

● PESTICIDE ACT

STATUTORY CITATION: Neb. Rev. Stat. §§ 2-2622 – 2-2659

RELATED REGULATIONS: 25 Neb. Admin. Code, Ch. 2

GENERAL SUMMARY: With the legislative aim of protecting human health and the environment, the Pesticide Act regulates the labeling, distribution, storage, transportation, use, application and disposal of pesticides.

SPECIFIC TERMS AND CONDITIONS

LICENSING AND CERTIFICATION OF APPLICATORS — No one may use a restricted-use pesticide in Nebraska unless the person is (1) licensed as a commercial applicator, non-commercial applicator or private applicator, and (2) authorized by the license to use the product for the proposed use. As a condition for a license, applicants must pass an examination corresponding to the license category for which they are applying, and covering competency- and safety-related topics including (1) pesticide labeling, (2) pesticide toxicity, exposure, symptoms, and precautions, (3) environmental risk, (4) pest identification, (5) equipment, (6) application techniques, (7) equipment calibration, and (8) pesticide application laws and regulations. Depending on the license category involved, applicators may also be required to undergo performance testing, to demonstrate competency in their respective category.

RECORDKEEPING — Private applicators must record information about each restricted-use pesticide application they perform, including such details as the brand and generic names of the product applied, the total amount of the product applied, and a map or written description of the area treated. Commercial applicators are also required to identify the specific pest or pests targeted by each application of a restricted-use pesticide, the start- and end-times, and the method of disposal of any unused product. Records must be retained for at least 3 years from the date of each application.

PROHIBITED ACTS — Among other violations, it is unlawful for anyone (1) to use a pesticide contrary to the Pesticide Act or to the product label, (2) to store or discard a pesticide or pesticide container in a manner that is likely to cause injury to humans, the environment, vegetation, crops, livestock, wildlife or pollinating insects, or (3) to fail to make and preserve required records. Penalties for violations range from \$1,000 to \$5,000.

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, Animal and Plant Health Protection, Nebraska Department of Agriculture, Lincoln, Nebraska 68509 (402-471-2351; toll-free 877-800-4080)*. The Department is responsible for licensing and certification of pesticide applicators in the state, and for enforcing their compliance with the Pesticide Act. Inspectors from the agency conduct routine inspections of pesticide dealers and applicators and must also investigate reports of pesticide misuse. A formal complaint can be submitted to the Department by telephone or in writing.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*