

## U.S.

### ● FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

*STATUTORY CITATION:* 7 USC §§ 136 – 136y

*RELATED REGULATIONS:* 40 CFR Parts 156 and 171

*GENERAL SUMMARY:* The Federal Insecticide, Fungicide, and Rodenticide Act (1) establishes standards for the registration and labeling of pesticide products, (2) requires the certification of commercial and private applicators of restricted-use pesticides, (3) imposes recordkeeping duties on certified commercial applicators, and (4) forbids applicators from engaging in certain prohibited acts. FIFRA gives the administering agency broad authority to prescribe regulations to implement and enforce the Act.

#### *SPECIFIC TERMS AND CONDITIONS*

**PESTICIDE LABELING** — Every pesticide product made, sold or used in the United States must be labeled in accordance with standards prescribed in the Act. Among other required information, the label must contain (1) a statement of ingredients, (2) a statement of the use classification (general, restricted, or both) under which the product is registered, (3) the name and address of the manufacturer or registrant, and (4) if the product contains any highly toxic substance, the skull-and-crossbones symbol, the word "Poison" in red letters, and a statement of practical treatment in case of poisoning.

**CERTIFICATION OF APPLICATORS** — Any individual who uses or supervises the use of a restricted-use pesticide must be certified to do so, either by the U.S. Environmental Protection Agency or by a state agency designated for that purpose under a federally approved plan for applicator certification. As described in brief below, each applicant for certification must demonstrate competency in the use and handling of pesticides.

**Commercial Applicators** — All commercial-class applicants (which include persons who, for compensation, use or supervise the use of restricted pesticides in the production of agricultural commodities) must receive a passing score on a written examination covering (1) pesticide labeling and labeling comprehension, (2) safety hazards and corresponding precautions and first-aid procedures, (3) the environmental consequences of the use and misuse of pesticides, (4) recognition and biology of pest organisms, (5) pesticide types and characteristics, (6) pesticide equipment, (7) application techniques, including prevention of drift, (8) pesticide laws and regulations, (9) the responsibilities of supervisors of non-certified applicators, and (10) professionalism in pesticide-related security and communication. Applicants seeking certification as commercial agricultural pest control applicators must, in addition, evidence practical knowledge of crops and the particular pests commonly associated with each crop, soil and water problems, pre-harvest application intervals, re-entry intervals, and the potential for environmental contamination, non-target injury, and community problems resulting from the use of pesticides in agricultural areas.

**Private Applicators** — Applicants for certification as private applicators (which include agricultural producers who use or supervise the use of restricted-use agricultural pesticides on their own property, or on another person's property if such services are not performed for hire) must demonstrate practical knowledge of agricultural pest control and the use of restricted pesticides. These competencies include (1) understanding product labels and labeling information, (2) common routes and symptoms of pesticide exposure, precautions for preventing pesticide injuries, and procedures for responding to pesticide accidents, (3) the potential environmental consequences of pesticide misuse, (4) identification and effective control of agricultural pests, (5) the characteristics of pesticides, (6) the types, use, maintenance and calibration of pesticide equipment, (7) application methods, (8) state and federal pesticide laws and regulations, (9) the responsibilities of supervisors of non-certified applicators, (10) stewardship in pesticide-related security and communication, and (11) knowledge of ag-specific pests, avoiding contamination of ground and surface water, and understanding of pre-harvest and restricted-entry intervals.

**RECORDKEEPING** — Every certified applicator of restricted-use pesticides is required to maintain true and accurate records of the use of restricted-use pesticides, including (1) the name and address of the person for whom the pesticide was applied, (2) the location of the pesticide application, (3) the target pest, (4) the specific crop and site to which the product was applied, (5) the date and time of application, (6) the trade name and EPA registration number of the pesticide applied, (7) the dosage used, and (8) the amount of product disposed of, method of disposal, date of disposal, and location of the disposal site. Commercial applicators must make such records available for inspection and copying by representatives of the enforcement agency for a period of at least 2 years from the date of the pesticide's use.

**PROHIBITED ACTS** — Among other unlawful activities, pesticide applicators in all classifications are forbidden from using any registered pesticide in a manner inconsistent with its labeling, failing or refusing to keep required records, making false records or reports, failing to comply with any restrictions in a duly issued certificate, or violating any provision of the Act or the regulations.

#### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** – Any state which has adopted adequate pesticide use laws and regulations, establishes and implements adequate procedures for their enforcement, and agrees to maintain records and make reports as required, may enter into a cooperative agreement with the federal government for the enforcement of pesticide use restrictions. Under terms of such an agreement and in accordance with an EPA-approved state plan, the state is regarded as having primary enforcement responsibility for pesticide use violations.

All states except Wyoming currently exercise primary enforcement responsibility for pesticide violations under the Federal Insecticide, Fungicide, and Rodenticide Act. For state enforcement agency identification and contact information, see the first entry under "*Pesticides & Agricultural Chemicals*" for each state.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** – *Office of Pesticide Programs, Office of Chemical Safety and Pollution Prevention, U.S. Environmental Protection Agency, Washington, D.C. 20460 (703-305-7090).* In those states which have not been granted primary enforcement responsibility, and in any other state where EPA finds that the cooperating state agency has failed to take warranted enforcement action, EPA may exercise its enforcement powers directly. EPA compliance personnel are authorized to investigate complaints of misuse of pesticide products and for such purposes may enter fields and other workplaces, interview workers and employers, and inspect and copy records. After notice and opportunity for a hearing, the agency may assess civil money penalties against commercial and private applicators found to have violated any provision of the Act. Criminal penalties are also prescribed.

## Alabama

### ● ALABAMA PESTICIDE ACT

*STATUTORY CITATION:* Ala. Code 1975 §§ 2-27-1 – 2-27-63

*RELATED REGULATIONS:* Ala. Admin. Code, Chs. 80-1-13 and 80-1-14

*GENERAL SUMMARY:* With the aim of preventing injury to health, property, crops, livestock and wildlife, either directly or through drift, Chapter 27 of the state agriculture statutes regulates the registration, sale, application and other use of pesticides in Alabama, and authorizes adoption of administrative regulations consistent with these purposes.

#### *SPECIFIC TERMS AND CONDITIONS*

**LICENSING OF APPLICATORS** — No one may engage in the application of pesticides for hire without obtaining an annual license from the state. Issuance of such a license is contingent upon satisfactory completion of a written examination covering the proper application of pesticides and the dangers involved and precautions to be taken in connection with their use. Applicants for a license must also post a surety bond or obtain liability insurance covering any damages caused by the administration of pesticides by the licensee.

**EQUIPMENT AND FACILITIES** — Licensed applicators are required to keep their pesticide application equipment properly calibrated and maintained in proper functional condition at all times. Licensees' storage, mixing and disposal facilities must be maintained in a manner so as not to cause injury or damage to people, animals or the environment.

**STORAGE OF PESTICIDES** — Licensed applicators must keep all pesticides in a clean, well ventilated, well lighted area which can be secured from entry by lock.

**AERIAL APPLICATION STANDARDS** — It is unlawful for anyone to dispense pesticides from an aircraft (1) under conditions that would allow the pesticide to drift outside the target area, result in over-spray, cause potential adverse effects to people or the environment, or (2) in a manner inconsistent with the product's label.

**RECORDKEEPING** — Persons licensed as custom applicators are required to keep a record of each pesticide application, including the name and address of the person for whom the treatment was performed, the location of the treated area, the name of the crop involved, the date of application, the name of the pesticide used, and other related information specified in the regulations.

**EXCEPTIONS** — This law does not apply to persons engaged in farming activities who use their own ground equipment or aircraft for the application of pesticides (unless they use such equipment for compensation and on property not owned or leased by them), nor does it apply to products used on lawns, trees or shrubs adjacent to homes or other buildings, or to chemicals used for the control of household pests.

#### *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 Management Section, Alabama Department of Agriculture and Industries, Montgomery, Alabama 36107 (334-240-7242)*. Representatives of the Department are authorized to enter public and private property for the purpose of inspecting aircraft and ground equipment used in the custom application of pesticides. Inspectors may also examine related books and records. The agency may refer cases of non-compliance to the state attorney general for appropriate legal action. Violations are treated as a misdemeanor, punishable by a fine, a jail sentence, or both.

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

## Alaska

### ● STATE ENVIRONMENTAL CONSERVATION LAWS (*PESTICIDE CONTROL*)

*STATUTORY CITATION:* Alaska Stat. § 46.03.320

*RELATED REGULATIONS:* Alaska Admin. Code Title 18, §§ 90.010 – 90.990

*GENERAL SUMMARY:* In order to help conserve, improve and protect the state's environment and natural resources, the state environmental conservation laws establish broad control over the registration, labeling, sale, transportation, handling and use of pesticides. In general, no one may apply any pesticide product in a manner which may endanger the health, welfare or property of another person, or which is likely to pollute the state's air, soil or water. Under statutory rulemaking authority, the state environmental conservation department has adopted standards of particular relevance to agricultural workers, as outlined below.

