlets.**

12 **(1) Dealer's License Required.** No person *shall* sell a restricted use pesticide
13 unless he has obtained a dealer's license from Guam EPA.

14 **(2) Certified Pesticide Sales Manager (CPSM) Required.** Each dealer and
15 sales outlet *shall* have a CPSM, who must hold a valid certification card by Guam EPA
16 in any category training. The name of each CPSM *shall* be submitted together with the
17 application for a dealer's license for each sales outlet. The Administrator must be
18 notified in writing by the owner of the sales outlet within fifteen (15) working days of
19 any change of personnel in this position.

20 **(b) Record Keeping and Reporting Requirements.**

21 Dealers and sales outlets *shall* keep a monthly record of each sale of each

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1 restricted use pesticide. Dealers and sales outlets *shall* prepare sales records in
2 duplicate. Such records *shall* include: the name, address, and certification number of
3 the purchaser; the expiration date of the purchaser's certification; the date of sale; the
4 USEPA Registration number, quantity, and brand name of RUPs sold; and the CPSM's
5 signature, which must be affixed at the time of the sale transaction.

6 The original copies of the monthly sales records *shall* be submitted to the
7 Administrator within five (5) working days after the end of each month. The duplicate
8 copies *shall* be kept for a period of two (2) years at the physical location where the sale
9 transactions took place.

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Chapter 15 Pesticides

Article 3 Use of Pesticides

1 §15301. Record Keeping and Reporting Requirements for Application.

2 §15302. Disposal.

3 §15303. Storage and Display.

4 §15304. Transportation.

5 §15305. Notice of Intent.

6 §15306. Posting of Signs.

7 §15307. Special Requirements for Foggers.

8 §15308. Special Requirements for Aerial Pesticide Application.

9 §15309. Worker Protection Standards.

10 **§15301. Record Keeping and Reporting Requirements for Application.**

11 Record keeping is required for all applicators who apply any amount of
12 restricted use pesticides. Applicators *shall* keep and maintain, for the period of at least
13 two (2) years, routine operational records, copies of which *shall* be provided by the
14 applicant to the site manager or facility owner. Such records *shall* include the following
15 information:

16 (a) The name, address, and certification number of the person who applied the
17 pesticide;

18 (b) The expiration date of the applicator's certification;

19 (c) The name and address of the entity for whom the pesticide was applied;

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1 (d) The USEPA registration number and trade (or common) name of each pesticide
2 applied;

3 (e) The date, time, location, and method of pesticide application;

4 (f) Target pests;

5 (g) Target site (i.e., the specific crop (or commodity), residence, school, etc...); and

6 (h) Where or how any rinsate, remaining pesticide and/or the pesticide container is
7 stored or disposed of.

8 **§15302. Disposal.**

9 Pesticides, empty containers (or parts thereof), or equipment that holds (or has
10 held) a pesticide, *shall* not be emptied or disposed of in such a manner that may present
11 a hazard to persons, animals (especially bees), food, feed, crops or property.

12 Empty non-refillable pesticide containers must be triple rinsed and punctured to
13 render useless. To dispose of any non-refillable pesticide container that cannot be triple
14 rinsed and punctured, the user must follow directions on the container's pesticide label.
15

16 Empty refillable containers must be triple rinsed and punctured to be rendered
17 useless if such container is not being returned to an authorized refiller.

18 Pesticides that are considered hazardous waste must be disposed of in
19 accordance with all applicable local and federal requirements.

20 **§15303. Storage and Display.**

21 No person *shall* store or display pesticides in violation of the USEPA-accepted
22 label or labeling or local or federal requirements. All pesticides must be stored in the
23 following manner:

24 (a) No pesticide, empty pesticide container (or parts thereof), or equipment that
25 holds (or has held) a pesticide *shall* be stored, displayed, or left unattended under
26 conditions:

1 (1) Where food, food containers, animal feed or any other products are likely
2 to become contaminated; or

3 (2) That may create a hazard or cause injury to humans, vegetation, crops,
4 live-stock, wildlife, beneficial insects or aquatic life.

5 (b) Pesticides must be stored in a locked, well-ventilated, cool and dry storage area.

6 (c) Restricted Use Pesticide storage areas must be posted with a warning sign that
7 states any, all, or any combination, of the following statements, as applicable:

8 (1) "Danger";

9 (2) "Poison Storage Area";

10 (3) "All Unauthorized Persons Keep Out"; or

11 (4) "Keep Door Locked When Not In Use".

12 (d) Pesticides must not be stored in places where flooding is possible or in places
13 where pesticides might spill or leak into wells, drains, groundwater, or any body of
14 water.

15 (e) Pesticides must be stored or displayed in such a way that they are kept out of
16 reach of children and pets.

17 (f) Pesticides must not be stored near flammable liquids or solids; or near a source
18 of ignition including, but not limited to, a furnace, car, gas grill, or lawnmower.

19 (g) Pesticides must be stored in their original containers with the complete original
20 label, which includes, but is not limited to, the USEPA Registration number &
21 establishment number, ingredient statement, directions for use, personal protective
22 equipment and first aid steps in case of accidental poisoning.

23 (h) Pesticides must not be transferred to any container including, but not limited to,
24 soft drink bottles or other food or drink containers other than proper mixing and
25 application equipment.

26 (i) Pesticides must not be stored near incompatible chemicals.

1 **§15304. Transportation.**

2 Pest Control Operators transporting pesticides must have a company logo readily
3 recognizable to the public on all vehicles used for such transportation. Such vehicles
4 *shall* not be used for transportation of passengers and pets until such time that the
5 pesticides have been removed and the vehicle or pesticide equipment in the vehicle
6 have been properly sanitized.

7 **§15305. Notice of Intent.**

8 **(a) Notice of Intent: Structural Pesticide Application (NOI: SPA).** Any person
9 intending to perform structural pesticide applications for termites (including pre- or
10 post- construction treatments to soil), must submit a notice of intent for structural
11 pesticide prior to the proposed application.

12 **(1) NOI: SPA Form.** The NOI: SPA *shall* be on a form prescribed by the
13 Administrator and shall include, at minimum:

14 **(A)** The date and time of proposed application; and

15 **(B)** Information on the pesticide to be used:

16 **(i)** An electronic copy of the label or labeling for each pesticide to be
17 used;

18 **(ii)** A calculation of the amount of the pesticides to be applied; and

19 **(iii)** A description of the proposed application method;

20 **(C)** Information on the applicator:

21 **(i)** The name and certification number of each certified pesticide
22 applicator involved in the project; and

23 **(ii)** The name of the entity for which the applicator is performing the
24 application;

25 **(D)** Information on the application site:

26 **(i)** The physical address of the application site, including a map to

1 the site and the site lot number;

2 (ii) A description of the application site, including the size of the area
3 to be treated;

4 (iii) A map showing all bodies of water within one thousand (1,000)
5 feet of the application site. The Administrator may require additional
6 information to ensure that waters of Guam are protected.

7 **(2) NOI: SPA General Requirements.** Prior to any termite and other soil
8 applications, the applicator must ensure that:

9 (A) After the chemical pesticide application is completed, the treated
10 area is adequately protected from the elements to protect rainwater from
11 reaching the treated area.

12 (B) If the treated area is to be covered with concrete, the concrete must
13 be poured *no later than* twelve (12) hours after the application is completed.

14 Should it be determined that the proposed pesticide's physical-chemical
15 characteristics such as solubility, adsorption, volatility and degradation indicate
16 potential for adverse impact to surface and ground water of Guam, the
17 applicator must find a suitable less toxic or lower risk alternative for termite
18 treatment at the proposed site. Any alternative pesticide used must meet federal
19 and local requirements for the intended use.

20 **(b) Notice of Intent: Structural Fumigation (NOI: SF).** Any person intending to
21 perform fumigation of any structure including, but not limited to, buildings and any
22 fumigation of soil, must submit a notice of intent for structural fumigation to the
23 Agency *at least* two (2) days prior to the proposed application.

24 **(1) NOI: SF Form.** The NOI: SF *shall* be on a form prescribed by the
25 Administrator and shall include, at minimum:

26 (A) The date and time of proposed application; and

1 **(B) Information on the pesticide to be used:**

2 **(i)** An electronic copy of the label or labeling for each pesticide to be
3 used;

4 **(ii)** A calculation of the amount of the pesticides to be applied; and

5 **(iii)** A description of the equipment to be used;

6 **(C) Information on the applicator:**

7 **(i)** The name and certification number of each certified pesticide
8 applicator involved in the project; and

9 **(ii)** The name of the entity for which the applicator is performing the
10 application;

11 **(D) Information on the application site:**

12 **(i)** The physical address of the application site;

13 **(ii)** A description of the application site, including the size of the area
14 to be treated;

15 **(iii)** A map showing all residential homes, schools, hospitals, places of
16 worship and businesses within seventy-five (75) feet of the site;

17 **(iv)** A map showing all bodies of water and wells within seventy-five
18 (75) feet of the application site. The Administrator may require additional
19 information to ensure that waters of Guam are protected.

20 **(E) General Information on the Project:**

21 **(i)** The names and contact numbers of the facility owner and the
22 project manager;

23 **(ii)** A standard operating procedure for the project;

24 **(iii)** A health and safety plan;

25 **(iv)** Any additional information required in a Fumigant Management
26 Plan by the product label;

1 (v) A listing of the target pests.

2 **(2) NOI: SF General Requirements.**

3 (A) All affected parties must be notified as required by the pesticide label
4 for the product to be used.

5 (B) The Pest Control Operator must provide written notices to each
6 household and business that is located within seventy-five (75) feet of the
7 proposed application. If the application area is a single-owner complex with
8 multiple units, then The PCO must inform the owner and manager of the site
9 to be fumigated. Notices to the residents must be made by the applicator *at*
10 *least* two (2) days prior to the fumigation project. In the event of an
11 emergency, the Administrator may waive the two (2) day notice requirement.

12 (C) A Pest Control Company who proposes to apply a fumigant must
13 have in its possession an occupant's fumigation notice that has been signed
14 by the primary occupant of the household or business, or the designated
15 agent of the structure. The occupant's fumigation notice must state the pest
16 to be controlled, the proposed pesticide(s) to be applied including the active
17 ingredients and the registration number, and all applicable precautionary
18 statements. This form must state that the lethal gas will be used in the
19 indicated areas during the indicated date(s) and time(s), and that it is unsafe
20 to return to the indicated area until a notice of re-entry is posted by the
21 licensee in charge of the fumigation. In the event the primary occupant of the
22 household or business, or the designated agent of the structure, is unavailable
23 or unwilling to sign that he has received the fumigation notice, the PCO *shall*
24 provide proper documentation to Guam EPA evidencing all attempts made,
25 including, but *not limited to*, a written statement signed by the PCO
26 representative and a witness, along with a photograph of the fumigation

1 notice being left at the household, business or other structure.

2 (D) *At least* one (1) hour prior to any fumigation application, the PCO
3 must place a copy of the NOI: SF at the primary entrance of the building or
4 structure to be fumigated. The NOI: SF must remain posted throughout the
5 fumigation process. The NOI: SF must be removed by the PCO after the PCO
6 renders it safe to enter.

7 **§15306. Posting of Signs.**

8 (a) **RUP-Treated Areas.** *At least* one (1) hour prior to any restricted use pesticide
9 application, the project manager *shall* assure that warning signs, which must be written
10 in the English language, are posted within fifty (50) feet of all entrances leading to the
11 application site. The signs must include the appropriate wording, as indicated on the
12 label or labeling.

13 The signs must stay in place for the duration of any label mandated “Re-Entry
14 Interval” (REI) and must be removed after the REI has expired. In the event that the
15 pesticide does not have a label mandated REI, applicators must leave the signs in place
16 for *at least* one (1) hour after the application is completed; or until pesticide residues are
17 dry and *no longer than* twenty-four (24) hours after the pesticide application is
18 completed.

19 (b) **Public Right-of-Way or Roadside Areas.** *At least* one (1) hour prior to any
20 pesticide application on or along a roadside, the project manager *shall* assure that
21 warning signs are posted *at least* one (1) hour prior to the pesticide application. Signs
22 must be written in the English language and must be visible from all usual points of
23 entry to the treated area including each access road, border, footpath and other walking
24 route that leads to the treated area. When there are no usual points of entry, signs must
25 be posted in the corners of the treated area or in any other location affording maximum
26 visibility. The signs must include the appropriate wording, as indicated on the label or

1 labeling.

2 The signs must stay in place for the duration of any label mandated "Re-Entry
3 Interval" (REI) and must be removed after the REI has expired. In the event that the
4 pesticide does not have a label mandated REI, applicators must leave the signs in place
5 for *at least* one (1) hour after the application is completed; or until pesticide residues are
6 dry and *no longer than* twenty-four (24) hours after the pesticide application is
7 completed.

8 **(c) Structural Fumigation Application.** *At least* one (1) hour prior to any fumigation
9 application, the project manager *shall* assure that warning signs, which must be written
10 in the English language, are posted at all entrances to the application site. The signs,
11 which must be readable by the general public from *at least* (25) feet away, must include
12 the following information:

13 (1) The phrase: "DO NOT ENTER: PESTICIDE FUMIGATION IN
14 PROGRESS";

15 (2) The date of application;

16 (3) The name of a contact person;

17 (4) A telephone number where the contact person can be reached.

18 Signs must stay in place during the entire time of the application and must not be
19 removed until such time as the pesticide label indicates; or until there is no evidence of
20 fumigation fumes in the area. Project managers are responsible for removing the signs
21 at the appropriate times.

22 **§15307. Special Requirements for Foggers.**

23 **(d) Ventilation.** Pest Control Operators and for-hire applicators of foggers must
24 follow all requirements listed on the USEPA-accepted label. Applicators must verify
25 that there is no evidence of fogging fumes in the treated area prior to reentry by anyone.
26 Applicators may utilize industrial size fans and or air conditioning after fogging took

1 place before anyone is allowed into the treated area.

2 **(e) Posting of Signs.** *At least* one (1) hour prior to any fogging application, the
3 project manager *shall* assure that warning signs, which must be written in the English
4 language, are posted at all entrances to the application site. The signs, which must be
5 readable by the general public from *at least* (25) feet away, must include the following
6 information:

7 (5) The phrase: "DO NOT ENTER: PESTICIDE FOGGING IN PROGRESS";

8 (6) The date of application;

9 (7) The name of a contact person;

10 (8) A telephone number where the contact person can be reached.

11 Signs must stay in place during the entire time of the application and must not be
12 removed until such time as the pesticide label indicates; or until there is no evidence of
13 fogging fumes in the area. Project managers are responsible for removing the signs at
14 the appropriate times.

15 **§15308. Special Requirements for Aerial Pesticide Application.**

16 **(a) Aerial Pesticide Application Permit Required.** No person *shall* apply any
17 pesticides by aircraft unless specifically permitted by the accepted USEPA label; and
18 unless he has obtained a Guam EPA "Aerial Pesticide Application Permit". In addition,
19 the permittee *shall* notify the Administrator in writing at least three (3) days in advance
20 of any aerial pesticide application.

21 **(b) Pesticide Application Equipment Safety and Maintenance Requirements.**
22 Equipment used for aerial pesticide application shall be kept and maintained according
23 to the following conditions:

24 (1) Spray equipment on aircraft shall be leak-proof. Spray nozzles shall be
25 equipped with a device to prevent dribble when spray is turned off.

26 (2) Flexible hoses carrying liquid pesticides under pressure shall not pass

1 unshielded through the cockpit of an airplane or helicopter.

2 (3) Self-propelled power rigs used for inter-row or broadcast applications shall
3 be equipped with a pressure control device and a pressure gauge.

4 (4) Power rigs, mist blowers, boom sprayers and other pesticide application
5 equipment shall be in good working order with no leaks.

6 (5) Persons who own or operate pesticide mixing, loading or application
7 equipment shall ensure that equipment used for mixing, loading, transferring or
8 applying pesticides is inspected before each day of use for leaks, clogging, and worn
9 or damaged parts, and equipment with any safety defect is repaired or altered to
10 remove the hazard before further use.

11 (6) Applicators or employees who clean, service, or repair mixing and
12 application equipment shall be provided by their employer with any necessary
13 protective equipment or clothing and shall be instructed and supervised in the
14 maintenance operation in a manner that will reduce work hazards.

15 **§15309. Worker Protection Standard (WPS).**

16 Worker Protection Standard (WPS) is a federal regulation aimed at reducing the
17 risk of pesticide poisoning and injuries among workers, handlers, and volunteer
18 workers who work in any farm, forest, greenhouse or nursery.

19 All agricultural operators who have workers and handlers who work on a farm,
20 forest, greenhouse or nursery where a pesticide has been applied within the past thirty
21 (30) days must follow the WPS requirements as described in 40 CFR, Part 170.

22 For the purposes of this section, *'worker' shall* mean any person who is
23 performing activities relating to the production of agricultural plants on an agricultural
24 establishment. This requirement applies to family members, friends, and volunteers.
25 Workers may or may not be compensated for their work.

26 For the purposes of this section, *'handler' shall* mean anyone who mixes or loads

- 1 pesticides on an agricultural establishment including, but not limited, to flaggers, those
- 2 handling or cleaning application equipment, those performing soil incorporation, and
- 3 those disposing of pesticides or pesticide containers.

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Chapter 15 Pesticides

Article 4 Importation of Pesticides and Pesticide Devices

1 §15401. Notice of Arrival.

2 §15402. Arrival of Shipment.

3 §15403. Release of Shipment or Entry Refused.

4 §15404. Sample of Imports.

5 **§15401. Notice of Arrival.**

6 **(a) Notice of Arrival Form.** Any person desiring to import pesticides or
7 pesticide devices into Guam – regardless of origin, type and quantity – *shall* submit
8 to the Administrator a completed Guam EPA “Notice of Arrival” (NOA) form, *no*
9 *later than* ten (10) calendar days prior to the arrival of the shipment in Guam. The
10 Administrator, or his designee, may waive this deadline if the importer provides
11 valid documents evidencing that the shipment will arrive in Guam in less than 10
12 days from the date of exportation from the point of origin.

13 For any shipment that includes more than one (1) type of pesticide and/or device,
14 the importer must indicate the on his NOA form all pertinent information for each
15 pesticide and/or device. Importers who apply for a NOA for the first time for a
16 specific pesticide or device must also provide respective labels for each pesticide or
17 device.

1 Upon receipt, the Administrator, or his designee, *shall* complete the form,
2 indicating the disposition to be made of the shipment of pesticides or devices upon
3 its arrival in Guam and *shall* return the form to the importer or his agent.

4 **(b) Notice of Arrival Required.** No pesticide or device *shall* be imported into
5 Guam without an accompanying "Notice of Arrival" that has been approved and
6 signed by the Administrator or his designee.

7 **§15402. Arrival of Shipment.**

8 **(a) Notice of Arrival Presented.** Upon the arrival of a shipment, the importer, or
9 his designee, *shall* present to the Customs Officer at the port of entry an approved
10 and signed NOA which indicates the action to be taken by the Customs Officer with
11 respect to the shipment. The Customs Officer *shall* compare entry documents for the
12 shipment with the NOA and must notify the Administrator of any discrepancies.

13 **(b) Notice of Arrival Not Presented.** Upon the arrival of a shipment, if the
14 importer, or his designee, does *not* present an approved and signed NOA to the
15 Customs Officer at the port of entry, the shipment *shall* be detained until such time a
16 signed and approved NOA is presented; or until other disposition is ordered by the
17 Administrator.

18 **(c) Detained Shipments.** A shipment may be detained for up to fifteen (15)
19 days. A shipment that remains detained for more than fifteen (15) days *shall* be
20 treated as prohibited importation.

21 **§15403. Release of Shipment or Entry Refused.**

22 If the signed and approved NOA directs the Customs Officer to release the
23 shipment of pesticides or devices, and from examination if it appears to be in
24 compliance, the shipment *shall* be released to the importer or his designee. If the signed
25 and approved NOA directs the Customs Officer to refuse entry of a shipment, or from
26 examination of the shipment it appears to violate local or federal requirements, such

1 shipment *shall* be refused entry and treated as prohibited importation.

2 The Customs Officer *shall* notify the importer at least twenty (20) days prior to
3 the date of exportation of the shipment. If a shipment of pesticides or devices is refused
4 entry into Guam, the shipment can be detained at the importer's storage area pending
5 exportation to the country of origin. However, during the detainment period, the
6 shipment shall not be used, sold or distributed or otherwise disposed of other than
7 exportation.

8 Any expenses incident to the handling, storage or transfer of pesticides or
9 devices refused entry into Guam *shall* be at the risk and expense of the importer.

10 **§15404. Sample of Imports.**

11 Upon the request of the Administrator, either on the NOA or otherwise written
12 request, the Customs Officer *shall* allow the Administrator, or his designee, to collect
13 samples from a shipment. If the sample is found to be in compliance with local and
14 federal requirements, the Administrator *shall* notify the Customs Officer in writing that
15 the shipment may be released to the importer or his designee.

16 If upon the examination or analysis, the sample demonstrates that there is a
17 violation of local or federal requirements, the Administrator, or his designee, *shall*
18 promptly notify the importer, who *shall* be provided with an opportunity to introduce
19 testimony to show cause why the shipment should not be refused entry. If after
20 consideration of all the evidence presented, it remains the opinion of the Administrator
21 that the shipment is in violation of local or federal requirements; the Administrator
22 shall notify the Customs Officer that the shipment *shall* be refused entry and treated as a
23 prohibited importation.

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Chapter 15 Pesticides

Article 5 Special Pesticides

1 §15501. Exemptions.

2 §15502. Determination by Use.

3 §15503. Locally Designated Restricted Use Pesticides.

4 **§15501.Exemptions.** The pesticides or classes of pesticides listed in this section have been
5 determined to be of a character not requiring regulation under FIFRA, and are therefore exempt
6 from all provisions of FIFRA, the Act and this Chapter when intended for use, and used, only in
7 the manner specified.

8 (a) **Treated articles or substances.** An article or substance treated with, or containing, a
9 pesticide to protect the article or substance itself (for example, paint treated with a pesticide to
10 protect the paint coating, or wood products treated to protect the wood against insect or fungus
11 infestation), if the pesticide is registered for such use.

12 (b) **Pheromones and pheromone traps.** Pheromones and identical or substantially
13 similar compounds labeled for use only in pheromone traps (or labeled for use in a manner
14 which the Administrator determines poses no greater risk of adverse effects on the environment
15 than use in pheromone traps), and pheromone traps in which those compounds are the sole
16 active ingredient(s).

17 (1) For the purposes of this paragraph, a pheromone is a compound produced by
18 an arthropod which, alone or in combination with other such compounds, modifies the
19 behavior of other individuals of the same species.

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1 (2) For the purposes of this paragraph, a synthetically produced compound is
2 identical to a pheromone only when their molecular structures are identical, or when the
3 only differences between the molecular structures are between the stereochemical
4 isomer ratios of the two compounds, except that a synthetic compound found to have
5 toxicological properties significantly different from a pheromone is not identical.

6 (3) When a compound possesses many characteristics of a pheromone but does
7 not meet the criteria in paragraph (b)(2) of this section, it may, after review by the
8 Agency, be deemed a substantially similar compound.

9 (4) For the purposes of this paragraph, a pheromone trap is a device containing a
10 pheromone or an identical or substantially similar compound used for the sole purpose
11 of attracting, and trapping or killing, target arthropods. Pheromone traps are intended
12 to achieve pest control by removal of target organisms from their natural environment
13 and do not result in increased levels of pheromones or identical or substantially similar
14 compounds over a significant fraction of the treated area.

15 **(c) Preservatives for biological specimens.**

16 (1) Embalming fluids.

17 (2) Products used to preserve animal or animal organ specimens, in mortuaries,
18 laboratories, hospitals, museums and institutions of learning.

19 (3) Products used to preserve the integrity of milk, urine, blood, or other body
20 fluids for laboratory analysis.

21 **(d) Foods.** Products consisting of foods and containing no active ingredients, which are
22 used to attract pests.

23 **(e) Natural cedar.**

24 (1) Natural cedar blocks, chips, shavings, balls, chests, drawer liners, paneling,
25 and needles that meet all of the following criteria: (i) The product consists totally of
26 cedarwood or natural cedar. (ii) The product is not treated, combined, or impregnated
27 with any additional substance(s). (iii) The product bears claims or directions for use
28 solely to repel arthropods other than ticks or to retard mildew, and no additional claims

1 are made in sale or distribution. The labeling must be limited to specific arthropods, or
2 must exclude ticks if any general term such as arthropods, insects, bugs, or any other
3 broad inclusive term, is used. The exemption does not apply to natural cedar products
4 claimed to repel ticks.

5 (2) The exemption does not apply to cedar oil, or formulated products which
6 contain cedar oil, other cedar extracts, or ground cedar wood as part of a mixture.

7 **(f) Minimum risk pesticides.**

8 **(1) Exempted products.** Products containing the following active ingredients are
9 exempt from the requirements of FIFRA, alone or in combination with other substances
10 listed in this paragraph, provided that all of the criteria of this section are met.

11 Castor oil (U.S.P. or equivalent)

12 Cedar oil Cinnamon and cinnamon oil

13 Citric acid

14 Citronella and citronella oil

15 Cloves and clove oil

16 Corn gluten meal

17 Corn oil

18 Cottonseed oil

19 Dried blood

20 Eugenol

21 Garlic and garlic oil

22 Geraniol

23 Geranium oil

24 Lauryl sulfate

25 Lemongrass oil

26 Linseed oil

27 Malic acid

28 Mint and mint oil

1 Peppermint and peppermint oil
2 2-Phenethyl propionate (2-phenylethyl propionate)
3 Potassium sorbate
4 Putrescent whole egg solids
5 Rosemary and rosemary oil
6 Sesame (includes ground sesame plant) and sesame oil
7 Sodium chloride (common salt)
8 Sodium lauryl sulfate
9 Soybean oil
10 Thyme and thyme oil
11 White pepper
12 Zinc metal strips (consisting solely of zinc metal and impurities)

13 **(2) Permitted inerts.** A pesticide product exempt under paragraph (g)(1) of this
14 section may only include inert ingredients listed in the most current List 4A. This list is
15 updated periodically and is published in the Federal Register. The most current list may
16 be obtained by writing to Registration Support Branch (4A Inerts List) Registration
17 Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200
18 Pennsylvania Ave., NW., Washington, DC 20460.

19 **(3) Other conditions of exemption.** All of the following conditions must be met
20 for products to be exempted under this section: (i) Each product containing the
21 substance must bear a label identifying the name and percentage (by weight) of each
22 active ingredient and the name of each inert ingredient.

23 (ii) The product must not bear claims either to control or mitigate
24 microorganisms that pose a threat to human health, including but not limited to
25 disease transmitting bacteria or viruses, or claims to control insects or rodents
26 carrying specific diseases, including, but not limited to ticks that carry Lyme
27 disease.

(iii) The product must not include any false and misleading labeling statements, including those listed in 40 CFR 156.10(a)(5)(i) through (viii).

§15502. Determination by Use.

Some products are not pesticides because they are not deemed to be used for a pesticidal effect. A product that is not intended to prevent, destroy, repel, or mitigate a pest, or to defoliate, desiccate or regulate the growth of plants, is not considered to be a pesticide. The following types of products or articles are not considered to be pesticides unless a pesticidal claim is made on their labeling or in connection with their sale and distribution:

(a) Deodorizers, bleaches, and cleaning agents;

(b) Products not containing toxicants, intended only to attract pests for survey or detection purposes, and labeled accordingly;

(c) Products that are intended to exclude pests only by providing a physical barrier against pest access, and which contain no toxicants, such as certain pruning paints to trees.

§15503. Locally Designated Restricted Use Pesticides.

(a) Local Designation Authority. Pursuant to 10 GCA §50103(3), the Board, or its designee, has the authority to designate a restricted use pesticide. The consideration and designation of a restricted use pesticide must be done in accordance with Title 5, Chapter 9 of Guam Code Annotated – “The Guam Administrative Adjudication Law.” Restricted use pesticides so classified in Guam *shall* be in addition to those USEPA-classified restricted use pesticides.

(b) Chlorine Gas. All chlorine gas used as a pesticide (including, but not limited to, chlorine gas that has a USEPA registration number and establishment number) is hereby considered a restricted use pesticide in Guam. Persons applying chlorine gas must be hold a valid certification card in Category 7d, “Chlorine Gas”; or must otherwise hold a valid certification card for Core Training *and* must, at the time of

1 application, be under the direct supervision of an applicator who holds a valid
2 certification card in Category 7d.

3 **(c) Designation by Label or Labeling.** If the registered label for a general use
4 pesticide states, or has related statements indicating, that the applicator must be
5 professional, licensed, registered, certified, or trained (for example, "Only For Sale, Use,
6 and storage by Professional Pest Control Operators", etc...), the applicator must be
7 certified by Guam EPA in the category most related to the pesticide use prior to the
8 application of said pesticide.

22 GARR – Guam Environmental Protection Agency

Division 3 Guam Pesticide Regulations

Chapter 15 Pesticides

Article 6 Certification

1 §15601. Instructor Qualifications.

2 §15602. General Use Pesticide Training Qualification.

3 §15603. Restricted Use Pesticide Training Certification.

4 §15604. Course and Exam Offerings.

5 **§15601. Instructor Qualifications.**

6 Basic Training, Core Training, or Category Training may be offered by the
7 University of Guam, the Guam Community College or an independent contractor. Any
8 person intending to provide any type of training must first meet the requirements set
9 forth below.

10 **(a) Conducting “Train-the-Trainer”.** Instructor qualifications and requirements to
11 conduct a “Train-the-Trainer” course are:

12 (1) Two (2) Letters of Recommendation from a former or current supervisor, or
13 individual who holds a managerial position, with expertise in pesticide-related
14 activity. Such persons include, but are not limited to, university professors,
15 owners/managers of pesticide companies, or directors of an environmental or public
16 health regulatory agency;

17 (2) A Guam EPA approved training plan, as described in §15602(d) below;

18 (3) Practical knowledge of the training material and all applicable local and federal
19 requirements; and

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1 (4) The ability to effectively prepare student-instructors for teaching the required
2 course material, including the use of a variety of teaching tools.

3 **(b) Conducting Training.** Instructor qualifications and requirements to conduct
4 Basic, Core or Category Training are:

5 (1) Two (2) Letters of Recommendation from a former or current supervisor, or
6 individual who holds a managerial position, with expertise in pesticide-related
7 activity. Such persons include, but are not limited to, university professors,
8 owners/managers of pesticide companies, or directors of an environmental or public
9 health regulatory agency;

10 (2) Successful completion of a Guam-EPA approved “Train-the-Trainer” course
11 and the passage of any applicable exam;

12 (3) Current qualification/certification in the type of training to be conducted (BT-A,
13 BT-B, Core or the applicable Category/ies);

14 (4) A Guam EPA approved training plan, as described in §15602(d) below;

15 (5) Practical knowledge of the training material and all applicable local and federal
16 requirements; and

17 (6) The ability to teach and communicate effectively with student-applicators to
18 prepare them for proper performance of their occupational duties.

19 **(c) Approved Training Plan Required.** An approved training plan must adequately
20 incorporate general standards developed by Guam EPA concerning the use of
21 pesticides as appropriate to the type of activities in which the pesticide applicator will
22 be engaged. An approved training plan must identify the type of training to be
23 provided (Basic Training-A, Basic Training-B, Core Training and/or Category Training),
24 and must include, at a minimum:

25 (1) Instructor information, including:

26 (A) The name and address of each instructor;

1 (B) A description of each instructor's qualifications and experience;

2 (C) A copy of the current qualification/certification card for each instructor;
3 and

4 (2) Training information, including a copy of the training agenda and descriptions
5 of:

6 (A) Topics to be covered;

7 (B) The target audience;

8 (C) How the trainer will ensure that the training is provided in a manner and
9 language that the target audience will understand;

10 (D) When, where and how often the training will be conducted;

11 (E) How the exam will be administered and graded, if applicable; and

12 (F) How the training will incorporate information on all relevant local and
13 federal requirements; and Guam-specific challenges and needs.

14 **§15602. General Use Pesticide Training Qualification.**

15 **(a) Basic Training.**

16 (1) **Basic Training-A ("BT-A").** BT-A is required for applicants who are paid
17 housekeeping workers including, but not limited to, cleaners and janitors in hotels,
18 hospitals, apartment complexes or condominium complexes, nursing homes, or
19 other non-private residences, and who apply general use antibacterial,
20 antimicrobials, antifungal, disinfectants and other pesticides as part of their
21 occupational duties. BT-A applicants must complete a four (4) hour training course
22 and must successfully pass the open-book BT-A exam.

23 The Basic Training-A curriculum *shall* be developed by the Agency in
24 conjunction with USEPA. The Agency *shall* also establish and consult a local task
25 force, which *shall* include representative from the public and private sectors,

1 including but *not limited to* the University of Guam, the Guam Community College,
2 and the Guam Hotel and Restaurant Association.

3 **(2) Basic Training-B ("BT-B").** BT-B is required for applicants who are paid
4 swimming pool operators and water treatment operators using general use
5 pesticides as part of their occupational duties. BT-B applicants must complete an
6 eight (8) hour training course and must successfully pass the closed-book BT-B
7 exam.

8 Workers in this category *may* satisfy this requirement by attending eight (8)
9 hours of Core Training and passing either the BT-B or Core Training exam.

10 Swimming pool or water treatment operators who intend to use RUP-chlorine
11 products in carrying out their occupations duties must successfully complete Core
12 Training and are not required to complete BT-B. Any applicant who intends to use
13 chlorine gas *must also* obtain certification in Category 7d.

14 **(b) Core Training.** Core Training is required for any applicant, other than those
15 described in subsection (a) above, who intends to use general use pesticides as part of
16 carrying out his occupational duties. Core Training consists of a sixteen (16) hour
17 training course and a closed-book exam.

18 **§15603. Restricted Use Pesticide Training Certification.**

19 **(a) Certification of RUP-Applicators.** Category Training is required for all
20 restricted use pesticide applicators. Satisfactory completion of Core Training is
21 required as a prerequisite for Category Training. Category Training consists of sixteen
22 hours (16) of a specialized type of training course and a closed-book exam. Applicators
23 applying restricted use pesticides shall be certified either as a commercial applicator or
24 a private applicator.

1 **(1) Commercial Applicators** include persons using, or supervising the use of,
2 restricted use pesticides in pest control work, demonstration work or similar pest
3 control activity. Commercial applicators are paid for their services.

4 **(2) Private Applicators** include persons using, or supervising the use of,
5 restricted use pesticides for the purpose of producing any agricultural commodity
6 on property owned or rented by him, his employer, or another person. Persons in
7 this category are not compensated for their work. For purposes of this section,
8 '*compensation*' does not include the trading of personal services between producers
9 of agricultural commodities.

10 **(b) RUP-Applicator Categories.** Applicators shall be further divided into the
11 following categories and subcategories based on general patterns of use and sites where
12 specific knowledge related to the use patter or site is required to demonstrate
13 competency. A person may be certified in as many categories or subcategories as
14 necessary.

15 **Category 1: Agricultural Pest Control.**

16 **Category 1a: Plants.** This category includes applicators using or
17 supervising the use of restricted use pesticides in production of
18 agricultural crops, including without limiting the foregoing, tobacco,
19 peanuts, cotton, feed grains, soybeans and forage; vegetables, small fruits,
20 fruit trees and nuts, as well as on grasslands and non-crop agricultural
21 lands.

22 **Category 1b: Animals.** This category includes applicators using or
23 supervising the use of restricted use pesticides on animals, including
24 without limiting the foregoing, beef cattle, dairy cattle, swine, sheep,
25 horse, goats, poultry, and livestock, and to places on or in which animals
26 are confined. Doctors of Veterinary Medicine engaged in the business of

1 applying pesticides for hire, publicly holding themselves out as pesticide
2 applicators, or engaged in large scale use of pesticides are included in this
3 category.

