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TO: Advisory Committee on Pesticides

FROM: Greg Takeshima
Pesticides Program Manager

SUBJECT: Proposed Amendments to Section 4-66, Hawaii Administrative Rules (HAR)

PROCEDURAL BACKGROUND:

Hawaii Administrative Rules (HAR) chapter 4-66 was last updated in 2019 due to the implementation of Act 45 of the twenty-ninth legislative session. In 2019 and 2020, the Pesticides Branch was required to update the State's Certification Plan by the United States Environmental Protection Agency (U.S. EPA). To obtain approval, the Pesticides Branch updated the Certification Plan to mirror requirements set forth in the Code of Federal Regulation (CFR). The included submittal provides for changes and amendments to specific language related to the Certification Plan and updated civil and criminal penalties from Act 220 of the thirty-second legislative session.

Background:

Administrative rules for any part of government should be updated intermittently to ensure government programs function efficiently and effectively. HAR chapter 4-66 was last updated on August 23, 2019 after the passing of Act 45 of the twenty-ninth legislative session in July 2018. Two events necessitated the update of HAR 4-66; the Pesticides Branch received approval for the State Certification Plan from the U.S. EPA on Nov. 28, 2022, and Act 220 of the thirty-second legislative session was passed on July 5, 2023.

The approved State Certification Plan requires replacing instances of "shall" to "must" to clarify what is required, not recommended, and match the language more widely used in federal law. Amendments to the certification plan of restricted use pesticides (RUP) applicators are necessary to comply with the EPA approved state plan. EPA approval of the state certification plan allows for the use of one set of rules need to be followed to comply with both the state and the federal government.



Fines for violations of Hawaii Revised Statutes (“HRS”) Chapter 149A have not increased for 23 years for commercial pesticide applicators and nearly 50 years for private pesticide applicators. Updates to the maximum civil and criminal penalties will reduce repeat violators and provide a more substantial deterrent for violating HRS Chapter 149A.

AUTHORITY:

Pursuant to HRS section 149A-51(c), “The committee shall advise and assist the department in developing or revising laws and rules to carry out and effectuate the purposes of this chapter and in advising the department in pesticides problems.”

RECOMMENDATION:

It is respectfully requested that the Advisory Committee on Pesticides recommends to the Board of Agriculture: (1) that all incorporations of and references in HAR chapter 4-66 to provisions in the Code of Federal Regulations (a) be amended and updated to the current revised versions and (b) be updated in Appendices B and C; (2) the adoption of updated Appendices A and B, and the new Appendix C; and (3) the following changes, amendments, deletions, and additions of HAR Chapter 4-66:

(Material to be deleted is bracketed and struck through. New material is underscored.)

1. 4-66 table of contents, page 66-4: “§4-66-66.1 Enforcement action and penalty assessment schedule; collection of penalties”
2. 4-66-4(a), page 66-11: “Appendix B, 40 CFR part 156 [~~(2017)~~] (2023), adopted _____, is appended at the end of this chapter.”
3. 4-66-39(a)(2), page 66-28: “A new product registered [~~shall~~] must be accompanied, at the time of use, by labeling meeting all applicable criteria of sections 4-66-4 to 4-66-31. New product labeling [~~shall~~] must also contain a statement identifying "For distribution and use only within the State of Hawaii" and the assigned special local need number.”
4. 4-66-39(a)(3), page 66-28: “For a registration of an additional use of a federally registered product, labeling from the federally registered product [~~shall~~] must be accompanied at the time of use by supplemental labeling that contains: ...”
5. 4-66-39(b), page 66-29: “All products registered by the head [~~shall~~] must meet all appropriate federal packaging standards as well as all appropriate standards for coloration established and contained in section 4-66-42.1. ...”
6. 4-66-53(a), page 66-41: “Dealers permitted to sell or distribute restricted use pesticides [~~shall~~] must keep a record of each sale, distribution, delivery, theft, spill, or any other activity affecting the amount of restricted use pesticides, pesticides requiring an annual permit pursuant to section 4-66-63.1, and special permit to apply restricted use pesticides by aerial application pursuant to section 4-66-64. These records [~~shall~~] must be kept at each sales outlet on forms or through other media approved by the head.”
7. 4-66-53(b), page 66-41: “Records [~~shall~~] must show the name and address of purchaser, a description of the activity affecting the amount of restricted use pesticide or pesticide

requiring an annual permit or special permit, date of sale or other activity affecting the inventory amount, identity of the formulation or brand sold and quantity (including product name and EPA registration number and any applicable emergency exemption or special local need registration number), and for sales of restricted use pesticides, the applicator's certification number, certification category and certification expiration date, intended use and the name or initials of the employee making the sale or record entry.”