#### *SPECIFIC TERMS AND CONDITIONS*

**CERTIFICATION OF APPLICATORS** — No person may use a restricted-use pesticide unless the person is certified as a commercial or private applicator, or is under the direct supervision of such an applicator. To qualify for commercial certification, the applicant must attend an approved training session or complete an approved course, and must pass a state-administered written or oral examination covering such topics as pesticide labeling, pesticide hazards and safety, pesticide application equipment and techniques, and pesticide-related laws and regulations. Applicants for certification as a private applicator must pass a similar test, or, as an alternative, must successfully complete an approved training course.

**INSURANCE** — No one may engage in the commercial or contract spraying or application of an insecticide, herbicide or rodenticide without having liability insurance, in an amount not less than \$500,000 per individual for bodily injury and not less than \$300,000 per incident for property damage.

**APPLICATOR RECORDKEEPING** — Certified commercial and private agricultural applicators must make a record of each application of restricted-use pesticides. The record must include the product's name and registration number, the date of application, the location of the application, the amount used, the applicator's name and certification number, the crop the product was used on, and related data. Commercial, custom and contract applicators of general-use pesticides are subject to similar recordkeeping requirements.

**DRIFT CONTROL** — It is illegal to apply a pesticide in a manner that results in pesticide drift. Pesticides may not be applied when the wind speed exceeds (1) the maximum wind speed specified on the product label, or (2) seven miles per hour if there is no maximum speed specified on the label.

**PESTICIDE STORAGE AND DISPOSAL** — Pesticide applicators must comply with detailed regulatory requirements governing the storage and disposal of pesticides and pesticide containers.

#### *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 Control Program, Division of Environmental Health, Department of Environmental Conservation, Wasilla, Alaska 99654 (800-478-2577)*. Representatives of the Department may, at reasonable times and with the consent of the owner or occupier, enter premises to investigate actual or suspected violations of the pesticide rules established under state law. This agency is empowered to issue compliance orders and to pursue civil action in the state courts against violators who fail to comply with such orders.

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

## Arizona

### ● ARIZONA PESTICIDE CONTROL LAW

*STATUTORY CITATION:* Ariz. Rev. Stat. §§ 3-361 – 3-377

*RELATED REGULATIONS:* Ariz. Admin. Code §§ 3-3-101 – 3-3-506

*GENERAL SUMMARY:* Chapter 2, Article 6 of the state agricultural statutes broadly governs the sale, processing, storage, transportation, handling and application of pesticides in Arizona, and authorizes the agriculture department to adopt specific rules regulating pesticides.

*SPECIFIC TERMS AND CONDITIONS:* Under the rulemaking authority referred to above, the department has adopted standards relating to pesticide applicators and general use of pesticides, as outlined below.

**REGULATED GROWER PERMITS** — Commercial growers of agricultural commodities who buy pesticides or contract for the application of pesticides on their crops are prohibited from ordering, purchasing or receiving any pesticide unless they have a valid regulated grower permit issued by the state.

**APPLICATOR LICENSING** — No person may apply pesticides for hire without being licensed by the state as a custom applicator. Among other prerequisites, issuance of a license requires successful completion of an examination on the laws and rules relating to the application and use of pesticides, pesticide safety, calibration of equipment, and actual use of application equipment. Custom applicators must also have prescribed liability insurance.

**APPLICATOR CERTIFICATION** — Apart from testing and insurance requirements, custom applicators must also be certified as commercial applicators (or have someone employed who is a certified commercial applicator), which entails an examination on such matters as pesticide labeling, pesticide safety and toxicity, protective equipment and clothing, poisoning symptoms, and first aid. Likewise, agricultural producers who intend to apply restricted-use pesticides to their crops must pass a similar examination and meet other requirements for certification as private applicators.

**EQUIPMENT LICENSING** — Equipment used in the commercial application of pesticides must be licensed prior to use for that purpose. The license must be displayed in plain sight on the equipment and must be removed any time the license of the applicator in control of the equipment is suspended, revoked or not renewed.

**APPLICATOR RECORDKEEPING** — After each application of a restricted-use pesticide, private agricultural producers must complete an application record on a state-approved form, documenting such information as the applicator's name, the name of the crop and number of acres treated, the name of the product used, the application rate and total volume per acre, the wind speed and direction, the date and time of treatment, and the location of the field treated.

**PESTICIDE STORAGE AND DISPOSAL** — No one may dump, store or leave unattended any pesticide or pesticide container at any place or under any condition where it presents a hazard to persons, animals or property.

**GENERAL RESTRICTIONS ON PESTICIDE USE** — It is illegal for anyone to use or apply a pesticide in a manner inconsistent with the product's labeling. Growers are generally forbidden to allow any employee not wearing protective clothing required by a pesticide label, to enter any field treated with the product prior to expiration of the assigned re-entry period. Before applying pesticides, growers must ensure that all persons and livestock under their supervision or control have been removed from the area to be treated.

#### *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** – *Environmental Services Division, Arizona Department of Agriculture, Phoenix, Arizona 85007 (602-542-3578)*. This agency is authorized to conduct investigations, on complaint or on its own initiative, regarding violations of the pesticide control law. A copy of every such complaint filed with the agency must be forwarded by the agency to the state attorney general, who must be consulted before final disposition of each case to ensure that proper action is taken. Enforcement measures available to the agency include citation, suspension or revocation of the pesticide applicator's license, and civil money penalties. Violators may also be subject to criminal prosecution.

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

**PRIVATE CIVIL ACTION** — Anyone who is adversely affected may bring civil action in state court against a person alleged to be in violation of the pesticide control law or its regulations, or against the enforcement agency for alleged failure to perform any non-discretionary duty under the law. However, no private action may be undertaken before 60 days after the complainant has filed a complaint with the agency and notified the alleged violator, or if within those 60 days the agency begins and diligently performs the duty which is the subject of the complaint, nor may private civil action be taken if the attorney general is diligently prosecuting the case before the agency or in state court.

## Arkansas

### ● ARKANSAS PESTICIDE USE AND APPLICATION ACT

*STATUTORY CITATION:* Ark. Code §§ 20-20-201 – 20-20-207

*RELATED REGULATIONS:* State Plant Board Circular 14

*GENERAL SUMMARY:* The Arkansas Pesticide Use and Application Act regulates the distribution, use and application of pesticides, to prevent unreasonable adverse effects on people and the environment. The state administering agency is authorized to adopt regulations covering licensing of pesticide applicators, storage and disposal of pesticides and pesticide containers, reporting of pesticide accidents, and related issues.

#### *SPECIFIC TERMS AND CONDITIONS*

**APPLICATOR LICENSING** — It is illegal for anyone to engage in the business of applying pesticides on someone else's property without having a valid commercial applicator's license issued by the state. Among other conditions, a commercial license may not be issued until the applicant passes an examination demonstrating knowledge of pesticides and pesticide application practices. Similarly, no agricultural producer may apply any restricted-use pesticide to his or her own crops without being licensed as a private applicator and being certified as competent to use the intended product safely.

**AERIAL APPLICATOR LICENSING** — It is unlawful to apply pesticides from an aircraft unless the pilot has a current valid license issued by the state. The license application must include the pilot's FAA commercial or private pilot's certificate number

**INSURANCE AND BONDING** — A commercial applicator's license may not be issued until the applicant furnishes evidence of liability insurance, bonding or other acceptable financial responsibility, in an amount not less than \$100,000.

**INSPECTION AND LICENSING OF EQUIPMENT** — Equipment used in the commercial application of pesticides must be identified in the applicator's license application. At the time the application is approved, the licensing agency must issue a decal for each such piece of equipment, and the decal must be attached to the equipment before the equipment may be used.

**PESTICIDE STORAGE AND DISPOSAL** — No one may store or dispose of any pesticide or pesticide container in a way that would cause injury to humans, crops, livestock or wildlife.

**SPECIAL RULES FOR USE OF CERTAIN HERBICIDES** — Individuals and firms that apply products containing 2,4-D, MCPA, Glyphosate, Dicamba or Quinclorac for hire (1) must follow special operating rules limiting when, where and the conditions under which the products may be applied, (2) are subject to special recordkeeping requirements, and (3) may be required to obtain additional insurance or other financial security. Private agricultural producers who use hormone-type herbicides are also subject to special permit, operating and recordkeeping requirements.

**REPORTING OF PESTICIDE ACCIDENTS** — A person claiming damages from a pesticide application must file a written statement with the state agency within 45 days after the damages occurred. Failure to file a report of the damage does not preclude taking legal action against any party believed responsible, but refusal by the claimant to allow the agency or the pesticide applicator involved to observe the damages automatically bars any claim against 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** – *Pesticide Division, Arkansas State Plant Board, Little Rock, Arkansas 72205 (501-225-1598).* The State Plant Board is responsible for licensing of pesticide applicators and for monitoring applicators' compliance with state pesticide regulations. The Board is authorized to investigate complaints of pesticide misuse and may, among other functions, hold hearings, subpoena witnesses, and enter public or private property to inspect fields, equipment, storage areas and records. Legal action against violators may be pursued in court either by the Plant Board itself or by local prosecuting attorneys. The Act prescribes both civil and criminal penalties for violations.

