

**WHO IS REQUIRED TO BE LICENSED?**

K.S.A. 2-2440(a) & (d)

Pesticide businesses who advertise, offer for sale, sell or perform any service for the control of a pest or apply a pesticide on the property of another for compensation are required to obtain a Kansas Pesticide Business License. Only the following are exempted:

- A. Any person or their employee who applies pesticides on or at premises they own, lease or operate
- B. Veterinarians or physicians making pesticide applications as part of their professional services
- C. Governmental agencies

**HOW TO OBTAIN A PESTICIDE BUSINESS LICENSE**

K.S.A. 2-2440(b), 2-2440b

1. Submit a completed and signed application
2. The owner or one or more employees of the business must be a certified commercial applicator in each category for which the license application is made
3. Submit one of the following forms of proof of financial responsibility: surety bond, certificate of liability insurance, letter of credit or escrow account
4. Pay the required fees  
License application: \$140 per category  
Uncertified Applicator: \$15 per uncertified individual employed to apply pesticides  
Registered Technician: \$40 less \$15 uncertified applicator fee, if previously paid  
(Only for subcategories 3A, 3B, 3C, 7A, 7E)
5. Kansas corporations are required to be registered with the Secretary of State and must be in good standing with that office before a business license can be issued

**CATEGORIES OF BUSINESS LICENSING (1-7)**

K.S.A. 2-2444a, K.A.R. 4-13-3

1. **Agricultural Pest Control** – in the production of agricultural crops and animals
2. **Forest Pest Control** – in forest, forest nurseries and forest seed producing areas
3. **Ornamental, Turf Pest Control and Interior Landscape** – to control pests in the maintenance and production of ornamental trees, shrubs, flowers and turf
4. **Seed Treatment** – pesticide applied to seeds
5. **Aquatic Pest Control** – purposefully applied to standing or running water
6. **Right-of-Way Pest Control** – maintenance of public roads, powerlines, railways
7. **Industrial, Institutional, Structural and Health Related Pest Control** – in, on or around food handling establishments, human dwellings, institutions such as schools and hospitals, industrial establishments including warehouses, grain elevators, food processing plants, and any other structures and adjacent areas, public or private, and for the protection of stored, processed, or manufactured products

For information regarding sewer root control, air duct cleaning or antimicrobials; contact the Pesticide Program at 785-564-6689.

**PROOF OF FINANCIAL RESPONSIBILITY**

K.S.A. 2-2448

Select **one** of the following four choices for proof of financial responsibility. Proof of financial responsibility must be issued in the exact name as on the pesticide business license. Guidelines will accompany the forms provided by the Kansas Department of Agriculture.

**SURETY BOND** Must be in an amount of at least \$6,000 and must be executed on a form supplied by the Kansas Department of Agriculture (Form KPL-420).

**INSURANCE CERTIFICATE** Must be executed on a form approved by the Kansas Department of Agriculture. Insurance must cover damages caused by any pesticides used in business activities. It must not be less than \$25,000 for bodily injury liability for each occurrence and not less than \$5,000 for property damage liability for each occurrence.

**LETTER OF CREDIT** A letter of credit must be in an amount of at least \$6,000 and must be issued by a Kansas bank, savings and loan association, savings bank or credit union.

**ESCROW ACCOUNT** The account must be in the amount of at least \$6,000 and must be maintained in a federally insured Kansas bank, savings and loan association, savings bank or credit union. Applicant must submit acceptable evidence of the account.

**COMPLETING THE BUSINESS LICENSE APPLICATION FORM KPL-400**

K.A.R. 4-13-2

1. Furnish all information requested on the application form.
2. Print or type, where requested to do so.
3. Indicate the category(ies) in which you are applying for a license
4. Supply the Kansas certification number for each commercial certified applicator you list on the application.
5. Aerial applicators must include the aircraft “N” number, make and model.
6. Complete the signature portion with: handwritten signature, printed or typed name of the signer below the signature; title of signer and the date the application was signed.
7. Submit appropriate fees. Make check or money order payable to “Kansas Department of Agriculture” or pay by credit card. [Credit card form](#) is available on the website.
8. Submit surety bond, certificate of liability insurance, letter of credit or escrow account.

**LICENSE EFFECTIVE PERIOD**

K.S.A. 2-2440(c)

Each business license expires on December 31 of the calendar year for which it was issued.

**LICENSE RENEWAL**

The pesticide business license may be renewed by meeting the same requirements as for a new license. Renewal materials are mailed to licensees by the Kansas Department of Agriculture.