8. 4-66-53(c), page 66-41: “A copy of the permitted sales outlet's records as specified in this section shall be submitted to the head within fifteen calendar days after the end of each calendar month for which the record is being kept. A copy [~~shall~~] must be kept at the permitted sales outlet where the sales were made for a period of [~~one year~~] two years.”
9. 4-66-56(b)(1), page 66-44, add new subparagraph (D): “(D) Seed treatment. For persons using or supervising the use of restricted use pesticides other than by fumigation on seeds in seed treatment facilities.”
10. 4-66-56(b)(11), page 66-47: “Category 11, chemigation pest control. For persons using or supervising the use of restricted use pesticides other than by fumigation applied through an irrigation system. Certification in this category requires concurrent certification in category 1(A), 2, 3, or 10.”
11. 4-66-56(c)(3), page 66-48: “Category 3, chemigation. For persons conducting agricultural pest control other than by fumigation, with pesticides applied through irrigation systems. Certification in this category requires concurrent certification in category 1, general agricultural pest control.”
12. 4-66-57(a), page 66-48; “Applicants for certification [~~shall~~] must be at least eighteen years of age and shall possess a history of honesty, truthfulness, financial integrity and fair dealing. Such personal history shall be based on information obtained intra-departmentally, interdepartmentally, and/or through publicly available records;”
13. 4-66-57(c), pages 66-48 to -49: “(c) The department shall ensure that examinations meet the following standards:
 - (1) Examinations [~~shall~~] must be presented and answered in writing;
 - (2) Examinations [~~shall~~] must be proctored by an individual designated by the department;
 - (3) At the time of examination, each person seeking certification [~~shall~~] must present a valid, government-issued photo identification or other similarly reliable form of identification as proof of identity and age;
 - (4) Each person seeking certification [~~shall~~] must be given instruction on examination procedure before beginning the examination;
 - (5) Examinations [~~shall~~] must be kept secure before, during, and after the examination period. No portion of the examination or associated reference materials may be copied or retained by any person other than persons authorized by the department;
 - (6) There [~~shall~~] must be no verbal or non-verbal communication with anyone other than the proctor during the examination period;
 - (7) Only reference materials approved by the department may be used during the examination; and
 - (8) In addition to the written examination the department may employ additional methods for determining applicator competency.”

14. 4-66-57(d), pages 66-49 to -52: “Applicants [~~shall~~] must demonstrate practical knowledge of the principles and practices of pest control. The knowledge [~~shall~~] must include the following areas:

(1) Label and labeling comprehension. Familiarity with pesticide labels and labeling; an understanding of label function, format and terminology; an understanding of instructions, warnings, symbols, and other common labeling requirements; an understanding that it is a violation of federal and State law to use any pesticide in a manner inconsistent with its labeling; an understanding that certification is required in the certification category appropriate to the type and site of the application; an understanding of labeling requirements for supervising non-certified applicators working under the direct supervision of a certified applicator; an understanding of labeling requirements that a certified applicator must be physically present at the site of the application; an understanding of the meaning of product classification as either general or restricted use and that a product may be unclassified; understanding and complying with product-specific notification requirements; and recognizing the difference between mandatory and advisory labeling language;” ...

...(7) Application methods. Practical knowledge and understanding of selecting the appropriate application method; an understanding of methods used to apply various forms and formulations of pesticides; knowledge of which application method to use in a given situation and that use of a fumigant or aerial application, or other special category pesticide requires additional certification; ...

...(9) Responsibilities of supervisors of non-certified applicators. Practical knowledge of applicable Federal and State supervisory requirements, including any requirements on the product label and labeling, regarding the use of restricted use pesticides by non-certified applicators. ...”