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

## California

### ● STATE PEST CONTROL LAWS

*STATUTORY CITATION:* Cal. Food & Agric. Code §§ 11401–12408

*RELATED REGULATIONS:* Cal. Code Regs. Title 3, §§ 6000–6972

*GENERAL SUMMARY:* Division 6 of the Food and Agricultural Code regulates the use and application of agricultural pesticides in California, in part by requiring state licensing of agricultural pesticide users and applicators, local registration of users and applicators, maintenance of pesticide application records, and compliance with specified use and application standards. Included, also, are procedures for reporting damage resulting from pest control operations.

#### *SPECIFIC TERMS AND CONDITIONS*

##### STATE LICENSING —

**Agricultural Pest Control Businesses** — It is unlawful for any person to engage in the business of pest control for agricultural purposes, for hire, unless the person has an agricultural pest control license issued by the state. Among other conditions on the license application, the applicant must designate a valid qualified applicator licensee responsible for the pest control activities conducted out of the principal office and from each branch location. All applicants for an agricultural pest control license must submit the appropriate application and fees.

**Qualified Applicator License** — The principal location and each branch location of a licensed pest control business must have at least one person in a supervisory position who holds a qualified applicator license in the category or categories of pest control activities supervised by that person. A qualified applicator license is issued after the applicant successfully passes a core examination covering pesticide use laws and regulations and related safety precautions, and at least one pest control category exam.

**FINANCIAL RESPONSIBILITY** — As a condition for licensing, agricultural pest control businesses are required to prove the ability to pay damages for any illness, injury or property damage resulting from their work. This requirement may be in the form of liability insurance covering bodily injury up to \$100,000 per person and \$300,000 per occurrence, and property damage up to \$100,000.

**REGISTRATION WITH COUNTY** — Agricultural pest control businesses may not operate in any county in California without first registering with the county agricultural commissioner. Issuance, maintenance and renewal of county registration is contingent on, among other requirements, the suitability of the registrant's pest control equipment, the competence of the registrant's applicators, and the registrant's compliance with state and county pesticide laws, regulations and orders.

**USE PERMITS** — With few exceptions, restricted-use pesticides may be purchased and used only by or under the supervision of a certified private or commercial applicator. Furthermore, before restricted-use pesticides may be used for agricultural purposes, the owner or operator of the land or crop involved must obtain from the county agricultural commissioner a restricted material permit, the issuance of which is contingent on submission of prescribed information regarding the target property, the surrounding area, the projected dates of application, and anticipated application problems.

**GENERAL STANDARDS OF CARE** — Among many other restrictions and requirements enumerated in the regulations, each person who performs pest control operations must use pest control equipment which is in good repair and safe to operate, apply pesticides under climatic conditions suitable to assure safe and proper application, and exercise reasonable precautions to avoid contamination of humans, animals, property and the environment. A copy of the registered label for the product being used must be available at each treatment site.

**RECORDKEEPING** — Every licensed pest control business is required to keep a record of each pest control operation. Among other data, the record must include the date of the treatment, the name of the owner or operator of the treated property, the location of the property, the crop treated, the total acreage or units treated, the target pest involved, the pesticide used, the equipment employed, and the name of each person performing the treatment.

**PESTICIDE USE REPORTS** — In general, within 7 days after each application, the holder of a restricted material use permit must make a report of the application to the county agricultural commissioner, on a prescribed form.

**PESTICIDE STORAGE AND DISPOSAL** — Pesticides, pesticide containers, and equipment that has held a pesticide may not be stored, emptied, disposed of or left unattended in any way or at any place where they could present a hazard to people, animals, food, feed, crops or property. In no case may a pesticide be placed or kept in any container of a type commonly used for food, beverages or household products. Areas where pesticides are stored must be plainly posted with prescribed warning signs.

**UNLAWFUL ACTS** — It is illegal for pesticide users and applicators (1) to operate in a faulty, careless or negligent manner, (2) to refuse or neglect to comply with any provision of the state pest control laws or the associated regulations and orders, (3) to refuse or neglect to keep required records and make required reports, and (4) to make false or fraudulent claims regarding pesticides or pesticide application methods, or apply any worthless or improper pesticide product.

**DAMAGE REPORTS** — Anyone who claims any damage or loss from an application of pesticides must, within 30 days from the time of occurrence, file a report with the agricultural commissioner in the county where the damage or loss is alleged to have occurred. Failure to file a report, while neither an offense nor a bar to civil action for recovery of damages, is deemed under the law as evidence that no loss or damage occurred.

#### *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.

**AGRICULTURAL PESTICIDE USE NEAR SCHOOLS** — In September 2016, the California Department of Pesticide Regulation

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proposed rules that would strengthen protections to children when agricultural pesticides are applied close to schools and child daycare facilities. According to DPR, the proposed rules would require growers to notify public K-12 schools, child daycare facilities, and county agricultural commissioners when certain pesticide applications are scheduled near a school site. In addition, certain pesticide applications near school sites would be prohibited at certain times. Once adopted, the rules are expected to take effect in September 2017.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** – *California Department of Pesticide Regulation, Sacramento, California 95814 (916-324-4100)*. This agency has charge of licensing pest control businesses and pesticide applicators in the state, and of ensuring their compliance with substantive pesticide use and application standards. The Department is authorized to order anyone to cease operation of any pest control equipment or facility that is found unsafe or otherwise unsuitable, or that is being operated by an incompetent or unqualified person or in an unsafe manner. Violators of these provisions are subject to administrative fines, civil liability, and criminal prosecution.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** – In addition to a multitude of other duties and authorities, county agricultural commissioners are responsible for registering pest control businesses in their respective jurisdictions, for monitoring registrants' operations, and for issuing restricted pesticide use permits. Commissioners also have authority to establish county regulations on the use and application of pesticides, subject to review by the Department of Pesticide Regulation. Like the Department, county agricultural commissioners may halt any pesticide operation determined to be unsafe or potentially hazardous, and may suspend or revoke any restricted material use permit, subject to state agency review. County agricultural commissioners are authorized to investigate pesticide-related complaints and damage claims, and must make a report on each such investigation available to the parties involved.

## Colorado

### ● PESTICIDE APPLICATORS' ACT

*STATUTORY CITATION:* Colo. Rev. Stat. §§ 35-10-101 – 35-10-128

*RELATED REGULATIONS:* 8 Code Colo. Regs. 1203-2

*GENERAL SUMMARY:* The Pesticide Applicators' Act regulates the commercial application of pesticides, with the aim of preventing unreasonable adverse effects from such products on people and the environment.

#### *SPECIFIC TERMS AND CONDITIONS*

**LICENSING** — In general, it is unlawful for anyone (other than an agricultural producer on the producer's own property, or the employee of such a producer) to use or supervise the use of any restricted-use pesticide without a license or certification issued by the state. Commercial applicators for hire must pay an annual license fee of \$350 at the time of application and renewal.

**EXAMINATION** — Each applicant for a license or certification as a commercial pesticide applicator must satisfactorily pass a written general examination, as well as a written classification examination for the respective class of license or certification involved. To renew a license without examination, commercial applicators are required to earn continuing education credits in subject areas specified in the regulations.

**INSURANCE** — Commercial pesticide applicators for hire must obtain and keep in force liability insurance coverage in the minimum amount of \$400,000.

**RECORDKEEPING** — Applicators are required to keep adequate records with respect to each pesticide application they perform. Among the items to be recorded are (1) the name and address of the person for whom the application was made, (2) the crop or pest involved or other use for which the application was intended, (3) the place treated, (4) the application rate, (5) the pesticide product applied, (6) the dilution rate and whether the pesticide was applied in dust, granular or liquid form, and (7) the date the product was applied.

**PROHIBITED ACTS** — Among other acts, it is illegal for a commercial pesticide applicator to store, use or supervise the use of a pesticide in a manner inconsistent with labeling directions, or in a fraudulent, faulty, unsafe or negligent manner. Disposal of empty pesticide containers or unused materials negligently or unsafely is similarly prohibited.

#### *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** – *Pesticides Programs Section, Colorado Department of Agriculture, Broomfield, Colorado 80021 (303-869-9056)*. The Department is authorized to inspect and analyze pesticide products being used anywhere in the state and any equipment utilized to apply such products. This agency has the right to enter public or private property for the purpose of any examination, sampling or inspection necessary to enforce these provisions. If an applicator is applying pesticides in violation of the Act, the Department may issue and enforce a stop-work order. Penalties for violations are limited to court-imposed fines.

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



## Connecticut

### ● CONNECTICUT PESTICIDE CONTROL ACT

*STATUTORY CITATION:* Conn. Gen. Stat. §§ 22a-46 – 22a-66x

*RELATED REGULATIONS:* Conn. Agencies Regs. §§ 22a-49-1 – 22a-65-1

*GENERAL SUMMARY:* The Connecticut Pesticide Control Act regulates the distribution, sale and use of pesticides in the state. The Act confers broad authority on the state environmental protection department to adopt pesticide standards in several regulatory areas.

