



# The National Agricultural Law Center

[nationalaglawcenter.org](http://nationalaglawcenter.org) | [nataglaw@uark.edu](mailto:nataglaw@uark.edu) | [@nataglaw](https://twitter.com/nataglaw)

## States' Applicator Certification & Education Statutes & Regulations: *Nebraska*



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

A National Agricultural Law Center Research Publication  
States' Applicator Certification & Education Statutes &  
Regulations: Nebraska

NE Code § 46-1128  
NE Code § 46-1129  
NE Code § 46-1129.01  
195 NE Admin Rules and Regs ch 13

*The statutes and Constitution are current through the 2018 regular and special legislative sessions. The statutes are subject to changes by the Nebraska Legislative Council.*

**NE Code § 46-1128. Applicators of chemicals; training sessions; certificate; expiration.**

In order to insure that applicators of chemicals have sufficient scientific and practical knowledge in the use of chemigation, the director shall conduct training sessions directed toward thorough comprehension and knowledge of the safe use of chemigation or contract with the Cooperative Extension Service of the University of Nebraska to conduct such training sessions through its county extension agents and specialists in the state. If the department contracts for the training sessions, the Cooperative Extension Service shall be reimbursed for conducting the training sessions. The director shall issue a certificate acknowledging the satisfactory demonstration of competency to be determined by the director through the use of a written examination prepared and administered by the department. Each applicator's certificate, including such certificates issued prior to July 9, 1988, shall expire on January 1 of the fourth year after the date of issuance and shall be renewed upon the satisfactory completion of training and testing.

**NE Code § 46-1129. Training sessions; council; prescribe forms; adopt rules and regulations.**

The council shall prescribe the necessary forms and adopt and promulgate such rules and regulations as shall be necessary to carry out the provisions of section 46-1128 regarding the conducting of training sessions and the issuing of certificates.

**NE Code § 46-1129.01. Applicator's certificate; revocation; grounds.**

An applicator's certificate may be revoked by the department if the applicator:



- (1) Operates a chemigation system that is known to be defective or not in compliance with permit requirements;
- (2) Fails to report any actual or suspected accident resulting from the use of chemigation;
- (3) Operates or authorizes operation of a chemigation system without the necessary permit; or
- (4) Violates any of the provisions of the Nebraska Chemigation Act or standards, rules, and regulations adopted and promulgated pursuant to such act.

## **195 NE Admin Rules and Regs ch 13**

### **Chapter 13. CERTIFICATION AND REVOCATION PROCESS OF CHEMIGATION APPLICATORS**

**001** The Department shall conduct or contract with the University of Nebraska Cooperative Extension Service to conduct annual statewide training sessions in the safe use of chemigation. All chemigation applicators are required to attend a training session.

**002** The director shall issue a card entitled "Chemigation Applicator Certification" to those individuals who attend a training session and pass a written examination approved by the Department acknowledging his/her satisfactory competency in the use of chemigation.

**003** The Chemigation Applicator Certification, shall expire on January 1 of the fourth year after the date of issuance.

**004** The Chemigation Applicator Certification shall be renewed by attending a training session and passing a written examination approved by the Department.

**005** A Chemigation Applicator Certification may be revoked by the Department if the applicator:

**005.01** Operates a chemigation system that is known to be defective or not in compliance with permit requirements;

**005.02** Fails to report any actual or suspected chemigation accident to the district and the Department;

**005.03** Operates or authorizes operation of a chemigation system without the necessary permit; or



**005.04** Violates any of the provisions of the Nebraska Chemigation Act or subsequent regulations or standards.

**006** Any person who has a certification revoked shall be afforded an opportunity for a fair hearing as provided in Neb. Rev. Stat. §81-1507(2)(3). The hearing shall be held upon written application to the director within thirty days after receipt of the notice from the director of such revocation. On the basis of such hearing the director shall affirm, modify or revoke his or her previous determination. The hearing shall be considered conducted as a contested case subject to Title 115, Rules of Practice and Procedure