15. 4-66-58, page 66-52 to -59: “**§4-66-58 Specific standards for certification of applicators.** In addition to satisfying the requirements of section 4-66-57, applicants for certification [~~shall~~] must demonstrate through written examinations practical knowledge of the principles and practices of pest control and proper and effective use of restricted use pesticides for each particular category or subcategory of certification applied for, as follows:

(a) Commercial applicators

(1) Category 1, agricultural pest control, which includes the following subcategories:

(A) Crop pest control applicators [~~shall~~] must demonstrate practical knowledge of the crops, grasslands, and non-crop agricultural lands and the specific pests on those areas on which the applicator may be using restricted use pesticides. Applicators in this category [~~shall~~] must demonstrate operational knowledge concerning soil and water problems, pre-harvest intervals, restricted entry intervals, phytotoxicity, potential for environmental contamination, non-target injury and other problems resulting from the use of restricted use pesticides in agricultural areas. The required knowledge includes the potential for phytotoxicity due to a wide variety of plants to be protected, for drift, for persistence beyond the intended period of pest control, and for non-target exposures;

(B) Animal pest control applicators [~~shall~~] must demonstrate practical knowledge of such animals and the animals' associated pests. The required knowledge includes specific pesticide toxicity and residue potential, and the hazards associated with factors such as formulation, application techniques, age of animals, stress and extent of treatment; and

(C) Soil and non-soil fumigant pest control applicators ~~[shall]~~ must demonstrate practical knowledge of the pest problems and pest control practices associated with performing fumigation applications, including label and labeling comprehension, worker protection measures, restricted entry periods, recordkeeping requirements, and safety measures to minimize adverse health effects. Applicators ~~[shall]~~ must also demonstrate an understanding of how applicators and bystanders can be exposed to fumigants, signs and symptoms of exposure to fumigants, first aid procedures, emergency preparedness, the ability to calculate buffer zones, air concentrations of fumigant, and preparation of site-specific fumigant management plans and post-application summaries; soil and non-soil fumigant pest control applicators must demonstrate practical knowledge of the pest problems and pest control practices associated with performing soil fumigant applications and fumigation applications to sites other than soil as specified in 40 CFR section 171.103(d)(13) and (14) (2023).

(D) Seed treatment applicators must demonstrate practical knowledge including recognizing types of seeds to be treated, the effects of carriers and surface active agents on pesticide binding and germination, the hazards associated with handling, sorting and mixing, and misuse of treated seed, the importance of proper application techniques to avoid harm to non-target organisms, and the proper disposal of unused treated seeds.

(2) Category 2, forest pest control applicators ~~[shall]~~ must demonstrate practical knowledge of the types of forests, forest nurseries, seed production and pest involved. The required knowledge ~~[shall]~~ must include the cyclic occurrence of certain pests, population dynamics as a basis for programming pesticide applications, the relevant organisms causing harm and the organisms' vulnerability to the pesticides to be applied, how to determine when pesticide use is proper, selection of application method, proper use of application equipment to minimize non-target exposures, and appropriate responses to meteorological factors and adjacent land use. The applicator ~~[shall]~~ must demonstrate an understanding of the potential for phytotoxicity due to a wide variety of plants to be protected, for drift, for persistence beyond the intended period of pest control, and for non-target exposures. Because forest stands frequently include watersheds, aquatic situations, and harbor wildlife, the applicator ~~[shall]~~ must demonstrate knowledge of pest control methods that will minimize the possibility of secondary problems such as surface or ground water contamination and unintended effects on wildlife;

(3) Category 3, ornamental and turf pest control applicators demonstrate practical knowledge of pesticide problems associated with the production and maintenance of ornamental trees, shrubs, flowers, groundcover, and turf, including knowledge of potential phytotoxicity due to the wide variety of plants to be protected, for drift, for persistence beyond the intended period of pest control, and for non-target exposures. Because of the frequent proximity of human habitations to application activities, applicators in this category ~~[shall]~~ must also demonstrate practical knowledge of application methods that will minimize or prevent hazards to humans, pets, and other domestic animals;

(4) Category 4, aerial pest control applicators ~~[shall]~~ must demonstrate practical knowledge of pest problems and pest control practices associated with performing aerial

application of restricted use pesticides as specified in 40 CFR section 171.103(d)(15) (2023). Applicators [shall] must also demonstrate the ability to read and understand labeling requirements specific to aerial applications, how to choose, operate and maintain aerial application equipment, knowledge of factors to consider before and during aerial application such as weather conditions, wind velocity, and how to minimize drift, demonstrate competency in performing an aerial pesticide application, and knowledge of restricted use pesticide recordkeeping requirements;

(5) Category 5, aquatic pest control applicators [shall] must demonstrate practical knowledge of the characteristics of various aquatic use situations, and the potential for adverse effects on non-target plants, fish, birds, beneficial insects and other organisms in the immediate aquatic environment and downstream. Applicators [shall] must also demonstrate the principles of limited area applications;

