

Certification Policy: Residency Requirements for Reciprocal Applicators

Introduction

According to the Nebraska Pesticide Act, “residents of the State of Nebraska are not eligible for reciprocal certification.” This language creates confusion about how to deal with an applicator who may already hold a current reciprocal license with Nebraska prior to moving into the state. That leads to the questions whether the applicator should be required to take our exams and obtain an original license, or maintain his/her current reciprocal license until its expiration. If we take that one step further, should we require reciprocal applicators to present photo identification to verify their residency in another state prior to issuing them a reciprocal license with Nebraska? The intent of this policy is to clear up these issues and provide a consistent framework for administering the Act as it pertains to reciprocal applicator licensing.

Policy

1. Pesticide applicators who have obtained a reciprocal license with Nebraska prior to moving to Nebraska, can apply restricted use pesticides under that license until it expires. The basis for this comes from the determination that the NDA has already expressed its confidence in the certification program of the reciprocating state for the period of time stated on the applicator’s license. Also, there are a multitude of legal issues to consider if we were to revoke a reciprocal license prior to its expiration date. It does not seem prudent to initiate a legal hearing process to revoke or cancel an applicator’s license just because he/she decided to move to Nebraska, especially if no violations of the Act have been committed.
2. Applicators applying for reciprocity with Nebraska will be required to submit a copy of a government issued identification card. This requirement seeks to provide a reliable method for determining where an applicator declares his/her state of residence is or has been. Frequently, applicators will list their address as the address of the businesses they are working for. However, due to the way the Act is written, we must be certain that they are not actually residents of Nebraska prior to issuing a reciprocal license. Also, requesting government issued identification is one of the proposed requirements in the new certification rule proposed by the EPA. If the applicator cannot submit an identification card, the Department will allow him or her to submit other documentation proving residency which is deemed by the Department to be reliable.
3. Applicators who have moved to Nebraska and hold a current pesticide applicator license with another state, but not a reciprocal license with the NDA do not qualify for reciprocal certification.

Conclusion

This policy is intended to clarify requirements and does not materially change how reciprocal licensing is executed in Nebraska. The policy clarifies that a current reciprocal license holder, who moves to Nebraska, may continue applying pesticides until the expiration of the reciprocal license, at which time he/she must apply for an original Nebraska license. The policy adds that an applicant for a reciprocal license must prove his or her residency is outside of Nebraska, which in most circumstances will be done by the submission of a government issued identification card. The Certification Specialist or Program Manager will be responsible for verifying residency prior to issuing a reciprocal license.