TITLE 21 AGRICULTURE AND RANCHING
CHAPTER 17 PEST, DISEASE, AND WEED CONTROL
PART 53 CONTINUING EDUCATION UNITS FOR PESTICIDE APPLICATORS

21.17.53.1 ISSUING AGENCY: New Mexico State University, New Mexico Department of Agriculture
[21.17.53.1 NMAC – Rp, 21.17.53.1 NMAC, 04/01/2027]
[MSC 3189, Box 30005, Las Cruces, New-Mexico 88003-8005, Telephone No. (575) 646-3007]

21.17.53.2 SCOPE: This rule shall apply to all persons certified to use restricted-use pesticides -- commercial applicators, private applicators, public applicators and non-commercial applicators.
[21.17.53.2 NMAC – Rp, 21.17.53.2 NMAC, 04/01/2027]

21.17.53.3 STATUTORY AUTHORITY: Granted to the board of regents of New Mexico state university under the New Mexico Pesticide Control Act, Chapter 76, Article 4, Sections 1 through 39, NMSA 1978 Compilation.
[21.17.53.3 NMAC – Rp, 21.17.53.3 NMAC, 04/01/2027]

21.17.53.4 DURATION: Permanent.
[21.17.53.4 NMAC – Rp, 21.17.53.4 NMAC, 04/01/2027]

21.17.53.5 EFFECTIVE DATE: April 01, 2027, unless a different date is cited at the end of a section or paragraph.
[21.17.53.5 NMAC – Rp, 21.17.53.5 NMAC, 04/01/2027]

21.17.53.6 OBJECTIVE: The objective of Part 53 of Chapter 17 is to establish the mechanism for granting continuing education units for the recertification of private, commercial, non-commercial and public pesticide applicators.
[21.17.53.6 NMAC – Rp, 21.17.53.6 NMAC, 04/01/2027]

21.17.53.7 DEFINITIONS:

A. "Continuing education unit" (CEU) means a credit granted for the attendance and successful completion of an approved training or educational workshop or seminar held for the certification or recertification of private, commercial, non-commercial or public pesticide applicators, and pest management consultants with the 7D category on their license.

B. "Certification period" means:

(1) the one year period following the year of issuance of a commercial, public, non-commercial applicator, or pest management consultant license;

(2) the five year period following the year of issuance of a private applicator license.

C. "Recertification training" means workshops, seminars, classes or similar educational forums with instruction on pesticide use approved by the New Mexico department of agriculture (NMDA);

D. "Core education" means training in basic safety, principles of integrated pest management, information on best management practices, and other similar topics as approved by NMDA.
[21.17.53.7 NMAC – Rp, 21.17.53.7 NMAC, 04/01/2027]

21.17.53.8 RECERTIFICATION: The requirements contained in this section are the minimum required for recertification.

A. All commercial applicators, non-commercial applicators, public applicators, public pest management consultants, and pest management consultants (with a 7D Category) shall be recertified annually following the initial issuance of their license. Applicators and consultants shall recertify by one of the following methods:

(1) Complete the original certification requirements by passing each required examination with a score of seventy percent or above: or

(2) Participate in approved continuing education courses to accumulate a minimum of four CEUs during the license year, to consist of one CEU in laws and rules, one CEU in Core education topics, and two CEUs in each category covered by their certification, other than Categories 7D, 9, and 10. Applicators certified in category 7D must comply with requirements listed in 21.17.51.8 NMAC. Applicators certified in Categories 9 or 10 will be recertified in those categories provided they earn the required CEUs in the other categories covered by their certifications.

(3) Consultants, public or private, with a 7D category – participate in approved continuing education courses to accumulate a minimum of four CEUs during the license year in the category 7D as specified in 21.17.51.8 NMAC.

B. All operators shall be recertified annually following the issuance of their license. Operators shall recertify by one of the following methods:

(1) Complete the original certification requirements by passing each required examination with a score of seventy percent or above; or

(2) Participate in approved continuing education courses to accumulate a minimum of three CEUs during the license year, to consist of one CEU in laws and rules and two CEUs in Core education topics and/or category groups. Wood destroying pest operators must participate in a minimum of four CEUs in the wood destroying pests category to maintain that certification as listed in 21.17.51.8 NMAC.

C. All private applicators shall be recertified every five years following the issuance of their license. Private applicators shall recertify by one of the following methods:

(1) Complete the original certification requirements by passing each required examination with a score of seventy percent or above; or

(2) Participate in approved certification education courses to accumulate a minimum of five CEUs during the license period of five years, to consist of two CEUs in laws and rules and three CEUs in Core education topics or category groups related to agricultural pest control.