(6) Category 6, right-of-way pest control applicators [shall] must demonstrate practical knowledge of the types of environments (terrestrial and aquatic) traversed by rights-of-way, recognition of target pests, and techniques to minimize non-target exposure, runoff, drift, and excessive foliage destruction. Right-of-way pest control applicators [shall] must also demonstrate knowledge of the potential for phytotoxicity due to a wide variety of plants and pests to be controlled, and for persistence beyond the intended period of pest control. Applicators doing right-of-way work [shall] must demonstrate knowledge of application equipment, containment of the pesticide within the right-of-way area, and drift control methods and procedures;

(7) Category 7, industrial, institutional, and structural pest control applicators [shall] must demonstrate a practical knowledge of industrial, institutional, and structural pests, including recognizing those pests and signs of the pest's presence, habitats, life cycles, biology, and behavior as it may be relevant to problem identification and control. Applicators [shall] must demonstrate practical knowledge of types of formulations appropriate for control of industrial, institutional and structural pests, and methods of application that avoid contamination of food, minimize damage to and contamination of areas treated, minimize acute and chronic exposure of people and pets, and minimize environmental impacts of outdoor application. Applicators in this category [shall] must also demonstrate knowledge of the pesticide labeling of the products typically used in the applicator's operations, including hazards to the environment, emergency procedures, application methods, disposal, and pertinent laws, rules, and regulations; Applicators in subcategories using or supervising the use of fumigant restricted use pesticides must demonstrate practical knowledge of the pest problems and pest control practices associated with fumigation applications to sites other than soil as specified in 40 CFR section 171.103(d)(14) (2023);

(8) Category 8, public health pest control applicators [shall] must demonstrate practical knowledge of pests that are important vectors of disease, including recognizing the pests and signs of the pests' presence, habitats, life cycles, biology and behavior as it may be relevant to problem identification and control. The required knowledge also includes how to minimize damage to and contamination of areas treated, acute and chronic exposure of people and pets, and non-target exposures. Applicators [shall] must demonstrate competency in nonchemical control methods such as sanitation, waste

disposal, and drainage. Applicators ~~[shall]~~ must also demonstrate knowledge of hazards to the environment, emergency procedures, application methods, disposal, and pertinent laws, rules, and regulations;

(9) Category 9, regulatory pest control applicators ~~[shall]~~ must demonstrate practical knowledge of regulated pests, applicable laws relating to quarantine and other regulation of regulated pests, and the potential impact on the environment of restricted use pesticides used in suppression and eradication programs. Applicators ~~[shall]~~ must demonstrate knowledge of factors influencing introduction, spread, and population dynamics of regulated pests;

(10) Category 10, demonstration, research, and instructional pest control applicators ~~[shall]~~ must demonstrate practical knowledge of the potential problems, pests, and population levels reasonable expected to occur in a demonstration situation and the effects of restricted use pesticides on target and non-target organisms. Applicators ~~[shall]~~ must also demonstrate competency in each pest control category applicable to the applicator's demonstration. For purposes of demonstrating proper use of a particular pesticide product, out-of-state technical representatives visiting or working in the State for thirty days or less per year need not be certified in this category if certified in an equivalent category by a jurisdiction authorized by the EPA to issue certifications. The out-of-state technical representative shall present his or her certification credentials to the head for an equivalency determination prior to applying any restricted use pesticides in the State; and

(11) Category 11, chemigation pest control applicators ~~[shall]~~ must demonstrate practical knowledge of labeling requirements specific to chemigation, how to choose, operate and maintain application equipment, the use of metering devices, strategies and equipment for backflow prevention, and procedures for irrigation system assessment for the distribution consistency of water, or chemicals, or both.

(b) Private applicators

(1) Category 1, general agricultural pest control applicators ~~[shall]~~ must demonstrate practical knowledge of agricultural commodities grown in the State and the specific pests relevant to these commodities. Applicators in this category ~~[shall]~~ must demonstrate practical knowledge of how to avoid contamination of ground and surface waters, demonstrate an understanding of preharvest intervals, restricted entry intervals, and entry restricted periods and areas. The applicator ~~[shall]~~ must also demonstrate a practical understanding of phytotoxicity, specific pesticide toxicity, and residue potential when pesticides are applied to animal or animal product agricultural commodities, and the relative hazards associated with using pesticides on animals or places in which animals are confined based on formulation, application technique, age of animal, stress, and extent of treatment. General agricultural pest control applicators ~~[shall]~~ must demonstrate a complete understanding of the Worker Protection Standard, part 170 of title 40, Code of Federal Regulations [~~(2018)~~ 2023];

(2) Category 2, agricultural pest control fumigant applicators ~~[shall]~~ must demonstrate practical knowledge of pest problems and pest control practices associated with soil and non-soil fumigant applications. Applicators in this category ~~[shall]~~ must demonstrate knowledge of label and labeling comprehension, safety measures to

minimize adverse health effects, characteristics of soil and non-soil fumigants, selecting appropriate application methods and timing, factors that influence fumigant activity, worker protection measures, personal protective equipment and how to use it properly, restricted entry periods, posting requirements, recordkeeping requirements, an understanding of how applicators and bystanders can be exposed to fumigants.