#### *SPECIFIC TERMS AND CONDITIONS*

**PROHIBITED ACTS** — Among other illegal practices under the Act, it is unlawful for anyone (1) to use, distribute, sell, transport, deliver or receive any pesticide that is not registered with the state, or any product that has been adulterated or misbranded, (2) to use any registered pesticide in a manner inconsistent with restrictions prescribed under the Act or inconsistent with labeling, or (3) to detach, alter, deface or destroy any pesticide labeling required under the Federal Insecticide, Fungicide, and Rodenticide Act.

**REGISTRATION OF PESTICIDE APPLICATION BUSINESSES** — No one may operate a pesticide application business without first obtaining a certificate of registration from the state.

**CERTIFICATION OF APPLICATORS** — It is unlawful for anyone to use or supervise the use of any restricted-use pesticide in Connecticut without a private or commercial certificate issued by the state, unless the use is under the direct supervision of a certified applicator. Before a certificate can be issued, each applicant must pass an examination demonstrating knowledge concerning the proper use of pesticides, the dangers involved, and the precautions to be taken in connection with their application.

**APPLICATOR RECORDKEEPING** — Private agricultural applicators are required to keep a record of every use of a restricted-use pesticide. The record must include the name of the applicator, the kind and amount of pesticide used, the date and place of application, and the crop and acreage treated. Similarly, application businesses and commercial applicators are obligated to make a record with respect to their use of and supervision of the use of pesticides, including the name and registration number of the commercial supervisor and commercial operator, the kind and amount of pesticide used, the date and place of application, the target pest, and the crop or site treated.

**DISPOSAL OF PESTICIDES AND PESTICIDE CONTAINERS** — It is illegal for anyone to dispose of a pesticide or pesticide container in such a manner as to endanger plant or animal life or the public health and safety. Pesticides may not be discarded into any public sewage disposal system.

#### *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 Management Program, Bureau of Materials Management and Compliance Assurance, Department of Energy and Environmental Protection, Hartford, Connecticut 06106 (860-424-3369)*. The Department is authorized (1) to enter any establishment or other place where pesticides are used, stored, sold or distributed, (2) to observe the application of pesticides, (3) to inspect equipment or devices used to apply pesticides, (4) to request records, and (5) to take other measures to assure the safety of workers and the public at large against the adverse effects of pesticide exposure. The Act prescribes both civil and criminal penalties for violations.

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

## Delaware

### ● PESTICIDE LAW

*STATUTORY CITATION:* Del. Code Title 3, §§ 1201–1240

*RELATED REGULATIONS:* Del. Admin. Code 3-601 §§ 1.0–22.6

*GENERAL SUMMARY:* Chapter 12 of the state agricultural statutes regulates the sale, use and application of pesticides in Delaware, by (1) requiring the registration of pesticide products manufactured, sold or used in the state, (2) imposing licensing and certification requirements on commercial pesticide applicators, (3) defining unlawful acts involving the handling and use of pesticides, (4) establishing recordkeeping and reporting responsibilities, and (5) prescribing penalties for violations. The pesticide law also gives the state agriculture department authority to adopt more specific pesticide standards to protect public health and the environment.

#### *SPECIFIC TERMS AND CONDITIONS*

**LICENSING AND CERTIFICATION OF COMMERCIAL APPLICATORS** — No one may engage in the business of applying pesticides on someone else's land without being licensed to do so by the state. As a condition for receipt of a license, an applicant must be certified by examination as qualified to use the class or classes of pesticides for which certification is requested.

**CERTIFICATION OF PRIVATE APPLICATORS** — Private agricultural producers who intend to apply any restricted-use pesticide to their own crops must be certified by the state beforehand. Certification as a private applicator requires the producer to demonstrate practical knowledge of the pest problem and pest control practices associated with his or her farm operation and knowledge of the related legal responsibilities.

**INSURANCE** — The state agency may not certify any commercial agricultural plant pesticide applicator, or license any commercial pesticide application business, until the applicant has filed evidence of financial security. For agricultural and most other categories of pesticide operators, the security requirement may normally be met through purchase of a general liability insurance policy, in the amount of \$300,000 for bodily injury or death and \$100,000 for property damage resulting from the use or misuse of pesticides.

**APPLICATOR RECORDKEEPING** — Commercial pesticide applicators are required to make a record of each use of pesticides and to retain the record for at least 2 years from the date of application. Among other information, the applicator must record the identity of the formulation used, the dilution at which the product was applied and the per-acre rate of application, the date and specific area treated, the target pest involved, and the wind velocity, temperature and humidity at the site of application if the product label contains precautions regarding drift.

**AVAILABILITY OF PRODUCT LABEL** — Commercial applicators are required to have available, at the site of application, a copy of the label of the pesticide being used. Upon request, the applicator must provide information contained on the product label to any interested person at or adjacent to the site.

**STORAGE AND DISPOSAL OF PESTICIDES** — Pesticides must be stored out of the reach of children and in such a manner as to prevent contamination of food, feed or water. Used pesticide containers generally must be drained and triple-rinsed in accordance with state-prescribed procedures and disposed of at a solid waste facility.

**PROHIBITED ACTS** — Among other things, it is unlawful (1) to apply a restricted-use pesticide without a certified applicator in direct supervision, (2) to detach, alter or deface a pesticide label prior to purchase of the product by the consumer, (3) to refuse or neglect to keep required records, and (4) to 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.

#### *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** — *Pesticides Management Section, Delaware Department of Agriculture, Dover, Delaware 19901 (302-698-4571)*. The Department is responsible for licensing and certification of pesticide applicators in the state, and for investigating complaints or suspected cases of pesticide abuse. Any person claiming injury or damage from a pesticide application should file a written report within 60 days of the alleged incident with the Department, which is obligated to investigate the allegations. In addition to civil liability for personal injury or property damage, violators of these provisions are subject to civil money penalties and criminal prosecution.

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

## Florida

### ● FLORIDA PESTICIDE LAW

*STATUTORY CITATION:* Fla. Stat. §§ 487.011–487.175

*RELATED REGULATIONS:* Fla. Admin. Code R. 5E-9

*GENERAL SUMMARY:* The Florida Pesticide Law regulates the use and application of pesticides in the state, for agricultural and other purposes. The Act requires, in part, the annual registration of pesticide products, and the licensing and certification of pesticide applicators and compliance with standards governing their operations.

#### *SPECIFIC TERMS AND CONDITIONS*

**LICENSING** — With few exceptions, it is unlawful for anyone to apply restricted-use pesticides in agricultural operations without a certified applicator's license issued by the state, unless the person is doing so under the direct supervision of a licensee. Certification for each classification of license requires successful completion of an examination evidencing adequate knowledge of the proper use and application of pesticides in each classification for which application for a license is made. Among other subjects, applicants must demonstrate competence as to (1) the proper use of equipment, (2) the environmental hazards involved in applying pesticides, (3) calculating the concentration of pesticides to be used under particular circumstances, (4) protective clothing and respiratory equipment required while handling and applying pesticides, (5) precautions in the disposal of containers, as well as the cleaning and decontamination of equipment, (6) applicable state and federal pesticide laws and regulations, and (7) general safety precautions. Licenses must be renewed and applicators re-certified every 4 years.

**GROUNDS FOR DISCIPLINARY ACTION** — A warning letter, license probation, license suspension or revocation, or an administrative fine may result from any of the following acts, among others, committed by a licensee: (1) applying pesticides in a manner inconsistent with the product label, (2) operating faulty or unsafe equipment, (3) operating in a faulty, careless or negligent manner so as to cause damage to property or persons, (4) applying any pesticide that is harmful to human beings to fields where individuals are working, (5) failing to disclose to the farm operator, at the time pesticides are applied to a crop, full information regarding potentially harmful effects on humans or animals and safe minimum re-entry times for workers or animals, (6) refusing or neglecting to keep and maintain records or make reports as required, (7) failing to report any known damage to property, or illness or injury to persons, caused by the application of pesticides, and (8) failing to maintain a current liability insurance policy or surety bond.

#### *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 Licensing and Enforcement, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services, Tallahassee, Florida 32399 (850-617-7997)*. This agency is in charge of examining and licensing pesticide applicators in the state, and monitoring their compliance with the Department's rules implementing the provisions of the law outlined above. Any worker or other person who suffers injury or property damage stemming from application of a pesticide may file a written statement with the enforcement agency. The Department must investigate the alleged injury or damage and notify all concerned parties of its findings. If investigation reveals a violation of the law, the Department will determine an appropriate administrative action, which may include a warning letter, license probation, license suspension or revocation, or an administrative fine. Violators are also subject to criminal prosecution.

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

## Georgia

### ● 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*.

## Hawaii

### ● HAWAII PESTICIDES LAW

*STATUTORY CITATION:* Haw. Rev. Stat. §§ 149A-1 – 149A-53

*RELATED REGULATIONS:* Hawaii Admin. Rules, §§ 4-66-1 – 4-66-67

*GENERAL SUMMARY:* The Hawaii Pesticides Law regulates the sale and use of pesticides in the state, enumerates certain prohibited acts involving the use and application of pesticides, and authorizes the state agriculture department to adopt specific rules covering, among other matters, certification of pesticide applicators, recordkeeping and reporting.