4 **Category 2: Forest Pest Control.** This category includes commercial
5 applicators using or supervising the use of restricted use pesticides in forests,
6 forest nurseries, and forest seed producing areas.

7 **Category 3: Ornamental and Turf Pest Control.** This category includes
8 commercial applicators using or supervising the use of restricted use pesticides
9 to control pests in the maintenance and production of ornamental trees, shrubs,
10 flowers, and turf.

11 **Category 4: Seed Treatment.** This category includes commercial
12 applicators using or supervising the use of restricted pesticides on seeds.

13 **Category 5: Aquatic Pest Control.** This category includes commercial
14 applicators using or supervising the use of any restricted use pesticide
15 purposefully applied to any body of water as defined in these regulations,
16 including but not limited to standing or running water; the territorial sea; and
17 bays and harbors of Guam, excluding applicators engaged in public health
18 activities included in Category (8).

19 **Category 6: Right-of-Way Pest Control.** This category includes
20 commercial applicators using or supervising the use of restricted use pesticides
21 in maintenance of public roads, electric power lines, pipelines, railway rights-of-
22 way or other similar areas.

23 **Category 7: Industrial, Institutional, Structural and Health-Related Pest**
24 **Control.**

25 **Category 7a: General and Structural Pest Control.** This category
26 includes commercial applicators using or supervising the use of restricted

1 use pesticides in, on, or around food handling establishments, human
2 dwellings, institutions such as schools and hospitals, industrial
3 establishments, including warehouses and grain elevators, and any other
4 structures and adjacent areas, public or private; and for the protection of
5 stored, processed, or manufactured products.

6 **Category 7b: Structural and Commodity Fumigations.** This
7 category is for applicants who apply fumigants to sites including but not
8 limited to commodity storage or holding sites, buildings, boats, and
9 shipping containers. In addition to being certified, applicators of
10 fumigants must submit a Guam EPA "Notice of Intent: Structural
11 Fumigation" prior to any application of any fumigants, as stipulated in
12 §15305(b) of this Chapter.

13 **Category 7c: Soil Fumigation.** This category is for applicants who
14 apply fumigants to kill organisms such as fungi, insects, nematodes,
15 parasite and other soil-borne diseases. In addition to being certified,
16 applicators of fumigants must submit a Guam EPA "Notice of Intent:
17 Structural Fumigation" prior to any application of any fumigants, as
18 described in §15305 of this Chapter.

19 **Category 7d: Chlorine Gas.** This category is for commercial
20 applicants who use, or supervise the use of, chlorine gas for the treatment
21 of swimming pools, hot tubs, spas and production wells.

22 **Category 8: Public Health Pest Control.** This category includes local,
23 federal or other governmental employees using or supervising the use of
24 restricted use pesticides in public health programs for the management and
25 control of pests having medical and public health importance.

1 **Category 9: Regulatory Pest Control.** This category includes local, federal
2 or other governmental employees who use or supervise the use of restricted use
3 pesticides in the control of regulated pests.

4 **Demonstration and Research Pest Control.** This category includes
5 individuals who demonstrate, or supervise a demonstration, to the public the
6 proper use and techniques of applications of restricted use pesticides. Examples
7 of such persons include, but are not limited to, extension specialists and local
8 agents, commercial representatives demonstrating pesticide products, and those
9 individuals demonstrating methods used in public programs. Category 10 also
10 includes persons conducting field research with pesticides and in doing so, use,
11 or supervise the use of, restricted use pesticides. This includes, but is not limited
12 to, local, federal, other governmental employees, or other commercial
13 applicators.

14 **(c) Standards for Certification.**

15 **(1) Commercial Applicators.**

16 **(A) Determination of Competency.** Competence in the use and handling
17 of pesticides *shall* be determined on the basis of written examinations and, as
18 appropriate, performance testing based upon the standards set forth below, both
19 of which *shall* be approved by the Administrator. Such examination and testing
20 *shall* include the general standards applicable to all categories and the additional
21 standards specifically identified for each category or subcategory in which an
22 applicator is to be classified, and to the pesticide or class of pesticides covered by
23 the persons certification.

24 **(B) General Standards of Competency.** All commercial applicators *shall*
25 demonstrate practical knowledge of the principles and practices of pest control
26 and safe use of pesticides as described below. Testing shall be based on

1 examples of problems and situations appropriate to the particular category or
2 subcategory of the applicator's certification and the following areas of
3 competency:

4 **(i) Label and Labeling Comprehension.** Including factors such as:

5 (aa) General format of labels and terminology that are used on
6 pesticide labels and labeling;

7 (bb) Instructions, warnings, terms, symbols, and other
8 information commonly appearing on pesticide labels;

9 (cc) Classification of the product, general or restricted; and

10 (dd) Necessity for use consistent with the label.

11 **(ii) Safety.** Including factors such as:

12 (aa) Pesticide toxicity and hazard to man and common exposure
13 routes;

14 (bb) Common types and causes of pesticide accidents;

15 (cc) Precautions necessary to guard against injury to applicators
16 and other individuals in or near treated areas;

17 (dd) Need for and use of protective clothing and equipment;

18 (ee) Symptoms of pesticide poisoning;

19 (ff) First Aid and other procedures to be followed in case of a
20 pesticide accident; and

21 (gg) Proper identification, storage, transport, handling, mixing
22 procedures and disposal methods for pesticides and used pesticide
23 containers, including precautions to be taken to prevent children from
24 having access to pesticides and pesticide containers.

25 **(iii) Potential Environmental Consequences of the Use and Misuse**
26 **of Pesticides.** Including influential factors such as:

- 1 (aa) Weather and other climatic conditions;
- 2 (bb) Types of terrain, soil or other substrate;
- 3 (cc) Presence of fish, wildlife and other non-target organisms;
- 4 and
- 5 (dd) Drainage patterns.
- 6 **(iv) Pests.** Including factors such as:
- 7 (aa) Common features of pest organisms and characteristics of
- 8 damage needed for pest recognition;
- 9 (bb) Recognition of relevant pests; and
- 10 (cc) Pest development and biology as it may be relevant to
- 11 problem identification and control.
- 12 **(v) Pesticides.** Including factors such as:
- 13 (aa) Types of pesticides;
- 14 (bb) Types of formulations;
- 15 (cc) Compatibility, synergism, persistence and animal and plant
- 16 toxicity of the formulations;
- 17 (dd) Hazards and residues associated with use;
- 18 (ee) Factors which influence effectiveness or lead to such
- 19 problems as resistance to pesticides; and
- 20 (ff) Dilution procedures, including calculations to achieve
- 21 correct application rate.
- 22 **(vi) Equipment.** Including factors such as:
- 23 (aa) Types of equipment and advantages and limitations of each
- 24 type; and
- 25 (bb) Use, maintenance and calibration.
- 26 **(vii) Application techniques.** Including factors such as:

1 (aa) Methods of procedure used to apply various formulations of
2 pesticides, solutions, and gases, together with knowledge of which
3 technique of application to use in a given situation;

4 (bb) Relationship of discharge and placement of pesticides to
5 proper use, unnecessary use, and misuse; and

6 (cc) Prevention of drift and pesticide loss into the environment.

7 (viii) All local and federal requirements.

8 (C) **Specific Standards of Competency.** Commercial Applicators should
9 demonstrate additional competence and knowledge appropriate to their
10 particular category of certification, described as follows:

11 **Category 1: Agricultural Pest Control.**

12 **Category 1a: Plants.** Applicators must demonstrate practical
13 knowledge of the crops grown and the specific pests on these crops on
14 which they may be using RUPs. The importance of such competency is
15 amplified by the extensive areas involved, the quantities of pesticides
16 needed, and the ultimate use of many commodities as food and feed.
17 Practical knowledge is required concerning soil and water problems, pre-
18 harvest intervals, re-entry intervals, phytotoxicity, and potential for
19 environmental contamination, non-target injury and community problems
20 from the use of restricted use pesticides in agricultural areas.

21 **Category 1b: Animals.** Persons applying pesticides directly to
22 animals must demonstrate knowledge of such animals and their
23 associated pests. A practical knowledge is also required concerning
24 specific pesticide toxicity and residue potential, since host animals will
25 frequently be used for food. Further, the applicator must know the

1 relative hazards associated with such factors as formulation application
2 techniques, age of animals, and focus and extent of treatment.

3 **Category 2: Forest Pest Control.** Applicators shall demonstrate practical
4 knowledge of the extent and types of forests, forests nurseries, and seed
5 production in Guam and the pests involved. They should demonstrate practical
6 knowledge of the cyclic occurrence of certain pests and specific population
7 dynamics as a basis for programming pesticide applications. A practical
8 knowledge is required of the relative biotic agents and their vulnerability to
9 pesticides to be applied. Because forest stands frequently include aquatic
10 habitats and harbor wildlife, the consequences of pesticide use may be difficult to
11 assess. The applicators must therefore demonstrate practical knowledge of
12 control methods that will minimize the possibility of secondary problems such as
13 unintended effects on wildlife. Proper use of specialized equipment must be
14 demonstrated, especially as it may relate to meteorological factors and adjacent
15 land use.

16 **Category 3: Ornamental and Turf Pest Control.** Applicators shall
17 demonstrate practical knowledge of pesticide problems associated with the
18 production and maintenance of ornamental trees, shrubs, plantings, and turf,
19 including cognizance of potential phytotoxicity due to a wide variety of plant
20 material, drift, and persistence beyond the intended period of pest control.
21 Because of the frequent proximity of human habitations to application activities,
22 applicators in this category must demonstrate practical knowledge of the
23 hazards to humans, pets, and other domestic animals.

24 **Category 4: Seed Treatment.** Applicators shall demonstrate practical
25 knowledge of types of seeds that require chemical protection against pests and
26 factors such as seed coloration, carriers, and surface active agents which

1 influence pesticide binding and may affect germination. They must demonstrate
2 practical knowledge of hazards associated with handling, sorting and mixing,
3 and misuse of treated seed such as introduction of treated seed into food and
4 feed channels, as well as proper disposal of unused treated seed.

5 **Category 5: Aquatic Pest Control.** Applicators shall demonstrate practical
6 knowledge of the secondary effects which can be caused by improper application
7 rates, incorrect formulations, and faulty application of restricted use pesticides
8 used in this category. They shall demonstrate practical knowledge of various
9 water use situations and the potential of downstream effects. Further, they must
10 have practical knowledge concerning potential pesticide effects on plants, fish,
11 birds, beneficial insects and other organisms which may be present in aquatic
12 environments. These applicators shall demonstrate practical knowledge of the
13 principles of limited area application.

14 **Category 6: Right-of-way Pest Control.** Applicators shall demonstrate
15 practical knowledge of a wide variety of environments since rights-of-ways can
16 traverse many different terrains, including waterways. They shall demonstrate
17 practical knowledge of the problems of runoff, drift, and excessive foliage
18 destruction and ability to recognize target organisms. They shall also
19 demonstrate practical knowledge of the nature of herbicides and the need for
20 containment of these pesticides within the right-of-way area, and the impact of
21 their application activities in the adjacent areas and communities and special
22 drift control methods and procedures.

23 **Category 7: Industrial, Institutional, Structural and Health-Related Pest**
24 **Control.**

25 **Category 7a: General and Structural Pest Control.** Applicators must
26 demonstrate practical knowledge of a variety of pests including their life

1 cycles, as well as types of formulations appropriate for their control and
2 methods of application that avoid contamination of food and damage and
3 contamination of habitat, and exposure of people and pets. Since human
4 exposure, especially to babies, children, pregnant women, and elderly
5 people, is frequently a potential problem, applicators must demonstrate
6 practical knowledge of the specific factors which may lead to a hazardous
7 condition, including continuous exposure in the various situations
8 encountered in this category. Because health related pest control may
9 involve outdoor applications, applicators in this category must also
10 demonstrate practical knowledge of environmental conditions particularly
11 related to this activity.

12 **Category 7b: Structural and Commodity Fumigation.** In this
13 subcategory, types of structures include, but are *not* limited to inhabited
14 buildings, containers, boat. Applicators must demonstrate practical
15 knowledge of core requirements covering fumigant and fumigation use
16 laws and regulations, the basic principles of fumigant use, of handler and
17 worker safety requirements especially pesticide safety training, preventing
18 heat-related illnesses, of fumigant labels, how to interpret and follow label
19 directions and requirements.

20 Applicators must demonstrate practical knowledge of the hazards
21 associated with fumigant use and preventing human exposure,
22 environmental contamination, off-site movement/drift, and phytotoxicity,
23 of safe fumigant handling practices, proper PPE selection, use, and care,
24 and responding to fumigant emergencies.

25 Applicators must demonstrate practical knowledge of proper
26 fumigant application procedures, selecting and using appropriate

1 application equipment and its calibration, and of hazards and safe use
2 practices.

3 **Category 7c: Soil Fumigation.** Applicators must demonstrate
4 practical knowledge of core requirements covering fumigant and
5 fumigation use laws and regulations, the basic principles of fumigant use,
6 of handler and worker safety requirements especially pesticide safety
7 training, preventing heat-related illnesses, of fumigant labels, how to
8 interpret and follow label directions and requirements.

9 Applicators must demonstrate practical knowledge of the hazards
10 associated with fumigant use and preventing human exposure,
11 environmental contamination, off-site movement/drift, and phytotoxicity,
12 of safe fumigant handling practices, proper PPE selection, use, and care,
13 and responding to fumigant emergencies.

14 Applicators must demonstrate practical knowledge of proper
15 fumigant application procedures, selecting and using appropriate
16 application equipment and its calibration, and of hazards and safe use
17 practices.

18 **Category 7d: Chlorine Gas.** Applicators must demonstrate practical
19 knowledge of the toxicity of liquefied chlorine gas; the dispersion
20 properties and other characteristics of gaseous chemicals; equipment types;
21 calibration procedures; application techniques; air and water monitoring
22 procedures; use and maintenance of personal protective equipment and
23 clothing; and factors that may lead to a hazardous conditions, including
24 handling of pressurized chemicals and direct or continuous exposure to
25 chlorine gas.

1 **Category 8: Public Health Pest Control.** Applicators must demonstrate
2 practical knowledge of pests of public health importance, vector-disease
3 relationships, and etiology of disease-host relationships. Since a wide variety of
4 pests are involved, these pests must be known and recognized by public health
5 control applicators, and the life's cycles and habitats of each thoroughly
6 understood. These applicators should be familiar with a great variety of
7 environmental conditions ranging from streams to dwellings. They should also
8 be cognizant of such non-chemical control methods as sanitation, waste disposal,
9 and drainage.

10 **Category 9: Regulatory Pest Control.** Applicators shall demonstrate
11 practical knowledge of regulated pests, applicable law relating to quarantine and
12 other regulation of pests, and the potential impact on the environment of
13 restricted use pesticides used in suppression and eradication programs. They
14 shall demonstrate knowledge of factors influencing introduction, spread, and
15 population dynamics of relevant pests. Their knowledge shall extend beyond
16 that required by their immediate duties, since their services are frequently
17 required in Guam and other areas of the country where emergency measures are
18 invoked to control regulated pests and where individual judgments in new
19 situations must be made.

20 **Category 10: Demonstration and Research Pest Control.** Persons
21 demonstrating the safe and effective use of pesticides to other applicators and the
22 public will be expected to meet comprehensive standards reflecting a broad
23 spectrum of pesticide uses. Many different pest problems situations will be
24 encountered in the course of activities associated with demonstration, and
25 practical knowledge of problems, pests, and population levels occurring in each
26 demonstration situation is required. Further, they should demonstrate an

1 understanding of pesticide-organism interactions and the importance of
2 integrating pesticide use with other control methods.

3 Applicators doing demonstration pest control work, conducting field
4 research or method improvement work with RUPs should possess a practical
5 knowledge of all of the general standards detailed in §15603(c)(2) of this Chapter.
6 In addition, they shall be expected to know the specific standards described in
7 §15603(c)(3)(A) through (I) of this Chapter as may be applicable to their
8 particular activity.

9 For the purposes of this Chapter, the above standards do not apply to
10 persons conducting laboratory-type research involving RUPs; or Doctors of
11 Medicine or Doctors of Veterinary Medicine applying pesticides as drugs or
12 medication during the course of their normal practice.

13 **(2) Private Applicators.**

14 **(A) Determination of Competency.** Competence in the use and handling of
15 pesticides *shall* be determined on the basis of written examinations and, as
16 appropriate, performance testing based upon the standards set forth below both
17 of which *shall* be approved by the Administrator. Such examination and testing
18 *shall* include the standards applicable to Category 1, 1a and 1b in which an
19 applicator is to be classified.

20 **(B) Standards of Competency.** Competence in the use and handling of
21 pesticides by a private applicator *shall* be determined by the procedures set forth
22 below. As a minimum requirement for certification, a private applicator must
23 show that s/he possesses a practical knowledge of the pest problems and pest
24 control practices associated with his agricultural operations; proper storage, use,
25 handling and disposal of the pesticides and containers; and his related legal
26 responsibility. The practical knowledge includes ability to:

1 (i) Recognize common pests to be controlled and damage caused by
2 them;

3 (ii) Read and understand the label and labeling information including
4 the common name of pesticides he applied; pest(s) to be controlled, timing
5 and methods of application; safety precautions; any pre-harvest or re-entry
6 restrictions; and any specific disposal procedures;

7 (iii) Apply pesticides in accordance with label instructions and
8 warnings, including the ability to prepare the proper concentrations of
9 pesticide to be used under particular circumstances taking into account
10 such factors as area to be covered, speed at which application equipment
11 will be driven, and the quantity dispersed in a given period of operation;

12 (iv) Recognize local environmental situations that must be considered
13 during application to avoid contamination;

14 (v) Recognize poisoning symptoms and procedures to follow in case of
15 pesticide accident; and

16 (vi) Consult reliable sources of information on the safe and proper use
17 of each pesticide related to the applicator's certification.

18 **(3) Standards for Supervision of Uncertified Applicators.** The supervisor of a
19 uncertified applicator must ensure that the applicator holds a valid Core Training
20 Qualification Card and is someone who follows instructions. In addition, the
21 supervisor must be certified in the appropriate category for the type of application
22 he/she is directly supervising; he must demonstrate practical knowledge of all local
23 and federal requirements; and he must be physically present on site observing the
24 application of the pesticide at the time of application. The uncertified applicator
25 must complete the appropriate category training *no later than* ninety (90) days from
26 his date of hire.

1 **§15604. Course and Exam Offerings.**

2 Training course and exam offerings are subject to space and instructor availability.

3 Exams, however, will be offered at least once per month.

22 GARR – Guam Environmental Protection Agency

Division 3
Guam Pesticide Regulations

Chapter 15
Pesticides

Article 7
Licenses, Permits, Cards and Fees.

1 §15701. Special Licenses.

2 §15702. Permits.

3 §15703. Qualification and Certification Cards.

4 §15704. Fees.

5 **§15701. Special Licenses.**

6 (a) **Pest Control Operator (PCO) License.** Any person intending to conduct
7 structural pest control in or around residential and commercial buildings *shall* obtain
8 a PCO License from Guam EPA prior to conducting any structural pest control.

9 (b) **Pesticide Trainers License.** Any person intending to provide Basic
10 Training, Core Training or Category Training must obtain a Pesticide Trainers
11 License from Guam EPA. This licensure requirement is in addition to the training
12 instructor qualifications and requirements stipulated in §15601 of this Chapter. All
13 applicable requirements must be satisfied prior to the start of any pesticide training.

14 (c) **Pesticide Dealers License.** Any person intending to sell restricted use
15 pesticides must first obtain a Pesticide Dealers License from Guam EPA.
16 Additionally, a Pesticide Dealers License *shall* be required for each sales outlet
17 operating in Guam. Each Pesticide Dealers License issued *shall* expire on December
18 31 of the year in which the license was issued. The application for a Pesticide

Dealers License *shall* be on a form prescribed by the Administrator and shall include, at minimum:

- a. The name and address of the applicant;
- b. The physical address of the sales outlet (primary and all branch outlets, when applicable); and
- c. The name, address, and certified applicator number of the Certified Pesticide Sales Manager (CPSM) at each sales outlet.

§15702. Permits.

(a) Fumigation Permit. Any person intending to perform any fumigation must first obtain a Fumigation Permit from Guam EPA. An application for a Fumigation Permit *shall* be on a form prescribed by the Administrator and shall include, at minimum:

(1) Information on the pesticide to be used:

(A) The name, registration number, and an electronic copy of the label or labeling for each pesticide to be used;

(B) A description of the equipment to be used; and

(C) An estimated amount of the fumigant to be used for each permit period.

(2) Information on the applicator:

(A) The name and certification number of each certified pesticide applicator involved in the project; and

(B) The name of the entity for which the applicator is performing the application;

(3) Information on the permanent application site, or any temporary sites, if applicable:

(A) The physical address of the application site;

(B) A description of the application site, including the size of the area to be treated;

1 (C) A map showing all residential homes, schools, hospitals, places of
2 worship and businesses within seventy-five (75) feet of the site;

3 (4) General Information on the Project:

4 (A) The names and contact numbers of the facility owner and the project
5 manager;

6 (B) Description or history of the company's work experience with using the
7 fumigant that is proposed for application;

8 (C) A standard operating procedure for the project;

9 (D) A health and safety plan;

10 (E) Any additional information required in a Fumigant Management Plan
11 by the product label;

12 (F) A listing of the target pests.

13 (b) **Chemigation Permit.** Any person intending to conduct any chemigation, must
14 first obtain a Chemigation Permit from Guam EPA; and must meet the following
15 conditions:

16 The applicator must provide sufficient written evidence to Guam EPA in advance of
17 the application that a chemigation application is the only viable method for pest
18 control. In order to demonstrate to Guam EPA that there are no other viable
19 methods of pest control, the applicator must provide a list of target pests, location of
20 proposed chemigation, a description of equipment to be used, including required
21 back flow prevention devices to prevent contamination of the water sources, a copy
22 of the label for the pesticide(s) proposed for use, and a description of the other types
23 of pest control methods that have been attempted and the results of these methods.
24 The copy of the label submitted to Guam EPA must be a copy of the label on the
25 container(s) of the pesticide to be used. Upon review of the applicator's submission
26 and the EPA accepted label for the product to be used, Guam EPA will make a

1 determination as to whether the chemigation application will be allowed. If Guam
2 EPA allows the application, a written permit will be issued by Guam EPA. The
3 pesticide to be used must be registered by U.S. EPA for use in chemigation.

4 (1) Areas to be chemigated must be posted with a sign when 1) any part of a
5 treated area is within 300 feet of sensitive areas such as residential areas, labor
6 camps, businesses, day care centers, hospitals, in-patient clinics, nursing homes or
7 any public areas such as schools parks, playgrounds, or other public facilities not
8 including public roads., or 2) when the chemigated areas is open to the public such
9 as golf courses or retail greenhouses.

10 (2) Application areas must be posted by the pesticide applicator with signs in
11 English at all usual points of entry and along likely routes of approach from the
12 listed sensitive area. When there are not usual point of entry, signs must be posted
13 in the corners of the treated areas and in any other locations affording maximum
14 visibility to sensitive areas. The printed side of the sign must face away from the
15 treated area towards the sensitive area. The signs must be printed in the English
16 language. Signs must be posted prior to the application and remain posted until
17 foliage has dried and soil surface water as disappeared. Signs must remain in place
18 indefinitely as long as they are composed of materials to prevent deterioration and
19 maintain legibility for the duration of the posting period. Applicators are
20 responsible to remove the signs from the treated areas.

21 (3) Effective posting consists of letters at least 2 ½ inches tall, with all letters and
22 symbols in color which sharply contrasts with their immediate background. At the
23 top of the sign must be the words "KEEP OUT", followed by an octagonal stop sign
24 symbol at least 8 inches in diameter containing the word "STOP". Below the stop
25 sign symbol must be the words "PESTICIDE IN IRRIGATION WATER."

1 **(c) Aerial Pesticide Application Permit.** Any person intending to apply pesticides
2 by aircraft must first obtain and Aerial Pesticide Application Permit from Guam EPA.
3 An application for a Aerial Pesticide Application Permit *shall* be on a form prescribed
4 by the Administrator and shall include, at minimum:

5 **(1)** Information on the pesticide to be used:

6 **(A)** The name and registration number of each pesticide to be applied;

7 **(B)** An electronic copy of the label or labeling for each pesticide to be used;

8 **(C)** The formulation, dilution and application rates for each pesticide to be
9 applied;

10 **(D)** A description of the equipment to be used;

11 **(2)** Information on the applicant, pilot and/or applicator:

12 **(A)** The name, certification number, and certification expiration date of the
13 applicant and pilot/applicator, if different from the applicant;

14 **(B)** A copy of the certification card for the applicant and pilot/applicator, if
15 different from the applicant;

16 **(C)** A copy of the pilot license and any other licenses needed in Guam to
17 operate an aircraft;

18 **(3)** Information on the application site:

19 **(A)** The physical address of the proposed application site; and

20 **(B)** A sketch or map of the site, indicating general wind directions,
21 surrounding homes, bodies of water, schools, hospitals, places of worship,
22 roadways, and crop plantings within five hundred (500) feet of the application
23 site. The Administrator may require additional information to ensure that
24 waters of Guam are protected.

25 **(4)** General Information on the Project:

26 **(A)** A description of the purpose of aerial application and why aerial

1 application is desired;

2 (B) The method of aerial application of the proposed pesticides to be
3 applied;

4 (C) The number of application to be made, and the proposed time and date
5 of each application;

6 (D) A description of prior attempts to control the subject pest by other
7 application methods and the results of those efforts;

8 (E) An indication of what measures will be taken to prevent drift or
9 overspray of non-target sites.

10 The Administrator may refuse to issue an Aerial Pesticide Application Permit if
11 it is determined that the proposed aerial treatment may cause unreasonable adverse
12 effects to human health or the environment.

13 Any Aerial Pesticide Application Permit issued pursuant to this Chapter *shall*
14 specify the time period for which the permit is valid. The Administrator may specify
15 and limit the Aerial Pesticide Application Permit to cover a single treatment or multiple
16 and continued treatments when conditions are not expected to change or vary during
17 subsequent treatments that are conducted in the same designated area. In no case *shall*
18 any pesticide be applied contrary to the U.S. EPA accepted label.

19 The issuance of an Aerial Pesticide Application Permit *shall* not relieve the
20 permittee from the penalty provisions of the Act or any litigation for any damage or
21 contamination of crops or plants, animals, man and the environment resulting from
22 such aerial treatment.

23 **§15703. Qualification and Certification Cards.**

24 Any person intending to apply pesticides as part of their occupational duties must
25 first obtain a qualification/certification card from Guam EPA. Qualification/Certification
26 cards *shall* be issued after successful completion of the appropriate training. Successful

1 completion is measured by the applicator's attendance at the appropriate training
2 course (as certified by the training instructor), together with passing the appropriate
3 exam with a score of seventy percent (70%) or higher (as certified by the exam
4 administrator).

5 **(a) Temporary Cards.** Temporary cards may be issued to individuals who are
6 unable to attend a the appropriate training course (due to the availability of classes)
7 within approximately one month's time from the date he has submitted his application
8 for qualification/certification to Guam EPA. Temporary cards issued pursuant to this
9 section *shall* expire on the last day of the month in which the next appropriate training
10 course will be offered.

11 **(b) Basic Training Qualification Cards.**

12 **(1) Basic Training-A Qualification Card.** Any person intending to apply
13 general use antibacterial, antimicrobials, antifungal, disinfectants and other
14 pesticides as part of their occupational duties must first obtain a "Basic Training-A
15 Qualification Card" from Guam EPA prior to any pesticide application. Any new or
16 transferred employee may be granted a three (3) month grace period to come into
17 compliance with the qualification requirements of this section.

18 **(2) Basic Training-B Qualification Card.** Any person who is a paid
19 swimming pool operator or water treatment operator intending to use general use
20 pesticides as part of his occupational duties must first obtain a "Basic Training-B
21 Qualification Card" from Guam EPA prior to any pesticide application. This
22 requirement does not apply to paid swimming pool operators or water treatment
23 operators who intend to use RUP-chlorine products. Such applicators must obtain
24 RUP-Certification, as described below, in Category 7d as described in §15604 of this
25 Chapter.

1 **(c) Core Training Qualification Card.** Any person, other than those described in
2 subsection (a) above, intending to use general use pesticides as part of carrying out his
3 occupational duties must first obtain a “Core Training Qualification Card” from Guam
4 EPA prior to any pesticide application. Applicants for Core Training Qualification must
5 be at least seventeen (17) years of age.

6 **(d) Certification Card.** Any person intending to apply restricted use pesticides must
7 first obtain a Certification Card from Guam EPA for the appropriate category(ies).
8 Applicants for RUP-Certification Training must be at least eighteen (18) years of age.
9 RUP-Applicators *shall* be certified either as a

10 **(1) Commercial Applicator,** in the category or subcategory most related to the
11 pesticide he will be using; or

12 **(2) Private Applicator,** in Category 1, 1a, or 1b, as described in §15604 of this
13 Chapter.

14 **(e) Renewal.** All Certification Cards issued pursuant to this Chapter *shall* be
15 renewed every three (3) years. Individuals may submit applications for renewal *no more*
16 *than* thirty (30) days prior to the expiration date of their certification. Individuals
17 intending to renew their certification must successfully pass the appropriate exam.
18 Training for each applicant is required upon initial application for certification. All
19 individuals who hold “Core Training Certification Cards” older than three (3) years
20 from the effective date of this Chapter must renew their certification.

21 **§15704. Fees.**

22 In order to fulfill the duties and responsibilities associated with the implementation
23 of these regulations, the Agency hereby establishes conditions and fees as set forth in
24 Table 1 of this Chapter. All fees *shall* be paid to and deposited into “The Pesticide
25 Management Fund” as specified in 10 GCA §50119, which shall be maintained separate
26 and apart from any other government of Guam bank account. All fees are non-

1 refundable and must be paid in the following manner:

2 **(a) Qualification/Certification Card Fees.** Fees must be paid upon issuance of
3 the qualification/certification card or a replacement card.

4 **(b) Training/Exam Fees.** Fees must be paid prior to each training/exam session.

5 **(c) License/Permit Fees.** Fees must be paid at the time a license/permit
6 application is submitted.

7 **(d) Notice of Arrival Fees.** Fees must be paid at the time the NOA form is
8 submitted; or based upon an agreed payment plan between the importer and the
9 Agency.

22 GARR – Guam Environmental Protection Agency

Division 3 Guam Pesticide Regulations

Chapter 15 Pesticides

Article 8 Enforcement

1 §15801. Enforcement Authorities.

2 §15802. Enforcement Procedures.

3 §15803. Denial, Suspension, and Revocation.

4 **§15801. Enforcement Authorities.**

5 The rules and regulations in this Chapter are promulgated by the Agency
6 pursuant to 10 GCA Chapter, “The Guam Pesticides Act”. The Act also specifies the
7 Agency’s authority to inspect and take necessary enforcement actions to carry out the
8 provisions of the Act or this Chapter.

9 In addition, the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”) is
10 applicable to Guam. Pursuant to Section 23 of FIFRA, the Guam Environmental
11 Protection Agency and the U.S. Environmental Protection Agency have entered into a
12 Cooperative Agreement. Under this agreement, Guam EPA has primary enforcement
13 responsibility for pesticide use violations.

14 The provisions of “The Guam Pesticide Act” and this Chapter are intended to
15 meet minimal requirements of FIFRA. Should there arise a conflict between local and
16 federal requirements, the more stringent requirement applies.

17 **§15802. Enforcement Procedures.**

18 All enforcement procedures *shall* comply with 5 GCA Chapter 9 – “The Guam
19 Administrative Adjudication Law” and 10 GCA Chapter 50 – “The Guam Pesticides

Substitute Bill No. 441-30 (COR)

APPENDIX 1

Page 59

1 Act".

2 **(a) Notice of Violation and Order of Compliance (NOV/OC).** If – from an
3 inspection, complaint, examination or analysis – there appears to be a violation of the
4 regulations of "The Guam Pesticides Act" or this Chapter, a written NOV/OC *shall* be
5 sent by the Agency to the person against whom proceedings are contemplated. The
6 NOV/OC *shall* state the violation, the manner in which the alleged violator failed to
7 meet the requirement of "The Guam Pesticides Act" or this Chapter, and what should
8 be done to correct the violation.

9 When a violation has been alleged, and a NOV/OC has been issued, and the
10 respondent has received the NOV/OC, the respondent has the option of: (1) within ten
11 (10) working days, entering into a "Voluntary Compliance Agreement" (See Section 8.5)
12 with Guam EPA to come into compliance with the violated provision; said settlement
13 agreement shall be prepared in accordance with the requirements of this Chapter; or (2)
14 within fifteen (15) working days, appealing the NOV/OC to the Board.

15 **(b) Notice of Defense.** A "Notice of Defense" form *shall* be included with the
16 issued NOV/OC. Should the respondent wish to appeal the NOV/OC to the Board, the
17 respondent must submit a completed "Notice of Defense" form to the Board. The
18 Notice must be received by the Board within fifteen (15) working days from receipt of
19 the NOV/OC. Once the Board receives the "Notice of Defense," any administrative
20 action upon the case *shall* be suspended until a "Notice of Judgment" has been issued
21 by the Board.

22 **(c) Prosecution.** Pursuant to "The Guam Pesticides Act," the Administrator may
23 impose fines before an appeal has been filed or before the violation has been corrected.
24 Enforcement actions may include monetary fines based on civil/administrative penalties
25 and/or license suspension, revocation, non-renewal, and/or permit cancellation.

26 **(d) Voluntary Compliance Agreement (VCA).** If the respondent wishes to

1 resolve the NOV/OC without appealing to the Board, the respondent has the option of
2 entering into a Voluntary Compliance Agreement (VCA) with the Agency, which must
3 be reached within ten (10) working days. The respondent must immediately notify the
4 Agency of such intentions upon receipt of the NOV/OC. The Agency may work in
5 conjunction with the respondent to determine the terms and conditions of a VCA. The
6 Agency *shall* inform the respondent that he may exercise his right to appeal the
7 NOV/OC to the Board at any time during the fifteen (15) working day time frame by
8 submitting a completed "Notice of Defense" Form.

9 The purpose of the VCA option is to provide an opportunity to resolve the
10 NOV/OC without going through the appeal process with the Board or the referral
11 process with the Attorney General of Guam.

12 **§15803. Denial, Suspension, and Revocation.**

13 The issuance, suspension, or revocation of any certification card, license or
14 permit issued under these regulations *shall* not relieve an individual from the criminal
15 and civil penalty provisions of the Act or any litigation for any damage or
16 contamination resulting from pesticide related activities.

17 **(a) Probable Denial of Application for Certification, License or Permit.** An
18 application for any qualification/certification card, license or permit issued pursuant to
19 this Act or this Chapter, may be denied by the Board as provided in §57135 of the Act,
20 for the following causes:

21 **(1)** Falsification of any information required in the application process.

22 **(2)** Falsification of or failure to maintain records as required by the Act and
23 this Chapter.

24 **(3)** Conviction in a court of competent jurisdiction within a five (5) year
25 period immediately preceding the date of application of any violation of the Act
26 or this Chapter.

1 (4) Failure to comply with any order of the Board made pursuant to the Act
2 and this Chapter.

3 (5) A suspension of applicant's qualification/certification under the Act and
4 this Chapter within a five (5) year period immediately preceding the date of
5 application.

6 (6) Misuse of a pesticide as defined by the Act and this Chapter.