D. Maximum CEUs: Applicators who earn 10 or more CEUs including one in laws and rules, one in Core education, and eight or more in certification categories will be eligible for certification in all their categories except 7D (Termite and other wood-destroying pests), 11A (Soil fumigation), 11B (Structural fumigation), and 12B (Predator control).

[21.17.53.8 NMAC – Rp, 21.17.53,8 NMAC, 04/01/2027]

21.17.53.9 APPROVAL OF RECERTIFICATION TRAINING: NMDA shall have final and sole authority in the awarding of CEUs for any approved educational program. CEUs shall be awarded only for core educational topics including safe, effective use of pesticides and the state and federal laws and rules governing pesticide use.

A. Persons seeking approval of educational programs for CEUs shall submit to NMDA for review, at least 15 days prior to the beginning date for the program, information on the program including a copy of the program complete with topics, copies of any handouts or other materials to be used in the program, detailed description of each topic for which CEUs are sought, the length of the presentation per topic, names and qualifications of speakers, and other information required by the director.

B. Persons sponsoring an approved educational program shall allow at least two NMDA employees to attend and monitor the program without payment of any registration fee.

C. Persons sponsoring recertification training shall complete and return to NMDA a copy of the meeting attendance roster no later than 10 days from the last day of the program.

D. One CEU shall be awarded for each hour of approved instruction or training.

E. One CEU shall be the smallest unit awarded.

F. Educational programs that fail to cover the topics submitted for recertification credit shall be subject to revocation of any awarded CEUs.

[21.17.53.9 NMAC – Rp, 21.17.53.9 NMAC, 04/01/2027]

21.17.53.10 CATEGORY GROUPS FOR RECERTIFICATION: CEUs for recertification of categories shall be grouped. NMDA shall make the final determination, based on sponsors' descriptions of recertification training, as to what category or category group any approved educational program shall apply.

A. Category groups include:

(1) Agricultural CEU group: Categories 1A, 1B, 1C, 2, 6B, PRAP

(2) Ornamental and turf CEU group: Categories 3A, 3B, 2, 6B

(3) Structural CEU group: Categories 7A, 7B

B. CEUs for recertification of the following categories shall not be grouped:

(1) 1D – Aerial application,

(2) 4 – Seed treatment,

(3) 5 – Aquatic pests and weeds,

(4) 6A – Industrial wood preservation,

(5) 7D – Termite and other wood-destroying pests,

(6) 8 – Public health pests,

(7) 11A – Soil fumigation,

(8) 11B – Structural fumigation,

(9) 11C – Rodent burrow fumigation,

(10) 12A – Wildlife pests,

(11) 12B – Predator control, and

(12) 13 – Other limited use.

C. Applicators may request a variance from the director in the event that limited training was available for a specific category during the license year. The request shall be made in writing within 30 days after the license expiration date.

[21.17.53.10 NMAC – Rp, 21.17.53.10 NMAC, 04/01/2027]

21.17.53.11 AWARDING CONTINUING EDUCATION UNITS:

A. One CEU shall be awarded for each hour of approved instruction or training, except for the following.

(1) One CEU shall be the maximum awarded for any approved product sales meeting.

(2) One CEU shall be the maximum awarded for any approved in-house training program.

B. One hour of instruction or training shall be equal to at least 45 minutes of contact time.

C. One CEU shall be the smallest unit awarded.

D. CEUs shall be awarded only for topics relating to the safe effective use of pesticides and the laws and rules governing pesticide use.

E. Persons seeking approval of programs for CEUs shall submit, at least 15 days prior to the beginning date for the meeting, a copy of the program including: 1) topics; 2) short description of each topic; 3) length of presentation per topic; and 4) speakers.

F. Persons seeking approval of programs for CEUs shall allow at least two NMDA employees to attend any training program for purposes of monitoring the training without payment of any registration fee.

G. Persons awarded approval for CEUs for an approved program shall complete and return to NMDA a copy of the meeting attendance roster.

H. Attendance rosters must be submitted to NMDA no later than 10 days from the last day of the training workshop or seminar.

I. NMDA may accept CEUs from state or federal agencies on submittal of acceptable documentation.

[21.17.53.11 NMAC – Rp, 21.17.53.11 NMAC, 04/01/2027]

HISTORY OF 21.17.53 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

NMDA Rule 92-2, Continuing Education Units for Certified Applicators, filed 12/29/1992.

History of Repealed Material: [RESERVED]

Other History:

21.17.53 NMAC - Continuing Education Units for Pesticide Applicators, filed 12/01/1996, was repealed and replaced by 21.17.53 NMAC - Continuing Education Units for Pesticide Applicators, effective 04/01/2027.