

## ● GEORGIA PESTICIDE USE AND APPLICATION ACT OF 1976

*STATUTORY CITATION:* Ga. Code §§ 2-7-90 – 2-7-114

*RELATED REGULATIONS:* Ga. Comp. R. & Regs. Ch. 40-21

*GENERAL SUMMARY:* The Georgia Pesticide Use and Application Act establishes licensing requirements, recordkeeping standards, accident reporting responsibilities, and damage or injury complaint procedures, as a means of safeguarding the public against the potentially harmful effects of pesticides that are improperly used or applied.

### *SPECIFIC TERMS AND CONDITIONS*

**LICENSING** — No individual may purchase, use or supervise the use of any pesticide as a private or commercial applicator unless the individual is licensed by the state to do so, or is acting under the direct supervision of a person so licensed. Private applicators must attend training or pass a written examination before they can be certified. Similarly, issuance of a commercial applicator's license requires the applicant to demonstrate competency to apply pesticides safely, effectively and without any unreasonable adverse environmental effects, and to pay a five-year license fee. Persons who engage in the business of contracting for the application of pesticides must also be licensed, which requires (among other conditions) that they be bonded or insured or post a cash deposit to cover liability for damages as a result of their pesticide operations.

**EXEMPTION** — The pesticide applicator licensing provisions do not apply to any farmer applying pesticides classified for general use on the farmer's own land, or on neighboring land at the request of the neighboring farm operator.

**PROHIBITED ACTS** — No one may transport, store or dispose of any pesticide or pesticide container in such a manner as to cause injury to humans, vegetation, crops, livestock or wildlife. Operating faulty or unsafe equipment, operating in a faulty, careless or negligent manner, or refusing or neglecting to keep and maintain required records or to make required reports is also illegal and constitutes grounds for suspension or revocation of a pesticide applicator's license.

**RECORDKEEPING** — Licensed commercial pesticide applicators and licensed pesticide contractors must maintain records with respect to each pesticide application. Such records must be made available to the state enforcement agency on request.

**DAMAGE OR INJURY COMPLAINTS** — Any person claiming damage or injury from a pesticide application may file a written claim with the state agency, on a form provided by the agency. To be considered timely, the claim must be filed within 60 days after the damage or injury occurs. After investigation, and in the event the investigation discloses that the complaint has merit, the agency will make its findings available to the complainant.

### *SPECIAL NOTES OR ADVISORIES*

**EFFECT OF FEDERAL RULE CHANGES ON STATE APPLICATOR CERTIFICATION REQUIREMENTS** — Effective March 6, 2017, amendments to the U.S. Environmental Protection Agency's regulations governing the certification of pesticide applicators (*see entry, U.S. — Pesticides & Agricultural Chemicals — General Application Standards*) may require state pesticide regulatory agencies to strengthen their requirements for the certification of commercial and private applicators of restricted-use pesticides. In general, existing state rules approved by EPA before the effective date of the new federal regulations will remain in effect until March 6, 2020. If, however, the state agency submits an amended certification plan before that date, the existing state rules will remain in effect until EPA has reviewed and responded to the plan, but generally no longer than two more years.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Pesticide Program, Plant Industry Division, Georgia Department of Agriculture, Atlanta, Georgia 30334 (404-656-4958)*. The Department is responsible for examining and licensing pesticide applicators in the state, and for monitoring compliance of applicators with the statutory and administrative rules related to pesticide use and application. The Department must also investigate complaints of damages involving agricultural pesticides.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None*.