◉ PESTICIDE CONTROL LAWS

STATUTORY CITATION: Minn. Stat. §§ 18B.01 – 18B.39

RELATED REGULATIONS: Minn. Admin. R. 1505.0830 – 1505.2080

GENERAL SUMMARY: The state pesticide control laws regulate the sale and use of pesticide products in Minnesota, in part by (1) requiring the licensing of commercial and private applicators, (2) imposing bonding, insurance and recordkeeping requirements on commercial applicators, (3) defining certain prohibited uses of pesticides, and (4) establishing procedures for private requests for inspections related to pesticide applications.

SPECIFIC TERMS AND CONDITIONS

LICENSING AND CERTIFICATION — No one may use or supervise the use of any pesticide for hire without a commercial applicator's license issued by the state. Likewise, farm operators who use restricted-use pesticides in their own agricultural operations must be certified as private applicators, which generally requires that each applicant undergo prescribed training and receive subsequent instruction or information to assure continuing competency and ability to use restricted pesticides properly.

FINANCIAL RESPONSIBILITY — Prior to issuance or renewal of a commercial applicator's license, the applicant must post a performance bond or secure insurance, in either case establishing assets of at least $50,000 to cover liability for damages associated with the applicant's pesticide operations.

PROHIBITED USE OF PESTICIDES — No one may use, store, handle or dispose of a pesticide, pesticide container, or pesticide application equipment in a manner inconsistent with product labeling, in any way that could endanger humans or damage crops and animals, or in such a way as to adversely affect the environment. It is illegal to direct a pesticide on any property beyond the boundaries of the target site, to damage adjacent property as a result of a pesticide application, or to directly apply a pesticide on a human or expose a worker in an immediately adjacent open field.

SAFEGUARDS AT APPLICATION SITES — A person may not allow a pesticide or unrinsed pesticide container to be stored or to remain at any site without adequate safeguards to prevent the movement or escape of the material from the site.

POSTING — If a pesticide label prescribes a specific period of hours or days before it is safe for human re-entry into an area following treatment with the product, the person applying the pesticide must post warning signs in the field or other areas where the product has been applied, in accordance with label instructions and state regulations. Fields treated through irrigation systems must be posted throughout the period of treatment.

RECORDKEEPING AND REPORTING — Each licensed commercial applicator must maintain a record of all pesticide treatments, to include such items as the date and time of treatment, the material and dosage used, the number of units treated, the location of the target site, the wind velocity and temperature at the time and place of application, the name and address of the customer, and the name and address of the applicator.

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 — *Regulation, Inspection and Enforcement Division, Minnesota Department of Agriculture, St. Paul, Minnesota 55155 (651-201-6333).* The Department is responsible for licensing and certification of pesticide applicators in the state, and for monitoring their operations to ensure compliance with the statutory and regulatory provisions applicable to those activities. Agents of the Department have access at reasonable times to all places where pesticides are used, stored or disposed of, and may inspect such premises, observe the use and application of pesticides, and investigate complaints. The agency is authorized to issue written warnings, issue stop-use orders, and take other administrative measures to remedy violations of the pesticide control laws. The Department may request county attorneys or the state attorney general to bring civil action to stop any violation or threatened violation of the pesticide control laws. Violators are subject to both civil and criminal penalties.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*