

21—45.52 (206) Continuing instructional courses for pesticide applicator recertification. A certified private, commercial, noncommercial or public applicator may elect to renew the pesticide applicator certification by attending two hours of approved continuing instructional courses each year during the renewal period as specified in subrule 45.22(5) in lieu of passing an examination.

45.52(1) Requirements for continuing instructional courses.

a. An approved continuing instruction course for pesticide applicator recertification shall include, as a minimum, information on safe handling, application and storage of pesticides; the correct calibration of equipment used for the application of pesticides; effects of pesticides upon groundwater; and the federal standards for pesticide applicator certification outlined in 40 CFR 171.5 as revised July 1, 1992, for private applicators or 40 CFR 171.4(b) and (c) revised as of July 1, 1992, for commercial applicators.

b. Instructional courses and materials for recertification shall be developed or approved by the department in cooperation with the Iowa Cooperative Extension Service in agriculture and home economics of Iowa State University of Science and Technology. The instructional course content shall be selected to cover the minimum standards outlined in paragraph “a” of this subrule and presented in two-hour blocks in three consecutive calendar years.

c. The instructional courses may be conducted by the department, Iowa State University Cooperative Extension Service or other persons interested in the application of pesticides as qualified under 45.52(2)“b.”

d. An instructional course offered by a college, university, industry association or other organization may be approved for continuing instruction credit provided the instructional course meets the minimum standards for certification specified in paragraph “a” of this subrule.

e. Courses for approved continuing instruction are not intended for the sale of products or services.

f. An approved instructional course shall designate the certification categories that are eligible for continuing instruction credit. A two-hour program may qualify for more than one certification category. No credit shall be approved for persons not certified in the corresponding categories.

45.52(2) Provider approval. Provider means the person, industry association or other organization providing continuing instructional courses for pesticide applicator recertification. No course for continuing instruction credit shall be approved unless the provider has first registered with the department.

a. Provider shall register with the department by providing the following information on forms as provided by the department:

(1) Name and address of provider or sponsoring organization.

(2) Name and telephone number of the contact person.

(3) Names and qualifications of instructors.

(4) Verification that provider has acquired adequate audiovisual or other necessary equipment and facilities conducive to a learning environment.

(5) Verification that all instructors are qualified as provided in these rules.

(6) Verification that a current authorized representative of the provider has completed a “train the trainer” course sponsored by the department in cooperation with Iowa State University Cooperative Extension Service.

b. Instructor qualifications. A qualified instructor shall meet the following minimum requirements:

(1) Be current, knowledgeable and skillful in the subject matter.

(2) As a minimum the equivalent of a four-year degree or experience in teaching in the specialized area within three years preceding the offering or one year of work experience in the specialized area within three years preceding the offering.

(3) Be knowledgeable of the current state and federal pesticide laws and regulations.

(4) Upon receipt of the required information and satisfactory verification that the provider and instructors have met the requirements as outlined in paragraphs “a” and “b” of this subrule, the department shall assign the provider a registration approval number for each qualified instructor.

c. A person who is the instructor of an approved continuing instructional course is entitled to the same credit as a participant completing the subject but may receive such credit only once in a calendar year, regardless of the number of times the person instructs the instructional course.

45.52(3) Course approval.

a. Any person, industry association or other organization intending to provide an instructional course for continuing instruction credit shall submit an application to the department for approval. Requests received later than 30 days prior to the date the instructional course is scheduled shall be disapproved.

b. The following information shall be furnished on the request for approval of a continuing instruction course:

- (1) Name and address of provider or sponsoring organization.
- (2) Name and telephone number of the contact person for the provider.
- (3) Course title.
- (4) Whether the course is new, a repeat course, or a revised course.
- (5) Course number, if course is repeat or revised.
- (6) Date(s) course shall be offered.
- (7) Location(s) where course shall be offered.
- (8) For a new or revised course, an outline of the course including a schedule of times when subjects shall be presented. The topics covered in the course shall be listed individually. Under each separate topic, a summary of the instruction given and the material covered must be included.
- (9) Names of instructors.
- (10) Number of credit hours requested.
- (11) Signature of the contact person.

c. Any material changes in the instructional course as submitted to the department on the request form and attachments shall automatically void the approval.

d. A copy of all course materials shall be provided upon request by the department.

e. A provider shall be notified indicating approval or disapproval. Approved courses shall be assigned a course number.