7 **(b) Denial of Application for Qualification/Certification, License or Permit.**

8 An application for any qualification/certification card, license or permit issued pursuant
9 to this Act or this Chapter, *shall* be denied by the Board as provided in §57135 of the
10 Act, for the following causes:

11 (1) Applicant has been convicted in a court of competent jurisdiction within a
12 five (5) year period immediately preceding the date of the application of two (2)
13 or more violations of the Act or this Chapter or of the Federal Insecticide,
14 Fungicide and Rodenticide Act as amended, or the rules and regulations
15 promulgated pursuant thereto.

16 (2) Two (2) or more suspensions of applicant's qualification/certification,
17 license or permit under this Act and this Chapter within a five (5) year period
18 immediately preceding the date of application.

19 (3) Revocation of applicant's qualification/certification, license or permit
20 under this Act and this Chapter within a one (1) year period immediately
21 preceding the date of application.

22 **(c) Probable Suspension of Qualification/Certification, License or Permit.** A
23 qualification/certification card, license or permit issued pursuant to this Act or this
24 Chapter may be suspended pursuant to §57135 of the Act for the following causes.

1 (1) Falsification of any information required in the application process or
2 falsification of or failure to maintain records required by the Act and this
3 Chapter.

4 (2) Misuse of a pesticide as defined by the Act and this Chapter.

5 **(d) Suspension of Qualification/Certification, License or Permit.** A
6 qualification/certification card, license or permit issued pursuant to this Act or this
7 Chapter *shall* be suspended for not less than thirty (30) days and not more than one
8 hundred eighty (180) days for the following causes:

9 (1) Conviction in a court of competent jurisdiction of a violation of §57131 of
10 the Act.

11 (2) Failure to comply with two (2) warning notices issued by GEPA within a
12 two (2) year period.

13 **(e) Probable Revocation of Qualification/Certification, License or Permit.** A
14 qualification/certification card, license or permit issued pursuant to this Act or this
15 Chapter may be revoked for cause. Revocation *shall* be effectuated by a written
16 statement of the Administrator indicating the effective date of the revocation and causes
17 for such action. Possible causes include, but are not limited to, the following:

18 (1) Conviction in a court of competent jurisdiction of a violation of §57131 of
19 the Act.

20 (2) Misuse of a pesticide as defined by the Act and this Chapter.

21 (3) Falsification of any information required in the application process or
22 falsification of or failure to maintain records required by the Act and this
23 Chapter.

22 GARR – Guam Environmental Protection Agency

**Division 3
Guam Pesticide Regulations**

**Chapter 15
Pesticides**

**Article 9
Severability**

1 **§15901. Severability.**

2 *If* any provision of this Chapter or its application to any person or circumstance
3 is found to be invalid or contrary to law, such invalidity *shall not* affect other provisions
4 or applications of this Chapter which can be given effect without the invalid provision
5 or application, and to this end the provisions of this Chapter are severable.

22 GARR – GUAM ENVIRONMENTAL PROTECTION AGENCY
DIVISION III, CHAPTER 15 – PESTICIDES
TABLE 1 – GUAM PESTICIDE REGULATION FEES

TYPE OF DOCUMENTATION	COST	EXPLANATION
1. Notice of Arrival (NOA)	\$3/case for up to 10 cases; \$1/additional case Chlorine tabs/gas \$5/1000 lbs or \$5/1,000 gallons (Note: Min. \$5)	Each Shipment
2. Termite Soil Application	\$50 < 250 gal. of emulsion mix \$100 ≥ 250 gal. of emulsion mix	Each application
3. Fumigation Permit Fee	\$1,000	Per Year*
4. Chemigation Permit Fee	\$100	Per Permit
5. Pesticide Dealers License	\$250/Primary Sales Outlet \$50/Branch Sales Outlet	Expires Dec 31 (Each Year*)
6. Certification Cards	a. Cards \$15 b. Training \$100 (16 hours) c. Exam \$50 d. Replacement Cards \$10	3 Years*
7. Qualification Cards – (Basic & Core Training)	a. Cards \$15 (Core); \$15 for (Basic Training-A/B) b. Training \$75 (Core); \$35 (BT-B), \$15 (BT-A) c. Exam \$25 (Core); \$15 for (BT-A/B) d. Replacement Cards \$10 e. Exam Study Materials \$15	3 Years*
8. Pest Control Operators License	\$150	Expires Dec 31 (Each Year*)
9. Pesticide Trainers License	a. Cards \$15 b. Training \$100 (16 hours) c. Exam \$50 d. Replacement Cards \$10	Per Year*

*Annual fees are pro-rated

Bill No. 441-30 (COR) As Introduced

(Sponsored By: R.J. Respicio)

“An Act to Repeal and Adopt a New Title 22, Guam Administrative Rules and Regulations, Division III, Chapter 15 Relative to the Guam Environmental Protection Agency’s Pesticide Regulations.”

I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Bill No. 441-30 (COR)

Introduced by:

R.J. RESPICIO 

2010 AUG -3 PM 3:19



AN ACT TO REPEAL AND ADOPT A NEW TITLE 22, GUAM
ADMINISTRATIVE RULES AND REGULATIONS, DIVISION III, CHAPTER
15 RELATIVE TO THE GUAM ENVIRONMENTAL PROTECTION
AGENCY'S PESTICIDE REGULATIONS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **SECTION 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
3 the current provisions of the Pesticides Regulations in Title 22, Division III, Chapter 15
4 of Guam Administrative Rules and Regulations (GARR) were established in 1981. The
5 1997 version that is available from the Compiler of Laws is a re-numbering of the 1981
6 version, however, no substance was changed.

7 These regulations have been reviewed and revised by the Guam Environmental
8 Protection Agency (GEPA), in accordance with the Administrative Adjudication Law,
9 and based on the authority of the Agency granted pursuant to 10 GCA Chapter 50 –
10 “The Guam Pesticides Act”. The new regulations proposed for adoption in this Act are
11 an updated version of the 1981 regulations, which have been amended to reflect current
12 environmental concerns and conditions.

1 These regulations were passed by the Guam Environmental Protection Agency
2 ("GEPA") on May 12, 2010 and transmitted to *I Liheslaturan Guåhan* for consideration on
3 May 17, 2010. After further review of the documents, GEPA provided technical
4 amendments and clarifying language to the Committee on Natural Resources to
5 incorporate into the adopted version of the regulations.

6 It is the intent of *I Liheslatura* to *repeal* Title 22, GARR, Division III, Chapter 15
7 and to *replace* said chapter with the pesticide regulations adopted in this Act, attached
8 herein as "Appendix 1".

9 It is also the intent of *I Liheslatura* to *amend* portions of 10 GCA Chapter 50 – "The
10 Guam Pesticides Act" to accurately reflect the changes made to the new regulations.

11 **SECTION 2.** Title 22, Guam Administrative Rules and Regulations, Division III,
12 Chapter 15 is hereby *repealed*. Hereby *adopted* in its place are the provisions set forth in
13 "Appendix 1".

14 **SECTION 3.** 10 GCA §50102(9) is hereby *amended* to read:

15 "*(9) Certified Pesticide Applicator shall mean any individual who is certified under*
16 *regulations promulgated under this Chapter to use or to supervise the use of restricted*
17 *use pesticides, and shall include, but not be limited to:*

18 ~~(a) Private applicator shall mean a certified applicator who uses or supervises the~~
19 ~~use of any pesticide which is classified for restricted use for purposes of producing any~~
20 ~~agricultural commodity on property owned or leased by the applicator or the~~

1 applicator's employer ~~or (if applied without compensation other than trading of~~
2 ~~personal services between producers of agricultural commodities) on the property of~~
3 ~~another person;~~

4 ~~(b) Commercial applicator shall mean an applicator who uses or supervises the use~~
5 ~~of any pesticide which is classified for restricted use for any purpose or on any~~
6 ~~property other than as provided in 9(a).~~

7 **SECTION 4.** 10 GCA §50107(c) is hereby *amended* to read:

8 (c) Certification. Every person who applies ~~restricted-use pesticides as their~~
9 occupational duties shall obtain certification from the Agency pursuant to regulations
10 promulgated under this Chapter, which shall be valid for three (3) years. Every person
11 who applies any restricted use pesticides must be Core Training Certified, and ~~who is~~
12 ~~not a certified applicator~~ if not Category Certified, must be under the direct supervision
13 of a Category Ceertified applicator.

14 **SECTION 5.** 10 GCA §50107(d) is hereby *repealed*.

15 **SECTION 6. Effective Date.** *Except* for §15602(a) "Basic Training" and
16 §15703(b) "Basic Training Certification Cards", the provisions of this Act shall be
17 effective upon enactment. The provisions set forth in §15602(a) and §15703(b) shall be
18 effective on October 1, 2011.

22 GARR – Guam Environmental Protection Agency

Division 3 Guam Pesticide Regulations

Chapter 15 Pesticides

Article 1 General Provisions

1 §15101. Words in Singular Form.

2 §15102. Definitions.

3 **§15101. Words in Singular Form.**

4 For purposes of this Chapter, words used in the singular form *shall* include the
5 plural and vice-versa, as appropriate.

6 **§15102. Definitions.**

7 Terms and expressions used in this Chapter but not defined below, *shall* have the
8 meanings set forth in 10 GCA §50102. For purposes of this Chapter, the following terms
9 and expressions *shall* have the meanings set forth below:

10 (a) *Act shall* mean “The Guam Pesticides Act” of Title 10, Guam Code Annotated,
11 Chapter 50 as enacted in 2007 by Public Law 29-26.

12 (b) ‘*Agricultural Commodity Applicator*’ *shall* mean a person who applies any pesticide
13 on or around any agricultural commodity.

14 (c) ‘*Agricultural Establishment*’ *shall* mean a farm, plant nursery, greenhouse or forest
15 area.

16 (d) ‘*Agricultural Operator*’ *shall* mean any person such as a landowner, grower, lease
17 holder or pesticide applicator who is responsible for management or condition of an
18 agricultural establishment that hires or uses such persons. Agricultural operator

APPENDIX 1

1 includes any person who hires, contracts for or uses the services of any person
2 (compensated or uncompensated) to perform activities related to the production of
3 agricultural plants.

4 (e) *"Basic Training"* shall mean a type of pesticide training for certain applicants
5 handling general use pesticides. *Basic Training* is divided into two categories:

6 (1) *"Basic Training-A"* shall mean a type of pesticide training which involves a
7 four (4) hour training course and an open-book exam.

8 (2) *"Basic Training-B"* shall mean a type of pesticide training which involves an
9 eight (8) hour training course and a closed-book exam.

10 (f) *'Body of Water'* shall mean any surface water resource within the borders of Guam
11 including, but not limited to lakes, rivers, streams, bays, lagoons, harbors, intertidal
12 areas, wetlands and coastal ocean waters.

13 (g) *'Category Training'* shall mean a specialized type of training for the use, or
14 supervision of the use of, restricted use pesticides.

15 (h) *Certification* shall refer to

16 (1) The process which an individual must successfully complete in order to be
17 authorized to use, or supervise the use of, pesticides; or

18 (2) The successful completion of the process which an individual must
19 successfully complete in order to be authorized to use, or supervise the
20 use of, pesticides,

21 as appropriate to the context in which the term appears.

22 (i) *'Certification Card'* shall mean an identification card issued by Guam EPA to an
23 individual, evidencing that he has successfully completed the process required for an
24 individual to be authorized to use or supervise the use of pesticides.

25 (j) *'Certified Pesticide Sales Manager'* shall mean a person in charge of the sale of

1 restricted use pesticides and who has successfully passed an examination of any
2 category to qualify for that position.

3 (k) *Chemigation* shall mean the application of pesticides through any type of
4 irrigation system including any sprinkler, flood, furrow, drip or greenhouse system.

5 (l) *'Competent person'* shall mean a person who is qualified to perform functions
6 associated with pesticide application; the degree of capability required being directly
7 related to the nature of the activity and the associated responsibility. A *competent person*
8 must have successfully completed the appropriate training and must have obtained the
9 appropriate certification card from Guam EPA.

10 (m) *Dealer* shall mean any person, company or corporation engaged in the business
11 of purchasing and selling restricted and/or general use pesticide products or devices.

12 (n) *Distributor* shall mean any company other than a *dealer* or *sales outlet* that sells
13 only general use pesticides or devices.

14 (o) *'Federal Requirement'* shall refer to any and all applicable provisions of federal
15 law, especially "The Federal Insecticide, Fungicide, Rodenticide Act", and/or any and
16 all applicable provisions of the Code of Federal Regulations (CFR).

17 (p) *'Guam EPA'* shall mean the Guam Environmental Protection Agency.

18 (q) *Hazard* shall mean a situation where there exists a possibility that a given
19 pesticide will cause injury or have an adverse effect on the environment.

20 (r) *'Keep Out of Reach of Children'* shall mean that children under the age of seventeen
21 (17) shall not open or remove pesticides without parental supervision.

22 (s) *'Local Requirement'* shall refer to any and all applicable provisions of Guam law,
23 especially "The Guam Pesticides Act", and/or any and all applicable provisions of this
24 Chapter.

25 (t) *'Non-Refillable Container'* shall mean a container that is designed and constructed

1 for one time containment of a pesticide for sale or distribution. Reconditioned
2 containers are considered to be *non-refillable containers*.

3 (u) *Owner shall* mean any person who has present possessory interest (fee, leasehold,
4 rental or other) in any type of operation that uses, sells and/or distributes pesticides.

5 (v) *'Pest Control Operator (PCO)' shall* mean a company that provides pest control
6 activities for hire and that has obtained a PCO license from Guam EPA.

7 (w) *Program shall* mean the Guam EPA Pesticide Enforcement Program.

8 (x) *'Refillable Container' shall* mean a container that is intended by the registrant of
9 the pesticide to be filled with pesticide more than once for sale or distribution.

10 (y) *Respondent shall* mean an alleged violator.

11 (z) *'Sales Outlet' shall* mean a location where any restricted use pesticide is sold or
12 distributed; or kept or stored for sale or distribution; and where records of such sales
13 and distribution are kept.

14 (aa) *'Treated Article' shall* mean an article or substance treated with or containing a
15 pesticide to protect the integrity of the article or substance itself treated with a pesticide
16 if the pesticide is registered for such use.

17 (bb) *'Under the Direct Supervision of a Category Certified Applicator' shall* refer to a
18 situation in which a restricted use pesticide is applied by a Core Training certified
19 applicator acting under the instructions, control and direct supervision of a Category
20 Certified applicator, who is required to be physically present on-site and observing the
21 application of the RUP at the time of the application. The person supervising must be
22 certified for the type of pesticide application he is directly supervising.

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Division 3
Guam Pesticide Regulations

Chapter 15
Pesticides

Article 2
Sale of Pesticides

1 §15201. Registration, Label and Labeling Requirements.

2 §15202. Sale of Restricted Use Pesticides.

3 **§15201. Registration, Label and Labeling Requirements.**

4 Every pesticide product sold and distributed in Guam must be registered with
5 USEPA and *shall* bear a label or labeling conforming to 10 GCA §50108 and all
6 applicable local and federal requirements. All persons must maintain the integrity of
7 the original pesticide label or labeling, including legibility and completeness.

8 **§15202. Sale of Restricted Use Pesticides.**

9 No restricted use pesticide *shall* be sold to a person who is not a certified
10 pesticide applicator.

11 **(a) Dealers and Sales Outlets.**

12 **(1) Dealer's License Required.** No person *shall* sell a restricted use pesticide
13 unless he has obtained a dealer's license from Guam EPA.

14 **(2) Certified Pesticide Sales Manager (CPSM) Required.** Each dealer and
15 sales outlet *shall* have a CPSM, who must hold a valid certification card by Guam EPA
16 in any category training. The name of each CPSM *shall* be submitted together with the
17 application for a dealer's license for each sales outlet. The Administrator must be
18 notified in writing by the owner of the sales outlet within fifteen (15) working days of

1 any change of personnel in this position.

2 **(b) Record Keeping and Reporting Requirements.**

3 Dealers and sales outlets *shall* keep a monthly record of each sale of each
4 restricted use pesticide. Dealers and sales outlets *shall* prepare sales records in
5 duplicate. Such records *shall* include: the name, address, and certification number of
6 the purchaser; the expiration date of the purchaser's certification; the date of sale; the
7 USEPA Registration number, quantity, and brand name of RUPs sold; and the CPSM's
8 signature, which must be affixed at the time of the sale transaction.

9 The original copies of the monthly sales records *shall* be submitted to the
10 Administrator within five (5) working days after the end of each month. The duplicate
11 copies *shall* be kept for a period of two (2) years at the physical location where the sale
12 transactions took place.

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Chapter 15
Pesticides

Article 3
Use of Pesticides

- 1 §15301. Record Keeping and Reporting Requirements for Application.
2 §15302. Disposal.
3 §15303. Storage and Display.
4 §15304. Transportation.
5 §15305. Notice of Intent.
6 §15306. Posting of Signs.
7 §15307. Special Requirements for Foggers.
8 §15308. Special Requirements for Aerial Pesticide Application.
9 §15309. Worker Protection Standards.

10 **§15301. Record Keeping and Reporting Requirements for Application.**

11 Record keeping is required for all applicators who apply any amount of
12 restricted use pesticides. Applicators *shall* keep and maintain, for the period of at least
13 two (2) years, routine operational records, copies of which *shall* be provided by the
14 applicant to the site manager or facility owner. Such records *shall* include the following
15 information:

16 (a) The name, address, and certification number of the person who applied the
17 pesticide;

18 (b) The expiration date of the applicator's certification;

1 (c) The name and address of the entity for whom the pesticide was applied;

2 (d) The USEPA registration number and trade (or common) name of each pesticide
3 applied;

4 (e) The date, time, location, and method of pesticide application;

5 (f) Target pests;

6 (g) Target site (i.e., the specific crop (or commodity), residence, school, etc...); and

7 (h) Where or how any rinsate, remaining pesticide and/or the pesticide container is
8 stored or disposed of.

9 **§15302. Disposal.**

10 Pesticides, empty containers (or parts thereof), or equipment that holds (or has
11 held) a pesticide, *shall* not be emptied or disposed of in such a manner that may present
12 a hazard to persons, animals (especially bees), food, feed, crops or property.

13 Empty non-refillable pesticide containers must be triple rinsed and punctured to
14 render useless. To dispose of any non-refillable pesticide container that cannot be triple
15 rinsed and punctured, the user must follow directions on the container's pesticide label.

16
17 Empty refillable containers must be triple rinsed and punctured to be rendered
18 useless if such container is not being returned to an authorized refiller.

19 Pesticides that are considered hazardous waste must be disposed of in
20 accordance with all applicable local and federal requirements.

21 **§15303. Storage and Display.**

22 No person *shall* store or display pesticides in violation of the USEPA-accepted
23 label or labeling or local or federal requirements. All pesticides must be stored in the
24 following manner:

25 (a) No pesticide, empty pesticide container (or parts thereof), or equipment that

holds (or has held) a pesticide *shall* be stored, displayed, or left unattended under conditions:

(1) Where food, food containers, animal feed or any other products are likely to become contaminated; or

(2) That may create a hazard or cause injury to humans, vegetation, crops, live-stock, wildlife, beneficial insects or aquatic life.

(b) Pesticides must be stored in a locked, well-ventilated, cool and dry storage area.

(c) Restricted Use Pesticide storage areas must be posted with a warning sign that states any, all, or any combination, of the following statements, as applicable:

(1) "Danger";

(2) "Poison Storage Area";

(3) "All Unauthorized Persons Keep Out"; or

(4) "Keep Door Locked When Not In Use".

(d) Pesticides must not be stored in places where flooding is possible or in places where pesticides might spill or leak into wells, drains, groundwater, or any body of water.

(e) Pesticides must be stored or displayed in such a way that they are kept out of reach of children and pets.

(f) Pesticides must not be stored near flammable liquids or solids; or near a source of ignition including, but not limited to, a furnace, car, gas grill, or lawnmower.

(g) Pesticides must be stored in their original containers with the complete original label, which includes, but is not limited to, the USEPA Registration number & establishment number, ingredient statement, directions for use, personal protective equipment and first aid steps in case of accidental poisoning.

(h) Pesticides must not be transferred to any container including, but not limited to,

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1 soft drink bottles or other food or drink containers other than proper mixing and
2 application equipment.

3 (i) Pesticides must not be stored near incompatible chemicals.

4 **§15304. Transportation.**

5 Pest Control Operators transporting pesticides must have a company logo readily
6 recognizable to the public on all vehicles used for such transportation. Such vehicles
7 *shall* not be used for transportation of passengers and pets until such time that the
8 pesticides have been removed and the vehicle or pesticide equipment in the vehicle
9 have been properly sanitized.

10 **§15305. Notice of Intent.**

11 (a) **Notice of Intent: Structural Pesticide Application (NOI: SPA).** Any person
12 intending to perform structural pesticide applications for termites (including pre- or
13 post- construction treatments to soil), must submit a notice of intent for structural
14 pesticide prior to the proposed application.

15 (1) **NOI: SPA Form.** The NOI: SPA *shall* be on a form prescribed by the
16 Administrator and shall include, at minimum:

17 (A) The date and time of proposed application; and

18 (B) Information on the pesticide to be used:

19 (i) A Copy of the label or labeling on the container for each pesticide
20 to be used;

21 (ii) A calculation of the amount of the pesticides to be applied; and

22 (iii) A description of the proposed application method;

23 (C) Information on the applicator:

24 (i) The name and certification number of each certified pesticide
25 applicator involved in the project; and

1 (ii) The name of the entity for which the applicator is performing the
2 application;

3 (D) Information on the application site:

4 (i) The physical address of the application site, including a map to
5 the site and the site lot number;

6 (ii) A description of the application site, including the size of the area
7 to be treated;

8 (iii) A map showing all bodies of water within one thousand (1,000)
9 feet of the application site. The Administrator may require additional
10 information to ensure that waters of Guam are protected.

11 (2) NOI: SPA General Requirements. Prior to any termite and other soil
12 applications, the applicator must ensure that:

13 (A) After the chemical pesticide application is completed, the treated
14 area is adequately protected from the elements to protect rainwater from
15 reaching the treated area.

16 (B) If the treated area is to be covered with concrete, the concrete must
17 be poured *no later than* twelve (12) hours after the application is completed.

18 Should it be determined that the proposed pesticide's physical-chemical
19 characteristics such as solubility, adsorption, volatility and degradation indicate
20 potential for adverse impact to surface and ground water of Guam, the
21 applicator must find a suitable less toxic or lower risk alternative for termite
22 treatment at the proposed site. Any alternative pesticide used must meet federal
23 and local requirements for the intended use.

24 (b) Notice of Intent: Structural Fumigation (NOI: SF). Any person intending to
25 perform fumigation of any structure including, but not limited to, buildings and any

1 fumigation of soil, must submit a notice of intent for structural fumigation to the
2 Agency prior to the proposed application.

3 (1) **NOI: SF Form.** The NOI: SF *shall* be on a form prescribed by the
4 Administrator and shall include, at minimum:

5 (A) The date and time of proposed application; and

6 (B) Information on the pesticide to be used:

7 (i) A Copy of the label or labeling on the container for each pesticide
8 to be used;

9 (ii) A calculation of the amount of the pesticides to be applied; and

10 (iii) A description of the equipment to be used;

11 (C) Information on the applicator:

12 (i) The name and certification number of each certified pesticide
13 applicator involved in the project; and

14 (ii) The name of the entity for which the applicator is performing the
15 application;

16 (D) Information on the application site:

17 (i) The physical address of the application site;

18 (ii) A description of the application site, including the size of the area
19 to be treated;

20 (iii) A map showing all residential homes, schools, hospitals, places of
21 worship and businesses within seventy-five (75) feet of the site;

22 (iv) A map showing all bodies of water and wells within seventy-five
23 (75) feet of the application site. The Administrator may require additional
24 information to ensure that waters of Guam are protected.

25 (E) General Information on the Project:

1 (i) The names and contact numbers of the facility owner and the
2 project manager;

3 (ii) Description or history of the company's work experience with
4 using the fumigant that is proposed for application;

5 (iii) A standard operating procedure for the project;

6 (iv) A health and safety plan;

7 (v) Any additional information required in a Fumigant Management
8 Plan by the product label;

9 (vi) A listing of the target pests.

10 **(2) NOI: SF General Requirements.**

11 (A) All affected parties must be notified as required by the pesticide label
12 for the product to be used.

13 (B) The Pest Control Operator must provide written notices to all
14 occupants of residential homes and businesses that are located within
15 seventy-five (75) feet of the proposed application. If the application area is a
16 single-owner complex with multiple units, then The PCO must inform the
17 owner and manager of the site to be fumigated. Notices to the residents must
18 be made by the applicator *at least* fourteen (14) days prior to the fumigation
19 project. The fourteen (14) day deadline may be reduced to two (2) days for
20 boat applications that require immediate treatments.

21 (C) A Pest Control Company who proposes to apply a fumigant must
22 have in its possession an occupant's fumigation notice that has been signed
23 by the occupant(s) or the designated agent of the structure. The occupant's
24 fumigation notice must state the pest to be controlled, the proposed
25 pesticide(s) to be applied including the active ingredients and the registration

1 number, and all applicable precautionary statements. This form must state
2 that the lethal gas will be used in the building on indicated dates, and that it
3 is unsafe to return to the building until a notice of re-entry is posted by the
4 licensee in charge of the fumigation. The owner or his designee should
5 receive a copy of the occupant's fumigation notice.

6 (D) *At least* one (1) hour prior to any fumigation application, the PCO
7 must place a copy of the NOI: SF at the primary entrance of the building or
8 structure to be fumigated. The NOI: SF must remain posted throughout the
9 fumigation process. The NOI: SF must be removed by the PCO after the PCO
10 renders it safe to enter.

11 **§15306. Posting of Signs.**

12 (a) **RUP-Treated Areas.** *At least* one (1) hour prior to any restricted use pesticide
13 application, the project manager *shall* assure that warning signs, which must be written
14 in the English language, are posted within fifty (50) feet of all entrances leading to the
15 application site. The signs must include the appropriate wording, as indicated on the
16 label or labeling.

17 The signs must stay in place for the duration of any label mandated "Re-Entry
18 Interval" (REI) and must be removed after the REI has expired. In the event that the
19 pesticide does not have a label mandated REI, applicators must leave the signs in place
20 for *at least* one (1) hour after the application is completed; or until pesticide residues are
21 dry and *no longer than* twenty-four (24) hours after the pesticide application is
22 completed.

23 (b) **Public Right-of-Way or Roadside Areas.** *At least* one (1) hour prior to any
24 pesticide application on or along a roadside, the project manager *shall* assure that
25 warning signs are posted *at least* one (1) hour prior to the pesticide application. Signs

1 must be written in the English language and must be visible from all usual points of
2 entry to the treated area including each access road, border, footpath and other walking
3 route that leads to the treated area. When there are no usual points of entry, signs must
4 be posted in the corners of the treated area or in any other location affording maximum
5 visibility. The signs must include the appropriate wording, as indicated on the label or
6 labeling.

7 The signs must stay in place for the duration of any label mandated "Re-Entry
8 Interval" (REI) and must be removed after the REI has expired. In the event that the
9 pesticide does not have a label mandated REI, applicators must leave the signs in place
10 for *at least* one (1) hour after the application is completed; or until pesticide residues are
11 dry and *no longer than* twenty-four (24) hours after the pesticide application is
12 completed.

13 **(c) Structural Fumigation Application.** *At least* one (1) hour prior to any fumigation
14 application, the project manager *shall* assure that warning signs, which must be written
15 in the English language, are posted at all entrances to the application site. The signs,
16 which must be readable by the general public from *at least* (25) feet away, must include
17 the following information:

18 (1) The phrase: "DO NOT ENTER: PESTICIDE FUMIGATION IN
19 PROGRESS";

20 (2) The date of application;

21 (3) The name of a contact person;

22 (4) A telephone number where the contact person can be reached.

23 Signs must stay in place during the entire time of the application and must not be
24 removed until such time as the pesticide label indicates; or until there is no evidence of

1 fumigation fumes in the area. Project managers are responsible for removing the signs
2 at the appropriate times.

3 **§15307. Special Requirements for Foggers.**

4 **(d) Ventilation.** Pest Control Operators and for-hire applicators of foggers must
5 follow all requirements listed on the USEPA-accepted label. Applicators must verify
6 that there is no evidence of fogging fumes in the treated area prior to reentry by anyone.
7 Applicators may utilize industrial size fans and or air conditioning after fogging took
8 place before anyone is allowed into the treated area.

9 **(e) Posting of Signs.** *At least* one (1) hour prior to any fogging application, the
10 project manager *shall* assure that warning signs, which must be written in the English
11 language, are posted at all entrances to the application site. The signs, which must be
12 readable by the general public from *at least* (25) feet away, must include the following
13 information:

14 (5) The phrase: "DO NOT ENTER: PESTICIDE FOGGING IN PROGRESS";

15 (6) The date of application;

16 (7) The name of a contact person;

17 (8) A telephone number where the contact person can be reached.

18 Signs must stay in place during the entire time of the application and must not be
19 removed until such time as the pesticide label indicates; or until there is no evidence of
20 fogging fumes in the area. Project managers are responsible for removing the signs at
21 the appropriate times.

22 **§15308. Special Requirements for Aerial Pesticide Application.**

23 **(a) Aerial Pesticide Application Permit Required.** No person *shall* apply any
24 pesticides by aircraft unless specifically permitted by the accepted USEPA label; and
25 unless he has obtained a Guam EPA "Aerial Pesticide Application Permit". In addition,

1 the permittee *shall* notify the Administrator in writing at least three (3) days in advance
2 of any aerial pesticide application.

3 **(b) Pesticide Application Equipment Safety and Maintenance Requirements.**

4 Equipment used for aerial pesticide application shall be kept and maintained according
5 to the following conditions:

6 (1) Spray equipment on aircraft shall be leak-proof. Spray nozzles shall be
7 equipped with a device to prevent dribble when spray is turned off.

8 (2) Flexible hoses carrying liquid pesticides under pressure shall not pass
9 unshielded through the cockpit of an airplane or helicopter.

10 (3) Self-propelled power rigs used for inter-row or broadcast applications shall
11 be equipped with a pressure control device and a pressure gauge.

12 (4) Power rigs, mist blowers, boom sprayers and other pesticide application
13 equipment shall be in good working order with no leaks.

14 (5) Persons who own or operate pesticide mixing, loading or application
15 equipment shall ensure that equipment used for mixing, loading, transferring or
16 applying pesticides is inspected before each day of use for leaks, clogging, and worn
17 or damaged parts, and equipment with any safety defect is repaired or altered to
18 remove the hazard before further use.

19 (6) Applicators or employees who clean, service, or repair mixing and
20 application equipment shall be provided by their employer with any necessary
21 protective equipment or clothing and shall be instructed and supervised in the
22 maintenance operation in a manner that will reduce work hazards.

23 **§15309. Worker Protection Standard (WPS).**

24 Worker Protection Standard (WPS) is a federal regulation aimed at reducing the
25 risk of pesticide poisoning and injuries among workers, handlers, and volunteer

1 workers who work in any farm, forest, greenhouse or nursery.

2 All agricultural operators who have workers and handlers who work on a farm,
3 forest, greenhouse or nursery where a pesticide has been applied within the past thirty
4 (30) days must follow the WPS requirements as described in 40 CFR, Part 170.

5 For the purposes of this section, *'worker'* shall mean any person who is
6 performing activities relating to the production of agricultural plants on an agricultural
7 establishment. This requirement applies to family members, friends, and volunteers.
8 Workers may or may not be compensated for their work.

9 For the purposes of this section, *'handler'* shall mean anyone who mixes or loads
10 pesticides on an agricultural establishment including, but not limited, to flaggers, those
11 handling or cleaning application equipment, those performing soil incorporation, and
12 those disposing of pesticides or pesticide containers.

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**Division 3
Guam Pesticide Regulations**

**Chapter 15
Pesticides**

**Article 4
Importation of Pesticides and Pesticide Devices**

1 §15401. Notice of Arrival.

2 §15402. Arrival of Shipment.

3 §15403. Release of Shipment or Entry Refused.

4 §15404. Sample of Imports.

5 **§15401. Notice of Arrival.**

6 (a) **Notice of Arrival Form.** Any person desiring to import pesticides or
7 pesticide devices into Guam – regardless of origin, type and quantity – *shall* submit
8 to the Administrator a completed Guam EPA “Notice of Arrival” (NOA) form, *no*
9 *later than* ten (10) calendar days prior to the arrival of the shipment in Guam. The
10 Administrator, or his designee, may waive this deadline if the importer provides
11 valid documents evidencing that the shipment will arrive in Guam in less than 10
12 days from the date of exportation from the point of origin.

13 For any shipment that includes more than one (1) type of pesticide and/or device,
14 the importer must indicate the on his NOA form all pertinent information for each
15 pesticide and/or device. Importers who apply for a NOA for the first time for a
16 specific pesticide or device must also provide respective labels for each pesticide or
17 device.

1 Upon receipt, the Administrator, or his designee, *shall* complete the form,
2 indicating the disposition to be made of the shipment of pesticides or devices upon
3 its arrival in Guam and *shall* return the form to the importer or his agent.

4 **(b) Notice of Arrival Required.** No pesticide or device *shall* be imported into
5 Guam without an accompanying "Notice of Arrival" that has been approved and
6 signed by the Administrator or his designee.

7 **§15402. Arrival of Shipment.**

8 **(a) Notice of Arrival Presented.** Upon the arrival of a shipment, the importer, or
9 his designee, *shall* present to the Customs Officer at the port of entry an approved
10 and signed NOA which indicates the action to be taken by the Customs Officer with
11 respect to the shipment. The Customs Officer *shall* compare entry documents for the
12 shipment with the NOA and must notify the Administrator of any discrepancies.

13 **(b) Notice of Arrival Not Presented.** Upon the arrival of a shipment, if the
14 importer, or his designee, does *not* present an approved and signed NOA to the
15 Customs Officer at the port of entry, the shipment *shall* be detained until such time a
16 signed and approved NOA is presented; or until other disposition is ordered by the
17 Administrator.

18 **(c) Detained Shipments.** A shipment may be detained for up to fifteen (15)
19 days. A shipment that remains detained for more than fifteen (15) days *shall* be
20 treated as prohibited importation.

21 **§15403. Release of Shipment or Entry Refused.**

22 If the signed and approved NOA directs the Customs Officer to release the
23 shipment of pesticides or devices, and from examination if it appears to be in
24 compliance, the shipment *shall* be released to the importer or his designee. If the signed
25 and approved NOA directs the Customs Officer to refuse entry of a shipment, or from

1 examination of the shipment it appears to violate local or federal requirements, such
2 shipment *shall* be refused entry and treated as prohibited importation.

3 The Customs Officer *shall* notify the importer at least twenty (20) days prior to
4 the date of exportation of the shipment. If a shipment of pesticides or devices is refused
5 entry into Guam, the shipment can be detained at the importer's storage area pending
6 exportation to the country of origin. However, during the detainment period, the
7 shipment shall not be used, sold or distributed or otherwise disposed of other than
8 exportation.

9 Any expenses incident to the handling, storage or transfer of pesticides or
10 devices refused entry into Guam *shall* be at the risk and expense of the importer.

11 **§15404. Sample of Imports.**

12 Upon the request of the Administrator, either on the NOA or otherwise written
13 request, the Customs Officer *shall* allow the Administrator, or his designee, to collect
14 samples from a shipment. If the sample is found to be in compliance with local and
15 federal requirements, the Administrator *shall* notify the Customs Officer in writing that
16 the shipment may be released to the importer or his designee.

17 If upon the examination or analysis, the sample demonstrates that there is a
18 violation of local or federal requirements, the Administrator, or his designee, *shall*
19 promptly notify the importer, who *shall* be provided with an opportunity to introduce
20 testimony to show cause why the shipment should not be refused entry. If after
21 consideration of all the evidence presented, it remains the opinion of the Administrator
22 that the shipment is in violation of local or federal requirements; the Administrator
23 shall notify the Customs Officer that the shipment *shall* be refused entry and treated as a
24 prohibited importation.

