

**Any person desiring to operate under the 60-day provision, or his or her employer, shall fill out an application form requesting a temporary exemption for applying pesticides.**

**An application form shall be filled out and submitted to NDA within 10 days of the first pesticide use** which requires an applicator's license. The name and certification number of the supervising pesticide applicator shall be provided on the application form.

The 60-day term begins on the date of the first pesticide application made under the exemption. The term runs for a period of 60 consecutive days. The exemption is provided as a once-in-a-lifetime opportunity for one person to work under another person's license.

An approval letter will be sent to the non-certified applicator that must be carried by the applicator in lieu of a license.

## Forms

**60-Day Verification of Training** forms can be found online at [nda.nebraska.gov/pesticide/training\\_verification.pdf](http://nda.nebraska.gov/pesticide/training_verification.pdf)

**Application forms** for the 60-Day exemption from licensing can be found online at [nda.nebraska.gov/forms/89.pdf](http://nda.nebraska.gov/forms/89.pdf)

## Training Expectation

It is expected that persons operating under a 60-day exemption will acquire the training materials provided from the University of Nebraska Cooperative Extension Service and complete the examinations required to become fully certified in the pest control categories in which they desire to apply pesticides.

**To order study materials or register for training** online go to: [pested.unl.edu](http://pested.unl.edu)

**Commercial and non-commercial applicators** must complete and pass (70%) a General Standards exam and a category-specific exam for each category in which they desire to become certified. A schedule of exam dates and locations is available online at: [nda.nebraska.gov/pesticide/applicator\\_testing.html](http://nda.nebraska.gov/pesticide/applicator_testing.html)

A list of the **category descriptions** can be found online at [nda.nebraska.gov/pesticide/categories.pdf](http://nda.nebraska.gov/pesticide/categories.pdf)

Please contact NDA if you have any other questions about pesticide applicator licensing in Nebraska.

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# The 60-Day Rule

## Temporary Exemption from Licensing

Answers to common questions  
about the 60-day exemption from  
pesticide applicator licensing in Nebraska.

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DEPARTMENT OF AGRICULTURE

## The 60-Day Rule

The Nebraska Department of Agriculture (NDA) administers the Nebraska Pesticide Act ('the Act'), which regulates the use of pesticides in the state.

According to the Act, 'an individual who applies restricted-use pesticides to the land of another person for hire or compensation shall apply to NDA for a commercial applicator license issued for the categories and subcategories in which the pesticide application is to be made.' Commercial applicator licenses are also required for persons applying general-use pesticides to the land of another person for hire or compensation in the Ornamental and Turf (04) and Structural/Health (08) categories. Additionally, certification is required for individuals conducting outdoor vector control applications which fall under the Public Health (09) category.

A special provision to this requirement, called '**the 60-day rule**' allows an individual to commercially apply pesticides without being certified. This is of great benefit to employers who desire to put new employees to work while commercial or non-commercial certification and licensing is being pursued. This special provision is allowed **only in situations where a supervising certified pesticide applicator assumes the responsibilities of training and providing a safe work environment for the noncertified applicator.**

The 60-day provision is viewed as a training/mentoring period. The two basic requirements of the 60-day provision are:

- The noncertified applicator agrees to work under the direct supervision of a certified applicator; and
- There is a certified pesticide applicator who will assume the responsibility of providing direct supervision (with documentation) to the noncertified applicator.

Under this provision, 'both the certified and noncertified applicators shall be responsible for the acts of the noncertified applicator and each shall be subject to all penalties and violations under the Act.'

## Granting Temporary Exemption

NDA will grant a temporary exemption to a pesticide applicator as long as the following conditions are met:

### 1. The person requesting a 60-day exemption from NDA will work 'under the direct supervision of a certified pesticide applicator.'

*The person must be at least 18 years of age and have never possessed a private, commercial, or non-commercial license.*

*The 60-day exemption allows a person to perform most of the duties of a certified applicator; however, only when under the direct supervision of a certified applicator. The noncertified applicator is not permitted to operate 'on their own' until they acquire their own pesticide applicator's license.*

### 2. A person with a current, valid pesticide applicator's certificate assumes the responsibilities to provide 'direct supervision' which means they provide such training and supervision as is necessary to:

- A. Determine the level of experience and knowledge of the non-certified applicator in the use of a pesticide.

*This means that, for each pesticide product and/or application technique, the supervising applicator must assess the noncertified applicator's knowledge and skills.*

- B. Provide verifiable, detailed guidance on how to conduct each individual pesticide use performed under his or her direct supervision.

*Documentation shall include a written outline of training or set of instructions*

*that adequately informs the noncertified applicator about the basic responsibilities of his or her duties. Training is to include equipment calibration, PPE, and label directions for use.*

- C. Accompany the noncertified applicator to at least one site which would be typical of each type of pesticide use that the noncertified applicator performs.

*This is where on-the-job training comes together with the direct supervision required of the supervising certified applicator, assuring that the noncertified applicator truly understands the pesticide application training provided to that point.*

- D. Be able to be physically on the site, should the need arise, where the pesticide use or storage is taking place within a reasonable period of time.

*It is expected that the supervising applicator is available 'ON CALL' and is available to step into any work situation, such as an emergency, when the need arises.*

- E. Be accessible to provide further instructions at all times during the non-certified applicator's use of the pesticide.

*After the training is completed and the supervising applicator is assured the noncertified applicator can satisfactorily perform the work, the supervising applicator does not need to be physically present at each site where the noncertified applicator is working. The noncertified applicator must be able to contact the supervisor by phone or two-way radio. Use of text or voicemail will not be deemed adequate contact.*