Applicators [~~shall~~] must also demonstrate knowledge of signs and symptoms of exposure to fumigants, first aid procedures, emergency preparedness, the ability to calculate buffer zones, air concentrations of fumigant, and preparation of site-specific fumigant management plans and post-application summaries[;]. Agricultural pest control fumigant applicators must demonstrate practical knowledge of the pest problems and pest control practices associated with performing soil fumigant applications and fumigation applications to sites other than soil as specified in 40 CFR section 171.105(d) and (e) (2023); and

(3) Category 3, agricultural chemigation pest control applicators [~~shall~~] must demonstrate practical knowledge of labeling requirements specific to chemigation, how to choose, operate and maintain application equipment, the use of metering devices, strategies and equipment for backflow prevention, and procedures for irrigation system assessment for distribution consistency of water, or chemicals, or both. Applicators in this category [~~shall~~] must also demonstrate a complete understanding of the Worker Protection Standard, title 40, part 170, Code of Federal Regulations (2018).

(c) Any certified commercial pesticide applicator or certified private pesticide applicator who fails to cooperate with an inspection conducted by the department pursuant to section 149A-36, Hawaii Revised Statutes, may be denied issuance or renewal of certification, or may have certification suspended or revoked.

(d) Any certified commercial pesticide applicator or certified private pesticide applicator who misuses a pesticide, is criminally convicted under section 14(b) of FIFRA, or receives a final order imposing a civil penalty under section 14(a) of FIFRA may be denied issuance or renewal of certification, or may have certification suspended or revoked.”

16. 4-66-60(a)(1), page 66-60: “For initial certification of commercial applicators and renewal of commercial applicator certificates, the applicant [~~shall~~] must be at least eighteen years of age. Application shall be made on forms prescribed by the head. Forms are available at the department or on-line at <https://hdoa.hawaii.gov>. The completed form shall be submitted to the department, with the appropriate fee. Once the form is received by the department, and the appropriate fee has been paid, the applicant will be scheduled for examination. To gain entrance to the testing facility, an applicant [~~shall~~] must present a valid, government-issued photo identification or other similarly reliable form of identification as proof of identity and age. ...”

17. 4-66-60(a)(4)(A), page 66-62: “...(C) Soil and Non-soil Fumigant Pest Control. 30*
(D) Seed Treatment..... 20 ...”

18. 4-66-60(b)(1), pages 66-62 to -63: “For initial certification of private applicators and renewal of private applicator certificates, the applicant [~~shall~~] must be at least eighteen years of age. Application shall be on forms prescribed by the head. Forms are available at the department or on-line at <https://hdoa.hawaii.gov>. The completed form shall be submitted to the

department, with the appropriate fee. Once the form is received by the department, and the appropriate fee has been paid, the applicant will be scheduled for examination. To gain entrance to the testing facility, an applicant ~~shall~~ must present a valid, government-issued photo identification or other similarly reliable form of identification as proof of identity and age. ...”