#### *SPECIFIC TERMS AND CONDITIONS*

**PROHIBITED ACTS** — Among other specified offenses, it is unlawful for anyone in Hawaii (1) to use any licensed pesticide in a manner inconsistent with its label, (2) to use, store, transport or discard any pesticide or pesticide container in any manner which would have an unreasonable adverse effect on the environment, and (3) to use or apply restricted-use pesticides unless the user is a certified pesticide applicator or under the direct supervision of a certified pesticide applicator, with a valid certificate issued by the state.

**CERTIFICATION OF APPLICATORS** — No one may apply any restricted-use pesticide in Hawaii without being certified by the state as a commercial or private pesticide applicator or without direct supervision by a certified applicator. Commercial certification requires, in part, that the applicant pass a written examination demonstrating knowledge of pesticide product labeling, pesticide toxicity, effective measures for preventing overexposure and injury, pesticide application equipment, application techniques, state and federal pesticide laws and regulations, and other subject matter. Similarly, private agricultural applicators must demonstrate an understanding of product labeling, agricultural pests, appropriate application equipment and methods, safety precautions, pesticide poisoning symptoms, and pesticide disposal methods.

**APPLICATOR RECORDKEEPING** — Commercial applicators are required to keep a record of every use of any restricted-use pesticide. Among other data, the record must include the name of the product applied, the name of the targeted pest, the amount and concentration of the pesticide used, the total area covered, the date of the application, the address or location of the treated site, and the name of the certified applicator.

**STORAGE AND DISPOSAL OF PESTICIDES** — No pesticide may be stored where food or feed is likely to become contaminated. Pesticides and empty pesticide containers may not be disposed of in any way which could create a hazard.

#### *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** – *Pesticides Branch, Plant Industry Division, Hawaii Department of Agriculture, Honolulu, Hawaii 96814 (808-973-9401)*. The Department is responsible for the certification of pesticide applicators in the state and for monitoring the use and application of pesticide products. Authorized representatives of the Department may enter any public or private property at any reasonable time to inspect application methods and equipment, to examine and collect samples of plants, soil and other materials, and to take other measures to enforce the state pesticide law. Any person who violates the law or any regulation issued under its authority may, upon the first violation, receive a written warning citing the specific violation and necessary corrective action. Civil or criminal penalties, however, ranging from a fine to a prison term, may be imposed for any infraction.

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

## Idaho

### ● STATE PESTICIDE LAWS

*STATUTORY CITATION:* Idaho Code §§ 22-3401 – 22-3426

*RELATED REGULATIONS:* Idaho Admin. Code R. 02.03.03

*GENERAL SUMMARY:* Chapter 34 of Idaho's agriculture and horticulture laws regulates the registration, labeling, distribution, application and disposal of pesticides in the state, and authorizes administrative adoption of more specific standards to control the use of pesticide products.

#### *SPECIFIC TERMS AND CONDITIONS*

**LICENSING** — No one may apply any pesticide in Idaho for hire without being licensed by the state as a professional applicator, and agricultural producers using restricted-use pesticides on their own crops must be licensed as private applicators. As prerequisites for licensing, professional pesticide applicators are required (1) to pass an examination to demonstrate knowledge of proper handling and application of pesticides, (2) to provide a bond, cash deposit or proof of insurance covering liability for damages resulting from handling or use of pesticides, (3) to pay a state license fee, and (4) to meet other prescribed conditions. Private agricultural applicators must successfully complete an examination.

**APPLICATOR RECORDKEEPING** — Professional applicators are required to keep a record of each pesticide application. The record must include, among other data, the name and address of the owner or operator of the property treated, the specific crop involved, the name of the pesticide used, the dilution or rate at which the substance was applied, the total amount of the product applied, and the date of application.

**PROHIBITED ACTS** — The following practices, among others, are generally unlawful:

- (1) Use of a pesticide product in a manner inconsistent with its labeling.
- (2) Operation of a faulty or unsafe pesticide spray apparatus, aircraft or other application device or equipment.
- (3) Application of pesticides in a faulty, careless or negligent manner.
- (4) Failure or refusal to maintain records or file reports as required under the pesticide laws.
- (5) Non-compliance with licensing requirements and any related duty prescribed by regulations authorized under Chapter 34.

**DAMAGE CLAIMS** — Anyone who suffers injury or damage resulting from the use or application of pesticides by another party may, within 60 days of such occurrence file a written report of loss with the state enforcement agency. The agency may investigate the complaint to determine the nature and extent of the purported injury or damage, and the agency must prepare a written report of its investigation. Copies of the report must be made available on request to any party with a financial interest in the matter.

#### *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** – *Enforcement Program, Division of Agricultural Resources, Idaho State Department of Agriculture, Boise, Idaho 83712 (208-332-8613)*. The Department is in charge of licensing pesticide applicators in the state and monitoring compliance by licensed applicators with statutory and administrative requirements on the use and handling of agricultural pesticides. Representatives of this agency may enter any public or private premises at reasonable times for the purpose of observing the use and application of pesticides, inspecting records, equipment and storage facilities, sampling soil, pesticides or other materials, and investigating complaints of injury or damage. In connection with damage claim investigations, the Department is required to report all non-minor violations of the pesticide provisions to appropriate public authorities for prosecution.

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

## Illinois

### ● ILLINOIS PESTICIDE ACT

*STATUTORY CITATION:* 415 Ill. Comp. Stat. §§ 60/1 – 60/30

*RELATED REGULATIONS:* Ill. Admin. Code Title 8, Part 250

*GENERAL SUMMARY:* With the intent of minimizing adverse effects on the environment and preventing injury to human and animal life, the Illinois Pesticide Act regulates the labeling, distribution, use and application of pesticides in the state. Among other protective measures, the Act requires the certification and licensing of pesticide applicators and operators, defines a multitude of unlawful acts involving pesticides, and authorizes administrative adoption of specific standards necessary to assure safety in the use of pesticide products.

#### *SPECIFIC TERMS AND CONDITIONS*

##### CERTIFICATION AND LICENSING —

**Commercial Applicators** — No one who owns or manages a pesticide application business may purchase, use or supervise the use of any pesticide without an annually renewable commercial applicator license issued by the state. Among other licensing prerequisites, a commercial applicator must be certified as having successfully demonstrated competence and knowledge regarding pesticide use; recertification for competence is required at least once every 3 years. Commercial applicator license applicants must also present evidence of financial responsibility, protecting persons who may suffer personal injury or property damage as a result of the applicant's pesticide operations, by posting a \$50,000 surety bond or purchasing a liability insurance policy providing coverage of at least \$100,000 for bodily injury and property damage, with an annual aggregate of not less than \$500,000.

**Licensed Operators** — No one employed to apply pesticides under the direction of a licensed commercial applicator may use any pesticide without a pesticide operator license. Among other conditions, a license may not be granted unless the operator is certified as to competence and knowledge regarding the use and application of pesticides.

**Private Applicators** — Farm operators may not apply or supervise the application of any restricted pesticide on their own crops without being certified as private applicators. Like commercial applicators, private applicators must be certified as competent and knowledgeable concerning pesticide use and must meet other licensing requirements prescribed in state regulations.

**UNLAWFUL ACTS** — Among many others, the following practices are violations of the Act:

- (1) Application of pesticides in a faulty, careless or negligent manner.
- (2) Use of a pesticide in a manner contrary to the product label.
- (3) Failure to keep required records or file required reports.
- (4) Handling, storing, using or disposing of pesticides or used pesticide containers in a way that would endanger human life, the environment, or food, feed or other products.

#### *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 Regulation Division, Illinois Department of Agriculture, Springfield, Illinois 62794 (217-785-8312)*. The state Department of Agriculture has general responsibility for enforcing the Act, and more particularly as it applies to the use of pesticides in the production, storage and transportation of agricultural commodities and the use of pesticides applied by agricultural equipment. Representatives of the Department are authorized to enter public and private premises (1) to determine the facts in complaints of pesticide injury, misuse, mishandling or reported excessive pesticide exposure, (2) to observe pesticide use, and (3) to sample pesticides being applied and sample plants and soil being treated. The Department may bring action in the appropriate court to enjoin a violation or threatened violation of any provision of the Act.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** – *Illinois Environmental Protection Agency, Springfield, Illinois 62794 (217-782-3397)*. This agency enforces those sections of the Act intended to preserve air and water quality and prevent unreasonable contamination of land resources.

## Indiana

### ● PESTICIDE USE AND APPLICATION LAW

*STATUTORY CITATION:* Ind. Code §§ 15-16-5-1 – 15-16-5-71

*RELATED REGULATIONS:* 355 Ind. Admin. Code §§ 4-0.5-1 – 4-7-7

*GENERAL SUMMARY:* Chapter 5 of the state horticultural control laws makes state certification and licensing of the applicator a prerequisite for the lawful use of most agricultural pesticides in Indiana, defines various prohibited acts and practices involving pesticide products, and authorizes administrative adoption of additional restrictions and safeguards in the use of pesticides.

