

## ● MISSISSIPPI PESTICIDE APPLICATION LAW OF 1975

*STATUTORY CITATION:* Miss. Code §§ 69-23-101 – 69-23-135

*RELATED REGULATIONS:* 2 Miss. Admin. Code 1-3-09

*GENERAL SUMMARY:* The Mississippi Pesticide Application Law provides for the certification of applicators of restricted-use pesticides in the state, imposes certain operational restrictions and duties on pesticide applicators, and authorizes the state agriculture department to adopt additional regulatory controls over the use of pesticide products.

### *PROVISIONS APPLICABLE TO AGRICULTURE*

**CERTIFICATION AND LICENSING** — Except for aerial pesticide and herbicide applicators, who are licensed under separate statutory authority, it is illegal for anyone to use or apply restricted-use pesticides in Mississippi without having been certified or licensed under the Pesticide Application Law. As a condition for certification, commercial and private applicators must demonstrate, by written or oral examination, competency and knowledge with respect to the proper use of pesticides in the particular use category for which certification is sought.

**PROHIBITED ACTS** — Among other practices, it is unlawful for a licensed or unlicensed applicator (1) to operate in a faulty or negligent manner, (2) to knowingly operate faulty or unsafe equipment in such a manner as to cause damage to persons or property, (3) to refuse or neglect to keep required records or make required reports, or (4) to fail or refuse to comply with rules or orders issued by the state enforcement agency.

**RECORDKEEPING** — Except for private applicators and applicators licensed under separate authority, applicators certified under these provisions must keep complete and accurate records of all work performed and must retain such records for at least 2 years. At a minimum, each record must include the location where each pesticide was applied, the date of application, the name and amount of the chemical used, and the target pest involved.

### *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** — *Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce, Mississippi State, Mississippi 39762 (662-325-3390)*. In addition to its licensing function under the Pesticide Application Law, the Department may enter any public or private property at reasonable times to investigate a specific complaint of injury resulting from application of a restricted-use pesticide or to monitor compliance with the law and the associated regulations. The Department may suspend, revoke or refuse to renew the certification of any licensee or certificate-holder found to have violated these provisions, and may petition the courts to enjoin any such infraction. Violators are also subject to criminal prosecution.

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