22 GARR – Guam Environmental Protection Agency

Division 3 Guam Pesticide Regulations

Chapter 15 Pesticides

Article 5 Special Pesticides

1 §15501. Mixtures and Seeds.

2 §15502. Treated Articles.

3 §15503. Minimal Risk Pesticides.

4 §15504. Locally Designated Restricted Use Pesticides.

5 **§15501. Mixtures and Seeds.**

6 Fertilizer-pesticide mixtures and seeds treated with pesticides are considered
7 pesticides and, as such, are subject to all local and federal requirements.

8 **§15502. Treated Articles.**

9 An article or substance treated with or containing a pesticide itself if the pesticide
10 is registered for this use is exempt from the provisions of the Act and this Chapter when
11 intended for use and used only in the manner specified. Examples include paint to
12 protect the paint coating, or wood products treated to protect the wood against insect or
13 fungus infestation, as long as the pesticide used to protect the paint coating or the wood
14 products are registered for that purpose.

15 If an article or substance is treated with a pesticide that is not registered with
16 USEPA for that use, the article or substance *shall* be considered a pesticide and as such

1 is regulated by the Act and this Chapter and must be registered with USEPA prior to
2 import, sale, or distribution.

3 **§15503. Minimal Risk Pesticides.**

4 All pesticides that are considered Minimal Risk Pesticides (MRP) must meet all
5 requirements specified in 40 CFR Section 152.25, FIFRA Section 25(b), and any other
6 applicable local or federal requirements. If a pesticide meets the federal requirements
7 for MRP, the pesticide is considered an MRP under this Chapter.

8 Active Ingredients must be listed in the most current USEPA list of MRPs. Inert
9 ingredients must be listed in the most current USEPA List 4A.

10 **(a) Minimal Risk Pesticide Import Requirements.** In order for an MRP to be
11 allowed into Guam, the importer must first obtain a signed and approved Notice of
12 Arrival from Guam EPA prior to the arrival of any shipment, as described in Article
13 4 of this Chapter. Additionally, the product must not be intended for use in such a
14 way as to control or mitigate micro-organisms that pose a threat to human health
15 including, but not limited to, disease-transmitting bacteria or viruses, or claims to
16 control insects or rodents carrying specific diseases including, but not limited to,
17 ticks that carry Lyme Disease or mosquitoes that could transmit West Nile Virus.
18 Additionally, the product label or labeling must meet the following requirements:

19 (1) The label or labeling must include:

20 (A) The name and percentage by weight of each active ingredient; and

21 (B) The names of each inert ingredient.

22 (2) The label or labeling must *not* include:

23 (A) Claims to either control or mitigate micro-organisms that pose a
24 threat to human health including, but not limited to, disease-transmitting
25 bacteria or viruses; or

1 **(B)** Claims to control insects or rodents carrying specific diseases
2 including, but not limited to, ticks that carry Lyme Disease or mosquitoes that
3 could transmit West Nile Virus; or

4 **(C)** False or misleading statements including, but not limited to, those
5 listed in 40 CFR Section 156.10(a)(5)(i) through (viii).

6 **(b) Minimal Risk Pesticide Listing.** Pesticides listed in this section have been
7 determined to be of a character not requiring regulation under FIFRA; and are also
8 exempt from all local requirements, except import requirements, when intended for
9 use, and used, only in the manner specified.

10 **(1)** Embalming fluids used to preserve animal or animal organ specimens in
11 mortuaries, laboratories, hospitals, museums and institutions of learning;

12 **(2)** Products used to preserve the integrity of milk, urine, blood, or other
13 body fluids or laboratory analysis;

14 **(3)** Products consisting of foods which contain no active ingredient which are
15 used to attract pests.

16 **(4)** Natural cedar blocks, chips, shavings, balls, chests, drawer liners,
17 paneling, and needles that meet all of the following criteria:

18 **(A)** The product consists totally of cedarwood or natural cedar.

19 **(B)** The product is not treated, combined or impregnated with any
20 additional substance(s).

21 **(C)** The product bears claims or directions for use solely to repel
22 arthropods other than ticks or to retard mildew, and no additional claims are
23 made in sale or distribution. The labeling must be limited to specific
24 arthropods or must exclude ticks if any general term such as "arthropods,"
25 "insects," bugs," or any other broad inclusive term, is used. The exemption

1 does not apply to natural cedar products claimed to repel ticks. The
2 exemption does not apply to cedar oil, or formulated products which contain
3 cedar oil, other cedar extracts, or ground cedar wood as part of a mixture.

4 **§15504. Locally Designated Restricted Use Pesticides.**

5 **(a) Local Designation Authority.** Pursuant to 10 GCA §50103(3), the Board, or
6 its designee, has the authority to designate a restricted use pesticide. The
7 consideration and designation of a restricted use pesticide must be done in
8 accordance with Title 5, Chapter 9 of Guam Code Annotated – “The Guam
9 Administrative Adjudication Law.” Restricted use pesticides so classified in Guam
10 *shall* be in addition to those USEPA-classified restricted use pesticides.

11 **(b) Chlorine Gas.** All chlorine gas used as a pesticide (including, but not limited
12 to, chlorine gas that has a USEPA registration number and establishment number) is
13 hereby considered a restricted use pesticide in Guam. Persons applying chlorine gas
14 must be hold a valid certification card in Category 7d, “Chlorine Gas”; or must
15 otherwise hold a valid certification card for Core Training *and* must, at the time of
16 application, be under the direct supervision of an applicator who holds a valid
17 certification card in Category 7d.

18 **(c) Designation by Label or Labeling.** If the registered label for a general use
19 pesticide states, or has related statements indicating, that the applicator must be
20 professional, licensed, registered, certified, or trained (for example, “Only For Sale,
21 Use, and storage by Professional Pest Control Operators”, etc...), the applicator
22 must be certified by Guam EPA in the category most related to the pesticide use
23 prior to the application of said pesticide.

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Division 3 Guam Pesticide Regulations

Chapter 15 Pesticides

Article 6 Certification

- 1 §15601. Instructor Qualifications.
- 2 §15602. General Use Pesticide Training Certification.
- 3 §15603. Restricted Use Pesticide Training Certification.
- 4 §15604. Course and Exam Offerings.
- 5 **§15601. Instructor Qualifications.**

6 Basic Training, Core Training, or Category Training may be offered by the
7 University of Guam, the Guam Community College or an independent contractor. Any
8 person intending to provide any type of training must first meet the following
9 qualifications and requirements set forth below.

10 **(a) Conducting “Train-the-Trainer”.** Instructor qualifications and requirements to
11 conduct a “Train-the-Trainer” course are:

12 **(1)** Two (2) Letters of Recommendation from a former or current supervisor, or
13 individual who holds a managerial position, with expertise in pesticide-related
14 activity. Such persons include, but are not limited to, university professors,
15 owners/managers of pesticide companies, or directors of an environmental or public
16 health regulatory agency;

17 **(2)** A Guam EPA approved training plan, as described in §15602(d) below;

1 (3) Practical knowledge of the training material and all applicable local and federal
2 requirements; and

3 (4) The ability to effectively prepare student-instructors for teaching the required
4 course material, including the use of a variety of teaching tools.

5 **(b) Conducting Training.** Instructor qualifications and requirements to conduct
6 Basic, Core or Category Training are:

7 (1) Two (2) Letters of Recommendation from a former or current supervisor, or
8 individual who holds a managerial position, with expertise in pesticide-related
9 activity. Such persons include, but are not limited to, university professors,
10 owners/managers of pesticide companies, or directors of an environmental or public
11 health regulatory agency;

12 (2) Successful completion of a Guam-EPA approved "Train-the-Trainer" course
13 and the passage of any applicable exam;

14 (3) Current certification in the type of training to be conducted (BT-A, BT-B, Core
15 or the applicable Category/ies);

16 (4) A Guam EPA approved training plan, as described in §15602(d) below;

17 (5) Practical knowledge of the training material and all applicable local and federal
18 requirements; and

19 (6) The ability to teach and communicate effectively with student-applicators to
20 prepare them for proper performance of their occupational duties.

21 **(c) Approved Training Plan Required.** An approved training plan must adequately
22 incorporate general standards developed by Guam EPA concerning the use of
23 pesticides as appropriate to the type of activities in which the pesticide applicator will
24 be engaged. An approved training plan must identify the type of training to be

provided (Basic Training-A, Basic Training-B, Core Training and/or Category Training), and must include, at a minimum:

(1) Instructor information, including:

(A) The name and address of each instructor;

(B) A description of each instructor's qualifications and experience;

(C) A copy of the current certification card for each instructor; and

(2) Training information, including a copy of the training agenda and descriptions of:

(A) Topics to be covered;

(B) The target audience;

(C) How the trainer will ensure that the training is provided in a manner and language that the target audience will understand;

(D) When, where and how often the training will be conducted;

(E) How the exam will be administered and graded, if applicable; and

(F) How the training will incorporate information on all relevant local and federal requirements; and Guam-specific challenges and needs.

§15602. General Use Pesticide Training Certification.

(a) Basic Training.

(1) **Basic Training-A ("BT-A").** BT-A is required for applicants who are paid housekeeping workers including, but not limited to, cleaners and janitors in hotels, hospitals, apartment complexes or condominium complexes, nursing homes, or other non-private residences, and who apply general use antibacterial, antimicrobials, antifungal, disinfectants and other pesticides as part of their occupational duties. BT-A applicants must complete a four (4) hour training course and must successfully pass the open-book BT-A exam.

1 **(2) Basic Training-B ("BT-B").** BT-B is required for applicants who are paid
2 swimming pool operators and water treatment operators using general use
3 pesticides as part of their occupational duties. BT-B applicants must complete an
4 eight (8) hour training course and must successfully pass the closed-book BT-B
5 exam.

6 Workers in this category *may* satisfy this requirement by attending eight (8)
7 hours of Core Training and passing either the BT-B or Core Training exam.

8 Swimming pool or water treatment operators who intend to use RUP-chlorine
9 products in carrying out their occupations duties must successfully complete Core
10 Training and are not required to complete BT-B. Any applicant who intends to use
11 chlorine gas *must also* obtain certification in Category 7d".

12 **(b) Core Training.** Core Training is required for any applicant, other than those
13 described in subsection (a) above, who intends to use general use pesticides as part of
14 carrying out his occupational duties. Core Training consists of a sixteen (16) hour
15 training course and a closed-book exam.

16 **§15603. Restricted Use Pesticide Training Certification.**

17 **(a) Certification of RUP-Applicators.** Category Training is required for all
18 restricted use pesticide applicators. Satisfactory completion of Core Training is
19 required as a prerequisite for Category Training. Category Training consists of sixteen
20 hours (16) of a specialized type of training course and a closed-book exam. Applicators
21 applying restricted use pesticides shall be certified either as a commercial applicator or
22 a private applicator.

23 **(1) Commercial Applicators** include persons using, or supervising the use of,
24 restricted use pesticides in pest control work, demonstration work or similar pest
25 control activity. Commercial applicators are paid for their services.

1 **(2) Private Applicators** include persons using, or supervising the use of,
2 restricted use pesticides for the purpose of producing any agricultural commodity
3 on property owned or rented by him, his employer, or another person. Persons in
4 this category are not compensated for their work. For purposes of this section,
5 '*compensation*' does not include the trading of personal services between producers
6 of agricultural commodities.

7 **(b) RUP-Applicator Categories.** Applicators shall be further divided into the
8 following categories and subcategories based on general patterns of use and sites where
9 specific knowledge related to the use pattern or site is required to demonstrate
10 competency. A person may be certified in as many categories or subcategories as
11 necessary.

12 **Category 1: Agricultural Pest Control.**

13 **Category 1a: Plants.** This category includes applicators using or
14 supervising the use of restricted use pesticides in production of
15 agricultural crops, including without limiting the foregoing, tobacco,
16 peanuts, cotton, feed grains, soybeans and forage; vegetables, small fruits,
17 fruit trees and nuts, as well as on grasslands and non-crop agricultural
18 lands.

19 **Category 1b: Animals.** This category includes applicators using or
20 supervising the use of restricted use pesticides on animals, including
21 without limiting the foregoing, beef cattle, dairy cattle, swine, sheep,
22 horse, goats, poultry, and livestock, and to places on or in which animals
23 are confined. Doctors of Veterinary Medicine engaged in the business of
24 applying pesticides for hire, publicly holding themselves out as pesticide

1 applicators, or engaged in large scale use of pesticides are included in this
2 category.

3 **Category 2: Forest Pest Control.** This category includes commercial
4 applicators using or supervising the use of restricted use pesticides in forests,
5 forest nurseries, and forest seed producing areas.

6 **Category 3: Ornamental and Turf Pest Control.** This category includes
7 commercial applicators using or supervising the use of restricted use pesticides
8 to control pests in the maintenance and production of ornamental trees, shrubs,
9 flowers, and turf.

10 **Category 4: Seed Treatment.** This category includes commercial
11 applicators using or supervising the use of restricted pesticides on seeds.

12 **Category 5: Aquatic Pest Control.** This category includes commercial
13 applicators using or supervising the use of any restricted use pesticide
14 purposefully applied to any body of water as defined in these regulations,
15 including but not limited to standing or running water; the territorial sea; and
16 bays and harbors of Guam, excluding applicators engaged in public health
17 activities included in Category (8).

18 **Category 6: Right-of-Way Pest Control.** This category includes
19 commercial applicators using or supervising the use of restricted use pesticides
20 in maintenance of public roads, electric power lines, pipelines, railway rights-of-
21 way or other similar areas.

22 **Category 7: Industrial, Institutional, Structural and Health-Related Pest**
23 **Control.**

24 **Category 7a: General and Structural Pest Control.** This category
25 includes commercial applicators using or supervising the use of restricted

1 use pesticides in, on, or around food handling establishments, human
2 dwellings, institutions such as schools and hospitals, industrial
3 establishments, including warehouses and grain elevators, and any other
4 structures and adjacent areas, public or private; and for the protection of
5 stored, processed, or manufactured products.

6 **Category 7b: Structural and Commodity Fumigations.** This
7 category is for applicants who apply fumigants to sites including but not
8 limited to commodity storage or holding sites, buildings, boats, and
9 shipping containers. In addition to being certified, applicators of
10 fumigants must submit a Guam EPA "Notice of Intent: Structural
11 Fumigation" prior to any application of any fumigants, as stipulated in
12 §15305(b) of this Chapter.

13 **Category 7c: Soil Fumigation.** This category is for applicants who
14 apply fumigants to kill organisms such as fungi, insects, nematodes,
15 parasite and other soil-borne diseases. In addition to being certified,
16 applicators of fumigants must submit a Guam EPA "Notice of Intent:
17 Structural Fumigation" prior to any application of any fumigants, as
18 described in §15305 of this Chapter.

19 **Category 7d: Chlorine Gas.** This category is for commercial
20 applicants who use, or supervise the use of, chlorine gas for the treatment
21 of swimming pools, hot tubs, spas and production wells.

22 **Category 8: Public Health Pest Control.** This category includes local,
23 federal or other governmental employees using or supervising the use of
24 restricted use pesticides in public health programs for the management and
25 control of pests having medical and public health importance.

1 **Category 9: Regulatory Pest Control.** This category includes local, federal
2 or other governmental employees who use or supervise the use of restricted use
3 pesticides in the control of regulated pests.

4 **Demonstration and Research Pest Control.** This category includes
5 individuals who demonstrate, or supervise a demonstration, to the public the
6 proper use and techniques of applications of restricted use pesticides. Examples
7 of such persons include, but are not limited to, extension specialists and local
8 agents, commercial representatives demonstrating pesticide products, and those
9 individuals demonstrating methods used in public programs. Category 10 also
10 includes persons conducting field research with pesticides and in doing so, use,
11 or supervise the use of, restricted use pesticides. This includes, but is not limited
12 to, local, federal, other governmental employees, or other commercial
13 applicators.

14 **(c) Standards for Certification.**

15 **(1) Commercial Applicators.**

16 **(A) Determination of Competency.** Competence in the use and handling
17 of pesticides *shall* be determined on the basis of written examinations and, as
18 appropriate, performance testing based upon the standards set forth below, both
19 of which *shall* be approved by the Administrator. Such examination and testing
20 *shall* include the general standards applicable to all categories and the additional
21 standards specifically identified for each category or subcategory in which an
22 applicator is to be classified, and to the pesticide or class of pesticides covered by
23 the persons certification.

24 **(B) General Standards of Competency.** All commercial applicators *shall*
25 demonstrate practical knowledge of the principles and practices of pest control

1 and safe use of pesticides as described below. Testing shall be based on
2 examples of problems and situations appropriate to the particular category or
3 subcategory of the applicator's certification and the following areas of
4 competency:

5 **(i) Label and Labeling Comprehension.** Including factors such as:

6 (aa) General format of labels and terminology that are used on
7 pesticide labels and labeling;

8 (bb) Instructions, warnings, terms, symbols, and other
9 information commonly appearing on pesticide labels;

10 (cc) Classification of the product, general or restricted; and

11 (dd) Necessity for use consistent with the label.

12 **(ii) Safety.** Including factors such as:

13 (aa) Pesticide toxicity and hazard to man and common exposure
14 routes;

15 (bb) Common types and causes of pesticide accidents;

16 (cc) Precautions necessary to guard against injury to applicators
17 and other individuals in or near treated areas;

18 (dd) Need for and use of protective clothing and equipment;

19 (ee) Symptoms of pesticide poisoning;

20 (ff) First Aid and other procedures to be followed in case of a
21 pesticide accident; and

22 (gg) Proper identification, storage, transport, handling, mixing
23 procedures and disposal methods for pesticides and used pesticide
24 containers, including precautions to be taken to prevent children from
25 having access to pesticides and pesticide containers.

1 **(iii) Potential Environmental Consequences of the Use and Misuse**
2 **of Pesticides.** Including influential factors such as:

- 3 (aa) Weather and other climatic conditions;
4 (bb) Types of terrain, soil or other substrate;
5 (cc) Presence of fish, wildlife and other non-target organisms;
6 and
7 (dd) Drainage patterns.

8 **(iv) Pests.** Including factors such as:

- 9 (aa) Common features of pest organisms and characteristics of
10 damage needed for pest recognition;
11 (bb) Recognition of relevant pests; and
12 (cc) Pest development and biology as it may be relevant to
13 problem identification and control.

14 **(v) Pesticides.** Including factors such as:

- 15 (aa) Types of pesticides;
16 (bb) Types of formulations;
17 (cc) Compatibility, synergism, persistence and animal and plant
18 toxicity of the formulations;
19 (dd) Hazards and residues associated with use;
20 (ee) Factors which influence effectiveness or lead to such
21 problems as resistance to pesticides; and
22 (ff) Dilution procedures, including calculations to achieve
23 correct application rate.

24 **(vi) Equipment.** Including factors such as:

1 (aa) Types of equipment and advantages and limitations of each
2 type; and

3 (bb) Use, maintenance and calibration.

4 **(vii) Application techniques.** Including factors such as:

5 (aa) Methods of procedure used to apply various formulations of
6 pesticides, solutions, and gases, together with knowledge of which
7 technique of application to use in a given situation;

8 (bb) Relationship of discharge and placement of pesticides to
9 proper use, unnecessary use, and misuse; and

10 (cc) Prevention of drift and pesticide loss into the environment.

11 **(viii) All local and federal requirements.**

12 **(C) Specific Standards of Competency.** Commercial Applicators should
13 demonstrate additional competence and knowledge appropriate to their
14 particular category of certification, described as follows:

15 **Category 1: Agricultural Pest Control.**

16 **Category 1a: Plants.** Applicators must demonstrate practical
17 knowledge of the crops grown and the specific pests on these crops on
18 which they may be using RUPs. The importance of such competency is
19 amplified by the extensive areas involved, the quantities of pesticides
20 needed, and the ultimate use of many commodities as food and feed.
21 Practical knowledge is required concerning soil and water problems, pre-
22 harvest intervals, re-entry intervals, phytotoxicity, and potential for
23 environmental contamination, non-target injury and community problems
24 from the use of restricted use pesticides in agricultural areas.

1 **Category 1b: Animals.** Persons applying pesticides directly to
2 animals must demonstrate knowledge of such animals and their
3 associated pests. A practical knowledge is also required concerning
4 specific pesticide toxicity and residue potential, since host animals will
5 frequently be used for food. Further, the applicator must know the
6 relative hazards associated with such factors as formulation application
7 techniques, age of animals, and focus and extent of treatment.

8 **Category 2: Forest Pest Control.** Applicators shall demonstrate practical
9 knowledge of the extent and types of forests, forests nurseries, and seed
10 production in Guam and the pests involved. They should demonstrate practical
11 knowledge of the cyclic occurrence of certain pests and specific population
12 dynamics as a basis for programming pesticide applications. A practical
13 knowledge is required of the relative biotic agents and their vulnerability to
14 pesticides to be applied. Because forest stands frequently include aquatic
15 habitats and harbor wildlife, the consequences of pesticide use may be difficult to
16 assess. The applicators must therefore demonstrate practical knowledge of
17 control methods that will minimize the possibility of secondary problems such as
18 unintended effects on wildlife. Proper use of specialized equipment must be
19 demonstrated, especially as it may relate to meteorological factors and adjacent
20 land use.

21 **Category 3: Ornamental and Turf Pest Control.** Applicators shall
22 demonstrate practical knowledge of pesticide problems associated with the
23 production and maintenance of ornamental trees, shrubs, plantings, and turf,
24 including cognizance of potential phytotoxicity due to a wide variety of plant
25 material, drift, and persistence beyond the intended period of pest control.

1 Because of the frequent proximity of human habitations to application activities,
2 applicators in this category must demonstrate practical knowledge of the
3 hazards to humans, pets, and other domestic animals.

4 **Category 4: Seed Treatment.** Applicators shall demonstrate practical
5 knowledge of types of seeds that require chemical protection against pests and
6 factors such as seed coloration, carriers, and surface active agents which
7 influence pesticide binding and may affect germination. They must demonstrate
8 practical knowledge of hazards associated with handling, sorting and mixing,
9 and misuse of treated seed such as introduction of treated seed into food and
10 feed channels, as well as proper disposal of unused treated seed.

11 **Category 5: Aquatic Pest Control.** Applicators shall demonstrate practical
12 knowledge of the secondary effects which can be caused by improper application
13 rates, incorrect formulations, and faulty application of restricted use pesticides
14 used in this category. They shall demonstrate practical knowledge of various
15 water use situations and the potential of downstream effects. Further, they must
16 have practical knowledge concerning potential pesticide effects on plants, fish,
17 birds, beneficial insects and other organisms which may be present in aquatic
18 environments. These applicators shall demonstrate practical knowledge of the
19 principles of limited area application.

20 **Category 6: Right-of-way Pest Control.** Applicators shall demonstrate
21 practical knowledge of a wide variety of environments since rights-of-ways can
22 traverse many different terrains, including waterways. They shall demonstrate
23 practical knowledge of the problems of runoff, drift, and excessive foliage
24 destruction and ability to recognize target organisms. They shall also
25 demonstrate practical knowledge of the nature of herbicides and the need for

1 containment of these pesticides within the right-of-way area, and the impact of
2 their application activities in the adjacent areas and communities and special
3 drift control methods and procedures.

4 **Category 7: Industrial, Institutional, Structural and Health-Related Pest**
5 **Control.**

6 **Category 7a: General and Structural Pest Control.** Applicators must
7 demonstrate practical knowledge of a variety of pests including their life
8 cycles, as well as types of formulations appropriate for their control and
9 methods of application that avoid contamination of food and damage and
10 contamination of habitat, and exposure of people and pets. Since human
11 exposure, especially to babies, children, pregnant women, and elderly
12 people, is frequently a potential problem, applicators must demonstrate
13 practical knowledge of the specific factors which may lead to a hazardous
14 condition, including continuous exposure in the various situations
15 encountered in this category. Because health related pest control may
16 involve outdoor applications, applicators in this category must also
17 demonstrate practical knowledge of environmental conditions particularly
18 related to this activity.

19 **Category 7b: Structural and Commodity Fumigation.** In this
20 subcategory, types of structures include, but are *not* limited to inhabited
21 buildings, containers, boat. Applicators must demonstrate practical
22 knowledge of core requirements covering fumigant and fumigation use
23 laws and regulations, the basic principles of fumigant use, of handler and
24 worker safety requirements especially pesticide safety training, preventing

1 heat-related illnesses, of fumigant labels, how to interpret and follow label
2 directions and requirements.

3 Applicators must demonstrate practical knowledge of the hazards
4 associated with fumigant use and preventing human exposure,
5 environmental contamination, off-site movement/drift, and phytotoxicity,
6 of safe fumigant handling practices, proper PPE selection, use, and care,
7 and responding to fumigant emergencies.

8 Applicators must demonstrate practical knowledge of proper
9 fumigant application procedures, selecting and using appropriate
10 application equipment and its calibration, and of hazards and safe use
11 practices.

12 **Category 7c: Soil Fumigation.** Applicators must demonstrate
13 practical knowledge of core requirements covering fumigant and
14 fumigation use laws and regulations, the basic principles of fumigant use,
15 of handler and worker safety requirements especially pesticide safety
16 training, preventing heat-related illnesses, of fumigant labels, how to
17 interpret and follow label directions and requirements.

18 Applicators must demonstrate practical knowledge of the hazards
19 associated with fumigant use and preventing human exposure,
20 environmental contamination, off-site movement/drift, and phytotoxicity,
21 of safe fumigant handling practices, proper PPE selection, use, and care,
22 and responding to fumigant emergencies.

23 Applicators must demonstrate practical knowledge of proper
24 fumigant application procedures, selecting and using appropriate

1 application equipment and its calibration, and of hazards and safe use
2 practices.

3 **Category 7d: Chlorine Gas.** Applicators must demonstrate practical
4 knowledge of the toxicity of liquefied chlorine gas; the dispersion
5 properties and other characteristics of gaseous chemicals; equipment types;
6 calibration procedures; application techniques; air and water monitoring
7 procedures; use and maintenance of personal protective equipment and
8 clothing; and factors that may lead to a hazardous conditions, including
9 handling of pressurized chemicals and direct or continuous exposure to
10 chlorine gas.

11 **Category 8: Public Health Pest Control.** Applicators must demonstrate
12 practical knowledge of pests of public health importance, vector-disease
13 relationships, and etiology of disease-host relationships. Since a wide variety of
14 pests are involved, these pests must be known and recognized by public health
15 control applicators, and the life's cycles and habitats of each thoroughly
16 understood. These applicators should be familiar with a great variety of
17 environmental conditions ranging from streams to dwellings. They should also
18 be cognizant of such non-chemical control methods as sanitation, waste disposal,
19 and drainage.

20 **Category 9: Regulatory Pest Control.** Applicators shall demonstrate
21 practical knowledge of regulated pests, applicable law relating to quarantine and
22 other regulation of pests, and the potential impact on the environment of
23 restricted use pesticides used in suppression and eradication programs. They
24 shall demonstrate knowledge of factors influencing introduction, spread, and
25 population dynamics of relevant pests. Their knowledge shall extend beyond

1 that required by their immediate duties, since their services are frequently
2 required in Guam and other areas of the country where emergency measures are
3 invoked to control regulated pests and where individual judgments in new
4 situations must be made.

5 **Category 10: Demonstration and Research Pest Control.** Persons
6 demonstrating the safe and effective use of pesticides to other applicators and the
7 public will be expected to meet comprehensive standards reflecting a broad
8 spectrum of pesticide uses. Many different pest problems situations will be
9 encountered in the course of activities associated with demonstration, and
10 practical knowledge of problems, pests, and population levels occurring in each
11 demonstration situation is required. Further, they should demonstrate an
12 understanding of pesticide-organism interactions and the importance of
13 integrating pesticide use with other control methods.

14 Applicators doing demonstration pest control work, conducting field
15 research or method improvement work with RUPs should possess a practical
16 knowledge of all of the general standards detailed in §15603(c)(2) of this Chapter.
17 In addition, they shall be expected to know the specific standards described in
18 §15603(c)(3)(A) through (I) of this Chapter as may be applicable to their
19 particular activity.

20 For the purposes of this Chapter, the above standards do not apply to
21 persons conducting laboratory-type research involving RUPs; or Doctors of
22 Medicine or Doctors of Veterinary Medicine applying pesticides as drugs or
23 medication during the course of their normal practice.

24 **(2) Private Applicators.**

1 **(A)Determination of Competency.** Competence in the use and handling of
2 pesticides *shall* be determined on the basis of written examinations and, as
3 appropriate, performance testing based upon the standards set forth below both
4 of which *shall* be approved by the Administrator. Such examination and testing
5 *shall* include the standards applicable to Category 1, 1a and 1b in which an
6 applicator is to be classified.

7 **(B) Standards of Competency.** Competence in the use and handling of
8 pesticides by a private applicator *shall* be determined by the procedures set forth
9 below. As a minimum requirement for certification, a private applicator must
10 show that s/he possesses a practical knowledge of the pest problems and pest
11 control practices associated with his agricultural operations; proper storage, use,
12 handling and disposal of the pesticides and containers; and his related legal
13 responsibility. The practical knowledge includes ability to:

14 (i) Recognize common pests to be controlled and damage caused by
15 them;

16 (ii) Read and understand the label and labeling information including
17 the common name of pesticides he applied; pest(s) to be controlled, timing
18 and methods of application; safety precautions; any pre-harvest or re-entry
19 restrictions; and any specific disposal procedures;

20 (iii) Apply pesticides in accordance with label instructions and
21 warnings, including the ability to prepare the proper concentrations of
22 pesticide to be used under particular circumstances taking into account
23 such factors as area to be covered, speed at which application equipment
24 will be driven, and the quantity dispersed in a given period of operation;

1 (iv) Recognize local environmental situations that must be considered
2 during application to avoid contamination;

3 (v) Recognize poisoning symptoms and procedures to follow in case of
4 pesticide accident; and

5 (vi) Consult reliable sources of information on the safe and proper use
6 of each pesticide related to the applicator's certification.

7 **(3) Standards for Supervision of Non-Category Certified Applicators.** The
8 supervisor of a non-category certified applicator must ensure that the applicator
9 holds a valid Core Training Certification Card and is someone who follows
10 instructions. In addition, the supervisor must be certified in the appropriate
11 category for the type of application he/she is directly supervising; he must
12 demonstrate practical knowledge of all local and federal requirements; and he must
13 be physically present on site observing the application of the pesticide at the time of
14 application. The non-category certified applicator must complete the appropriate
15 category training *no later than* ninety (90) days from his date of hire.

16 **§15604. Course and Exam Offerings.**

17 Training course and exam offerings are subject to space and instructor availability.
18 Exams, however, will be offered at least once per month.

22 GARR – Guam Environmental Protection Agency

**Division 3
Guam Pesticide Regulations**

**Chapter 15
Pesticides**

**Article 7
Licenses, Permits, Certification Cards and Fees.**

1 §15701. Special Licenses.

2 §15702. Permits.

3 §15703. Certification Cards.

4 §15704. Fees.

5 **§15701. Special Licenses.**

6 (a) **Pest Control Operator (PCO) License.** Any person intending to conduct
7 structural pest control in or around residential and commercial buildings *shall* obtain
8 a PCO License from Guam EPA prior to conducting any structural pest control.

9 (b) **Pesticide Trainers License.** Any person intending to provide Basic
10 Training, Core Training or Category Training must obtain a Pesticide Trainers
11 License from Guam EPA. This licensure requirement is in addition to the training
12 instructor qualifications and requirements stipulated in §15601 of this Chapter. All
13 applicable requirements must be satisfied prior to the start of any pesticide training.

14 (c) **Pesticide Dealers License.** Any person intending to sell restricted use
15 pesticides must first obtain a Pesticide Dealers License from Guam EPA.
16 Additionally, a Pesticide Dealers License *shall* be required for each sales outlet
17 operating in Guam. Each Pesticide Dealers License issued *shall* expire on December
18 31 of the year in which the license was issued. The application for a Pesticide

1 Dealers License *shall* be on a form prescribed by the Administrator and shall include,
2 at minimum:

- 3 a. The name and address of the applicant;
- 4 b. The physical address of the sales outlet (primary and all branch outlets,
5 when applicable); and
- 6 c. The name, address, and certified applicator number of the Certified
7 Pesticide Sales Manager (CPSM) at each sales outlet.

8 **§15702. Permits.**

9 **(a) Commodity Fumigation Permit.** Any person intending to perform fumigation of
10 any commodity must first obtain a Commodity Fumigation Permit from Guam EPA. An
11 application for a Commodity Fumigation Permit *shall* be on a form prescribed by the
12 Administrator and shall include, at minimum:

13 (1) The date and time of proposed application; and

14 (2) Information on the pesticide to be used:

15 (A) The name, registration number, and an electronic copy of the label or
16 labeling on the container for each pesticide to be used;

17 (B) A calculation of the amount of the pesticides to be applied; and

18 (C) A description of the equipment to be used;

19 (3) Information on the applicator:

20 (A) The name and certification number of each certified pesticide applicator
21 involved in the project; and

22 (B) The name of the entity for which the applicator is performing the
23 application;

24 (4) Information on the permanent application site, or any temporary sites, if
25 applicable:

- 1 (A) The physical address of the application site;
- 2 (B) A description of the application site, including the size of the area to be
- 3 treated;
- 4 (C) A map showing all residential homes, schools, hospitals, places of
- 5 worship and businesses within seventy-five (75) feet of the site;
- 6 (5) General Information on the Project:
- 7 (A) The names and contact numbers of the facility owner and the project
- 8 manager;
- 9 (B) Description or history of the company's work experience with using the
- 10 fumigant that is proposed for application;
- 11 (C) A standard operating procedure for the project;
- 12 (D) A health and safety plan;
- 13 (E) Any additional information required in a Fumigant Management Plan
- 14 by the product label;
- 15 (F) A listing of the target pests.

16 The permittee must submit a notice of intent for commodity fumigation to the Agency,

17 *no later than* fourteen (14) working days prior to the proposed application. A yearly

18 permit is required for Commodity Fumigation. Persons applying fumigants must

19 estimate the amount of fumigant to be used for each permit period.

20 **(b) Chemigation Permit.** Any person intending to conduct any chemigation, must

21 first obtain a Chemigation Permit from Guam EPA; and must meet the following

22 conditions:

23 The applicator must provide sufficient written evidence to Guam EPA in advance of

24 the application that a chemigation application is the only viable method for pest

25 control. In order to demonstrate to Guam EPA that there are no other viable

1 methods of pest control, the applicator must provide a list of target pests, location of
2 proposed chemigation, a description of equipment to be used, including required
3 back flow prevention devices to prevent contamination of the water sources, a copy
4 of the label for the pesticide(s) proposed for use, and a description of the other types
5 of pest control methods that have been attempted and the results of these methods.
6 The copy of the label submitted to Guam EPA must be a copy of the label on the
7 container(s) of the pesticide to be used. Upon review of the applicator's submission
8 and the EPA accepted label for the product to be used, Guam EPA will make a
9 determination as to whether the chemigation application will be allowed. If Guam
10 EPA allows the application, a written permit will be issued by Guam EPA. The
11 pesticide to be used must be registered by U.S. EPA for use in chemigation.

12 (1) Areas to be chemigated must be posted with a sign when 1) any part of a
13 treated area is within 300 feet of sensitive areas such as residential areas, labor
14 camps, businesses, day care centers, hospitals, in-patient clinics, nursing homes or
15 any public areas such as schools parks, playgrounds, or other public facilities not
16 including public roads., or 2) when the chemigated areas is open to the public such
17 as golf courses or retail greenhouses.