#### *SPECIFIC TERMS AND CONDITIONS*

##### CERTIFICATION AND LICENSING —

**Pesticide Businesses** — Anyone who owns, operates or manages a business engaged in using any pesticide for hire must obtain a license to do so. Among other requirements, licensed pesticide businesses generally must post a bond or have liability insurance with a coverage limit of at least \$300,000 for bodily injury and property damage, to protect persons who may suffer legal damages as a result of their pesticide operations.

**Commercial Applicators** — No one may apply or supervise the application of restricted-use pesticides, or any pesticide when applied for hire, without a license to do so. Such a license may not be issued until the applicant has paid an annual license fee and met the competency certification requirements applicable to that class of license.

**Private Applicators** — No one may use or supervise the use of any restricted-use pesticide on his or her own farm, or on the farm of the person's employer, without a private applicator's permit and without first being certified as competent to do so.

**PROHIBITED ACTS** — The state may deny, suspend, modify or revoke, or may refuse to renew, any pesticide license or permit — and may assess a civil penalty — if it is determined that the applicant, licensee or permit-holder has committed any of the following acts, among others:

- (1) Used any registered pesticide in a manner inconsistent with its labeling, or in violation of federal or state restrictions on its use.
- (2) Operated faulty or unsafe equipment.
- (3) Operated in a careless or negligent manner.
- (4) Failed or refused to maintain required records or to make required reports, or maintained false or fraudulent records.
- (5) Used or applied pesticides without the appropriate class of license or permit, if required.
- (6) Refused to comply with regulations adopted under authority of the pesticide use and application law, or with a lawful order of the enforcement agency.
- (7) Made false or fraudulent claims misrepresenting the effect of pesticide products or methods of application.
- (8) Used pesticides known to be ineffective, or used them in amounts known to be ineffective.
- (9) Made false or misleading statements in applying for a license, or during or after an inspection.

In addition, it is illegal to transport, store or dispose of any pesticide or pesticide container in such a manner as to cause injury to humans, beneficial vegetation, crops, livestock or beneficial insects.

**RECORDKEEPING** — All commercial applicators or their employees are required to keep records of all applications of restricted-use pesticides and preserve such records for at least 2 years. Among other information, each record must include the name and address of the customer, the name and certification number of the applicator, the date and site of the pesticide application, the crop and pest involved, the name of the product used, and the amount applied. Private applicators are subject to comparable recordkeeping requirements.

#### *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 Section, Office of Indiana State Chemist, Purdue University, Lafayette, Indiana 47907 (765-494-1492)*. This office is responsible for testing, certification and licensing of commercial pesticide businesses and commercial and private applicators in Indiana, and for monitoring compliance by licensees with these provisions. The state chemist's office may warn or cite an applicator for any violation of this law and, after opportunity for hearing, may assess a civil penalty and may deny, suspend, revoke or modify any provision of a license, permit or certification. The office may also take appropriate court action to enjoin a violation or threatened violation of the law or the associated regulations.

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



## Iowa

### ● PESTICIDE ACT OF IOWA

*STATUTORY CITATION:* Iowa Code §§ 206.1 – 206.34

*RELATED REGULATIONS:* Iowa Admin. Code 21.45.1 – 21.45.105

*GENERAL SUMMARY:* The Pesticide Act of Iowa governs the registration, sale, distribution, containment and application of pesticides in the state and includes, among others, provisions requiring the certification and licensing of pesticide applicators, and the reporting of pesticide accidents and losses. The state agriculture department is authorized to adopt more specific standards further regulating the use of pesticide products in Iowa.

#### *SPECIFIC TERMS AND CONDITIONS*

**CERTIFICATION** — No one may apply any pesticide in Iowa for hire without first passing a formal state-administered examination and being certified by the state administering agency as competent concerning pesticides and pesticide use. Likewise, agricultural producers who use restricted-use pesticides on their crops must be certified as private applicators and must be tested prior to certification.

**LICENSING** — Commercial pesticide applicators must be licensed by the state as a precondition for engaging in that business. Issuance of a license requires payment of a license fee and completion of an examination to demonstrate knowledge of application techniques and the nature and effect of the pesticides the applicant intends to use.

**BONDING OR INSURANCE** — The state agency will not issue a commercial applicator's license until the applicant has furnished evidence of financial responsibility, in the form of a surety bond or liability insurance policy covering damages resulting from the applicant's pesticide operations. The bond or insurance must be in an amount no less than \$100,000 each for property damage and public liability, or liability insurance with limits of \$100,000 per occurrence and \$300,000 annual aggregate.

**APPLICATOR RECORDKEEPING** — Every commercial applicator must keep a record of each application of pesticides. Among other information, the record must include the name and address of the landowner or customer, the date of the application, the name of the product used, the quantity of the product used and its concentration or application rate, and the temperature and wind velocity at the time of application.

**DAMAGE OR INJURY CLAIMS** — Any person claiming damages or injury from a pesticide application must file a report with the state agency on a prescribed form within 60 days after the date of the alleged incident. On receipt of a claim, the agency must inspect the purported damages, and if it determines that the complaint has merit, the agency must make such findings available to the complainant and to the person alleged to be responsible. With respect to any claim for damages against a licensed pesticide applicator, failure by the claimant to permit the state agency, the licensee, the bonding agency or the insurance carrier to inspect or examine the property or non-targeted organism alleged to have been damaged or injured will automatically bar the claim against the licensee.

#### *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 Bureau, Iowa Department of Agriculture and Land Stewardship, Des Moines, Iowa 50319 (515-281-8591)*. The Department has responsibility for testing, certification and licensing of pesticide applicators in the state, and for periodic re-examination, re-certification and re-licensing. The Department is authorized to enforce compliance with the Act and the associated regulations, by entering public and private property for purposes of inspecting pesticide products, containers and application equipment, observing pesticide applications, and sampling soil, crops and non-targets for pesticide residues. In addition to suspension or revocation of an applicator's license for negligent operation and numerous other infractions, criminal penalties are also prescribed in the Act for violation of any of its provisions.

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

## Kansas

### ● KANSAS PESTICIDE LAW

*STATUTORY CITATION:* Kan. Stat. §§ 2-2438a – 2-2480

*RELATED REGULATIONS:* Kan. Admin. Regs. §§ 4-13-1 – 4-13-65

*GENERAL SUMMARY:* The Kansas Pesticide Law governs the application and other use of agricultural pesticides and related toxic products in the state, by requiring the licensing of pesticide businesses and certification of commercial and private applicators, defining various unlawful acts involving pesticides, imposing recordkeeping duties on applicators, and establishing a damage claim process. The state agriculture secretary is authorized to adopt additional, more specific standards regulating the use of pesticides.

#### *SPECIFIC TERMS AND CONDITIONS*

**PESTICIDE APPLICATION BUSINESSES** — In general, no firm or individual may, for compensation, engage in the business of applying pesticides on the property of another without being licensed as a pesticide business. Among other prerequisites, licensing requires payment of an application or renewal fee and proof of financial responsibility, in the form of a surety bond or liability insurance covering potential damages from pesticide accidents.

**COMMERCIAL APPLICATORS** — With few exceptions, no one may apply any restricted-use pesticide without a commercial applicator's certificate, or unless working under the supervision of a certified applicator. Applicants for such a certificate must pay an application fee and pass a written examination evidencing adequate knowledge concerning the proper use and application of pesticides in the category for which the applicant has applied. The test contains, in part, elements on (1) the proper use of equipment, (2) pesticide hazards, including the effects of drift, meteorological conditions and precautions, the effect of pesticides on plants and animals, and other risks, (3) calculating chemical concentrations, (4) identification of pests, (5) protective clothing and equipment, (6) disposal of containers and decontamination procedures, and (7) state and federal pesticide laws and regulations.

**PRIVATE APPLICATORS** — In lieu of obtaining a commercial applicator's certificate, agricultural producers and certain other individuals intending to use restricted-use pesticides without compensation may apply for a private applicator's certificate. The state agency may grant such a certificate to applicants who (1) pay the required application fee, (2) pass an open-book examination indicating knowledge of pesticide problems, proper storage, handling and disposal procedures, pesticide labeling, pesticide use safety, and environmental considerations, and (3) meet various other conditions.

**RECORDKEEPING** — Each pesticide application business operating in Kansas must present to each customer for whom pesticide control services are performed a written statement of services showing, among other information, the name and address of the business and the customer, the pesticide used, the date and location of the application, and the wind direction and speed at the time of application. Comparable records are required to be maintained by certified commercial applicators not employed by or acting for a business licensee.

**UNLAWFUL ACTS** — It is unlawful for anyone to use pesticides in a manner inconsistent with the product label, to discard or store any pesticide or pesticide container in a manner which would cause injury to humans, vegetation, crops, livestock or wildlife, or to fail to comply with the Pesticide Law or its associated regulations. It is also illegal for anyone required to be licensed or certified under the law to knowingly operate faulty or unsafe equipment, to fail or neglect to keep required records or make required reports, or to use any method or material without considering the health, safety or welfare of the public.

