

DRAFT – STRAWMAN RULE FOR DISCUSSION – DRAFT

TITLE 4	AGRICULTURE
PART 1	TEXAS DEPARTMENT OF AGRICULTURE
CHAPTER 7	PESTICIDES
SUBCHAPTER H	STRUCTURAL PEST CONTROL SERVICE
DIVISION 2	LICENSES
RULE §7.136	Criteria and Evaluation of Technician/Noncommercial Certified Applicator Training

(a) The Department must evaluate and approve Technician/Noncommercial Certified Applicator Training course programs. The course must be a minimum of six (6) hours and separate from other required apprentice or continuing education training. Each Technician/Noncommercial Certified Applicator Training Course submitted for approval must contain the following:

(1) a copy of handout materials, if any, which will be distributed to participants during the course;

(2) inclusive length of time of the course stated in hours and minutes;

(3) date, time, and physical address of [the presentation or the link to join a live webinar if presented online](#); or if unknown, [an](#) agreement to provide two (2) weeks' notice of each date of presentation;

(4) a detailed course outline which indicating the scope of the course and learning objectives (the course outline should follow the topics covered in the most recent Texas Pesticide Applicator General manual developed by Texas A&M AgriLife Extension);

[\(5\) a course examination for participants that accurately reflects the subject matter of the course content;](#)

~~(5)~~(6) the course provider's name, physical address, telephone number, email (if available), and company, organization or institution of higher learning affiliation; and

~~(6)~~(7) additional information as requested.

(b) Parts of courses which focus on promotion of products, policies, or procedures of a company, will not be considered as part of approved instruction time.

(c) Any person seeking approval of Technician/Noncommercial Certified Applicator Training course must submit the required information at least thirty (30) days prior to the first day of presentation. The Department may waive this requirement due to extenuating circumstances.

(d) The Department shall evaluate and recommend approval or denial within thirty (30) days from the date received.

(e) The course provider is responsible for establishing [the following](#) procedures for [a course presented at a physical location without a live webinar component](#):

(1) verification of completion, including accurately recording participant attendance throughout the stated class length;

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- (2) awarding course completion certificates;
- (3) testing to verify a participant's comprehension of the subject matter presented;
- (4) the qualifications, competence, and performance of the authors, speakers, presenters, or instructors who produce or present its courses, and

(5) ~~preparation and administration of a self-study course examination~~ Verifying participants comprehension of the subject matter presented by administering an exam. Time used to administer the examination is not included in the minimum six hour course requirement.

(f) The course provider is responsible for establishing the following procedures for a course presented via live webinar:

(1) verification of attendance and test score for each participant throughout the stated class duration by one of the following:

(A) use of a web camera visibly showing the participant throughout the course; or

(B) querying each participant, no less than four (4) times on the course content through the course. Such queries may be pop quizzes, yes or no related questions or other such similar knowledge checks made to each participant.

(2) verifying participants comprehension of the subject matter presented by administering an exam;

(3) awarding course completion certificates.

~~(f)~~(g) The minimum requirements to qualify as a speaker, course presenter, self-study course provider are:

(1) a degree from a recognized institution of higher learning which pertains to the course being taught;

(2) five (5) years' experience as an applicator certified by the Department with a current license in the category to be taught;

(3) verifiable proof of training and teaching experience within the preceding three (3) years; or

(4) a combination of education, work related training, and teaching experience which would be equivalent to two (2) of the three (3) speaker qualification requirements, as determined by the Department.

~~(g)~~(h) The Technician/Noncommercial Certified Applicator Training course provider must issue a certificate within twenty-one (21) days of the course to each participant completing the course. This document must include at least the following information:

(1) participant's name;

(2) apprentice registration number, if applicable, or driver's license number or state issued ID number;

(3) name of course provider, company, or organization;

(4) course title (Technician Training Course/Noncommercial Certified Applicator Training Course) and number; and

(5) date and location of training.

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~~(h)~~(i) The course provider must maintain course completion records for two (2) calendar years after the calendar year in which the course was given and a list of participants must be forwarded to the Department within twenty-one (21) days of completion of the training course. The list must include the name of the course provider, the course title, course number, name of participant, and apprentice registration number, if applicable.

~~(i)~~(j) The course will be approved for a maximum of two (2) years.

~~(j)~~(k) The Department may re-evaluate or cancel a currently approved training course during the calendar year for failure to comply with the elements of the requirements of this section.

~~(k)~~(l) Course providers who falsify information on course certificates provided to participants are subject to penalties, including and up to denial of Department approval for future courses.