18 (2) Application areas must be posted by the pesticide applicator with signs in
19 English at all usual points of entry and along likely routes of approach from the
20 listed sensitive area. When there are not usual point of entry, signs must be posted
21 in the corners of the treated areas and in any other locations affording maximum
22 visibility to sensitive areas. The printed side of the sign must face away from the
23 treated area towards the sensitive area. The signs must be printed in the English
24 language. Signs must be posted prior to the application and remain posted until
25 foliage has dried and soil surface water as disappeared. Signs must remain in place

1 indefinitely as long as they are composed of materials to prevent deterioration and
2 maintain legibility for the duration of the posting period. Applicators are
3 responsible to remove the signs from the treated areas.

4 (3) Effective posting consists of letters at least 2 ½ inches tall, with all letters and
5 symbols in color which sharply contrasts with their immediate background. At the
6 top of the sign must be the words "KEEP OUT", followed by an octagonal stop sign
7 symbol at least 8 inches in diameter containing the word "STOP". Below the stop
8 sign symbol must be the words "PESTICIDE IN IRRIGATION WATER."

9 (c) **Aerial Pesticide Application Permit.** Any person intending to apply pesticides
10 by aircraft must first obtain and Aerial Pesticide Application Permit from Guam EPA.
11 An application for a Aerial Pesticide Application Permit *shall* be on a form prescribed
12 by the Administrator and shall include, at minimum:

13 (1) Information on the pesticide to be used:

14 (A) The name and registration number of each pesticide to be applied;

15 (B) A Copy of the label or labeling on the container for each pesticide to be
16 used;

17 (C) The formulation, dilution and application rates for each pesticide to be
18 applied;

19 (D) A description of the equipment to be used;

20 (2) Information on the applicant, pilot and/or applicator:

21 (A) The name, certification number, and certification expiration date of the
22 applicant and pilot/applicator, if different from the applicant;

23 (B) A copy of the certification card for the applicant and pilot/applicator, if
24 different from the applicant;

25 (C) A copy of the pilot license and any other licenses needed in Guam to

1 operate an aircraft;

2 (3) Information on the application site:

3 (A) The physical address of the proposed application site; and

4 (B) A sketch or map of the site, indicating general wind directions,
5 surrounding homes, bodies of water, schools, hospitals, places of worship,
6 roadways, and crop plantings within five hundred (500) feet of the application
7 site. The Administrator may require additional information to ensure that
8 waters of Guam are protected.

9 (4) General Information on the Project:

10 (A) A description of the purpose of aerial application and why aerial
11 application is desired;

12 (B) The method of aerial application of the proposed pesticides to be
13 applied;

14 (C) The number of application to be made, and the proposed time and date
15 of each application;

16 (D) A description of prior attempts to control the subject pest by other
17 application methods and the results of those efforts;

18 (E) An indication of what measures will be taken to prevent drift or
19 overspray of non-target sites.

20 The Administrator may refuse to issue an Aerial Pesticide Application Permit if
21 it is determined that the proposed aerial treatment may cause unreasonable adverse
22 effects to human health or the environment.

23 Any Aerial Pesticide Application Permit issued pursuant to this Chapter *shall*
24 specify the time period for which the permit is valid. The Administrator may specify
25 and limit the Aerial Pesticide Application Permit to cover a single treatment or multiple

1 and continued treatments when conditions are not expected to change or vary during
2 subsequent treatments that are conducted in the same designated area. In no case *shall*
3 any pesticide be applied contrary to the U.S. EPA accepted label.

4 The issuance of an Aerial Pesticide Application Permit *shall* not relieve the
5 permittee from the penalty provisions of the Act or any litigation for any damage or
6 contamination of crops or plants, animals, man and the environment resulting from
7 such aerial treatment.

8 **§15703. Certification Cards.**

9 Any person intending to apply pesticides as part of their occupational duties must
10 first obtain a certification card from Guam EPA. Certification cards *shall* be issued after
11 successful completion of the appropriate training. Successful completion is measured
12 by the applicator's attendance at the appropriate training course (as certified by the
13 training instructor), together with passing the appropriate exam with a score of seventy
14 percent (70%) or higher (as certified by the exam administrator).

15 **(a) Temporary Certification Cards.** Temporary Certification Cards may be issued
16 to individuals who are unable to attend a the appropriate training course (due to the
17 availability of classes) within approximately one month's time from the date he has
18 submitted his application for certification to Guam EPA. Temporary Certification
19 Cards issued pursuant to this Chapter *shall* expire on the last day of the month in which
20 the next appropriate training course will be offered.

21 **(b) Basic Training Certification Cards.**

22 **(1) Basic Training-A Certification Card.** Any person intending to apply
23 general use antibacterial, antimicrobials, antifungal, disinfectants and other
24 pesticides as part of their occupational duties must first obtain a Basic Training-A
25 Certification Card from Guam EPA prior to any pesticide application.

1 **(2) Basic Training-B Certification Card.** Any person who is a paid
2 swimming pool operator or water treatment operator intending to use general use
3 pesticides as part of his occupational duties must first obtain a Basic Training-B
4 Certification Card from Guam EPA prior to any pesticide application. This
5 requirement does not apply to paid swimming pool operators or water treatment
6 operators who intend to use RUP-chlorine products. Such applicators must obtain
7 Category Certification as described below, in Category 7d as described in §15604 of
8 this Chapter.

9 **(c) Core Training Certification Card.** Any person, other than those described in
10 subsection (a) above, intending to use general use pesticides as part of carrying out his
11 occupational duties must first obtain a Core Training Certification Card from Guam
12 EPA prior to any pesticide application. Applicants for Core Training Certification must
13 be at least seventeen (17) years of age.

14 **(d) Category Training Certification Card.** Any person intending to apply restricted
15 use pesticides must first obtain a Category Training Certification Card from Guam EPA.
16 Applicants for Category Training Certification must be at least eighteen (18) years of
17 age. RUP-Applicators *shall* be certified either as a

18 **(1) Commercial Applicator,** in the category or subcategory most related to the
19 pesticide he will be using; or

20 **(2) Private Applicator,** in Category 1, 1a, or 1b, as described in §15604 of this
21 Chapter.

22 **(e) Renewal.** All Certification Cards issued pursuant to this Chapter *shall* be
23 renewed every three (3) years. Individuals may submit applications for renewal *no more*
24 *than* thirty (30) days prior to the expiration date of their certification. Individuals
25 intending to renew their certification must successfully pass the appropriate exam.

1 Training for each applicant is required upon initial application for certification. All
2 individuals who hold "Core Training Certification Cards" older than three (3) years
3 from the effective date of this Chapter must renew their certification.

4 **§15704. Fees.**

5 In order to fulfill the duties and responsibilities associated with the implementation
6 of these regulations, the Agency hereby establishes conditions and fees as set forth in
7 Table 1 of this Chapter. All fees *shall* be paid to and deposited into "The Pesticide
8 Management Fund" as specified in 10 GCA §50119, which shall be maintained separate
9 and apart from any other government of Guam bank account. All fees are non-
10 refundable and must be paid in the following manner:

11 (a) **Certification Card Fees.** Fees must be paid upon issuance of the certification
12 card or a replacement card.

13 (b) **Training/Exam Fees.** Fees must be paid prior to each training/exam session.

14 (c) **License/Permit Fees.** Fees must be paid at the time a license/permit
15 application is submitted.

16 (d) **Notice of Arrival Fees.** Fees must be paid at the time the NOA form is
17 submitted; or based upon an agreed payment plan between the importer and the
18 Agency.

22 GARR – Guam Environmental Protection Agency

Division 3 Guam Pesticide Regulations

Chapter 15 Pesticides

Article 8 Enforcement

1 §15801. Enforcement Authorities.

2 §15802. Enforcement Procedures.

3 §15803. Denial, Suspension, and Revocation.

4 **§15801. Enforcement Authorities.**

5 The rules and regulations in this Chapter are promulgated by the Agency
6 pursuant to 10 GCA Chapter, “The Guam Pesticides Act”. The Act also specifies the
7 Agency’s authority to inspect and take necessary enforcement actions to carry out the
8 provisions of the Act or this Chapter.

9 In addition, the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”) is
10 applicable to Guam. Pursuant to Section 23 of FIFRA, the Guam Environmental
11 Protection Agency and the U.S. Environmental Protection Agency have entered into a
12 Cooperative Agreement. Under this agreement, Guam EPA has primary enforcement
13 responsibility for pesticide use violations.

14 The provisions of “The Guam Pesticide Act” and this Chapter are intended to
15 meet minimal requirements of FIFRA. Should there arise a conflict between local and
16 federal requirements, the more stringent requirement applies.

17 **§15802. Enforcement Procedures.**

18 All enforcement procedures *shall* comply with 5 GCA Chapter 9 – “The Guam

Administrative Adjudication Law” and 10 GCA Chapter 50 – “The Guam Pesticides Act”.

(a) Notice of Violation and Order of Compliance (NOV/OC). If – from an inspection, complaint, examination or analysis – there appears to be a violation of the regulations of “The Guam Pesticides Act” or this Chapter, a written NOV/OC *shall* be sent by the Agency to the person against whom proceedings are contemplated. The NOV/OC *shall* state the violation, the manner in which the alleged violator failed to meet the requirement of “The Guam Pesticides Act” or this Chapter, and what should be done to correct the violation.

When a violation has been alleged, and a NOV/OC has been issued, and the respondent has received the NOV/OC, the respondent has the option of: (1) within ten (10) working days, entering into a “Voluntary Compliance Agreement” (See Section 8.5) with Guam EPA to come into compliance with the violated provision; said settlement agreement shall be prepared in accordance with the requirements of this Chapter; or (2) within fifteen (15) working days, appealing the NOV/OC to the Board.

(b) Notice of Defense. A “Notice of Defense” form *shall* be included with the issued NOV/OC. Should the respondent wish to appeal the NOV/OC to the Board, the respondent must submit a completed “Notice of Defense” form to the Board. The Notice must be received by the Board within fifteen (15) working days from receipt of the NOV/OC. Once the Board receives the “Notice of Defense,” any administrative action upon the case *shall* be suspended until a “Notice of Judgment” has been issued by the Board.

(c) Prosecution. Pursuant to “The Guam Pesticides Act,” the Administrator may impose fines before an appeal has been filed or before the violation has been corrected. Enforcement actions may include monetary fines based on civil/administrative penalties and/or license suspension, revocation, non-renewal, and/or permit cancellation.

(d) Voluntary Compliance Agreement (VCA). If the respondent wishes to

1 resolve the NOV/OC without appealing to the Board, the respondent has the option of
2 entering into a Voluntary Compliance Agreement (VCA) with the Agency, which must
3 be reached within ten (10) working days. The respondent must immediately notify the
4 Agency of such intentions upon receipt of the NOV/OC. The Agency may work in
5 conjunction with the respondent to determine the terms and conditions of a VCA. The
6 Agency *shall* inform the respondent that he may exercise his right to appeal the
7 NOV/OC to the Board at any time during the fifteen (15) working day time frame by
8 submitting a completed "Notice of Defense" Form.

9 The purpose of the VCA option is to provide an opportunity to resolve the
10 NOV/OC without going through the appeal process with the Board or the referral
11 process with the Attorney General of Guam.

12 **§15803. Denial, Suspension, and Revocation.**

13 The issuance, suspension, or revocation of any certification card, license or
14 permit issued under these regulations *shall* not relieve an individual from the criminal
15 and civil penalty provisions of the Act or any litigation for any damage or
16 contamination resulting from pesticide related activities.

17 **(a) Probable Denial of Application for Certification, License or Permit.** An
18 application for any certification card, license or permit issued pursuant to this Act or
19 this Chapter, may be denied by the Board as provided in §57135 of the Act, for the
20 following causes:

21 **(1)** Falsification of any information required in the application process.

22 **(2)** Falsification of or failure to maintain records as required by the Act and
23 this Chapter.

24 **(3)** Conviction in a court of competent jurisdiction within a five (5) year
25 period immediately preceding the date of application of any violation of the Act
26 or this Chapter.

1 (4) Failure to comply with any order of the Board made pursuant to the Act
2 and this Chapter.

3 (5) A suspension of applicant's certification under the Act and this Chapter
4 within a five (5) year period immediately preceding the date of application.

5 (6) Misuse of a pesticide as defined by the Act and this Chapter.

6 **(b) Denial of Application for Certification, License or Permit.** An application
7 for any certification card, license or permit issued pursuant to this Act or this Chapter,
8 *shall* be denied by the Board as provided in §57135 of the Act, for the following causes:

9 (1) Applicant has been convicted in a court of competent jurisdiction within a
10 five (5) year period immediately preceding the date of the application of two (2)
11 or more violations of the Act or this Chapter or of the Federal Insecticide,
12 Fungicide and Rodenticide Act as amended, or the rules and regulations
13 promulgated pursuant thereto.

14 (2) Two (2) or more suspensions of applicant's certification, license or permit
15 under this Act and this Chapter within a five (5) year period immediately
16 preceding the date of application.

17 (3) Revocation of applicant's certification, license or permit under this Act
18 and this Chapter within a one (1) year period immediately preceding the date of
19 application.

20 **(c) Probable Suspension of Certification, License or Permit.** A certification
21 card, license or permit issued pursuant to this Act or this Chapter may be suspended
22 pursuant to §57135 of the Act for the following causes.

23 (1) Falsification of any information required in the application process or
24 falsification of or failure to maintain records required by the Act and this
25 Chapter.

26 (2) Misuse of a pesticide as defined by the Act and this Chapter.

1 **(d) Suspension of Certification, License or Permit.** A certification card, license
2 or permit issued pursuant to this Act or this Chapter *shall* be suspended for not less
3 than thirty (30) days and not more than one hundred eighty (180) days for the following
4 causes:

5 **(1)** Conviction in a court of competent jurisdiction of a violation of §57131 of
6 the Act.

7 **(2)** Failure to comply with two (2) warning notices issued by GEPA within a
8 two (2) year period.

9 **(e) Probable Revocation of Certification, License or Permit.** A certificate,
10 license or permit issued pursuant to this Act or this Chapter may be revoked for cause.
11 Revocation *shall* be effectuated by a written statement of the Administrator indicating
12 the effective date of the revocation and causes for such action. Possible causes include,
13 but are not limited to, the following:

14 **(1)** Conviction in a court of competent jurisdiction of a violation of §57131 of
15 the Act.

16 **(2)** Misuse of a pesticide as defined by the Act and this Chapter.

17 **(3)** Falsification of any information required in the application process or
18 falsification of or failure to maintain records required by the Act and this
19 Chapter.

22 GARR – Guam Environmental Protection Agency

**Division 3
Guam Pesticide Regulations**

**Chapter 15
Pesticides**

**Article 9
Severability**

1 **§15901. Severability.**

2 *If* any provision of this Chapter or its application to any person or circumstance
3 is found to be invalid or contrary to law, such invalidity *shall not* affect other provisions
4 or applications of this Chapter which can be given effect without the invalid provision
5 or application, and to this end the provisions of this Chapter are severable.

22 GARR – GUAM ENVIRONMENTAL PROTECTION AGENCY
DIVISION III, CHAPTER 15 – PESTICIDES
TABLE 1 – GUAM PESTICIDE REGULATION FEES

TYPE OF DOCUMENTATION	COST	EXPLANATION
1. Notice of Arrival (NOA)	\$3/case for up to 10 cases; \$1/additional case Chlorine tabs/gas \$5/1000 lbs or \$5/1,000 gallons (Note: Min. \$5)	Each Shipment
2. Termite Soil Application	\$50 < 250 gal. of emulsion mix \$100 ≥ 250 gal. of emulsion mix	Each application
3. Fumigation Application Fee (Permits/Notices of Intent)	\$1,000	Yearly*
4. Chemigation Permit Fee	\$100/Chemigation Permit	Each application
5. Pesticide Dealers License	\$250/Primary Sales Outlet \$50/Branch Sales Outlet	Expires Dec 31 (Each Year*)
6. Certification Cards – Category Training	a. Cards \$15 b. Training \$100 (16 hours) c. Exam only \$50 d. Replacement Cards \$10	3 Years*
7. Certification Cards – Core and Basic Training	a. Cards Only \$15 (Core); \$15 for (Basic Training-A/B) b. Training \$75 (Core); \$35 (BT-B), \$15 (BT-A) c. Exam Only \$25 (Core); \$15 for (BT-A/B) d. Replacement Cards \$10 e. Exam Study Materials \$15	3 Years*
8. Pest Control Operators License	\$150	Expires Dec 31 (Each Year*)
9. Pesticide Trainers License	a. Cards \$15 b. Training \$100 (16 hours) c. Exam only \$50 d. Replacement Cards \$10	Yearly*

*Annual fees are pro-rated

**Sign-in Sheets for
Public Hearing on**

Bill No. 441-30 (COR) As Introduced
(Sponsored By: R.J. Respicio)

***“An Act to Repeal and Adopt a New Title
22, Guam Administrative Rules and
Regulations, Division III, Chapter 15
Relative to the Guam Environmental
Protection Agency’s Pesticide
Regulations.”***



I Mina'Trenta Na Libeslaturan Guåhan

30th Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910

SIGN-IN SHEET PUBLIC HEARING

Tuesday, August 10, 2010 – 9:00 AM
Public Hearing Room • Hagåtña, Guam

Bill No. 441-30 (COR) – R. J. Respicio - "An act to *repeal* and *adopt* a new Title 22, Guam Administrative Rules and Regulations, Division III, Chapter 15 relative to the Guam Environmental Protection Agency's Pesticide Regulations."

NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
Bejamin Alorica	Guam EPA	Support			475-1658	Bejamin.Alorica@epa.gu
Karl Olson	Guam EPA	Support			475-1658	KARL.OLSON@epa.guam.g
Edgardo Iking	Guam EPA	Support			475-1664	edgardo.iking@epa.guam.gp



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NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
Mary TOME	GHRA	amended AS		✓	649-1447	presidentofghra.org
GABRIEL SIMON	GHRA	“		✓	929-0652	GABRIELSIMON4@GMAIL.COM



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NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
Joey Lopez sr.	No Ka Oi Termita	SUPPORT		✓	888-5495	joeyd1@guam.net



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NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
CRAIG SMITH	-	Support	No	No	-	4@KRYG.COM



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NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
Aubrey Moore	UOG	Support	✓	✓	735-2086	amoores@ugm.edu

**Written
Testimonies
on**

Bill No. 441-30 (COR) As Introduced
(Sponsored By: R.J. Respicio)

***“An Act to Repeal and Adopt a New Title
22, Guam Administrative Rules and
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Protection Agency’s Pesticide
Regulations.”***



GUAM ENVIRONMENTAL PROTECTION AGENCY

AHENSIAN PRUTEKSION LINA'LA GUAHAN

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GOVERNOR OF GUAM

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MICHAEL W. CRUZ
LT. GOVERNOR OF GUAM

**Testimony of
Elisabeth T. Cruz
Administrator, Guam Environmental Protection Agency
Before the Committee on Rules, Natural Resources, Federal, Foreign and
Micronesian Affairs**

**Hearing on Bill 441-30: An Act to Repeal and Reenact Division III,
Chapter 15, 22 Guam Administrative Rules (GAR) Relative to the Guam
Pesticide Regulations**

August 10, 2010

Mr. Chairman, the Guam Environmental Protection Agency appreciates this opportunity to offer its testimony on Bill 441-30 for consideration from you, the Committee and the other Honorable Members of the 30th Guam Legislature present today.

Guam EPA supports Bill 441-30, as it seeks to primarily amend and update our antiquated regulations, which are over 30 years old and, therefore, not representative of the pesticides-related activities that currently exist today and those expected during the military buildup.

Bill 441-30 amends provisions that regulate the importation, production, sale, distribution, use and application of pesticides. The outcome of these amendments is to provide for a sustainable means to protect our fragile and unique island environment, primary drinking water source, and people, especially workers who are exposed to pesticides on a daily basis as part of their occupation.

Since March 2009, Guam EPA has been working diligently in partnership with representatives from diverse sectors within the community to evaluate and develop the institutional framework that supports the implementation and success of the aforementioned regulations.

In addition, we have been working with other government agencies (both local and federal) to strengthen the intent and provide clarification of these amended regulations.

To maximize participation from a representative cross-section of the community, Guam EPA has met at least 20 times with various non-government stakeholder groups. Comments were received and revisions were made to correct or improve those areas that needed to be addressed.

In addition, Guam EPA has consulted with the U.S. Transportation and Security Administration, Guam Custom & Quarantine, Department of Agriculture, University of Guam, Department of Public Health & Social Services and the Guam Community College on cross-jurisdictional issues and potential coordination strategies.

The purpose for these revisions to our regulations is to protect our island community from the following activities related to pesticides:

- 1) There is an increase in the amount of illegal importation of pesticides not approved by USEPA. Based on some of the illegal pesticides confiscated, the active ingredients are over 200 times the allowable limits under US laws. Within the last ten (10) months the Pesticide Enforcement Program issued twenty-five (25) enforcement actions for illegal importation and use violations. We have to ensure that the screening of pesticides is properly conducted as a high number of pesticides have been confiscated from passengers from foreign countries.
- 2) Our current regulations do not adequately cover worker protection standards for all pesticide applicators.
- 3) Unauthorized use of pesticides impacts our limited natural resources. Over use and improper management may lead to the leaching of pesticides into our drinking and recreational waters.
- 4) Misuse of pesticides compromise food safety. Based on data generated by the Department of Public Health & Social Services, pesticide residues from illegal application have been found in produce.

Bill 441-30 also provides a modest fee schedule to partially fund the Pesticide Enforcement Program for activities related to implementing *Guam Pesticides Act, Guam Pesticides Regulations and Federal Insecticide Fungicide and Rodenticide Act (FIFRA)*. The amount anticipated will cover approximately 25% of the Program's needs.

As we anticipate the military buildup activities on Guam, we need to make certain that these regulations are in place prior to the height of the anticipated increase. We anticipate the use and importation of pesticides will likely increase and we are working with USEPA, Region IX, to ensure that the Department of Defense cooperates in fulfilling local pesticide mandates.

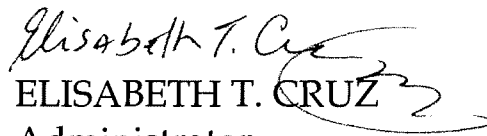
Bill 441-30 also includes a section that focuses on training for housekeeping workers whose duties include the application of disinfectants and cleaners that are specifically classified as pesticides. This section was created as a result of our inspection findings and input from the *Guam Hotel and Restaurant Association* and representatives from the housekeeping industry. Guam EPA is pleased that the majority of the housekeeping industry understands and supports the need to provide training that will protect their workers.

Guam EPA highly recommends the inclusion to regulate pheromones. As part of our local regulatory authority, the regulation of pheromones is essential in meeting our program's continued approval from USEPA. On August 6, 2010, this agency received a letter from Ms. Katherine Taylor, Associate Director of Communications and Ecosystems Division, from USEPA, Region IX, regarding their concern on Guam's responsibility to regulate pheromones locally. Should our regulations lack the ability to regulate pheromones, Guam faces the high possibility of losing its primacy in this area. As a result, all inspections and enforcement will be conducted at the federal level. A copy of this letter is included as part of our Testimony.

Guam EPA recommends the inclusion of the term "certification" to be applied only to *Restricted Use Pesticides (RUP)* training to be consistent with FIFRA and the Guam Pesticides Act. Guam EPA also recommends the inclusion of the term "Pesticide Training License" to be applied to *General Use Pesticides (GUP)* training.

These regulations are a result of the efforts of many stakeholders involved a process that spans a period well over one year. We recognize that there were some issues that still needed to be resolved. Therefore, on behalf of our Agency, Mr. Chairman, I would like to express my sincerest appreciation for your efforts in mediating the differences towards a common resolution. Bill 441-30 would not be made possible without your assistance.

This concludes my Testimony on Bill 441-30. Thank you.


ELISABETH T. CRUZ
Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

August 6, 2010

Elisabeth Cruz, Administrator
Guam Environmental Protection Agency
P. O. Box 22439-GMF
Barrigada, Guam 96921

Dear Administrator Cruz,

The purpose of this letter is to offer some comments regarding recent revisions as of August 3, 2010 to the draft Guam Pesticide Regulations, particularly to the sections of the regulations pertaining to certification and pheromones.

Basic Training: We are pleased to learn that all parties have reached an agreement in the requirement for Basic Training for housekeeping workers. We will continue to work with your office to discuss ways for implementing this new requirement if passed by the Guam legislature.

Certification: As you may know, the term "certification" under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) applies to those applicators that only use restricted use pesticides (RUPs). In the proposed Guam Pesticide Regulations¹, "certification" refers to all occupational users of pesticides. We are concerned because this language infers that all occupational users of pesticides will have access to restricted use pesticides. To avoid any possible confusion among the regulated community, we urge Guam EPA to work with the legislature to ensure that "certification" language in the regulations is consistent with FIFRA (i.e., that "certification" refers to use of restricted use pesticides). We suggest that other terminology be used to distinguish applicators that can legally purchase and use restricted use pesticides from those that cannot.

Pheromones: As you may be aware, under FIFRA, pheromones are considered pesticides, however, we understand that pheromones have been removed from the definition of pesticide in the revised version of the proposed Pesticide Regulations. This is a concern because the omission of pheromones is in conflict with FIFRA and represents a possible gap in Guam's Pesticide Enforcement Program. When the question regarding pheromones arose, we participated in several conference calls with your office and the University of Guam (UOG) to explain that despite UOG's interest in a different interpretation, it is clear that under federal law, pheromones are pesticides. Some confusion may exist in Guam because certain pheromones that meet specific criteria (outlined in the federal regulations at 40 CFR §152.25) are exempt from regulation under FIFRA. Despite this partial exemption, the designation of pheromones as pesticides does not change. It is also important to note that under Department of Treasury regulations at 19 CFR §12.112, "An importer desiring to import pesticides or devices into the U.S. shall submit to the Administrator a Notice of Arrival of Pesticides and Devices." Without Notices of

¹See the definition of "certification," §4(c) (page 3), and §15602 (page 28) in the proposed Guam Pesticide Regulations.

Arrival, Guam EPA could not make a determination whether a particular pheromone is exempt (or not) from other regulation under FIFRA.

Finally, we would also like to note that under Section 27 of FIFRA, "a State shall have primary enforcement responsibility for pesticide use violations during any period for which the Administrator determines that such State...has adopted adequate pesticide use laws and regulations..." As reiterated above, concerns related to certification language and about excluding pheromones as pesticides must be addressed in order for Guam to retain FIFRA primacy.

We appreciate the opportunity to provide comments and look forward to continuing our work with the Guam EPA Pesticides Enforcement Program. Should you have any questions, please contact Marcy Katzin of the Pesticides Office at (415) 947-4215.

Sincerely,

A handwritten signature in black ink, appearing to read "Katherine Taylor", with a stylized flourish at the end.

Katherine Taylor, Associate Director
Communities and Ecosystems Division

cc: Betwin Alokoa
John McCarroll
Michael Wolfram
Marcy Katzin

**Fiscal Note
on**

Bill No. 441-30 (COR) As Introduced
(Sponsored By: R.J. Respicio)

***“An Act to Repeal and Adopt a New Title
22, Guam Administrative Rules and
Regulations, Division III, Chapter 15
Relative to the Guam Environmental
Protection Agency’s Pesticide
Regulations.”***

Bureau of Budget & Management Research
Fiscal Note of Bill No. 441-30 (COR)

Bill Title (Preamble): AN ACT TO REPEAL AND ADOPT A NEW TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, DIVISION III, CHAPTER 15 RELATIVE TO THE GUAM ENVIRONMENTAL PROTECTION AGENCY'S PESTICIDE REGULATIONS.

Department/Agency Appropriation Information

Dept./Agency Affected: Guam Environmental Protection Agency	Dept./Agency Head: Elizabeth T. Cruz
Department's General Fund (GF) appropriation(s) to date:	-
Department's Other Fund (Specify) appropriation(s) to date:	\$74,618
Total Department/Agency Appropriation(s) to date:	\$874,618

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2009 Unreserved Fund Balance		\$0	\$0
FY 2010 Adopted Revenues	\$0	\$0	\$0
FY 2010 Appro. (P.L. 30-55 thru 30-156)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2010 (if applicable)	FY 2011	FY 2012	FY 2013	FY 2014
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions? / / Yes /X/ No
 If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A / / Yes / / No
 If no, what is the additional amount required? \$ _____
3. Does the Bill establish a new program/agency? / / N/A / / Yes /X/ No
 If yes, will the program duplicate existing programs/agencies? /X/ N/A / / Yes / / No
 Is there a federal mandate to establish the program/agency? /X/ N/A / / Yes / / No
4. Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / / Yes /X/ No
 / / Requested agency comments not received by due date /X/ Other: Time Constraint

Analyst (s): Joe Certeza Date: 08/11/2010 Director: Bertha M. Duena, Director Date: 8/11/10

Footnotes:

The Bill has a potential for additional funding impact, however in its present form that impact cannot be determined at this time.

**Committee on Rules
Referral of**

Bill No. 441-30 (COR) As Introduced
(Sponsored By: R.J. Respicio)

***“An Act to Repeal and Adopt a New Title
22, Guam Administrative Rules and
Regulations, Division III, Chapter 15
Relative to the Guam Environmental
Protection Agency’s Pesticide
Regulations.”***



COMMITTEE ON RULES

I Mina'Trenta na Liheslaturan Guåhan • 30th Guam Legislature

155 Hesler Place, Hagatña, Guam 96910 • tel: (671)472-7679 • fax: (671)472-3547 • roryforguam@gmail.com

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RESPICIO
CHAIRPERSON**

**SENATOR
Judith P. Guthertz
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August 3, 2010

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio 
Chairperson, Committee on Rules

Subject: Referral of Bill No. 441-30 (LS)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 441-30(COR), which falls under the jurisdiction of the Committee on Rules, Natural Resources, Federal, Foreign, and Micronesian Affairs, which I also chair. As such, I will handle this matter accordingly

I respectfully, request that the same be forwarded to all Senators of *I Mina' Trenta Na Liheslaturan Guåhan*.

Should you have any questions, please contact Stephanie Mendiola or Elaine Tajalle at 472-7679.

Si Yu'os Ma'åse'!

(1) Attachment

2010 AUG -3 PM 4:43

I Mina'Trenta Na Liheslaturan Guåhan

Bill Log Sheet

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date)
B441-30 (COR)	R. J. Respicio	An act to repeal and adopt a new Title 22, Guam Administrative Rules and Regulations, Division III, Chapter 15; and to amend 10 GCA Chapter 50 relative to the Guam Environmental Protection Agency's Pesticide Regulations	8/03/10 3:19 p.m.	8/03/10	Committee on Rules, Natural Resources and Federal, Foreign & Micronesian Affairs			

**Notices of
Public Hearing on**

Bill No. 441-30 (COR) As Introduced
(Sponsored By: R.J. Respicio)

***“An Act to Repeal and Adopt a New Title
22, Guam Administrative Rules and
Regulations, Division III, Chapter 15
Relative to the Guam Environmental
Protection Agency’s Pesticide
Regulations.”***

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES, NATURAL RESOURCES
AND FEDERAL, FOREIGN & MICRONESIAN AFFAIRS




I Mina'Trenta na Libeslaturan Guåhan
THIRTIETH GUAM LEGISLATURE

August 3, 2010

MEMORANDUM

To: All Members / All Senators

From: Senator Rory J. Respicio 

Subject: First Notice of Public Hearing
Tuesday, August 10, 2010 – 5:30 PM

Hafa Adai!

Please be advised that I will be conducting a public hearing on **Tuesday, August 10, 2010 at 5:30 PM** in the Legislature's Public Hearing Room. This hearing is scheduled to receive public testimony on **Bill No. 441-30 (COR) – "An act to repeal and adopt a new Title 22, Guam Administrative Rules and Regulations, Division III, Chapter 15 Relative to the Guam Environmental Protection Agency's Pesticide Regulations."**

For further information, please contact our office at 472-7679.
I look forward to your attendance and participation.

Si Yu'os ma'åse'!

cc: Sergeant-At-Arms/Protocol/AV
Clerk of the Legislature
MIS



Stephanie Mendiola <sem@guamlegislature.org>

1st Notice of Public Hearing on Tue, Aug 10, 5:30 PM

Stephanie Mendiola <sem@guamlegislature.org>

Tue, Aug 3, 2010 at 4:16 PM

To: judiguthertz@pticom.com, senatortonyada@guamlegislature.org, senjim@ite.net, "Adolpho B. Palacios" <senabpalacios@gmail.com>, Ben Pangelinan <senbenp@guam.net>, Benjamin JF Cruz <senadotbjcruz@gmail.com>, "Edward J.B. Calvo" <sencalvo@gmail.com>, "Frank B. Aguon, Jr." <aguon4guam@gmail.com>, "Frank F. Blas, Jr." <frank.blasjr@gmail.com>, Jimmy Espaldon <senator@espaldon.com>, Judi Won Pat <info@judiwonpat.com>, Ray Tenorio <ray@raytenorio.com>, "Rory J. Respicio" <roryforguam@gmail.com>, Telo Taitague <senatortelo@gmail.com>, Tina Muna Barnes <tinamunabarnes@gmail.com>, Tom Ada <tom@senatorada.org>

Cc: andrasgrandma@yahoo.com, aokada@guamlegislature.org, bfartero@guamlegislature.org, bruce.lloyd.media@gmail.com, chris.budasi@guamlegislature.org, coy@senatorada.org, cyrus@senatorada.org, dcchaco@guamlegislature.org, doc.wyttenbachsantos@gmail.com, ed@raytenorio.com, edpocaigne@judiwonpat.com, edpocaigne@yahoo.com, epogogue@guamlegislature.org, epogogue@hotmail.com, fba_irenem@yahoo.com, fbtorres@yahoo.com, gtmarcos612@yahoo.com, herbie@judiwonpat.com, hmcruz55@guam.net, jamespcastro@gmail.com, jcamacho@senatorada.org, jenniferdulla@gmail.com, jessica@raytenorio.com, jonatwork2010@gmail.com, josie.mendiola@gmail.com, joyunpingco@guamlegislature.org, juliette@senatorada.org, legislativesecretary1@gmail.com, lizama.frances@gmail.com, mark@judiwonpat.com, markaflogue@gmail.com, maryfejeran@gmail.com, mcarlson@ite.net, mermae@raytenorio.com, mjperez48@yahoo.com, mona.duenas@gmail.com, natashaguon@hotmail.com, nenamillondaga@yahoo.com, patrickcepeda@hotmail.com, peterlg@gmail.com, pjtcruz@yahoo.com, remytaijeron@yahoo.com, rlikeke05@gmail.com, rob.tupaz@gmail.com, roberto.phil@gmail.com, roeann@raytenorio.com, roland@judiwonpat.com, rsmuna45@gmail.com, rsmuna@yahoo.com, sahara@judiwonpat.com, santos222@gmail.com, sayama01@yahoo.com, smendiola@guamlegislature.org, stefcepeda@yahoo.com, tcamacho@senatorada.org, teddytaz_222@yahoo.com, tpmatanane@yahoo.com, trespicio@gmail.com, typhoonjvr@yahoo.com, vel.komiyama@yahoo.com, victoria.phillips@live.com, vquenga@judiwonpat.com, zunior0831@hotmail.com, anaaleah <anaaleah@yahoo.com>, bill phillips <phillipsguam@gmail.com>, Chelsa Muna-Brecht <cmunabrecht@guamlegislature.org>, Derick Hills <derickhills@live.com>, Ed LeonGuerrero <edleonguerrero@gmail.com>, Elaine Tajalle <etajalle@guamlegislature.org>, Frank Torres <fbtorres@judiwonpat.com>, Fred Burgos <feaburgos@gmail.com>, Gina Tabonares <aguonmedia@gmail.com>, Jay Sunga <ajsunga@senatorada.org>, Jose Cruz <josecruzjr17@yahoo.com>, Joy Unpingco <joyunpingco@gmail.com>, Julian Janssen <julian.c.janssen@gmail.com>, Lisa Cipollone <cipo@guamlegislature.org>, Mary Lou Wheeler <mlwheeler2000@yahoo.com>, Maya Alonso <maya@guamlegislature.org>, Mike Lidia <mike.lidia9@gmail.com>, Nicole Santos <nsantos@senatorada.org>, Patty Sablan <ptsablan59@gmail.com>, Phillip Leon Guerrero <phill@raytenorio.com>, ron teehan <rteehan@yahoo.com>, Selina Onedera-Salas <sonedera-salas@guamlegislature.org>, "teddytaz@ite.net" <teddytaz@ite.net>, tinaokada <tinaokada@gmail.com>, Toby Castro <tcastro@guam.net>, Tony Quitugua <tq@guamlegislature.org>, Yong Pak <yong@guamlegislature.org>, Daniel Perez <dperez@guamlegislature.org>, Dorothy Cruz <dot@guamlegislature.org>, Elvy Mew <emew@guamlegislature.org>, Flo Terlaje <fterlaje@guamlegislature.org>, Maria Nieves Materne <nieves@guamlegislature.org>, Pat Santos <psantos@guamlegislature.org>, Rennae Perez <rennae@guamlegislature.org>, tunsigog@guamlegislature.org, Joe Leon Guerrero <sgtarms@guamlegislature.org>

Hafa Adai, All:

Please see attached memo from Senator Respicio regarding the public hearing on Bill 441 (Re: Guam Pesticide Regulations) scheduled for next Tues, Aug 10th at 5:30 PM in PH Room.