**MARKING EQUIPMENT**

K.A.R. 4-13-6, 4-13-19

**CATEGORY 3 AND 7 VEHICLES** Pesticide businesses licensed in Categories 3 and 7 must mark any vehicle used in the application of pesticides, including any vehicle used in transporting pesticide application equipment to an application site. The business name or registered trade name and the pesticide business license number must be placed on each side of the vehicle, with letters and numbers not less than 1½ inches in height and in a color contrasting from that of the vehicle.

**AIRCRAFT – CATEGORY 1** Each pesticide business licensed in Category 1 which uses aircraft to apply pesticides must identify each aircraft with a decal furnished by the Kansas Department of Agriculture. Decals will not be issued until all licensing requirements are met and are not transferable. For fixed wing aircraft, the decal shall be affixed to and prominently displayed on the left rear portion of the cockpit or canopy or on the left rear portion of the fuselage near the rear of the cockpit or canopy. For rotorcraft, the decal must be affixed to and prominently displayed on the left side of the aircraft but not on the tail rotor.

## **REPORTS OF CHANGE IN ADDRESS, PERSONNEL OR AIRCRAFT**

K.S.A. 2-2440(b), K.A.R. 4-13-9

A pesticide business licensee is required to notify the Kansas Department of Agriculture (KDA), using a [Report of Change](#) form or in writing, within 30 days, of any change in business address, business name or of service personnel involved in the application of pesticides. The licensee must submit the \$15 fee required for each new uncertified individual employed to apply pesticides who worked for more than 10 days in a 30 day period or for 5 consecutive days.

Category 1 pesticide business licensees must also report information on:

1. Additional or replacement aircraft – decal will then be issued for this aircraft
2. Aircraft removed from service. The business may be relieved of responsibility under its license by removing or voiding the decal on an aircraft no longer used when this change is reported to KDA

## **WRITTEN STATEMENT OF SERVICES**

K.S.A. 2-2455, K.A.R. 4-13-4a

Statements of service must be given to customers. All licensees must keep records of all pesticide applications including both general and restricted use pesticides. Copies must be maintained for 3 years after the application of pesticides or completion of services and must be provided to a representative of KDA upon request. See [Requirements for Statements of Services](#).

## **ADDITIONAL REQUIREMENTS FOR BUSINESSES IN CATEGORIES 3 AND 7**

K.S.A. 2-2440a-c

Every pesticide business that applies pesticides for the control of wood-destroying (7A), structural (7E), ornamental (3A), turf (3B) or interior landscape (3C) pests is required by the Kansas Pesticide Law to have a registered technician training program. All uncertified applicators must be trained as registered technicians. See [Business Licensee Responsibilities for Registered Technician Training](#).

## **BULK PESTICIDE STORAGE AND CONTAINMENT**

K.A.R. 4-13-25, 4-13-25(a)-(l)

There are requirements for secondary containment if businesses or individuals store bulk pesticides. A bulk pesticide is any that is stored in a container larger than 55 gallons liquid measure or 100 pounds net dry weight. Secondary containment is required when the aggregate amount of bulk pesticides reaches the threshold of 1,000 gallons for liquid or 3,000 pounds for dry, in a 365 day period. Refer to K.A.R. 4-13-25 et seq. or [Pesticide Containment](#).

## **WORKER PROTECTION STANDARD (WPS)**

WPS requirements are applicable to all businesses who use pesticides to help produce agricultural plants on farms, woodlands, nurseries and greenhouses. These pesticide businesses must provide certain protections for their applicator employees including safety training, personal safety equipment and maintenance, decontamination supplies, and notification about pesticide use. The agricultural pesticide application business is required to exchange certain information with its customers before an application is made. See [WPS Commercial Applicator Responsibilities](#) and visit EPA at <http://www.epa.gov/agriculture/htc.html>.

## **SENSITIVE CROPS - DRIFTWATCH**

Commercial applicators planning to apply pesticides outdoors are advised to first check Driftwatch on the KDA website: [www.agriculture.ks.gov](http://www.agriculture.ks.gov) for the location of sensitive crops grown commercially near any application area. Crops such as cotton, grapes, tomatoes and nut trees are very sensitive to herbicide drift and volatilization especially from hormonal type pesticides like 2-4-D, dicamba, mecoprop and others. Producer contact information is provided on the web site with maps of the locations of sensitive crops. Applicators are responsible for problems that may occur when pesticides move off the intended application site.