19. 44-66-60(b)(4), page 66-64: “Certification of private applicator under special circumstances. An applicant for private applicator certification who is unable to pass a written examination may request that the department provide certain testing accommodations. The head shall review requests for testing accommodation on a case-by-case basis. The applicant may be offered the opportunity for testing under special circumstances if the head finds the accommodation request is reasonable and will not result in public safety being compromised. All testing accommodations shall cover the general standards specified in section 4-66-57 and the specific standards specified in section 4-66-58(b). ...”
20. 4-66-61(b)(2), pages 66-67 to -68: “The certified applicator ~~shall~~ must give the non-certified applicator use-specific written instructions in a manner the non-certified applicator can understand. The use-specific instructions ~~shall~~ must include labeling directions, precautions, and requirements applicable to the site, method of application, and pesticide used. The use-specific instructions must also include how the characteristics of the use site (e.g., surface and ground water, endangered species, local population and the conditions of application (e.g., equipment, method of application, formulation) might increase or decrease the risk of adverse effects. The certified applicator must ensure that the non-certified applicator has been instructed within the last twelve months in the safe operation of any equipment the non-certified applicator will use for mixing, loading, transferring, or applying pesticides. The certified applicator ~~shall~~ must ensure that before each day of use equipment used for mixing, loading, transferring, or applying pesticides is in proper operating condition as intended by the manufacturer and can reasonably be used without risk of reasonably foreseeable adverse effects to by the non-certified applicator, other persons, or the environment. The certified applicator ~~shall~~ must ensure that the non-certified applicator has access to the applicable product labeling at all times during use, and if the labeling requires that personal protective equipment be worn, the certified applicator ~~shall~~ must ensure that the non-certified applicator has the appropriate clean personal protective equipment available and the equipment is used correctly for its intended purpose. The certified applicator ~~shall~~ must ensure that the means to immediately communicate with the certified applicator is available to each non-certified applicator. The certified applicator must be physically present at the site of the use being supervised when required by the product labeling.”
21. 4-66-61(4), page 66-68: “The non-certified applicator ~~shall~~ must ~~[meet the minimum age requirement to use or apply restricted use pesticides under the supervision of a certified applicator]~~ be at least eighteen years of age. The non-certified applicator ~~shall~~ must also meet any other non-certified applicator ~~[qualification]~~ requirements specified in title 40, ~~[part 171.201]~~ Code of Federal Regulations ~~[-(2018)]~~ section 171.201 (2023).”
22. 4-66-62(a), page 66-69: “Certified pesticide applicators ~~shall~~ must keep records of all restricted use pesticide applications at the applicator's principal place of business.”

23. 4-66-62(b), page 66-69: “These records must be kept for a period of two years and [~~shall~~] must be made available for inspection and copying by the head during reasonable working hours.”
24. 4-66-62(c), page 66-69: “Recordkeeping information [~~shall~~] must include:
 - (1) Brand or common name of pesticide product applied;
 - (2) EPA registration number;
 - (3) Type of formulation;
 - (4) Per cent active ingredient;
 - (5) Scientific or common name of target pest;
 - (6) Dilution rate;
 - (7) Total amount of pesticide used;
 - (8) Total area covered;
 - (9) Time and date of application;
 - (10) Address or location of treated site;
 - (11) Name of certified applicator and his or her certification number;
 - (12) Crop, commodity, stored product or other site;
 - (13) Restricted entry interval and whether posting and oral notification are required;
[~~and~~]
 - (14) Records required under 40 Code of Federal Regulations section 171.201(e) (2023); and
 - (15) Any other information the head deems necessary.”
25. 4-66-62(e), page 66-70: “Commercial applicators [~~shall~~] must retain a copy of the written record furnished to the agricultural employer in compliance with subsection (d). These records must be kept for a period of two years and [~~shall~~] must be made available for inspection and copying by the head during reasonable working hours.”
26. 4-66-62(h), page 66-71: “(h) Certified pesticide applicators [~~shall~~] must create or verify the existence of records documenting that each non-certified applicator who mixes, loads, transfers, or applies restricted use pesticides has the qualifications required under section 4-66-61(4). The records must include the information required under 40 Code of Federal Regulations section 171.201(e) (2023).”
27. 4-66-62(i), page 66-71: “[~~Failure~~] Falsification of any records required to be maintained by certified pesticide applicators or any other failure to comply with the recordkeeping requirements may result in certification revocation and subject the certified pesticide applicator to additional penalties as provided by law.”
28. 4-66-66.1, heading, page 66-77: “**Enforcement action and penalty assessment schedule; collection of penalties.**”
29. 4-66-66.1(a), page 66-77: “In proposing enforcement actions, the department may use the “Appendix A, enforcement action and penalty assessment schedule” dated _____, which is appended at the end of this chapter and made a part of this section by reference.”
30. 4-66-66.1, page 66-77, add a new subsection (d): “(d) In case of inability to collect the administrative penalty or failure to pay all or any portion of the administrative penalty, the head may refer the matter to the department of the attorney general, who shall recover the amount by action in the appropriate court.”
31. 4-66 Appendix A: See attached revised enforcement action and penalty assessment schedule.

32. 4-66 Appendix B: See attached revised appendix for CFR provisions incorporated into HAR chapter 4-66.
33. 4-66 Appendix C: See attached new appendix for CFR provisions referenced in HAR chapter 4-66.