Si Yu'os ma'åse',
Si Stephanie

--

Stephanie E. Mendiola
Research Analyst
Office of Senator Rory J. Respicio
Committee on Rules, Natural Resources,
and Federal, Foreign & Micronesian Affairs
I Mina' Trenta na Liheslaturan Guåhan
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SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES, NATURAL RESOURCES
AND FEDERAL, FOREIGN & MICRONESIAN AFFAIRS



I Mina'Trenta na Liheslaturan Guåhan
THIRTIETH GUAM LEGISLATURE

August 3, 2010
NEWS RELEASE

SENATOR RESPICIO TO CONDUCT
PUBLIC HEARING ON PESTICIDE REGULATIONS
TUESDAY, AUGUST 10, 2010 – 5:30 PM

(Hagåtña, Guam – For Immediate Release) Please be advised that Senator Rory Respicio, Chairperson of the Committee on Rules, Natural Resources, and Federal, Foreign & Micronesian Affairs, will be conducting a **public hearing on Tuesday, August 10, 2010 at 5:30 PM** in the Legislature's Public Hearing Room. This hearing is scheduled to receive public testimony on his **Bill No. 441-30 (COR) – "An act to repeal and adopt a new Title 22, Guam Administrative Rules and Regulations, Division III, Chapter 15 Relative to the Guam Environmental Protection Agency's Pesticide Regulations."**

An electronic copy of Bill No. 441 can be found on the Guam Legislature's website at www.guamlegislature.com (see "Bills" / "Introduced" / "30th"). Hard copies can be obtained by visiting the Office of the Clerk of the Legislature. Testimony should be addressed to Senator Rory J. Respicio, Chairperson, and may be submitted via hand-delivery/mail to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910; via e-mail to roryforguam@gmail.com; or via facsimile to (671) 472-3547.

Individuals requiring special accommodations, auxiliary aids, or services shall contact and submit their request to Elaine Tajalle at 472-7679.

###

For more information, please contact the Office of Senator Rory J. Respicio.



Stephanie Mendiola <sem@guamlegislature.org>

1st Notice of Public Hearing on Tue, Aug 10, 5:30 PM

Stephanie Mendiola <sem@guamlegislature.org>

Tue, Aug 3, 2010 at 4:18 PM

To: hottips@kuam.com, mvariety@pticom.com, news@guampdn.com, news@spbgum.com, scoop@guamnewswatch.com

Bcc: action@weareguahan.com, admin@weareguahan.com, clynt@spbgum.com, dcrisostomo@guampdn.com, dmgeorge@guampdn.com, dtamondong@guampdn.com, gdumat-ol@guampdn.com, gerry@mvguam.com, jason@kuam.com, jeff@marianasmedia.com, jesselujan27@yahoo.com, john@kuam.com, jtyquiengco@spbgum.com, kevin@spbgum.com, kstonews@ite.net, marvic@mvguam.com, mindy@kuam.com, mpieper@guampdn.com, nick.delgado@kuam.com, parroyo@k57.com, rgibson@k57.com, ricknauta@hitradio100.com, sabrina@kuam.com, slimtiaco@guampdn.com, thebigshow@k57.com, therese@mvguam.com, zita@mvguam.com, bill.phillips@phillipsguam@gmail.com, Elaine Tajalle <etajalle@guamlegislature.org>, Lannie Walker <lannie@kuam.com>, "Lee, Regine" <Regine.Lee@mail.house.gov>, Ronnie Perez <marketing@hitradio100.com>, "Rory J. Respicio" <roryforguam@gmail.com>, tinaokada <tinaokada@gmail.com>, William Gibson <breakfastshowk57@gmail.com>

Hafa Adai, Newsrooms:

Pls see attached media release from Senator Rory Respicio who will be conducting a public hearing on Bill 441 (Re: Guam Pesticide Regulations) next Tuesday, August 10th at 5:30 PM in the Legislature's Public Hearing Room.

Si Yu'os ma'åse',
Si Stephanie

--

Stephanie E. Mendiola
Research Analyst
Office of Senator Rory J. Respicio
Committee on Rules, Natural Resources,
and Federal, Foreign & Micronesian Affairs
I Mina' Trenta na Liheslaturan Guåhan
The 30th Guam Legislature
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SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES, NATURAL RESOURCES
AND FEDERAL, FOREIGN & MICRONESIAN AFFAIRS




I Mina'Trenta na Libeslaturan Guåhan
THIRTIETH GUAM LEGISLATURE

August 9, 2010

MEMORANDUM

To: All Members / All Senators

From: Senator Rory J. Respicio 

Subject: Second Notice of Public Hearing
Tuesday, August 10, 2010 – 5:30 PM

Hafa Adai!

As a reminder, please be advised that I will be conducting a public hearing on **Tuesday, August 10, 2010 at 5:30 PM** in the Legislature's Public Hearing Room. This hearing is scheduled to receive public testimony on **Bill No. 441-30 (COR) – "An act to repeal and adopt a new Title 22, Guam Administrative Rules and Regulations, Division III, Chapter 15 Relative to the Guam Environmental Protection Agency's Pesticide Regulations."**

For further information, please contact our office at 472-7679.
I look forward to your attendance and participation.

Si Yu'os ma'åse'!

cc: Sergeant-At-Arms/Protocol/AV
Clerk of the Legislature
MIS



Stephanie Mendiola <sem@guamlegislature.org>

2nd Notice of Public Hearing on Tue, Aug 10, 5:30 PM

Stephanie Mendiola <sem@guamlegislature.org>

Sun, Aug 8, 2010 at 2:32 PM

To: andrasgrandma@yahoo.com, aokada@guamlegislature.org, bfartero@guamlegislature.org, bruce.lloyd.media@gmail.com, chris.budasi@guamlegislature.org, coy@senatorada.org, cyrus@senatorada.org, dcchaco@guamlegislature.org, doc.wytenbachsantos@gmail.com, ed@raytenorio.com, edpocague@judiwonpat.com, edpocague@yahoo.com, epogogue@guamlegislature.org, epogogue@hotmail.com, fba_irenem@yahoo.com, fbtorres@yahoo.com, gtmarcos612@yahoo.com, herbie@judiwonpat.com, hmcruz55@guam.net, jamespcastro@gmail.com, jcamacho@senatorada.org, jenniferdulla@gmail.com, jessica@raytenorio.com, jonatwork2010@gmail.com, josie.mendiola@gmail.com, joyunpingco@guamlegislature.org, juliette@senatorada.org, legislativesecretary1@gmail.com, lizama.frances@gmail.com, mark@judiwonpat.com, markafllague@gmail.com, maryfejeran@gmail.com, mcarlson@ite.net, mermae@raytenorio.com, mjperez48@yahoo.com, mona.duenas@gmail.com, natashaguon@hotmail.com, nenamillondaga@yahoo.com, patrickcepeda@hotmail.com, peterlg@gmail.com, pjtcruz@yahoo.com, remytaijeron@yahoo.com, rlikeke05@gmail.com, rob.tupaz@gmail.com, roberto.phil@gmail.com, roeann@raytenorio.com, roland@judiwonpat.com, rsmuna45@gmail.com, rsmuna@yahoo.com, sahara@judiwonpat.com, santos222@gmail.com, sayama01@yahoo.com, smendiola@guamlegislature.org, stefcepeda@yahoo.com, tcamacho@senatorada.org, teddytaz_222@yahoo.com, tpmatanane@yahoo.com, typhoonjvr@yahoo.com, vel.komiyama@yahoo.com, victoria.phillips@live.com, vquenga@judiwonpat.com, zunior0831@hotmail.com, anaaleah <anaaleah@yahoo.com>, bill phillips <phillipsguam@gmail.com>, Chelsa Muna-Brecht <cmunabrecht@guamlegislature.org>, Derick Hills <derickhills@live.com>, Ed LeonGuerrero <edleonguerrero@gmail.com>, Elaine Tajalle <etajalle@guamlegislature.org>, Frank Torres <fbtorres@judiwonpat.com>, Fred Burgos <feaburgos@gmail.com>, Gina Tabonares <aguonmedia@gmail.com>, Jay Sunga <ajsunga@senatorada.org>, Jose Cruz <josecruzjr17@yahoo.com>, Joy Unpingco <joyunpingco@gmail.com>, Julian Janssen <julian.c.janssen@gmail.com>, Lisa Cipollone <cipo@guamlegislature.org>, Mary Lou Wheeler <mlwheeler2000@yahoo.com>, Maya Alonso <maya@guamlegislature.org>, Mike Lidia <mike.lidia9@gmail.com>, Nicole Santos <nsantos@senatorada.org>, Patty Sablan <ptsablan59@gmail.com>, Phillip Leon Guerrero <phill@raytenorio.com>, ron teeahan <rteeahan@yahoo.com>, Selina Onedera-Salas <sonedera-salas@guamlegislature.org>, "teddytaz@ite.net" <teddytaz@ite.net>, tinaokada <tinaokada@gmail.com>, Toby Castro <tcastro@guam.net>, Tony Quitugua <tq@guamlegislature.org>

Cc: Darryl Bearce <darryl@guamlegislature.org>, Yong Pak <yong@guamlegislature.org>, Daniel Perez <dperez@guamlegislature.org>, Dorothy Cruz <dot@guamlegislature.org>, Elvy Mew <emew@guamlegislature.org>, Flo Terlaje <fterlaje@guamlegislature.org>, Maria Nieves Materne <nieves@guamlegislature.org>, Pat Santos <psantos@guamlegislature.org>, Rennae Perez <rennae@guamlegislature.org>, tunsio@guamlegislature.org, Joe Leon Guerrero <sgtarms@guamlegislature.org>

Hafa Adai, All:

Please see attached memo from Senator Respicio regarding a reminder notice of the public hearing on Bill 441 (Re: Guam Pesticide Regulations) scheduled for next Tues, Aug 10th at 5:30 PM in the PH Room.

Si Yu'os ma'åse',
Si Stephanie

--

Stephanie E. Mendiola
Research Analyst
Office of Senator Rory J. Respicio
Committee on Rules, Natural Resources,
and Federal, Foreign & Micronesian Affairs
I Mina' Trenta na Liheslaturan Guåhan

The 30th Guam Legislature
155 Hesler Place
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2010.08.09_Memo to All Sens_RE-2010.08.10 PH Notice2.pdf
198K

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES, NATURAL RESOURCES
AND FEDERAL, FOREIGN & MICRONESIAN AFFAIRS



I Mina'Trenta na Libeslaturan Guåhan
THIRTIETH GUAM LEGISLATURE

August 8, 2010
NEWS RELEASE

SENATOR RESPICIO TO CONDUCT
PUBLIC HEARING ON PESTICIDE REGULATIONS
TUESDAY, AUGUST 10, 2010 – 5:30 PM

(Hagåtña, Guam – For Immediate Release) As a reminder, please be advised that Senator Rory Respicio will be conducting a **public hearing on Tuesday, August 10, 2010 at 5:30 PM** in the Legislature's Public Hearing Room. This hearing is scheduled to receive public testimony on his **Bill No. 441-30 (COR) – "An act to *repeal and adopt a new* Title 22, Guam Administrative Rules and Regulations, Division III, Chapter 15 Relative to the Guam Environmental Protection Agency's Pesticide Regulations."**

An electronic copy of Bill No. 441 can be found on the Guam Legislature's website at www.guamlegislature.com (see "Bills" / "Introduced" / "30th"). Hard copies can be obtained by visiting the Office of the Clerk of the Legislature. Testimony should be addressed to Senator Rory J. Respicio, Chairperson, and may be submitted via hand-delivery/mail to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910; via e-mail to roryforguam@gmail.com; or via facsimile to (671) 472-3547.

Individuals requiring special accommodations, auxiliary aids, or services shall contact and submit their request to Elaine Tajalle at 472-7679.

###

For more information, please contact the Office of Senator Rory J. Respicio.



Stephanie Mendiola <sem@guamlegislature.org>

2nd Notice of Public Hearing on Tue, Aug 10, 5:30 PM

Stephanie Mendiola <sem@guamlegislature.org>

Sun, Aug 8, 2010 at 2:35 PM

To: hottips@kuam.com, mvariety@pticom.com, news@guampdn.com, news@spbgum.com, scoop@guamnewswatch.com

Bcc: action@weareguahan.com, admin@weareguahan.com, clynt@spbgum.com, dcristostomo@guampdn.com, dmgeorge@guampdn.com, dtamondong@guampdn.com, gdumat-ol@guampdn.com, gerry@mvguam.com, jason@kuam.com, jeff@marianasmedia.com, jesseluja27@yahoo.com, john@kuam.com, jtyquiengco@spbgum.com, kevin@spbgum.com, kstone@ite.net, marvic@mvguam.com, mindy@kuam.com, mpieper@guampdn.com, nick.delgado@kuam.com, parroyo@k57.com, rgibson@k57.com, ricknauta@hitradio100.com, sabrina@kuam.com, slintiaco@guampdn.com, thebigshow@k57.com, therese@mvguam.com, zita@mvguam.com, bill phillips <phillips@guamlegislature.org>, Elaine Tajalle <etajalle@guamlegislature.org>, Lannie Walker <lannie@kuam.com>, "Lee, Regine" <Regine.Lee@mail.house.gov>, Ronnie Perez <marketing@hitradio100.com>, "Rory J. Respicio" <roryforguam@gmail.com>, tinaokada <tinaokada@gmail.com>, William Gibson <breakfastshowk57@gmail.com>

Hafa Adai, Newsrooms:

As a reminder, Senator Rory Respicio will be conducting a public hearing on Bill 441 (Re: Guam Pesticide Regulations) next Tuesday, August 10th at 5:30 PM in the Legislature's Public Hearing Room. Please see attached media release for more info.

Si Yu'os ma'ase',
Si Stephanie

--

Stephanie E. Mendiola
Research Analyst
Office of Senator Rory J. Respicio
Committee on Rules, Natural Resources,
and Federal, Foreign & Micronesian Affairs
I Mina' Trenta na Liheslaturan Guåhan
The 30th Guam Legislature
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SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES, NATURAL RESOURCES
AND FEDERAL, FOREIGN & MICRONESIAN AFFAIRS



I Mina'Trenta na Libeslaturan Guåhan
THIRTIETH GUAM LEGISLATURE

August 3, 2010

VIA E-MAIL

bradley.dunagan@epa.guam.gov

Mr. Bradley Dunagan
Acting Administrator
Guam Environmental Protection Agency
P.O. Box 22439 GMF
Barrigada, Guam 96921

RE: Notice of Public Hearing – Tuesday, August 10, 2010 – 5:30 PM

Hafa Adai Mr. Dunagan:

Please be advised that as the Chairperson of the Committee on Rules, Natural Resources and Federal, Foreign & Micronesia Affairs, I will be conducting a public hearing on **Tuesday, August 10, 2010 at 5:30 PM** in the Legislature's Public Hearing Room. This hearing is scheduled to receive public testimony on **Bill No. 441-30 (COR) – "An act to repeal and adopt a new Title 22, Guam Administrative Rules and Regulations, Division III, Chapter 15 Relative to the Guam Environmental Protection Agency's Pesticide Regulations."** An electronic copy of Bill No. 414 can be found on the Guam Legislature's website at www.guamlegislature.com (see "Bills" / "Introduced" / "30th").

In your capacity as the Acting Administrator of the Guam Environmental Protection Agency, I encourage you to appear before this committee and provide testimony on Bill No. 441. Please feel free to extend this invitation to other interested members of our community. Testimony should be addressed to Senator Rory J. Respicio, Chairperson, Committee on Rules, Natural Resources, and Federal, Foreign & Micronesia Affairs; and may be hand-delivered or mailed to the Office of Senator Rory J. Respicio at 155 Hesler Place, Hagatna, Guam 96910; e-mailed to roryforguam@gmail.com; or faxed to (671) 472-3547. For more information, please contact our office at 472-7679. I look forward to your attendance and participation.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rory J. Respicio".

Rory J. Respicio

cc: Guam EPA Board of Directors



Stephanie Mendiola <sem@guamlegislature.org>

Notice of Public Hearing on Tue, Aug 10, 5:30 PM

Stephanie Mendiola <sem@guamlegislature.org>

Tue, Aug 3, 2010 at 4:21 PM

To: Bradley Dunagan <bradley.dunagan@epa.guam.gov>

Cc: Sabrina Sablan <sabrina.cruzsablan@epa.guam.gov>, Betwin Alokoa <betwin.alokoa@epa.guam.gov>, Karl Olson <karl.olson@epa.guam.gov>, Edgardo Ibay <edgardo.ibay@epa.guam.gov>

Hafa Adai, Mr. Dunagan:

Please see attached letter of invitation from Senator Rory Respicio to the public hearing on Bill 441 (Re: Guam Pesticide Regulations), which is scheduled for next Tuesday, August 10th at 5:30 PM in the Legislature's Public Hearing Room. A copy of Bill 441 is attached for your easy reference.

Ms. Sabrina: Please be sure Board Chairman George Lai and all members receive a copy of this notice.

Si Yu'os ma'åse',
Si Stephanie

--

Stephanie E. Mendiola
Research Analyst
Office of Senator Rory J. Respicio
Committee on Rules, Natural Resources,
and Federal, Foreign & Micronesian Affairs
I Mina' Trenta na Liheslaturan Guåhan
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2 attachments

2010.08.03_Ltr to B.Dunagan, GEPA_RE-2010.08.10 PH.pdf
203K

B441-RJR (RE-Pesticide Regs).pdf
2145K

**Agenda for
Public Hearing on**

Bill No. 441-30 (COR) As Introduced
(Sponsored By: R.J. Respicio)

***“An Act to Repeal and Adopt a New Title
22, Guam Administrative Rules and
Regulations, Division III, Chapter 15
Relative to the Guam Environmental
Protection Agency’s Pesticide
Regulations.”***

SENATOR RORY J. RESPICIO

MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES, NATURAL RESOURCES
AND FEDERAL, FOREIGN & MICRONESIAN AFFAIRS



I Mina'Trenta na Libeslaturan Guåhan
THIRTIETH GUAM LEGISLATURE

PUBLIC HEARING

Tues, August 10, 2010 • 5:30 PM

Legislature's Public Hearing Room • Hagåtña, Guam

AGENDA

I. Call to Order

II. Announcements

III. Items for Public Consideration

a. **Bill No. 441-30 (COR)** – R. J. Respicio - “An act to *repeal* and *adopt* a new Title 22, Guam Administrative Rules and Regulations, Division III, Chapter 15 relative to the Guam Environmental Protection Agency’s Pesticide Regulations.”

IV. Remarks

V. Adjournment

Electronic copies of the aforementioned bills can be found on the Guam Legislature’s website at www.guamlegislature.com (see “Bills” / “Introduced” / “30th”). Hard copies can be obtained by visiting the Office of the Clerk of the Legislature. Testimony should be addressed to Senator Rory J. Respicio, Chairperson, and may be submitted via hand-delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910, via e-mail to roryforguam@gmail.com, or via facsimile to (671) 472-3547. Individuals requiring special accommodations, auxiliary aids, or services shall contact and submit their request to Stephanie Mendiola or Elaine Tajalle at our office. For further information, please call 472-7679. We look forward to your attendance and participation. *Si Yu’os ma’åse’!*

I MINA' TRENTA NA LIHESLATURAN GUÁHAN
2010 (SECOND) Regular Session

Bill No. 441-30 (COR)

Introduced by:

R.J. RESPICIO 

2010 AUG -3 PM 3:19

AN ACT TO REPEAL AND ADOPT A NEW TITLE 22, GUAM
ADMINISTRATIVE RULES AND REGULATIONS, DIVISION III, CHAPTER
15 RELATIVE TO THE GUAM ENVIRONMENTAL PROTECTION
AGENCY'S PESTICIDE REGULATIONS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **SECTION 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
3 the current provisions of the Pesticides Regulations in Title 22, Division III, Chapter 15
4 of Guam Administrative Rules and Regulations (GARR) were established in 1981. The
5 1997 version that is available from the Compiler of Laws is a re-numbering of the 1981
6 version, however, no substance was changed.

7 These regulations have been reviewed and revised by the Guam Environmental
8 Protection Agency (GEPA), in accordance with the Administrative Adjudication Law,
9 and based on the authority of the Agency granted pursuant to 10 GCA Chapter 50 –
10 “The Guam Pesticides Act”. The new regulations proposed for adoption in this Act are
11 an updated version of the 1981 regulations, which have been amended to reflect current
12 environmental concerns and conditions.

1 These regulations were passed by the Guam Environmental Protection Agency
2 ("GEPA") on May 12, 2010 and transmitted to *I Liheslaturan Guåhan* for consideration on
3 May 17, 2010. After further review of the documents, GEPA provided technical
4 amendments and clarifying language to the Committee on Natural Resources to
5 incorporate into the adopted version of the regulations.

6 It is the intent of *I Liheslatura* to *repeal* Title 22, GARR, Division III, Chapter 15
7 and to *replace* said chapter with the pesticide regulations adopted in this Act, attached
8 herein as "Appendix 1".

9 It is also the intent of *I Liheslatura* to *amend* portions of 10 GCA Chapter 50 – "The
10 Guam Pesticides Act" to accurately reflect the changes made to the new regulations.

11 **SECTION 2.** Title 22, Guam Administrative Rules and Regulations, Division III,
12 Chapter 15 is hereby *repealed*. Hereby *adopted* in its place are the provisions set forth in
13 "Appendix 1".

14 **SECTION 3.** 10 GCA §50102(9) is hereby *amended* to read:

15 “(9) *Certified Pesticide Applicator shall* mean any individual who is certified under
16 regulations promulgated under this Chapter to use *or* to supervise the use of ~~restricted~~
17 ~~use pesticides, and shall include, but not be limited to:~~

18 ~~(a) Private applicator shall mean a certified applicator who uses or supervises the~~
19 ~~use of any pesticide which is classified for restricted use for purposes of producing any~~
20 ~~agricultural commodity on property owned or leased by the applicator or the~~

1 applicator's employer ~~or (if applied without compensation other than trading of~~
2 ~~personal services between producers of agricultural commodities) on the property of~~
3 ~~another person;~~

4 ~~(b) Commercial applicator shall mean an applicator who uses or supervises the use~~
5 ~~of any pesticide which is classified for restricted use for any purpose or on any~~
6 ~~property other than as provided in 9(a).~~

7 **SECTION 4.** 10 GCA §50107(c) is hereby *amended* to read:

8 (c) Certification. Every person who applies ~~restricted use pesticides as their~~
9 occupational duties shall obtain certification from the Agency pursuant to regulations
10 promulgated under this Chapter, which shall be valid for three (3) years. Every person
11 who applies any restricted use pesticides must be Core Training Certified, and ~~who is~~
12 ~~not a certified applicator~~ if not Category Certified, must be under the direct supervision
13 of a Category Ceertified applicator.

14 **SECTION 5.** 10 GCA §50107(d) is hereby *repealed*.

15 **SECTION 6. Effective Date.** *Except* for §15602(a) "Basic Training" and
16 §15703(b) "Basic Training Certification Cards", the provisions of this Act shall be
17 effective upon enactment. The provisions set forth in §15602(a) and §15703(b) shall be
18 effective on October 1, 2011.

I MINA' TRENTA NA LIHESLATURAN GUÁHAN
2010 (SECOND) Regular Session

Bill No. 441-30 (COR)

Introduced by:

R.J. RESPICIO 

2010 AUG -3 PM 3:19

AN ACT TO REPEAL AND ADOPT A NEW TITLE 22, GUAM
ADMINISTRATIVE RULES AND REGULATIONS, DIVISION III, CHAPTER
15 RELATIVE TO THE GUAM ENVIRONMENTAL PROTECTION
AGENCY'S PESTICIDE REGULATIONS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 SECTION 1. **Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
3 the current provisions of the Pesticides Regulations in Title 22, Division III, Chapter 15
4 of Guam Administrative Rules and Regulations (GARR) were established in 1981. The
5 1997 version that is available from the Compiler of Laws is a re-numbering of the 1981
6 version, however, no substance was changed.

7 These regulations have been reviewed and revised by the Guam Environmental
8 Protection Agency (GEPA), in accordance with the Administrative Adjudication Law,
9 and based on the authority of the Agency granted pursuant to 10 GCA Chapter 50 –
10 “The Guam Pesticides Act”. The new regulations proposed for adoption in this Act are
11 an updated version of the 1981 regulations, which have been amended to reflect current
12 environmental concerns and conditions.

1 These regulations were passed by the Guam Environmental Protection Agency
2 ("GEPA") on May 12, 2010 and transmitted to *I Liheslaturan Guåhan* for consideration on
3 May 17, 2010. After further review of the documents, GEPA provided technical
4 amendments and clarifying language to the Committee on Natural Resources to
5 incorporate into the adopted version of the regulations.

6 It is the intent of *I Liheslatura* to *repeal* Title 22, GARR, Division III, Chapter 15
7 and to *replace* said chapter with the pesticide regulations adopted in this Act, attached
8 herein as "Appendix 1".

9 It is also the intent of *I Liheslatura* to *amend* portions of 10 GCA Chapter 50 – "The
10 Guam Pesticides Act" to accurately reflect the changes made to the new regulations.

11 **SECTION 2.** Title 22, Guam Administrative Rules and Regulations, Division III,
12 Chapter 15 is hereby *repealed*. Hereby *adopted* in its place are the provisions set forth in
13 "Appendix 1".

14 **SECTION 3.** 10 GCA §50102(9) is hereby *amended* to read:

15 "(9) *Certified Pesticide Applicator* shall mean any individual who is certified under
16 regulations promulgated under this Chapter to use *or* to supervise the use of ~~restricted~~
17 use pesticides, ~~and shall include, but not be limited to:~~

18 ~~(a) *Private applicator* shall mean a certified applicator who uses *or* supervises the~~
19 ~~use of any pesticide which is classified for restricted use for purposes of producing any~~
20 ~~agricultural commodity on property owned *or* leased by the applicator *or* the~~

1 applicator's employer ~~or (if applied without compensation other than trading of~~
2 ~~personal services between producers of agricultural commodities) on the property of~~
3 ~~another person;~~

4 ~~(b) Commercial applicator shall mean an applicator who uses or supervises the use~~
5 ~~of any pesticide which is classified for restricted use for any purpose or on any~~
6 ~~property other than as provided in 9(a).~~

7 **SECTION 4.** 10 GCA §50107(c) is hereby *amended* to read:

8 (c) Certification. Every person who applies ~~restricted use pesticides as their~~
9 occupational duties *shall* obtain certification from the Agency pursuant to regulations
10 promulgated under this Chapter, which *shall* be valid for three (3) years. Every person
11 who applies any restricted use pesticides must be Core Training Certified, and ~~who is~~
12 ~~not a certified applicator if not Category Certified~~, must be under the direct supervision
13 of a Category Ceertified applicator.

14 **SECTION 5.** 10 GCA §50107(d) is hereby *repealed*.

15 **SECTION 6. Effective Date.** *Except* for §15602(a) "Basic Training" and
16 §15703(b) "Basic Training Certification Cards", the provisions of this Act *shall* be
17 effective upon enactment. The provisions set forth in §15602(a) and §15703(b) *shall* be
18 effective on October 1, 2011.

22 GARR – Guam Environmental Protection Agency

Division 3 Guam Pesticide Regulations

Chapter 15 Pesticides

Article 1 General Provisions

1 §15101. Words in Singular Form.

2 §15102. Definitions.

3 **§15101. Words in Singular Form.**

4 For purposes of this Chapter, words used in the singular form *shall* include the
5 plural and vice-versa, as appropriate.

6 **§15102. Definitions.**

7 Terms and expressions used in this Chapter but not defined below, *shall* have the
8 meanings set forth in 10 GCA §50102. For purposes of this Chapter, the following terms
9 and expressions *shall* have the meanings set forth below:

10 (a) *Act shall* mean “The Guam Pesticides Act” of Title 10, Guam Code Annotated,
11 Chapter 50 as enacted in 2007 by Public Law 29-26.

12 (b) ‘*Agricultural Commodity Applicator*’ *shall* mean a person who applies any pesticide
13 on or around any agricultural commodity.

14 (c) ‘*Agricultural Establishment*’ *shall* mean a farm, plant nursery, greenhouse or forest
15 area.

16 (d) ‘*Agricultural Operator*’ *shall* mean any person such as a landowner, grower, lease
17 holder or pesticide applicator who is responsible for management or condition of an
18 agricultural establishment that hires or uses such persons. Agricultural operator

APPENDIX 1

1 includes any person who hires, contracts for or uses the services of any person
2 (compensated or uncompensated) to perform activities related to the production of
3 agricultural plants.

4 (e) "*Basic Training*" shall mean a type of pesticide training for certain applicants
5 handling general use pesticides. *Basic Training* is divided into two categories:

6 (1) "*Basic Training-A*" shall mean a type of pesticide training which involves a
7 four (4) hour training course and an open-book exam.

8 (2) "*Basic Training-B*" shall mean a type of pesticide training which involves an
9 eight (8) hour training course and a closed-book exam.

10 (f) '*Body of Water*' shall mean any surface water resource within the borders of Guam
11 including, but not limited to lakes, rivers, streams, bays, lagoons, harbors, intertidal
12 areas, wetlands and coastal ocean waters.

13 (g) '*Category Training*' shall mean a specialized type of training for the use, or
14 supervision of the use of, restricted use pesticides.

15 (h) *Certification* shall refer to

16 (1) The process which an individual must successfully complete in order to be
17 authorized to use, or supervise the use of, pesticides; or

18 (2) The successful completion of the process which an individual must
19 successfully complete in order to be authorized to use, or supervise the
20 use of, pesticides,

21 as appropriate to the context in which the term appears.

22 (i) '*Certification Card*' shall mean an identification card issued by Guam EPA to an
23 individual, evidencing that he has successfully completed the process required for an
24 individual to be authorized to use or supervise the use of pesticides.

25 (j) '*Certified Pesticide Sales Manager*' shall mean a person in charge of the sale of

1 restricted use pesticides and who has successfully passed an examination of any
2 category to qualify for that position.

3 (k) *Chemigation* shall mean the application of pesticides through any type of
4 irrigation system including any sprinkler, food, furrow, drip or greenhouse system.

5 (l) *'Competent person'* shall mean a person who is qualified to perform functions
6 associated with pesticide application; the degree of capability required being directly
7 related to the nature of the activity and the associated responsibility. A *competent person*
8 must have successfully completed the appropriate training and must have obtained the
9 appropriate certification card from Guam EPA.

10 (m) *Dealer* shall mean any person, company or corporation engaged in the business
11 of purchasing and selling restricted and/or general use pesticide products or devices.

12 (n) *Distributor* shall mean any company other than a *dealer* or *sales outlet* that sells
13 only general use pesticides or devices.

14 (o) *'Federal Requirement'* shall refer to any and all applicable provisions of federal
15 law, especially "The Federal Insecticide, Fungicide, Rodenticide Act", and/or any and
16 all applicable provisions of the Code of Federal Regulations (CFR).

17 (p) *'Guam EPA'* shall mean the Guam Environmental Protection Agency.

18 (q) *Hazard* shall mean a situation where there exists a possibility that a given
19 pesticide will cause injury or have an adverse effect on the environment.

20 (r) *'Keep Out of Reach of Children'* shall mean that children under the age of seventeen
21 (17) shall not open or remove pesticides without parental supervision.

22 (s) *'Local Requirement'* shall refer to any and all applicable provisions of Guam law,
23 especially "The Guam Pesticides Act", and/or any and all applicable provisions of this
24 Chapter.

25 (t) *'Non-Refillable Container'* shall mean a container that is designed and constructed

APPENDIX 1

1 for one time containment of a pesticide for sale or distribution. Reconditioned
2 containers are considered to be *non-refillable containers*.

3 **(u)** *Owner shall* mean any person who has present possessory interest (fee, leasehold,
4 rental or other) in any type of operation that uses, sells and/or distributes pesticides.

5 **(v)** *'Pest Control Operator (PCO)' shall* mean a company that provides pest control
6 activities for hire and that has obtained a PCO license from Guam EPA.

7 **(w)** *Program shall* mean the Guam EPA Pesticide Enforcement Program.

8 **(x)** *'Refillable Container' shall* mean a container that is intended by the registrant of
9 the pesticide to be filled with pesticide more than once for sale or distribution.

10 **(y)** *Respondent shall* mean an alleged violator.

11 **(z)** *'Sales Outlet' shall* mean a location where any restricted use pesticide is sold or
12 distributed; or kept or stored for sale or distribution; and where records of such sales
13 and distribution are kept.

14 **(aa)** *'Treated Article' shall* mean an article or substance treated with or containing a
15 pesticide to protect the integrity of the article or substance itself treated with a pesticide
16 if the pesticide is registered for such use.

17 **(bb)** *'Under the Direct Supervision of a Category Certified Applicator' shall* refer to a
18 situation in which a restricted use pesticide is applied by a Core Training certified
19 applicator acting under the instructions, control and direct supervision of a Category
20 Certified applicator, who is required to be physically present on-site and observing the
21 application of the RUP at the time of the application. The person supervising must be
22 certified for the type of pesticide application he is directly supervising.

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Chapter 15 Pesticides

Article 2 Sale of Pesticides

1 §15201. Registration, Label and Labeling Requirements.

2 §15202. Sale of Restricted Use Pesticides.

3 **§15201. Registration, Label and Labeling Requirements.**

4 Every pesticide product sold and distributed in Guam must be registered with
5 USEPA and *shall* bear a label or labeling conforming to 10 GCA §50108 and all
6 applicable local and federal requirements. All persons must maintain the integrity of
7 the original pesticide label or labeling, including legibility and completeness.

8 **§15202. Sale of Restricted Use Pesticides.**

9 No restricted use pesticide *shall* be sold to a person who is not a certified
10 pesticide applicator.

11 **(a) Dealers and Sales Outlets.**

12 **(1) Dealer's License Required.** No person *shall* sell a restricted use pesticide
13 unless he has obtained a dealer's license from Guam EPA.

14 **(2) Certified Pesticide Sales Manager (CPSM) Required.** Each dealer and
15 sales outlet *shall* have a CPSM, who must hold a valid certification card by Guam EPA
16 in any category training. The name of each CPSM *shall* be submitted together with the
17 application for a dealer's license for each sales outlet. The Administrator must be
18 notified in writing by the owner of the sales outlet within fifteen (15) working days of

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any change of personnel in this position.