45.52(4) Certificate of completion.

a. The department shall adopt a standard certificate of completion form and provide the form to each registered provider. The form shall include the applicator's name, social security number, name of employer when applicable, course number, date and location of the course, the category or categories the course has been approved for and the signature of the course instructor.

b. Once a course is approved, the provider shall furnish a certificate of completion to each person who satisfactorily completes such a course. The certificate shall be signed by the course instructor. Providers shall also maintain a list of all persons who attend courses offered by them for continuing instruction for at least three years from the end of the year in which the courses are offered. The list shall identify each participant by name, address, social security number and employer when applicable.

45.52(5) Provider's responsibility.

a. A provider of an approved course is responsible for both the attendance of the participants and their attention. During the approved instructional course, if the provider finds that a participant is reading unrelated materials, sleeping, talking excessively with a neighbor or is otherwise disruptive or inattentive, the provider may refuse to grant the participant any credit for attendance.

b. A provider may require participants to preregister for an approved course. In the event a provider cancels an approved course, the provider shall notify each individual registered for the course in a timely manner but not less than three business days prior, except as specified, to the scheduled date of the course.

c. A provider who cancels a course which did not require participants to preregister shall notify prospective participants in a timely manner. Notification for cancellation may be accomplished by

a similar means of communication as the original notification of the course availability or any other generally accepted means of reaching the expected target participants.

d. Minimum lead time for participant notification of canceled courses shall be waived when courses are canceled because of emergency conditions such as extreme weather conditions, acts of God, military actions, or any other circumstance which is deemed to be an emergency condition. Providers shall attempt to notify prospective participants by public service announcements via radio or television broadcasts which may provide this service.

e. A provider shall notify the pesticide bureau of the department in a timely manner prior to the cancellation of an approved course. Initial notice of cancellation may be made by telephone; however, cancellations made by telephone shall be followed by written verification.

f. Provider records. The provider shall maintain a list of all persons who attend courses offered by them for continuing instruction credit for at least three years from the end of the year in which the courses are offered. The record system shall provide for secure storage and retrieval of individual attendance and information regarding each instructional course offering. The provider's record of continuing instruction credits granted shall be available within two weeks upon request from individual participants or from the department.

g. If the provider is not the instructor, the provider shall inform the instructor of the instructor's responsibilities as provided in this subrule.

45.52(6) Enforcement—providers.

a. The department may, upon finding any one or more of the following, revoke or suspend a provider's registration after an opportunity for hearing:

- (1) Advertising that a course is approved, prior to approval;
 - (2) Presenting material not approved as provided in subrule 45.52(1) during the time of an approved course;
 - (3) Failing to present a course for the total time period specified in the request form submitted to the department;
 - (4) Distributing certificates of completion before the course has been completed;
 - (5) Refusing to issue certificates of completion to any participant who satisfactorily completes an approved course, except when 45.52(5) "a" applies;
 - (6) Failing to notify course registrants of a cancellation pursuant to 45.52(5) "b" and 45.52(5) "c";
- or
- (7) Utilizing instructors who are not qualified as provided in these rules.

b. The department may suspend or revoke a provider's registration after notice and opportunity for hearing pursuant to 21—Chapter 2, Iowa Administrative Code.

c. In addition, the department may require any one or more of the following upon a finding of a violation of paragraph "a" of this subrule.

- (1) Upon receipt of an application to reregister, provide evidence that all violations have been cured;
- (2) Withdraw the possibility of course approvals of courses sponsored by such provider for a set period of time or indefinitely; or
- (3) Any other disciplinary action permitted by statute.

This rule is intended to implement Iowa Code Supplement section 206.5.