

by an approved seminar or an approved examination, or both if required by the board, at least every third year.

4. Any person who fails an examination may retake such examination after three or more days.
5. All commercial or public applicators must be certified in proper category of application.
6. All dealers must be certified in the proper category of the labels.
7. If the pesticide is labeled for more than one target pest, the dealer only needs to be certified in one of the categories.

60-03-01-05.2.Private applicator certification.

1. A private applicator certification shall be issued in accordance with North Dakota Century Code section 4-35-14 only to those persons who:
 - a. Are eighteen years of age or older;
 - b. Complete an application on forms and in the manner required by the board or its designee; and
 - c. Demonstrate competence in the application of pesticides.
2. The board designates the North Dakota state university extension service to provide training, administer testing, and issue certification to competent private applicators. An individual seeking certification as a private applicator may demonstrate competence by:
 - a. Attending an approved educational seminar, signing of a certificate of attendance, and passing a written examination administered by the board or its designee;
 - b. Completing a course of self-instruction and passing a written examination administered by the board or its designee; or
 - c. Passing the dealer, public applicator, or commercial applicator certification examination and submitting the passing grade to the board or its designee.
3. Persons purchasing, storing, or applying restricted use grain fumigants must be commercially trained and must pass a fumigation examination. At the option of the applicant upon successfully passing the examination, the certificate issued will be for either private or commercial application of restricted use fumigants. The fee for the private and commercial certification will be set by the North Dakota state university extension service.

4. Every private applicator shall be recertified by attending an approved seminar or by taking an approved examination at least every third year. A certified private applicator must be recertified by attending an approved seminar or by taking an approved examination, or both if required by the board, at least every third year.
5. Any person who fails an examination may retake such examination after three or more days. No more than three examinations may be given before requiring attendance at another initial training course.

60-03-01-05.3.Pesticide certification examination - Cheating.

1. An individual who seeks certification under section 60-03-01-05.1 or 60-03-01-05.2 may not, while taking a written examination, give or receive information or assistance to or from any other person, utilize the assistance of any electronic device capable of storing data, or consult any written materials unless expressly authorized in advance by the board or its designee. The written examination and any other writings made during the examination period must be provided to the board or its designee at the end of the examination period.
2. Cheating by an applicant in applying for or taking the examination may result in the invalidating of examination grades, expulsion from the examination room, disqualification from taking the examination for a specified period of time, and other penalties the board may impose. When the board believes that cheating has occurred, the applicant or certified individual must be given notice and an opportunity to be heard pursuant to North Dakota Century Code chapter 28-32 before imposing any penalties.

60-03-01-05.4.Certification denial.

1. The board, or its designee, may refuse to issue a pesticide certification, including an applicant for reciprocal certification under North Dakota Century Code section 4-35-18, to an individual who has had that individual's certification suspended or revoked in the past three years in any state or province.
2. The board, or its designee, may require an additional demonstration of applicator qualification if the applicator has had a license suspended or revoked or has otherwise had a history of pesticide violations.

60-03-01-06.Pesticide mixing, loading, and application - Storage Transportation - Disposal.

1. Mixing, loading, and application.
 - a. All pesticides shall be used in accordance with the label.
 - b. Pesticide applications shall be made in a manner that prevents off-target discharges of pesticides.