(b) Record Keeping and Reporting Requirements.

Dealers and sales outlets *shall* keep a monthly record of each sale of each restricted use pesticide. Dealers and sales outlets *shall* prepare sales records in duplicate. Such records *shall* include: the name, address, and certification number of the purchaser; the expiration date of the purchaser's certification; the date of sale; the USEPA Registration number, quantity, and brand name of RUPs sold; and the CPSM's signature, which must be affixed at the time of the sale transaction.

The original copies of the monthly sales records *shall* be submitted to the Administrator within five (5) working days after the end of each month. The duplicate copies *shall* be kept for a period of two (2) years at the physical location where the sale transactions took place.

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Article 3 Use of Pesticides

- 1 §15301. Record Keeping and Reporting Requirements for Application.
- 2 §15302. Disposal.
- 3 §15303. Storage and Display.
- 4 §15304. Transportation.
- 5 §15305. Notice of Intent.
- 6 §15306. Posting of Signs.
- 7 §15307. Special Requirements for Foggers.
- 8 §15308. Special Requirements for Aerial Pesticide Application.
- 9 §15309. Worker Protection Standards.

10 **§15301. Record Keeping and Reporting Requirements for Application.**

11 Record keeping is required for all applicators who apply any amount of
12 restricted use pesticides. Applicators *shall* keep and maintain, for the period of at least
13 two (2) years, routine operational records, copies of which *shall* be provided by the
14 applicant to the site manager or facility owner. Such records *shall* include the following
15 information:

16 (a) The name, address, and certification number of the person who applied the
17 pesticide;

18 (b) The expiration date of the applicator's certification;

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- 1 (c) The name and address of the entity for whom the pesticide was applied;
2 (d) The USEPA registration number and trade (or common) name of each pesticide
3 applied;
4 (e) The date, time, location, and method of pesticide application;
5 (f) Target pests;
6 (g) Target site (i.e., the specific crop (or commodity), residence, school, etc...); and
7 (h) Where or how any rinsate, remaining pesticide and/or the pesticide container is
8 stored or disposed of.

9 **§15302. Disposal.**

10 Pesticides, empty containers (or parts thereof), or equipment that holds (or has
11 held) a pesticide, *shall* not be emptied or disposed of in such a manner that may present
12 a hazard to persons, animals (especially bees), food, feed, crops or property.

13 Empty non-refillable pesticide containers must be triple rinsed and punctured to
14 render useless. To dispose of any non-refillable pesticide container that cannot be triple
15 rinsed and punctured, the user must follow directions on the container's pesticide label.

17 Empty refillable containers must be triple rinsed and punctured to be rendered
18 useless if such container is not being returned to an authorized refiller.

19 Pesticides that are considered hazardous waste must be disposed of in
20 accordance with all applicable local and federal requirements.

21 **§15303. Storage and Display.**

22 No person *shall* store or display pesticides in violation of the USEPA-accepted
23 label or labeling or local or federal requirements. All pesticides must be stored in the
24 following manner:

- 25 (a) No pesticide, empty pesticide container (or parts thereof), or equipment that

holds (or has held) a pesticide *shall* be stored, displayed, or left unattended under conditions:

(1) Where food, food containers, animal feed or any other products are likely to become contaminated; or

(2) That may create a hazard or cause injury to humans, vegetation, crops, live-stock, wildlife, beneficial insects or aquatic life.

(b) Pesticides must be stored in a locked, well-ventilated, cool and dry storage area.

(c) Restricted Use Pesticide storage areas must be posted with a warning sign that states any, all, or any combination, of the following statements, as applicable:

(1) "Danger";

(2) "Poison Storage Area";

(3) "All Unauthorized Persons Keep Out"; or

(4) "Keep Door Locked When Not In Use".

(d) Pesticides must not be stored in places where flooding is possible or in places where pesticides might spill or leak into wells, drains, groundwater, or any body of water.

(e) Pesticides must be stored or displayed in such a way that they are kept out of reach of children and pets.

(f) Pesticides must not be stored near flammable liquids or solids; or near a source of ignition including, but not limited to, a furnace, car, gas grill, or lawnmower.

(g) Pesticides must be stored in their original containers with the complete original label, which includes, but is not limited to, the USEPA Registration number & establishment number, ingredient statement, directions for use, personal protective equipment and first aid steps in case of accidental poisoning.

(h) Pesticides must not be transferred to any container including, but not limited to,

1 soft drink bottles or other food or drink containers other than proper mixing and
2 application equipment.

3 (i) Pesticides must not be stored near incompatible chemicals.

4 **§15304. Transportation.**

5 Pest Control Operators transporting pesticides must have a company logo readily
6 recognizable to the public on all vehicles used for such transportation. Such vehicles
7 *shall* not be used for transportation of passengers and pets until such time that the
8 pesticides have been removed and the vehicle or pesticide equipment in the vehicle
9 have been properly sanitized.

10 **§15305. Notice of Intent.**

11 (a) **Notice of Intent: Structural Pesticide Application (NOI: SPA).** Any person
12 intending to perform structural pesticide applications for termites (including pre- or
13 post- construction treatments to soil), must submit a notice of intent for structural
14 pesticide prior to the proposed application.

15 (1) **NOI: SPA Form.** The NOI: SPA *shall* be on a form prescribed by the
16 Administrator and shall include, at minimum:

17 (A) The date and time of proposed application; and

18 (B) Information on the pesticide to be used:

19 (i) A Copy of the label or labeling on the container for each pesticide
20 to be used;

21 (ii) A calculation of the amount of the pesticides to be applied; and

22 (iii) A description of the proposed application method;

23 (C) Information on the applicator:

24 (i) The name and certification number of each certified pesticide
25 applicator involved in the project; and

1 (ii) The name of the entity for which the applicator is performing the
2 application;

3 (D) Information on the application site:

4 (i) The physical address of the application site, including a map to
5 the site and the site lot number;

6 (ii) A description of the application site, including the size of the area
7 to be treated;

8 (iii) A map showing all bodies of water within one thousand (1,000)
9 feet of the application site. The Administrator may require additional
10 information to ensure that waters of Guam are protected.

11 (2) **NOI: SPA General Requirements.** Prior to any termite and other soil
12 applications, the applicator must ensure that:

13 (A) After the chemical pesticide application is completed, the treated
14 area is adequately protected from the elements to protect rainwater from
15 reaching the treated area.

16 (B) If the treated area is to be covered with concrete, the concrete must
17 be poured *no later than* twelve (12) hours after the application is completed.

18 Should it be determined that the proposed pesticide's physical-chemical
19 characteristics such as solubility, adsorption, volatility and degradation indicate
20 potential for adverse impact to surface and ground water of Guam, the
21 applicator must find a suitable less toxic or lower risk alternative for termite
22 treatment at the proposed site. Any alternative pesticide used must meet federal
23 and local requirements for the intended use.

24 (b) **Notice of Intent: Structural Fumigation (NOI: SF).** Any person intending to
25 perform fumigation of any structure including, but not limited to, buildings and any

fumigation of soil, must submit a notice of intent for structural fumigation to the Agency prior to the proposed application.

(1) NOI: SF Form. The NOI: SF *shall* be on a form prescribed by the Administrator and shall include, at minimum:

(A) The date and time of proposed application; and

(B) Information on the pesticide to be used:

(i) A Copy of the label or labeling on the container for each pesticide to be used;

(ii) A calculation of the amount of the pesticides to be applied; and

(iii) A description of the equipment to be used;

(C) Information on the applicator:

(i) The name and certification number of each certified pesticide applicator involved in the project; and

(ii) The name of the entity for which the applicator is performing the application;

(D) Information on the application site:

(i) The physical address of the application site;

(ii) A description of the application site, including the size of the area to be treated;

(iii) A map showing all residential homes, schools, hospitals, places of worship and businesses within seventy-five (75) feet of the site;

(iv) A map showing all bodies of water and wells within seventy-five (75) feet of the application site. The Administrator may require additional information to ensure that waters of Guam are protected.

(E) General Information on the Project:

1 (i) The names and contact numbers of the facility owner and the
2 project manager;

3 (ii) Description or history of the company's work experience with
4 using the fumigant that is proposed for application;

5 (iii) A standard operating procedure for the project;

6 (iv) A health and safety plan;

7 (v) Any additional information required in a Fumigant Management
8 Plan by the product label;

9 (vi) A listing of the target pests.

10 **(2) NOI: SF General Requirements.**

11 (A) All affected parties must be notified as required by the pesticide label
12 for the product to be used.

13 (B) The Pest Control Operator must provide written notices to all
14 occupants of residential homes and businesses that are located within
15 seventy-five (75) feet of the proposed application. If the application area is a
16 single-owner complex with multiple units, then The PCO must inform the
17 owner and manager of the site to be fumigated. Notices to the residents must
18 be made by the applicator *at least* fourteen (14) days prior to the fumigation
19 project. The fourteen (14) day deadline may be reduced to two (2) days for
20 boat applications that require immediate treatments.

21 (C) A Pest Control Company who proposes to apply a fumigant must
22 have in its possession an occupant's fumigation notice that has been signed
23 by the occupant(s) or the designated agent of the structure. The occupant's
24 fumigation notice must state the pest to be controlled, the proposed
25 pesticide(s) to be applied including the active ingredients and the registration

1 number, and all applicable precautionary statements. This form must state
2 that the lethal gas will be used in the building on indicated dates, and that it
3 is unsafe to return to the building until a notice of re-entry is posted by the
4 licensee in charge of the fumigation. The owner or his designee should
5 receive a copy of the occupant's fumigation notice.

6 (D) *At least* one (1) hour prior to any fumigation application, the PCO
7 must place a copy of the NOI: SF at the primary entrance of the building or
8 structure to be fumigated. The NOI: SF must remain posted throughout the
9 fumigation process. The NOI: SF must be removed by the PCO after the PCO
10 renders it safe to enter.

11 **§15306. Posting of Signs.**

12 (a) **RUP-Treated Areas.** *At least* one (1) hour prior to any restricted use pesticide
13 application, the project manager *shall* assure that warning signs, which must be written
14 in the English language, are posted within fifty (50) feet of all entrances leading to the
15 application site. The signs must include the appropriate wording, as indicated on the
16 label or labeling.

17 The signs must stay in place for the duration of any label mandated "Re-Entry
18 Interval" (REI) and must be removed after the REI has expired. In the event that the
19 pesticide does not have a label mandated REI, applicators must leave the signs in place
20 for *at least* one (1) hour after the application is completed; or until pesticide residues are
21 dry and *no longer than* twenty-four (24) hours after the pesticide application is
22 completed.

23 (b) **Public Right-of-Way or Roadside Areas.** *At least* one (1) hour prior to any
24 pesticide application on or along a roadside, the project manager *shall* assure that
25 warning signs are posted *at least* one (1) hour prior to the pesticide application. Signs

1 must be written in the English language and must be visible from all usual points of
2 entry to the treated area including each access road, border, footpath and other walking
3 route that leads to the treated area. When there are no usual points of entry, signs must
4 be posted in the corners of the treated area or in any other location affording maximum
5 visibility. The signs must include the appropriate wording, as indicated on the label or
6 labeling.

7 The signs must stay in place for the duration of any label mandated "Re-Entry
8 Interval" (REI) and must be removed after the REI has expired. In the event that the
9 pesticide does not have a label mandated REI, applicators must leave the signs in place
10 for *at least* one (1) hour after the application is completed; or until pesticide residues are
11 dry and *no longer than* twenty-four (24) hours after the pesticide application is
12 completed.

13 **(c) Structural Fumigation Application.** *At least* one (1) hour prior to any fumigation
14 application, the project manager *shall* assure that warning signs, which must be written
15 in the English language, are posted at all entrances to the application site. The signs,
16 which must be readable by the general public from *at least* (25) feet away, must include
17 the following information:

18 (1) The phrase: "DO NOT ENTER: PESTICIDE FUMIGATION IN
19 PROGRESS";

20 (2) The date of application;

21 (3) The name of a contact person;

22 (4) A telephone number where the contact person can be reached.

23 Signs must stay in place during the entire time of the application and must not be
24 removed until such time as the pesticide label indicates; or until there is no evidence of

fumigation fumes in the area. Project managers are responsible for removing the signs at the appropriate times.

§15307. Special Requirements for Foggers.

(d) Ventilation. Pest Control Operators and for-hire applicators of foggers must follow all requirements listed on the USEPA-accepted label. Applicators must verify that there is no evidence of fogging fumes in the treated area prior to reentry by anyone. Applicators may utilize industrial size fans and or air conditioning after fogging took place before anyone is allowed into the treated area.

(e) Posting of Signs. *At least* one (1) hour prior to any fogging application, the project manager *shall* assure that warning signs, which must be written in the English language, are posted at all entrances to the application site. The signs, which must be readable by the general public from *at least* (25) feet away, must include the following information:

(5) The phrase: "DO NOT ENTER: PESTICIDE FOGGING IN PROGRESS";

(6) The date of application;

(7) The name of a contact person;

(8) A telephone number where the contact person can be reached.

Signs must stay in place during the entire time of the application and must not be removed until such time as the pesticide label indicates; or until there is no evidence of fogging fumes in the area. Project managers are responsible for removing the signs at the appropriate times.

§15308. Special Requirements for Aerial Pesticide Application.

(a) Aerial Pesticide Application Permit Required. No person *shall* apply any pesticides by aircraft unless specifically permitted by the accepted USEPA label; and unless he has obtained a Guam EPA "Aerial Pesticide Application Permit". In addition,

1 the permittee *shall* notify the Administrator in writing at least three (3) days in advance
2 of any aerial pesticide application.

3 **(b) Pesticide Application Equipment Safety and Maintenance Requirements.**

4 Equipment used for aerial pesticide application shall be kept and maintained according
5 to the following conditions:

6 (1) Spray equipment on aircraft shall be leak-proof. Spray nozzles shall be
7 equipped with a device to prevent dribble when spray is turned off.

8 (2) Flexible hoses carrying liquid pesticides under pressure shall not pass
9 unshielded through the cockpit of an airplane or helicopter.

10 (3) Self-propelled power rigs used for inter-row or broadcast applications shall
11 be equipped with a pressure control device and a pressure gauge.

12 (4) Power rigs, mist blowers, boom sprayers and other pesticide application
13 equipment shall be in good working order with no leaks.

14 (5) Persons who own or operate pesticide mixing, loading or application
15 equipment shall ensure that equipment used for mixing, loading, transferring or
16 applying pesticides is inspected before each day of use for leaks, clogging, and worn
17 or damaged parts, and equipment with any safety defect is repaired or altered to
18 remove the hazard before further use.

19 (6) Applicators or employees who clean, service, or repair mixing and
20 application equipment shall be provided by their employer with any necessary
21 protective equipment or clothing and shall be instructed and supervised in the
22 maintenance operation in a manner that will reduce work hazards.

23 **§15309. Worker Protection Standard (WPS).**

24 Worker Protection Standard (WPS) is a federal regulation aimed at reducing the
25 risk of pesticide poisoning and injuries among workers, handlers, and volunteer

workers who work in any farm, forest, greenhouse or nursery.

All agricultural operators who have workers and handlers who work on a farm, forest, greenhouse or nursery where a pesticide has been applied within the past thirty (30) days must follow the WPS requirements as described in 40 CFR, Part 170.

For the purposes of this section, *'worker'* shall mean any person who is performing activities relating to the production of agricultural plants on an agricultural establishment. This requirement applies to family members, friends, and volunteers. Workers may or may not be compensated for their work.

For the purposes of this section, *'handler'* shall mean anyone who mixes or loads pesticides on an agricultural establishment including, but not limited, to flaggers, those handling or cleaning application equipment, those performing soil incorporation, and those disposing of pesticides or pesticide containers.

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Article 4 Importation of Pesticides and Pesticide Devices

1 §15401. Notice of Arrival.

2 §15402. Arrival of Shipment.

3 §15403. Release of Shipment or Entry Refused.

4 §15404. Sample of Imports.

5 §15401. Notice of Arrival.

6 (a) **Notice of Arrival Form.** Any person desiring to import pesticides or
7 pesticide devices into Guam – regardless of origin, type and quantity – *shall* submit
8 to the Administrator a completed Guam EPA “Notice of Arrival” (NOA) form, *no*
9 *later than* ten (10) calendar days prior to the arrival of the shipment in Guam. The
10 Administrator, or his designee, may waive this deadline if the importer provides
11 valid documents evidencing that the shipment will arrive in Guam in less than 10
12 days from the date of exportation from the point of origin.

13 For any shipment that includes more than one (1) type of pesticide and/or device,
14 the importer must indicate the on his NOA form all pertinent information for each
15 pesticide and/or device. Importers who apply for a NOA for the first time for a
16 specific pesticide or device must also provide respective labels for each pesticide or
17 device.

1 Upon receipt, the Administrator, or his designee, *shall* complete the form,
2 indicating the disposition to be made of the shipment of pesticides or devices upon
3 its arrival in Guam and *shall* return the form to the importer or his agent.

4 **(b) Notice of Arrival Required.** No pesticide or device *shall* be imported into
5 Guam without an accompanying “Notice of Arrival” that has been approved and
6 signed by the Administrator or his designee.

7 **§15402. Arrival of Shipment.**

8 **(a) Notice of Arrival Presented.** Upon the arrival of a shipment, the importer, or
9 his designee, *shall* present to the Customs Officer at the port of entry an approved
10 and signed NOA which indicates the action to be taken by the Customs Officer with
11 respect to the shipment. The Customs Officer *shall* compare entry documents for the
12 shipment with the NOA and must notify the Administrator of any discrepancies.

13 **(b) Notice of Arrival Not Presented.** Upon the arrival of a shipment, if the
14 importer, or his designee, does *not* present an approved and signed NOA to the
15 Customs Officer at the port of entry, the shipment *shall* be detained until such time a
16 signed and approved NOA is presented; or until other disposition is ordered by the
17 Administrator.

18 **(c) Detained Shipments.** A shipment may be detained for up to fifteen (15)
19 days. A shipment that remains detained for more than fifteen (15) days *shall* be
20 treated as prohibited importation.

21 **§15403. Release of Shipment or Entry Refused.**

22 If the signed and approved NOA directs the Customs Officer to release the
23 shipment of pesticides or devices, and from examination if it appears to be in
24 compliance, the shipment *shall* be released to the importer or his designee. If the signed
25 and approved NOA directs the Customs Officer to refuse entry of a shipment, or from

1 examination of the shipment it appears to violate local or federal requirements, such
2 shipment *shall* be refused entry and treated as prohibited importation.

3 The Customs Officer *shall* notify the importer at least twenty (20) days prior to
4 the date of exportation of the shipment. If a shipment of pesticides or devices is refused
5 entry into Guam, the shipment can be detained at the importer's storage area pending
6 exportation to the country of origin. However, during the detainment period, the
7 shipment shall not be used, sold or distributed or otherwise disposed of other than
8 exportation.

9 Any expenses incident to the handling, storage or transfer of pesticides or
10 devices refused entry into Guam *shall* be at the risk and expense of the importer.

11 **§15404. Sample of Imports.**

12 Upon the request of the Administrator, either on the NOA or otherwise written
13 request, the Customs Officer *shall* allow the Administrator, or his designee, to collect
14 samples from a shipment. If the sample is found to be in compliance with local and
15 federal requirements, the Administrator *shall* notify the Customs Officer in writing that
16 the shipment may be released to the importer or his designee.

17 If upon the examination or analysis, the sample demonstrates that there is a
18 violation of local or federal requirements, the Administrator, or his designee, *shall*
19 promptly notify the importer, who *shall* be provided with an opportunity to introduce
20 testimony to show cause why the shipment should not be refused entry. If after
21 consideration of all the evidence presented, it remains the opinion of the Administrator
22 that the shipment is in violation of local or federal requirements; the Administrator
23 shall notify the Customs Officer that the shipment *shall* be refused entry and treated as a
24 prohibited importation.

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Article 5 Special Pesticides

1 §15501. Mixtures and Seeds.

2 §15502. Treated Articles.

3 §15503. Minimal Risk Pesticides.

4 §15504. Locally Designated Restricted Use Pesticides.

5 **§15501. Mixtures and Seeds.**

6 Fertilizer-pesticide mixtures and seeds treated with pesticides are considered
7 pesticides and, as such, are subject to all local and federal requirements.

8 **§15502. Treated Articles.**

9 An article or substance treated with or containing a pesticide itself if the pesticide
10 is registered for this use is exempt from the provisions of the Act and this Chapter when
11 intended for use and used only in the manner specified. Examples include paint to
12 protect the paint coating, or wood products treated to protect the wood against insect or
13 fungus infestation, as long as the pesticide used to protect the paint coating or the wood
14 products are registered for that purpose.

15 If an article or substance is treated with a pesticide that is not registered with
16 USEPA for that use, the article or substance *shall* be considered a pesticide and as such

1 is regulated by the Act and this Chapter and must be registered with USEPA prior to
2 import, sale, or distribution.

3 **§15503. Minimal Risk Pesticides.**

4 All pesticides that are considered Minimal Risk Pesticides (MRP) must meet all
5 requirements specified in 40 CFR Section 152.25, FIFRA Section 25(b), and any other
6 applicable local or federal requirements. If a pesticide meets the federal requirements
7 for MRP, the pesticide is considered an MRP under this Chapter.

8 Active Ingredients must be listed in the most current USEPA list of MRPs. Inert
9 ingredients must be listed in the most current USEPA List 4A.

10 **(a) Minimal Risk Pesticide Import Requirements.** In order for an MRP to be
11 allowed into Guam, the importer must first obtain a signed and approved Notice of
12 Arrival from Guam EPA prior to the arrival of any shipment, as described in Article
13 4 of this Chapter. Additionally, the product must not be intended for use in such a
14 way as to control or mitigate micro-organisms that pose a threat to human health
15 including, but not limited to, disease-transmitting bacteria or viruses, or claims to
16 control insects or rodents carrying specific diseases including, but not limited to,
17 ticks that carry Lyme Disease or mosquitoes that could transmit West Nile Virus.
18 Additionally, the product label or labeling must meet the following requirements:

19 **(1)** The label or labeling must include:

20 **(A)** The name and percentage by weight of each active ingredient; and

21 **(B)** The names of each inert ingredient.

22 **(2)** The label or labeling must *not* include:

23 **(A)** Claims to either control or mitigate micro-organisms that pose a
24 threat to human health including, but not limited to, disease-transmitting
25 bacteria or viruses; or

1 **(B)** Claims to control insects or rodents carrying specific diseases
2 including, but not limited to, ticks that carry Lyme Disease or mosquitoes that
3 could transmit West Nile Virus; or

4 **(C)** False or misleading statements including, but not limited to, those
5 listed in 40 CFR Section 156.10(a)(5)(i) through (viii).

6 **(b) Minimal Risk Pesticide Listing.** Pesticides listed in this section have been
7 determined to be of a character not requiring regulation under FIFRA; and are also
8 exempt from all local requirements, except import requirements, when intended for
9 use, and used, only in the manner specified.

10 **(1)** Embalming fluids used to preserve animal or animal organ specimens in
11 mortuaries, laboratories, hospitals, museums and institutions of learning;

12 **(2)** Products used to preserve the integrity of milk, urine, blood, or other
13 body fluids or laboratory analysis;

14 **(3)** Products consisting of foods which contain no active ingredient which are
15 used to attract pests.

16 **(4)** Natural cedar blocks, chips, shavings, balls, chests, drawer liners,
17 paneling, and needles that meet all of the following criteria:

18 **(A)** The product consists totally of cedarwood or natural cedar.

19 **(B)** The product is not treated, combined or impregnated with any
20 additional substance(s).

21 **(C)** The product bears claims or directions for use solely to repel
22 arthropods other than ticks or to retard mildew, and no additional claims are
23 made in sale or distribution. The labeling must be limited to specific
24 arthropods or must exclude ticks if any general term such as "arthropods,"
25 "insects," bugs," or any other broad inclusive term, is used. The exemption

1 does not apply to natural cedar products claimed to repel ticks. The
2 exemption does not apply to cedar oil, or formulated products which contain
3 cedar oil, other cedar extracts, or ground cedar wood as part of a mixture.

4 **§15504. Locally Designated Restricted Use Pesticides.**

5 **(a) Local Designation Authority.** Pursuant to 10 GCA §50103(3), the Board, or
6 its designee, has the authority to designate a restricted use pesticide. The
7 consideration and designation of a restricted use pesticide must be done in
8 accordance with Title 5, Chapter 9 of Guam Code Annotated – “The Guam
9 Administrative Adjudication Law.” Restricted use pesticides so classified in Guam
10 *shall* be in addition to those USEPA-classified restricted use pesticides.

11 **(b) Chlorine Gas.** All chlorine gas used as a pesticide (including, but not limited
12 to, chlorine gas that has a USEPA registration number and establishment number) is
13 hereby considered a restricted use pesticide in Guam. Persons applying chlorine gas
14 must be hold a valid certification card in Category 7d, “Chlorine Gas”; or must
15 otherwise hold a valid certification card for Core Training *and* must, at the time of
16 application, be under the direct supervision of an applicator who holds a valid
17 certification card in Category 7d.

18 **(c) Designation by Label or Labeling.** If the registered label for a general use
19 pesticide states, or has related statements indicating, that the applicator must be
20 professional, licensed, registered, certified, or trained (for example, “Only For Sale,
21 Use, and storage by Professional Pest Control Operators”, etc...), the applicator
22 must be certified by Guam EPA in the category most related to the pesticide use
23 prior to the application of said pesticide.

22 GARR – Guam Environmental Protection Agency

Division 3 Guam Pesticide Regulations

Chapter 15 Pesticides

Article 6 Certification

1 §15601. Instructor Qualifications.

2 §15602. General Use Pesticide Training Certification.

3 §15603. Restricted Use Pesticide Training Certification.

4 §15604. Course and Exam Offerings.

5 **§15601. Instructor Qualifications.**

6 Basic Training, Core Training, or Category Training may be offered by the
7 University of Guam, the Guam Community College or an independent contractor. Any
8 person intending to provide any type of training must first meet the following
9 qualifications and requirements set forth below.

10 **(a) Conducting “Train-the-Trainer”.** Instructor qualifications and requirements to
11 conduct a “Train-the-Trainer” course are:

12 **(1)** Two (2) Letters of Recommendation from a former or current supervisor, or
13 individual who holds a managerial position, with expertise in pesticide-related
14 activity. Such persons include, but are not limited to, university professors,
15 owners/managers of pesticide companies, or directors of an environmental or public
16 health regulatory agency;

17 **(2)** A Guam EPA approved training plan, as described in §15602(d) below;

1 (3) Practical knowledge of the training material and all applicable local and federal
2 requirements; and

3 (4) The ability to effectively prepare student-instructors for teaching the required
4 course material, including the use of a variety of teaching tools.

5 **(b) Conducting Training.** Instructor qualifications and requirements to conduct
6 Basic, Core or Category Training are:

7 (1) Two (2) Letters of Recommendation from a former or current supervisor, or
8 individual who holds a managerial position, with expertise in pesticide-related
9 activity. Such persons include, but are not limited to, university professors,
10 owners/managers of pesticide companies, or directors of an environmental or public
11 health regulatory agency;

12 (2) Successful completion of a Guam-EPA approved “Train-the-Trainer” course
13 and the passage of any applicable exam;

14 (3) Current certification in the type of training to be conducted (BT-A, BT-B, Core
15 or the applicable Category/ies);

16 (4) A Guam EPA approved training plan, as described in §15602(d) below;

17 (5) Practical knowledge of the training material and all applicable local and federal
18 requirements; and

19 (6) The ability to teach and communicate effectively with student-applicators to
20 prepare them for proper performance of their occupational duties.

21 **(c) Approved Training Plan Required.** An approved training plan must adequately
22 incorporate general standards developed by Guam EPA concerning the use of
23 pesticides as appropriate to the type of activities in which the pesticide applicator will
24 be engaged. An approved training plan must identify the type of training to be

provided (Basic Training-A, Basic Training-B, Core Training and/or Category Training), and must include, at a minimum:

(1) Instructor information, including:

(A) The name and address of each instructor;

(B) A description of each instructor's qualifications and experience;

(C) A copy of the current certification card for each instructor; and

(2) Training information, including a copy of the training agenda and descriptions of:

(A) Topics to be covered;

(B) The target audience;

(C) How the trainer will ensure that the training is provided in a manner and language that the target audience will understand;

(D) When, where and how often the training will be conducted;

(E) How the exam will be administered and graded, if applicable; and

(F) How the training will incorporate information on all relevant local and federal requirements; and Guam-specific challenges and needs.

§15602. General Use Pesticide Training Certification.

(a) Basic Training.

(1) Basic Training-A ("BT-A"). BT-A is required for applicants who are paid housekeeping workers including, but not limited to, cleaners and janitors in hotels, hospitals, apartment complexes or condominium complexes, nursing homes, or other non-private residences, and who apply general use antibacterial, antimicrobials, antifungal, disinfectants and other pesticides as part of their occupational duties. BT-A applicants must complete a four (4) hour training course and must successfully pass the open-book BT-A exam.

1 **(2) Basic Training-B (“BT-B”).** BT-B is required for applicants who are paid
2 swimming pool operators and water treatment operators using general use
3 pesticides as part of their occupational duties. BT-B applicants must complete an
4 eight (8) hour training course and must successfully pass the closed-book BT-B
5 exam.

6 Workers in this category *may* satisfy this requirement by attending eight (8)
7 hours of Core Training and passing either the BT-B or Core Training exam.

8 Swimming pool or water treatment operators who intend to use RUP-chlorine
9 products in carrying out their occupations duties must successfully complete Core
10 Training and are not required to complete BT-B. Any applicant who intends to use
11 chlorine gas *must also* obtain certification in Category 7d”.

12 **(b) Core Training.** Core Training is required for any applicant, other than those
13 described in subsection (a) above, who intends to use general use pesticides as part of
14 carrying out his occupational duties. Core Training consists of a sixteen (16) hour
15 training course and a closed-book exam.

16 **§15603. Restricted Use Pesticide Training Certification.**

17 **(a) Certification of RUP-Applicators.** Category Training is required for all
18 restricted use pesticide applicators. Satisfactory completion of Core Training is
19 required as a prerequisite for Category Training. Category Training consists of sixteen
20 hours (16) of a specialized type of training course and a closed-book exam. Applicators
21 applying restricted use pesticides shall be certified either as a commercial applicator or
22 a private applicator.

23 **(1) Commercial Applicators** include persons using, or supervising the use of,
24 restricted use pesticides in pest control work, demonstration work or similar pest
25 control activity. Commercial applicators are paid for their services.

1 **(2) Private Applicators** include persons using, or supervising the use of,
2 restricted use pesticides for the purpose of producing any agricultural commodity
3 on property owned or rented by him, his employer, or another person. Persons in
4 this category are not compensated for their work. For purposes of this section,
5 ‘*compensation*’ does not include the trading of personal services between producers
6 of agricultural commodities.

7 **(b) RUP-Applicator Categories.** Applicators shall be further divided into the
8 following categories and subcategories based on general patterns of use and sites where
9 specific knowledge related to the use pattern or site is required to demonstrate
10 competency. A person may be certified in as many categories or subcategories as
11 necessary.

12 **Category 1: Agricultural Pest Control.**

13 **Category 1a: Plants.** This category includes applicators using or
14 supervising the use of restricted use pesticides in production of
15 agricultural crops, including without limiting the foregoing, tobacco,
16 peanuts, cotton, feed grains, soybeans and forage; vegetables, small fruits,
17 fruit trees and nuts, as well as on grasslands and non-crop agricultural
18 lands.

19 **Category 1b: Animals.** This category includes applicators using or
20 supervising the use of restricted use pesticides on animals, including
21 without limiting the foregoing, beef cattle, dairy cattle, swine, sheep,
22 horse, goats, poultry, and livestock, and to places on or in which animals
23 are confined. Doctors of Veterinary Medicine engaged in the business of
24 applying pesticides for hire, publicly holding themselves out as pesticide

1 applicators, or engaged in large scale use of pesticides are included in this
2 category.

3 **Category 2: Forest Pest Control.** This category includes commercial
4 applicators using or supervising the use of restricted use pesticides in forests,
5 forest nurseries, and forest seed producing areas.

6 **Category 3: Ornamental and Turf Pest Control.** This category includes
7 commercial applicators using or supervising the use of restricted use pesticides
8 to control pests in the maintenance and production of ornamental trees, shrubs,
9 flowers, and turf.

10 **Category 4: Seed Treatment.** This category includes commercial
11 applicators using or supervising the use of restricted pesticides on seeds.

12 **Category 5: Aquatic Pest Control.** This category includes commercial
13 applicators using or supervising the use of any restricted use pesticide
14 purposefully applied to any body of water as defined in these regulations,
15 including but not limited to standing or running water; the territorial sea; and
16 bays and harbors of Guam, excluding applicators engaged in public health
17 activities included in Category (8).

18 **Category 6: Right-of-Way Pest Control.** This category includes
19 commercial applicators using or supervising the use of restricted use pesticides
20 in maintenance of public roads, electric power lines, pipelines, railway rights-of-
21 way or other similar areas.

22 **Category 7: Industrial, Institutional, Structural and Health-Related Pest**
23 **Control.**

24 **Category 7a: General and Structural Pest Control.** This category
25 includes commercial applicators using or supervising the use of restricted

1 use pesticides in, on, or around food handling establishments, human
2 dwellings, institutions such as schools and hospitals, industrial
3 establishments, including warehouses and grain elevators, and any other
4 structures and adjacent areas, public or private; and for the protection of
5 stored, processed, or manufactured products.

6 **Category 7b: Structural and Commodity Fumigations.** This
7 category is for applicants who apply fumigants to sites including but not
8 limited to commodity storage or holding sites, buildings, boats, and
9 shipping containers. In addition to being certified, applicators of
10 fumigants must submit a Guam EPA "Notice of Intent: Structural
11 Fumigation" prior to any application of any fumigants, as stipulated in
12 §15305(b) of this Chapter.

13 **Category 7c: Soil Fumigation.** This category is for applicants who
14 apply fumigants to kill organisms such as fungi, insects, nematodes,
15 parasite and other soil-borne diseases. In addition to being certified,
16 applicators of fumigants must submit a Guam EPA "Notice of Intent:
17 Structural Fumigation" prior to any application of any fumigants, as
18 described in §15305 of this Chapter.

19 **Category 7d: Chlorine Gas.** This category is for commercial
20 applicants who use, or supervise the use of, chlorine gas for the treatment
21 of swimming pools, hot tubs, spas and production wells.

22 **Category 8: Public Health Pest Control.** This category includes local,
23 federal or other governmental employees using or supervising the use of
24 restricted use pesticides in public health programs for the management and
25 control of pests having medical and public health importance.

1 **Category 9: Regulatory Pest Control.** This category includes local, federal
2 or other governmental employees who use or supervise the use of restricted use
3 pesticides in the control of regulated pests.

4 **Demonstration and Research Pest Control.** This category includes
5 individuals who demonstrate, or supervise a demonstration, to the public the
6 proper use and techniques of applications of restricted use pesticides. Examples
7 of such persons include, but are not limited to, extension specialists and local
8 agents, commercial representatives demonstrating pesticide products, and those
9 individuals demonstrating methods used in public programs. Category 10 also
10 includes persons conducting field research with pesticides and in doing so, use,
11 or supervise the use of, restricted use pesticides. This includes, but is not limited
12 to, local, federal, other governmental employees, or other commercial
13 applicators.

14 **(c) Standards for Certification.**

15 **(1) Commercial Applicators.**

16 **(A) Determination of Competency.** Competence in the use and handling
17 of pesticides *shall* be determined on the basis of written examinations and, as
18 appropriate, performance testing based upon the standards set forth below, both
19 of which *shall* be approved by the Administrator. Such examination and testing
20 *shall* include the general standards applicable to all categories and the additional
21 standards specifically identified for each category or subcategory in which an
22 applicator is to be classified, and to the pesticide or class of pesticides covered by
23 the persons certification.