**DAMAGE CLAIMS** — A person sustaining damage or injury from a pesticide application has 60 days after the date the damage or injury is discovered to submit to the state agency a written statement on a prescribed form, identifying the nature and extent of the damage and the name of the person alleged to be responsible, if known. Failure to submit a claim creates a rebuttable presumption that the alleged damage did not result from the pesticide application, but does not preclude the maintenance of any civil or criminal action.

#### *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 and Fertilizer Program, Kansas Department of Agriculture, Manhattan, Kansas 66502 (785-564-6688)*. In enforcing these provisions, the Department and its agents may enter any premises at any reasonable time, in order to inspect equipment, sample soil or crops, inspect storage or disposal areas, and investigate complaints of injury to humans, crops or land. The agency may also subpoena records and compel the attendance of witnesses at hearings. Violation of any provision of the Pesticide Law by a licensee or certificate-holder may lead the Department to suspend or revoke such license or certificate.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** – Criminal prosecution for violations is the duty of county or district attorneys, or upon their refusal to act, the state attorney general.

## Kentucky

### ● KENTUCKY FERTILIZER AND PESTICIDE STORAGE, USE AND APPLICATION ACT OF 1996

*STATUTORY CITATION:* Ky. Rev. Stat. §§ 217B.010 – 217B.585

*RELATED REGULATIONS:* 302 Ky. Admin. Regs. 27:010 – 27:060

*GENERAL SUMMARY:* The Kentucky Fertilizer and Pesticide Storage, and Pesticide Use and Application Act regulates the use and application of insecticides, fungicides, herbicides, defoliants, desiccants, plant growth regulators, nematocides, rodenticides and other pesticides in the state, as well as the storage of fertilizers. Of particular relevance to agricultural worker safety, the Act requires licensing of pesticide applicators and operators, defines various unlawful acts involving pesticides and pesticide applicators, establishes procedures for filing and investigating pesticide-related damage claims, and authorizes adoption of related administrative regulations.

#### *SPECIFIC TERMS AND CONDITIONS*

**LICENSING** — No one may engage in the business of applying pesticides to another party's land in Kentucky without first obtaining a license from the state authorizing such activity. Issuance of an applicator's license requires the applicant (1) to pay an annual license fee, plus an inspection fee for each aircraft and each unit of ground equipment to be licensed, and (2) to pass an examination demonstrating a working knowledge of proper use of pesticide equipment, the hazards involved in applying such substances (including their toxicity to plants and animals and the effects of drift), calculating appropriate concentrations, identification of pests, protective clothing and equipment, pesticide disposal and decontamination, and state and federal pesticide laws and regulations. Employees of pesticide applicators who intend to apply pesticides manually or as operators in charge of any pesticide equipment must also be licensed, under similar preconditions.

**UNLAWFUL ACTS** — Among other offenses defined in the law, it is illegal for any licensee (1) to refuse or neglect to keep required records or make required reports, (2) to operate unlicensed, faulty or unsafe equipment, or (3) to operate in a faulty, careless or negligent manner. Furthermore, it is a crime for anyone, licensed or unlicensed, (1) to use any registered pesticide in a manner not in accordance with its label, (2) to purchase, use or supervise the use of a pesticide unless the individual is certified in a classification permitting the individual to do so, or (3) to discard or store any pesticide or pesticide container in a manner that would cause injury to humans, vegetation, crops, livestock, wildlife or pollinating insects.

**DAMAGE CLAIMS** — Any person claiming damages from a pesticide application may file a written statement with the state enforcement agency on the prescribed form. Under most circumstances, to be considered timely the statement must be filed within 60 days after the date the damages occurred. The agency will immediately notify the applicator involved, the owner or lessee of the land where the application was targeted, and any other person who may be charged with responsibility for the damages claimed. Failure by the claimant to allow the applicator or any representative of the applicator (such as a bonding agent or insurance carrier) to observe the property or non-target organism alleged to have been damaged automatically bars any claim against 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** – *Agriculture Branch, Division of Environmental Services, Office of Consumer and Environmental Protection, Kentucky Department of Agriculture, Frankfort, Kentucky 40601 (502-782-9240)*. This agency both administers the licensing of pesticide applicators in the state and enforces compliance with the substantive standards governing their activities. Agents of the Department have authority to enter upon any public or private premises at reasonable times in order to inspect licensed or unlicensed pesticide equipment, inspect lands exposed to pesticides, inspect storage and disposal sites, investigate reports of injury to humans or land, and sample pesticides being applied or to be applied. Among the remedies available to the Department in response to a violation of the Act or its associated regulations are (1) suspension, revocation or non-renewal of an applicator's license or equipment license, and (2) recovery of civil penalties against the violator in state court. The Act prescribes criminal penalties to which offenders are also subject.

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

## Louisiana

### ● LOUISIANA PESTICIDE LAW

*STATUTORY CITATION:* La. Rev. Stat. §§ 3:3201 – 3:3391.12

*RELATED REGULATIONS:* La. Admin. Code Title 7, Part XXIII

*GENERAL SUMMARY:* The Louisiana Pesticide Law sets up a state pesticide registration program, regulates the sale and use of pesticides in Louisiana, establishes general procedures and authorizes adoption of specific rules for the safe treatment and disposal of pesticide wastes, and regulates structural pest control in the state.

#### *SPECIFIC TERMS AND CONDITIONS*

**CERTIFICATION OF PRIVATE APPLICATORS** — No agricultural producer may apply any restricted-use pesticide on his or her own crops without being certified by the state as a private applicator. Certification may be issued only after the applicant satisfactorily demonstrates knowledge of the laws, regulations and safety practices applicable to restricted-use pesticides. In addition to their own use of such compounds, certified private applicators are authorized to supervise the application of restricted-use pesticides by competent uncertified individuals.

**CERTIFICATION OF COMMERCIAL APPLICATORS** — It is unlawful for anyone to apply or supervise the application of any restricted-use pesticide commercially unless the individual has proper certification from the state to do so. The granting of certification is conditional on the applicant's successful completion of an examination evidencing knowledge and competency in the safe use and application of restricted-use products. Certified commercial applicators may supervise the ground application of such products by competent uncertified individuals but may not supervise aerial application of any pesticide by any uncertified person.

**LICENSING OF OWNER-OPERATORS** — No one may own or operate a business engaged in the application of pesticides for a fee unless the individual is properly licensed by the state. All aerial applicators employed by an owner-operator must be certified commercial applicators, and all ground applicators employed by an owner-operator must be certified commercial applicators or must work under the direct supervision of a certified commercial applicator.

**BONDING, INSURANCE, AND DAMAGE CLAIMS** — Prior to obtaining a license, each owner-operator must post a surety bond or secure liability insurance, in either case in an amount ranging from \$25,000 to \$50,000, depending on the scope of intended operation. Any person who suffers damages caused by any action of an owner-operator in connection with application of a pesticide may sue on the bond or insurance in any court of competent jurisdiction to recover the damages.

**RECORDKEEPING** — Owner-operators must keep records on each application of pesticides and must preserve such records for at least 3 years thereafter. The records must include such information as the name of the pesticide applied, the date and place of application, and the rate at which the substance was applied.

**VIOLATIONS** — Among numerous other offenses specified in the law, it is illegal for anyone involved in the application or use of pesticides in Louisiana (1) to knowingly operate faulty or unsafe equipment, (2) to operate in a faulty, careless or negligent manner, (3) to refuse or neglect to keep and maintain required records, (4) to apply a restricted-use pesticide without the appropriate certification or without required supervision, (5) to allow the application of a restricted-use pesticide by uncertified personnel without the presence of a certified applicator, when such presence is required, and (6) to apply any pesticide in a manner inconsistent with the product's label.

**COMPLAINTS** — A person who has suffered damages as a result of an action by anyone regulated under this law may file a damage complaint with the state enforcement agency, on the prescribed form, within 15 days of the alleged occurrence or the discovery of the damage, whichever occurs later. The right to bring suit for damages against the party or parties alleged to be responsible (including a suit on the bond or insurance of any owner-operator involved) will not be adversely affected by the claimant's failure to file a timely claim with the state agency, but refusal to permit the agency, the alleged offender or a representative such as a bonding agent or insurer to inspect the property or non-target organisms alleged to have been damaged will automatically bar an administrative claim against an 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** – *Pesticide and Environmental Programs Division, Louisiana Department of Agriculture and Forestry, Baton Rouge, Louisiana 70806 (225-922-1234; toll-free 866-927-2476)*. The Department is responsible for testing, certification and licensing of pesticide applicators and owner-operators in the state, and for enforcing compliance with the rules and regulations governing their operations. With a duly executed search warrant, agents of the Department may investigate the circumstances of any suspected or reported violation of the Louisiana Pesticide Law on private property. Investigative authority also includes the right to subpoena witnesses and documents. Upon formal hearing, the Department may suspend, revoke or refuse to renew the license or certification of anyone found to have violated any of the law's provisions and may impose money penalties against violators when deemed appropriate.

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

## Maine

### ● BOARD OF PESTICIDES CONTROL LAW

*STATUTORY CITATION:* Me. Rev. Stat. Title 22, §§ 1471-A – 1471-X

*RELATED REGULATIONS:* 01 026 Me. Code R. Chs. 10 – 90

*GENERAL SUMMARY:* Chapter 258-A of the state health and welfare statutes (1) governs the sale and use of chemical insecticides, fungicides, herbicides and other chemical pesticides, and (2) establishes a state board to develop more specific pesticide standards and regulations and to enforce compliance.