24 **(B) General Standards of Competency.** All commercial applicators *shall*
25 demonstrate practical knowledge of the principles and practices of pest control

1 and safe use of pesticides as described below. Testing shall be based on
2 examples of problems and situations appropriate to the particular category or
3 subcategory of the applicator's certification and the following areas of
4 competency:

5 **(i) Label and Labeling Comprehension.** Including factors such as:

6 (aa) General format of labels and terminology that are used on
7 pesticide labels and labeling;

8 (bb) Instructions, warnings, terms, symbols, and other
9 information commonly appearing on pesticide labels;

10 (cc) Classification of the product, general or restricted; and

11 (dd) Necessity for use consistent with the label.

12 **(ii) Safety.** Including factors such as:

13 (aa) Pesticide toxicity and hazard to man and common exposure
14 routes;

15 (bb) Common types and causes of pesticide accidents;

16 (cc) Precautions necessary to guard against injury to applicators
17 and other individuals in or near treated areas;

18 (dd) Need for and use of protective clothing and equipment;

19 (ee) Symptoms of pesticide poisoning;

20 (ff) First Aid and other procedures to be followed in case of a
21 pesticide accident; and

22 (gg) Proper identification, storage, transport, handling, mixing
23 procedures and disposal methods for pesticides and used pesticide
24 containers, including precautions to be taken to prevent children from
25 having access to pesticides and pesticide containers.

1 **(iii) Potential Environmental Consequences of the Use and Misuse**
2 **of Pesticides.** Including influential factors such as:

- 3 (aa) Weather and other climatic conditions;
4 (bb) Types of terrain, soil or other substrate;
5 (cc) Presence of fish, wildlife and other non-target organisms;
6 and
7 (dd) Drainage patterns.

8 **(iv) Pests.** Including factors such as:

- 9 (aa) Common features of pest organisms and characteristics of
10 damage needed for pest recognition;
11 (bb) Recognition of relevant pests; and
12 (cc) Pest development and biology as it may be relevant to
13 problem identification and control.

14 **(v) Pesticides.** Including factors such as:

- 15 (aa) Types of pesticides;
16 (bb) Types of formulations;
17 (cc) Compatibility, synergism, persistence and animal and plant
18 toxicity of the formulations;
19 (dd) Hazards and residues associated with use;
20 (ee) Factors which influence effectiveness or lead to such
21 problems as resistance to pesticides; and
22 (ff) Dilution procedures, including calculations to achieve
23 correct application rate.

24 **(vi) Equipment.** Including factors such as:

1 (aa) Types of equipment and advantages and limitations of each
2 type; and

3 (bb) Use, maintenance and calibration.

4 **(vii) Application techniques.** Including factors such as:

5 (aa) Methods of procedure used to apply various formulations of
6 pesticides, solutions, and gases, together with knowledge of which
7 technique of application to use in a given situation;

8 (bb) Relationship of discharge and placement of pesticides to
9 proper use, unnecessary use, and misuse; and

10 (cc) Prevention of drift and pesticide loss into the environment.

11 **(viii) All local and federal requirements.**

12 **(C) Specific Standards of Competency.** Commercial Applicators should
13 demonstrate additional competence and knowledge appropriate to their
14 particular category of certification, described as follows:

15 **Category 1: Agricultural Pest Control.**

16 **Category 1a: Plants.** Applicators must demonstrate practical
17 knowledge of the crops grown and the specific pests on these crops on
18 which they may be using RUPs. The importance of such competency is
19 amplified by the extensive areas involved, the quantities of pesticides
20 needed, and the ultimate use of many commodities as food and feed.
21 Practical knowledge is required concerning soil and water problems, pre-
22 harvest intervals, re-entry intervals, phytotoxicity, and potential for
23 environmental contamination, non-target injury and community problems
24 from the use of restricted use pesticides in agricultural areas.

1 **Category 1b: Animals.** Persons applying pesticides directly to
2 animals must demonstrate knowledge of such animals and their
3 associated pests. A practical knowledge is also required concerning
4 specific pesticide toxicity and residue potential, since host animals will
5 frequently be used for food. Further, the applicator must know the
6 relative hazards associated with such factors as formulation application
7 techniques, age of animals, and focus and extent of treatment.

8 **Category 2: Forest Pest Control.** Applicators shall demonstrate practical
9 knowledge of the extent and types of forests, forests nurseries, and seed
10 production in Guam and the pests involved. They should demonstrate practical
11 knowledge of the cyclic occurrence of certain pests and specific population
12 dynamics as a basis for programming pesticide applications. A practical
13 knowledge is required of the relative biotic agents and their vulnerability to
14 pesticides to be applied. Because forest stands frequently include aquatic
15 habitats and harbor wildlife, the consequences of pesticide use may be difficult to
16 assess. The applicators must therefore demonstrate practical knowledge of
17 control methods that will minimize the possibility of secondary problems such as
18 unintended effects on wildlife. Proper use of specialized equipment must be
19 demonstrated, especially as it may relate to meteorological factors and adjacent
20 land use.

21 **Category 3: Ornamental and Turf Pest Control.** Applicators shall
22 demonstrate practical knowledge of pesticide problems associated with the
23 production and maintenance of ornamental trees, shrubs, plantings, and turf,
24 including cognizance of potential phytotoxicity due to a wide variety of plant
25 material, drift, and persistence beyond the intended period of pest control.

1 Because of the frequent proximity of human habitations to application activities,
2 applicators in this category must demonstrate practical knowledge of the
3 hazards to humans, pets, and other domestic animals.

4 **Category 4: Seed Treatment.** Applicators shall demonstrate practical
5 knowledge of types of seeds that require chemical protection against pests and
6 factors such as seed coloration, carriers, and surface active agents which
7 influence pesticide binding and may affect germination. They must demonstrate
8 practical knowledge of hazards associated with handling, sorting and mixing,
9 and misuse of treated seed such as introduction of treated seed into food and
10 feed channels, as well as proper disposal of unused treated seed.

11 **Category 5: Aquatic Pest Control.** Applicators shall demonstrate practical
12 knowledge of the secondary effects which can be caused by improper application
13 rates, incorrect formulations, and faulty application of restricted use pesticides
14 used in this category. They shall demonstrate practical knowledge of various
15 water use situations and the potential of downstream effects. Further, they must
16 have practical knowledge concerning potential pesticide effects on plants, fish,
17 birds, beneficial insects and other organisms which may be present in aquatic
18 environments. These applicators shall demonstrate practical knowledge of the
19 principles of limited area application.

20 **Category 6: Right-of-way Pest Control.** Applicators shall demonstrate
21 practical knowledge of a wide variety of environments since rights-of-ways can
22 traverse many different terrains, including waterways. They shall demonstrate
23 practical knowledge of the problems of runoff, drift, and excessive foliage
24 destruction and ability to recognize target organisms. They shall also
25 demonstrate practical knowledge of the nature of herbicides and the need for

1 containment of these pesticides within the right-of-way area, and the impact of
2 their application activities in the adjacent areas and communities and special
3 drift control methods and procedures.

4 **Category 7: Industrial, Institutional, Structural and Health-Related Pest**
5 **Control.**

6 **Category 7a: General and Structural Pest Control.** Applicators must
7 demonstrate practical knowledge of a variety of pests including their life
8 cycles, as well as types of formulations appropriate for their control and
9 methods of application that avoid contamination of food and damage and
10 contamination of habitat, and exposure of people and pets. Since human
11 exposure, especially to babies, children, pregnant women, and elderly
12 people, is frequently a potential problem, applicators must demonstrate
13 practical knowledge of the specific factors which may lead to a hazardous
14 condition, including continuous exposure in the various situations
15 encountered in this category. Because health related pest control may
16 involve outdoor applications, applicators in this category must also
17 demonstrate practical knowledge of environmental conditions particularly
18 related to this activity.

19 **Category 7b: Structural and Commodity Fumigation.** In this
20 subcategory, types of structures include, but are *not* limited to inhabited
21 buildings, containers, boat. Applicators must demonstrate practical
22 knowledge of core requirements covering fumigant and fumigation use
23 laws and regulations, the basic principles of fumigant use, of handler and
24 worker safety requirements especially pesticide safety training, preventing

1 heat-related illnesses, of fumigant labels, how to interpret and follow label
2 directions and requirements.

3 Applicators must demonstrate practical knowledge of the hazards
4 associated with fumigant use and preventing human exposure,
5 environmental contamination, off-site movement/drift, and phytotoxicity,
6 of safe fumigant handling practices, proper PPE selection, use, and care,
7 and responding to fumigant emergencies.

8 Applicators must demonstrate practical knowledge of proper
9 fumigant application procedures, selecting and using appropriate
10 application equipment and its calibration, and of hazards and safe use
11 practices.

12 **Category 7c: Soil Fumigation.** Applicators must demonstrate
13 practical knowledge of core requirements covering fumigant and
14 fumigation use laws and regulations, the basic principles of fumigant use,
15 of handler and worker safety requirements especially pesticide safety
16 training, preventing heat-related illnesses, of fumigant labels, how to
17 interpret and follow label directions and requirements.

18 Applicators must demonstrate practical knowledge of the hazards
19 associated with fumigant use and preventing human exposure,
20 environmental contamination, off-site movement/drift, and phytotoxicity,
21 of safe fumigant handling practices, proper PPE selection, use, and care,
22 and responding to fumigant emergencies.

23 Applicators must demonstrate practical knowledge of proper
24 fumigant application procedures, selecting and using appropriate

1 application equipment and its calibration, and of hazards and safe use
2 practices.

3 **Category 7d: Chlorine Gas.** Applicators must demonstrate practical
4 knowledge of the toxicity of liquefied chlorine gas; the dispersion
5 properties and other characteristics of gaseous chemicals; equipment types;
6 calibration procedures; application techniques; air and water monitoring
7 procedures; use and maintenance of personal protective equipment and
8 clothing; and factors that may lead to a hazardous conditions, including
9 handling of pressurized chemicals and direct or continuous exposure to
10 chlorine gas.

11 **Category 8: Public Health Pest Control.** Applicators must demonstrate
12 practical knowledge of pests of public health importance, vector-disease
13 relationships, and etiology of disease-host relationships. Since a wide variety of
14 pests are involved, these pests must be known and recognized by public health
15 control applicators, and the life's cycles and habitats of each thoroughly
16 understood. These applicators should be familiar with a great variety of
17 environmental conditions ranging from streams to dwellings. They should also
18 be cognizant of such non-chemical control methods as sanitation, waste disposal,
19 and drainage.

20 **Category 9: Regulatory Pest Control.** Applicators shall demonstrate
21 practical knowledge of regulated pests, applicable law relating to quarantine and
22 other regulation of pests, and the potential impact on the environment of
23 restricted use pesticides used in suppression and eradication programs. They
24 shall demonstrate knowledge of factors influencing introduction, spread, and
25 population dynamics of relevant pests. Their knowledge shall extend beyond

1 that required by their immediate duties, since their services are frequently
2 required in Guam and other areas of the country where emergency measures are
3 invoked to control regulated pests and where individual judgments in new
4 situations must be made.

5 **Category 10: Demonstration and Research Pest Control.** Persons
6 demonstrating the safe and effective use of pesticides to other applicators and the
7 public will be expected to meet comprehensive standards reflecting a broad
8 spectrum of pesticide uses. Many different pest problems situations will be
9 encountered in the course of activities associated with demonstration, and
10 practical knowledge of problems, pests, and population levels occurring in each
11 demonstration situation is required. Further, they should demonstrate an
12 understanding of pesticide-organism interactions and the importance of
13 integrating pesticide use with other control methods.

14 Applicators doing demonstration pest control work, conducting field
15 research or method improvement work with RUPs should possess a practical
16 knowledge of all of the general standards detailed in §15603(c)(2) of this Chapter.
17 In addition, they shall be expected to know the specific standards described in
18 §15603(c)(3)(A) through (I) of this Chapter as may be applicable to their
19 particular activity.

20 For the purposes of this Chapter, the above standards do not apply to
21 persons conducting laboratory-type research involving RUPs; or Doctors of
22 Medicine or Doctors of Veterinary Medicine applying pesticides as drugs or
23 medication during the course of their normal practice.

24 **(2) Private Applicators.**

1 **(A) Determination of Competency.** Competence in the use and handling of
2 pesticides *shall* be determined on the basis of written examinations and, as
3 appropriate, performance testing based upon the standards set forth below both
4 of which *shall* be approved by the Administrator. Such examination and testing
5 *shall* include the standards applicable to Category 1, 1a and 1b in which an
6 applicator is to be classified.

7 **(B) Standards of Competency.** Competence in the use and handling of
8 pesticides by a private applicator *shall* be determined by the procedures set forth
9 below. As a minimum requirement for certification, a private applicator must
10 show that s/he possesses a practical knowledge of the pest problems and pest
11 control practices associated with his agricultural operations; proper storage, use,
12 handling and disposal of the pesticides and containers; and his related legal
13 responsibility. The practical knowledge includes ability to:

14 (i) Recognize common pests to be controlled and damage caused by
15 them;

16 (ii) Read and understand the label and labeling information including
17 the common name of pesticides he applied; pest(s) to be controlled, timing
18 and methods of application; safety precautions; any pre-harvest or re-entry
19 restrictions; and any specific disposal procedures;

20 (iii) Apply pesticides in accordance with label instructions and
21 warnings, including the ability to prepare the proper concentrations of
22 pesticide to be used under particular circumstances taking into account
23 such factors as area to be covered, speed at which application equipment
24 will be driven, and the quantity dispersed in a given period of operation;

1 (iv) Recognize local environmental situations that must be considered
2 during application to avoid contamination;

3 (v) Recognize poisoning symptoms and procedures to follow in case of
4 pesticide accident; and

5 (vi) Consult reliable sources of information on the safe and proper use
6 of each pesticide related to the applicator's certification.

7 **(3) Standards for Supervision of Non-Category Certified Applicators.** The
8 supervisor of a non-category certified applicator must ensure that the applicator
9 holds a valid Core Training Certification Card and is someone who follows
10 instructions. In addition, the supervisor must be certified in the appropriate
11 category for the type of application he/she is directly supervising; he must
12 demonstrate practical knowledge of all local and federal requirements; and he must
13 be physically present on site observing the application of the pesticide at the time of
14 application. The non-category certified applicator must complete the appropriate
15 category training *no later than* ninety (90) days from his date of hire.

16 **§15604. Course and Exam Offerings.**

17 Training course and exam offerings are subject to space and instructor availability.

18 Exams, however, will be offered at least once per month.

22 GARR – Guam Environmental Protection Agency

Division 3 Guam Pesticide Regulations

Chapter 15 Pesticides

Article 7 Licenses, Permits, Certification Cards and Fees.

1 §15701. Special Licenses.

2 §15702. Permits.

3 §15703. Certification Cards.

4 §15704. Fees.

5 **§15701. Special Licenses.**

6 (a) **Pest Control Operator (PCO) License.** Any person intending to conduct
7 structural pest control in or around residential and commercial buildings *shall* obtain
8 a PCO License from Guam EPA prior to conducting any structural pest control.

9 (b) **Pesticide Trainers License.** Any person intending to provide Basic
10 Training, Core Training or Category Training must obtain a Pesticide Trainers
11 License from Guam EPA. This licensure requirement is in addition to the training
12 instructor qualifications and requirements stipulated in §15601 of this Chapter. All
13 applicable requirements must be satisfied prior to the start of any pesticide training.

14 (c) **Pesticide Dealers License.** Any person intending to sell restricted use
15 pesticides must first obtain a Pesticide Dealers License from Guam EPA.
16 Additionally, a Pesticide Dealers License *shall* be required for each sales outlet
17 operating in Guam. Each Pesticide Dealers License issued *shall* expire on December
18 31 of the year in which the license was issued. The application for a Pesticide

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Dealers License *shall* be on a form prescribed by the Administrator and shall include, at minimum:

- a. The name and address of the applicant;
- b. The physical address of the sales outlet (primary and all branch outlets, when applicable); and
- c. The name, address, and certified applicator number of the Certified Pesticide Sales Manager (CPSM) at each sales outlet.

§15702. Permits.

(a) Commodity Fumigation Permit. Any person intending to perform fumigation of any commodity must first obtain a Commodity Fumigation Permit from Guam EPA. An application for a Commodity Fumigation Permit *shall* be on a form prescribed by the Administrator and shall include, at minimum:

- (1) The date and time of proposed application; and
- (2) Information on the pesticide to be used:
 - (A) The name, registration number, and an electronic copy of the label or labeling on the container for each pesticide to be used;
 - (B) A calculation of the amount of the pesticides to be applied; and
 - (C) A description of the equipment to be used;
- (3) Information on the applicator:
 - (A) The name and certification number of each certified pesticide applicator involved in the project; and
 - (B) The name of the entity for which the applicator is performing the application;
- (4) Information on the permanent application site, or any temporary sites, if applicable:

1 (A) The physical address of the application site;

2 (B) A description of the application site, including the size of the area to be
3 treated;

4 (C) A map showing all residential homes, schools, hospitals, places of
5 worship and businesses within seventy-five (75) feet of the site;

6 (5) General Information on the Project:

7 (A) The names and contact numbers of the facility owner and the project
8 manager;

9 (B) Description or history of the company's work experience with using the
10 fumigant that is proposed for application;

11 (C) A standard operating procedure for the project;

12 (D) A health and safety plan;

13 (E) Any additional information required in a Fumigant Management Plan
14 by the product label;

15 (F) A listing of the target pests.

16 The permittee must submit a notice of intent for commodity fumigation to the Agency,
17 *no later than* fourteen (14) working days prior to the proposed application. A yearly
18 permit is required for Commodity Fumigation. Persons applying fumigants must
19 estimate the amount of fumigant to be used for each permit period.

20 **(b) Chemigation Permit.** Any person intending to conduct any chemigation, must
21 first obtain a Chemigation Permit from Guam EPA; and must meet the following
22 conditions:

23 The applicator must provide sufficient written evidence to Guam EPA in advance of
24 the application that a chemigation application is the only viable method for pest
25 control. In order to demonstrate to Guam EPA that there are no other viable

1 methods of pest control, the applicator must provide a list of target pests, location of
2 proposed chemigation, a description of equipment to be used, including required
3 back flow prevention devices to prevent contamination of the water sources, a copy
4 of the label for the pesticide(s) proposed for use, and a description of the other types
5 of pest control methods that have been attempted and the results of these methods.
6 The copy of the label submitted to Guam EPA must be a copy of the label on the
7 container(s) of the pesticide to be used. Upon review of the applicator's submission
8 and the EPA accepted label for the product to be used, Guam EPA will make a
9 determination as to whether the chemigation application will be allowed. If Guam
10 EPA allows the application, a written permit will be issued by Guam EPA. The
11 pesticide to be used must be registered by U.S. EPA for use in chemigation.

12 (1) Areas to be chemigated must be posted with a sign when 1) any part of a
13 treated area is within 300 feet of sensitive areas such as residential areas, labor
14 camps, businesses, day care centers, hospitals, in-patient clinics, nursing homes or
15 any public areas such as schools parks, playgrounds, or other public facilities not
16 including public roads., or 2) when the chemigated areas is open to the public such
17 as golf courses or retail greenhouses.

18 (2) Application areas must be posted by the pesticide applicator with signs in
19 English at all usual points of entry and along likely routes of approach from the
20 listed sensitive area. When there are not usual point of entry, signs must be posted
21 in the corners of the treated areas and in any other locations affording maximum
22 visibility to sensitive areas. The printed side of the sign must face away from the
23 treated area towards the sensitive area. The signs must be printed in the English
24 language. Signs must be posted prior to the application and remain posted until
25 foliage has dried and soil surface water as disappeared. Signs must remain in place

1 indefinitely as long as they are composed of materials to prevent deterioration and
2 maintain legibility for the duration of the posting period. Applicators are
3 responsible to remove the signs from the treated areas.

4 (3) Effective posting consists of letters at least 2 ½ inches tall, with all letters and
5 symbols in color which sharply contrasts with their immediate background. At the
6 top of the sign must be the words "KEEP OUT", followed by an octagonal stop sign
7 symbol at least 8 inches in diameter containing the word "STOP". Below the stop
8 sign symbol must be the words "PESTICIDE IN IRRIGATION WATER."

9 (c) **Aerial Pesticide Application Permit.** Any person intending to apply pesticides
10 by aircraft must first obtain and Aerial Pesticide Application Permit from Guam EPA.
11 An application for a Aerial Pesticide Application Permit *shall* be on a form prescribed
12 by the Administrator and shall include, at minimum:

13 (1) Information on the pesticide to be used:

14 (A) The name and registration number of each pesticide to be applied;

15 (B) A Copy of the label or labeling on the container for each pesticide to be
16 used;

17 (C) The formulation, dilution and application rates for each pesticide to be
18 applied;

19 (D) A description of the equipment to be used;

20 (2) Information on the applicant, pilot and/or applicator:

21 (A) The name, certification number, and certification expiration date of the
22 applicant and pilot/applicator, if different from the applicant;

23 (B) A copy of the certification card for the applicant and pilot/applicator, if
24 different from the applicant;

25 (C) A copy of the pilot license and any other licenses needed in Guam to

1 operate an aircraft;

2 (3) Information on the application site:

3 (A) The physical address of the proposed application site; and

4 (B) A sketch or map of the site, indicating general wind directions,
5 surrounding homes, bodies of water, schools, hospitals, places of worship,
6 roadways, and crop plantings within five hundred (500) feet of the application
7 site. The Administrator may require additional information to ensure that
8 waters of Guam are protected.

9 (4) General Information on the Project:

10 (A) A description of the purpose of aerial application and why aerial
11 application is desired;

12 (B) The method of aerial application of the proposed pesticides to be
13 applied;

14 (C) The number of application to be made, and the proposed time and date
15 of each application;

16 (D) A description of prior attempts to control the subject pest by other
17 application methods and the results of those efforts;

18 (E) An indication of what measures will be taken to prevent drift or
19 overspray of non-target sites.

20 The Administrator may refuse to issue an Aerial Pesticide Application Permit if
21 it is determined that the proposed aerial treatment may cause unreasonable adverse
22 effects to human health or the environment.

23 Any Aerial Pesticide Application Permit issued pursuant to this Chapter *shall*
24 specify the time period for which the permit is valid. The Administrator may specify
25 and limit the Aerial Pesticide Application Permit to cover a single treatment or multiple

1 and continued treatments when conditions are not expected to change or vary during
2 subsequent treatments that are conducted in the same designated area. In no case *shall*
3 any pesticide be applied contrary to the U.S. EPA accepted label.

4 The issuance of an Aerial Pesticide Application Permit *shall* not relieve the
5 permittee from the penalty provisions of the Act or any litigation for any damage or
6 contamination of crops or plants, animals, man and the environment resulting from
7 such aerial treatment.

8 **§15703. Certification Cards.**

9 Any person intending to apply pesticides as part of their occupational duties must
10 first obtain a certification card from Guam EPA. Certification cards *shall* be issued after
11 successful completion of the appropriate training. Successful completion is measured
12 by the applicator's attendance at the appropriate training course (as certified by the
13 training instructor), together with passing the appropriate exam with a score of seventy
14 percent (70%) or higher (as certified by the exam administrator).

15 **(a) Temporary Certification Cards.** Temporary Certification Cards may be issued
16 to individuals who are unable to attend a the appropriate training course (due to the
17 availability of classes) within approximately one month's time from the date he has
18 submitted his application for certification to Guam EPA. Temporary Certification
19 Cards issued pursuant to this Chapter *shall* expire on the last day of the month in which
20 the next appropriate training course will be offered.

21 **(b) Basic Training Certification Cards.**

22 **(1) Basic Training-A Certification Card.** Any person intending to apply
23 general use antibacterial, antimicrobials, antifungal, disinfectants and other
24 pesticides as part of their occupational duties must first obtain a Basic Training-A
25 Certification Card from Guam EPA prior to any pesticide application.

1 **(2) Basic Training-B Certification Card.** Any person who is a paid
2 swimming pool operator or water treatment operator intending to use general use
3 pesticides as part of his occupational duties must first obtain a Basic Training-B
4 Certification Card from Guam EPA prior to any pesticide application. This
5 requirement does not apply to paid swimming pool operators or water treatment
6 operators who intend to use RUP-chlorine products. Such applicators must obtain
7 Category Certification as described below, in Category 7d as described in §15604 of
8 this Chapter.

9 **(c) Core Training Certification Card.** Any person, other than those described in
10 subsection (a) above, intending to use general use pesticides as part of carrying out his
11 occupational duties must first obtain a Core Training Certification Card from Guam
12 EPA prior to any pesticide application. Applicants for Core Training Certification must
13 be at least seventeen (17) years of age.

14 **(d) Category Training Certification Card.** Any person intending to apply restricted
15 use pesticides must first obtain a Category Training Certification Card from Guam EPA.
16 Applicants for Category Training Certification must be at least eighteen (18) years of
17 age. RUP-Applicators *shall* be certified either as a

18 **(1) Commercial Applicator,** in the category or subcategory most related to the
19 pesticide he will be using; or

20 **(2) Private Applicator,** in Category 1, 1a, or 1b, as described in §15604 of this
21 Chapter.

22 **(e) Renewal.** All Certification Cards issued pursuant to this Chapter *shall* be
23 renewed every three (3) years. Individuals may submit applications for renewal *no more*
24 *than* thirty (30) days prior to the expiration date of their certification. Individuals
25 intending to renew their certification must successfully pass the appropriate exam.

1 Training for each applicant is required upon initial application for certification. All
2 individuals who hold "Core Training Certification Cards" older than three (3) years
3 from the effective date of this Chapter must renew their certification.

4 **§15704. Fees.**

5 In order to fulfill the duties and responsibilities associated with the implementation
6 of these regulations, the Agency hereby establishes conditions and fees as set forth in
7 Table 1 of this Chapter. All fees *shall* be paid to and deposited into "The Pesticide
8 Management Fund" as specified in 10 GCA §50119, which shall be maintained separate
9 and apart from any other government of Guam bank account. All fees are non-
10 refundable and must be paid in the following manner:

11 **(a) Certification Card Fees.** Fees must be paid upon issuance of the certification
12 card or a replacement card.

13 **(b) Training/Exam Fees.** Fees must be paid prior to each training/exam session.

14 **(c) License/Permit Fees.** Fees must be paid at the time a license/permit
15 application is submitted.

16 **(d) Notice of Arrival Fees.** Fees must be paid at the time the NOA form is
17 submitted; or based upon an agreed payment plan between the importer and the
18 Agency.

22 GARR – Guam Environmental Protection Agency

Division 3 Guam Pesticide Regulations

Chapter 15 Pesticides

Article 8 Enforcement

1 §15801. Enforcement Authorities.

2 §15802. Enforcement Procedures.

3 §15803. Denial, Suspension, and Revocation.

4 **§15801. Enforcement Authorities.**

5 The rules and regulations in this Chapter are promulgated by the Agency
6 pursuant to 10 GCA Chapter, “The Guam Pesticides Act”. The Act also specifies the
7 Agency’s authority to inspect and take necessary enforcement actions to carry out the
8 provisions of the Act or this Chapter.

9 In addition, the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”) is
10 applicable to Guam. Pursuant to Section 23 of FIFRA, the Guam Environmental
11 Protection Agency and the U.S. Environmental Protection Agency have entered into a
12 Cooperative Agreement. Under this agreement, Guam EPA has primary enforcement
13 responsibility for pesticide use violations.

14 The provisions of “The Guam Pesticide Act” and this Chapter are intended to
15 meet minimal requirements of FIFRA. Should there arise a conflict between local and
16 federal requirements, the more stringent requirement applies.

17 **§15802. Enforcement Procedures.**

18 All enforcement procedures *shall* comply with 5 GCA Chapter 9 – “The Guam

APPENDIX 1

Administrative Adjudication Law” and 10 GCA Chapter 50 – “The Guam Pesticides Act”.

(a) Notice of Violation and Order of Compliance (NOV/OC). If – from an inspection, complaint, examination or analysis – there appears to be a violation of the regulations of “The Guam Pesticides Act” or this Chapter, a written NOV/OC *shall* be sent by the Agency to the person against whom proceedings are contemplated. The NOV/OC *shall* state the violation, the manner in which the alleged violator failed to meet the requirement of “The Guam Pesticides Act” or this Chapter, and what should be done to correct the violation.

When a violation has been alleged, and a NOV/OC has been issued, and the respondent has received the NOV/OC, the respondent has the option of: (1) within ten (10) working days, entering into a “Voluntary Compliance Agreement” (See Section 8.5) with Guam EPA to come into compliance with the violated provision; said settlement agreement shall be prepared in accordance with the requirements of this Chapter; or (2) within fifteen (15) working days, appealing the NOV/OC to the Board.

(b) Notice of Defense. A “Notice of Defense” form *shall* be included with the issued NOV/OC. Should the respondent wish to appeal the NOV/OC to the Board, the respondent must submit a completed “Notice of Defense” form to the Board. The Notice must be received by the Board within fifteen (15) working days from receipt of the NOV/OC. Once the Board receives the “Notice of Defense,” any administrative action upon the case *shall* be suspended until a “Notice of Judgment” has been issued by the Board.

(c) Prosecution. Pursuant to “The Guam Pesticides Act,” the Administrator may impose fines before an appeal has been filed or before the violation has been corrected. Enforcement actions may include monetary fines based on civil/administrative penalties and/or license suspension, revocation, non-renewal, and/or permit cancellation.

(d) Voluntary Compliance Agreement (VCA). If the respondent wishes to

1 resolve the NOV/OC without appealing to the Board, the respondent has the option of
2 entering into a Voluntary Compliance Agreement (VCA) with the Agency, which must
3 be reached within ten (10) working days. The respondent must immediately notify the
4 Agency of such intentions upon receipt of the NOV/OC. The Agency may work in
5 conjunction with the respondent to determine the terms and conditions of a VCA. The
6 Agency *shall* inform the respondent that he may exercise his right to appeal the
7 NOV/OC to the Board at any time during the fifteen (15) working day time frame by
8 submitting a completed "Notice of Defense" Form.

9 The purpose of the VCA option is to provide an opportunity to resolve the
10 NOV/OC without going through the appeal process with the Board or the referral
11 process with the Attorney General of Guam.

12 **§15803. Denial, Suspension, and Revocation.**

13 The issuance, suspension, or revocation of any certification card, license or
14 permit issued under these regulations *shall* not relieve an individual from the criminal
15 and civil penalty provisions of the Act or any litigation for any damage or
16 contamination resulting from pesticide related activities.

17 **(a) Probable Denial of Application for Certification, License or Permit.** An
18 application for any certification card, license or permit issued pursuant to this Act or
19 this Chapter, may be denied by the Board as provided in §57135 of the Act, for the
20 following causes:

21 **(1)** Falsification of any information required in the application process.

22 **(2)** Falsification of or failure to maintain records as required by the Act and
23 this Chapter.

24 **(3)** Conviction in a court of competent jurisdiction within a five (5) year
25 period immediately preceding the date of application of any violation of the Act
26 or this Chapter.

1 (4) Failure to comply with any order of the Board made pursuant to the Act
2 and this Chapter.

3 (5) A suspension of applicant's certification under the Act and this Chapter
4 within a five (5) year period immediately preceding the date of application.

5 (6) Misuse of a pesticide as defined by the Act and this Chapter.

6 **(b) Denial of Application for Certification, License or Permit.** An application
7 for any certification card, license or permit issued pursuant to this Act or this Chapter,
8 *shall* be denied by the Board as provided in §57135 of the Act, for the following causes:

9 (1) Applicant has been convicted in a court of competent jurisdiction within a
10 five (5) year period immediately preceding the date of the application of two (2)
11 or more violations of the Act or this Chapter or of the Federal Insecticide,
12 Fungicide and Rodenticide Act as amended, or the rules and regulations
13 promulgated pursuant thereto.

14 (2) Two (2) or more suspensions of applicant's certification, license or permit
15 under this Act and this Chapter within a five (5) year period immediately
16 preceding the date of application.

17 (3) Revocation of applicant's certification, license or permit under this Act
18 and this Chapter within a one (1) year period immediately preceding the date of
19 application.

20 **(c) Probable Suspension of Certification, License or Permit.** A certification
21 card, license or permit issued pursuant to this Act or this Chapter may be suspended
22 pursuant to §57135 of the Act for the following causes.

23 (1) Falsification of any information required in the application process or
24 falsification of or failure to maintain records required by the Act and this
25 Chapter.

26 (2) Misuse of a pesticide as defined by the Act and this Chapter.

1 **(d) Suspension of Certification, License or Permit.** A certification card, license
2 or permit issued pursuant to this Act or this Chapter *shall* be suspended for not less
3 than thirty (30) days and not more than one hundred eighty (180) days for the following
4 causes:

5 **(1)** Conviction in a court of competent jurisdiction of a violation of §57131 of
6 the Act.

7 **(2)** Failure to comply with two (2) warning notices issued by GEPA within a
8 two (2) year period.

9 **(e) Probable Revocation of Certification, License or Permit.** A certificate,
10 license or permit issued pursuant to this Act or this Chapter may be revoked for cause.
11 Revocation *shall* be effectuated by a written statement of the Administrator indicating
12 the effective date of the revocation and causes for such action. Possible causes include,
13 but are not limited to, the following:

14 **(1)** Conviction in a court of competent jurisdiction of a violation of §57131 of
15 the Act.

16 **(2)** Misuse of a pesticide as defined by the Act and this Chapter.

17 **(3)** Falsification of any information required in the application process or
18 falsification of or failure to maintain records required by the Act and this
19 Chapter.

22 GARR – Guam Environmental Protection Agency

**Division 3
Guam Pesticide Regulations**

**Chapter 15
Pesticides**

**Article 9
Severability**

1 **§15901. Severability.**

2 *If* any provision of this Chapter or its application to any person or circumstance
3 is found to be invalid or contrary to law, such invalidity *shall not* affect other provisions
4 or applications of this Chapter which can be given effect without the invalid provision
5 or application, and to this end the provisions of this Chapter are severable.

22 GARR – GUAM ENVIRONMENTAL PROTECTION AGENCY
DIVISION III, CHAPTER 15 – PESTICIDES
TABLE 1 – GUAM PESTICIDE REGULATION FEES

TYPE OF DOCUMENTATION	COST	EXPLANATION
1. Notice of Arrival (NOA)	\$3/case for up to 10 cases; \$1/additional case Chlorine tabs/gas \$5/1000 lbs or \$5/1,000 gallons (Note: Min. \$5)	Each Shipment
2. Termite Soil Application	\$50 < 250 gal. of emulsion mix \$100 ≥ 250 gal. of emulsion mix	Each application
3. Fumigation Application Fee (Permits/Notices of Intent)	\$1,000	Yearly*
4. Chemigation Permit Fee	\$100/Chemigation Permit	Each application
5. Pesticide Dealers License	\$250/Primary Sales Outlet \$50/Branch Sales Outlet	Expires Dec 31 (Each Year*)
6. Certification Cards – Category Training	a. Cards \$15 b. Training \$100 (16 hours) c. Exam only \$50 d. Replacement Cards \$10	3 Years*
7. Certification Cards – Core and Basic Training	a. Cards Only \$15 (Core); \$15 for (Basic Training-A/B) b. Training \$75 (Core); \$35 (BT-B), \$15 (BT-A) c. Exam Only \$25 (Core); \$15 for (BT-A/B) d. Replacement Cards \$10 e. Exam Study Materials \$15	3 Years*
8. Pest Control Operators License	\$150	Expires Dec 31 (Each Year*)
9. Pesticide Trainers License	a. Cards \$15 b. Training \$100 (16 hours) c. Exam only \$50 d. Replacement Cards \$10	Yearly*

*Annual fees are pro-rated