#### *SPECIFIC TERMS AND CONDITIONS*

**CERTIFICATION** — In general, no commercial applicator or spray contracting firm may use or supervise the use of any pesticide in Maine without prior certification by the state. Similarly, private applicators are forbidden from using or supervising the use of any limited- or restricted-use pesticide without first being certified by the state to do so, unless working under the direct supervision of a certified applicator. Certification for each category of pesticide application activity requires payment of a prescribed fee and demonstration of an appropriate level of knowledge regarding pesticide use, related hazards and necessary precautions. In addition, commercial applicators, spray contracting firms and certain private applicators must provide proof of financial responsibility when applying for or renewing certification.

**EMPLOYEE SAFETY** — Certified pesticide applicators (including private agricultural producers) must acquaint their employees and those working under their direction with the hazards involved in handling the products used and must instruct them in the proper steps to be taken to avoid those hazards. Applicators must provide their employees with any necessary safety equipment prescribed on the pesticide label.

**PESTICIDE STORAGE AND DISPOSAL** — Whether in sealed or open containers, unused pesticides must be kept in a secure enclosure and maintained so as to prevent unauthorized use or mishandling.

**APPLICATION WITH POWERED EQUIPMENT** — In order to minimize drift of pesticides onto non-targeted property, the state pesticide regulations contain detailed standards for the application of pesticides by motorized equipment. Before and during pesticide spray activities, applicators must monitor the equipment used, weather conditions, the boundaries of the area to be treated, surrounding property, and other factors. The occupants of certain sensitive areas (including housing) within 500 feet of a pesticide target area may request prior notification of applications involving power equipment. Under no circumstances may pesticides be applied when wind speed in the area exceeds 15 miles per hour.

**RECORDKEEPING** — Commercial applicators and spray contracting firms must maintain records indicating, in part, the type and amount of each pesticide used and the area of use. Such records must be safeguarded for at least 2 years.

**PROHIBITED ACTS** — The state enforcement agency may suspend, revoke or refuse to renew certification if the applicator has, among other acts, used or supervised the use of pesticides applied in a careless, negligent or faulty manner, or in a manner potentially harmful to the environment or to the public health, safety or welfare.

#### *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** – *Board of Pesticides Control, Maine Department of Agriculture, Conservation and Forestry, Augusta, Maine 04333 (207-287-2731)*. The Board is responsible for certification of pesticide applicators in the state and for monitoring their professional activities. For this purpose, representatives of the Board are authorized to enter any public or private premises at reasonable times to inspect application equipment, to inspect pesticide storage and disposal areas, to investigate complaints of injury or damage from pesticides, and to sample pesticides and pesticide residues on crops, soil, water or elsewhere in the environment. Anyone who violates any of the statutory provisions or the regulations issued thereunder is subject to a fine of up to \$500 for the first offense and a fine of no less than \$500 for each subsequent offense.

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

## Maryland

### ● PESTICIDE APPLICATOR'S LAW

*STATUTORY CITATION:* Md. Code, Agric. §§ 5-201 – 5-211

*RELATED REGULATIONS:* Md. Code Regs. 15.05.01

*GENERAL SUMMARY:* The Pesticide Applicator's Law regulates the application of pest control products in Maryland, by (1) requiring certification of pesticide applicators and training of their employees, (2) requiring proof of financial responsibility of commercial applicators, (3) prescribing general application practices, and (4) authorizing the adoption of detailed regulations governing pesticide use, disposal procedures, and recordkeeping.

#### *SPECIFIC TERMS AND CONDITIONS*

**CERTIFICATION** — Individuals who are in the business of applying pesticides to other people's property for hire, as well as private agricultural producers who apply restricted-use pesticides to their own crops, must have a certificate issued by the state, affirming their competence to use and apply such products safely. Applicants for any commercial-class certificate must demonstrate competence by passing a written examination, while private applicators have the option of enrolling in a state-approved training course.

**INSURANCE** — Each business performing pest control work must provide the state agency with proof of financial responsibility by obtaining and maintaining liability insurance. The policy must provide bodily injury coverage of at least \$100,000 per person and \$300,000 per occurrence, and property damage coverage of at least \$15,000 per occurrence and \$30,000 annual aggregate.

**EMPLOYEE TRAINING PROGRAMS** — Licensees and permit-holders must register all of their employees who perform pest control operations with the state enforcement agency. Within 30 days after employment and before registration, each such employee (other than a certified applicator) must successfully complete a state-approved training program.

**GENERAL APPLICATION PRACTICES** — All commercial applications of any pesticide must be under the supervision of a certified applicator, and private agricultural application of restricted-use pesticides must be performed by or under the supervision of a certified private applicator. In both cases, the certified applicator is responsible and liable for the application. It is illegal for anyone to use, apply or recommend use of a pesticide other than as specified by the label, which includes the material attached to the container, information furnished with the product, or any information contained in the approved state registration.

**RECORDKEEPING** — Each licensee and permit-holder must keep, and preserve for at least 2 years, a record of each pesticide application. The record must include the applicator's name, the date of the application, the site where the application was made and the pest involved, the target area address and the name of the owner or tenant, the name of the pesticide product and its EPA registration number, the concentration and rate of application, the total amount of the product used, the type of equipment used, and the wind speed and direction at the site when the product was applied.

#### *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 Regulation Section, Maryland Department of Agriculture, Annapolis, Maryland 21401 (410-841-2766)*. In addition to its licensing and certification role under the Pesticide Applicator's Law, this agency may sample any pesticide, inspect any device or equipment used in pest control operations, and observe any pesticide application performed by a certified applicator or anyone under the supervision of a certified applicator. Anyone who violates any provision of the law is subject to criminal charges, as well as civil penalties of up to \$2,500 for a first offense and \$5,000 for repeat offenses.

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

**PRIVATE CIVIL ACTION** — A person who has suffered injury from a pesticide application has a right to bring civil action to recover damages, utilizing private legal counsel or a public legal service provider.

## Massachusetts

### ● MASSACHUSETTS PESTICIDE CONTROL ACT

*STATUTORY CITATION:* Mass. Gen. Laws Ch. 132B, §§ 1 – 16

*RELATED REGULATIONS:* 333 Mass. Code Regs. 2.00 – 14.00

*GENERAL SUMMARY:* The Massachusetts Pesticide Control Act regulates the sale, distribution and use of pesticides in the state and requires, among other measures, certification and licensing of applicators and compliance with pesticide-related regulatory standards adopted by the state food and agriculture department.

#### *SPECIFIC TERMS AND CONDITIONS*

**CERTIFICATION AND LICENSING** — No individual may apply general-use pesticides commercially unless the individual is appropriately licensed or certified by the state. Likewise, no one may use any restricted-use pesticide unless he or she is certified as a commercial or private applicator, or is a licensed applicator working under the direct supervision of an appropriately certified commercial or private applicator. Each applicant for certification or licensing must file an annual application, pay an annual application fee, demonstrate competence with respect to the use and handling of pesticides, maintain required levels of liability insurance covering injuries and damages caused by their pesticide operations, and continue to attend state-approved educational courses or seminars.

**APPLICATOR RECORDKEEPING** — All applicators are required to keep a record of each pesticide application. Among other information, the record must include the date and place of application, the name and registration number of the product used, the amount of the product used, the purpose of the treatment, and the method of application. Each applicator must also record the amount of liability insurance carried and the name of the insurer, and the illnesses or injuries caused or suspected as having been caused by pesticides and reported to the applicator.

**PRIOR NOTICE OF CERTAIN APPLICATIONS** — No restricted-use pesticide bearing the signal word "Danger" on the label may be applied to an agricultural crop within 50 feet of a public right-of-way unless notice of the application is given beforehand. Between 2 and 24 hours prior to the application, signs must be posted at least every 200 feet along the perimeter of the area to be treated, and at every principal entrance to the area, facing the public way. Among other content and visibility requirements, the signs must be at least 14 inches by 16 inches in size and contain the words "Danger," "Pesticides," and "Keep Out" — in English and Spanish, and in letters at least one inch in height. The signs must be removed no sooner than 48 hours after the application, and no sooner or later than the expiration of the restricted-entry period specified on the pesticide label.

**GENERAL PROHIBITIONS** — Among other unlawful activities defined in the Act, no one may use a registered pesticide in a manner that is inconsistent with its labeling or restrictions imposed by the state enforcement agency. It is also illegal for any person certified or licensed as a pesticide applicator to violate any provision, condition, term or restriction of the particular class of certification or license issued to such person.

#### *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 Enforcement, Division of Crop and Pest Services, Massachusetts Department of Agricultural Resources, Boston, Massachusetts 02114 (617-626-1781)*. Inspectors and other authorized representatives of the Department have the right to enter any premises, at reasonable times and with a properly executed search warrant, for the purpose of investigating specific complaints or suspected violations of the Pesticide Control Act. Both civil money penalties and criminal fines and imprisonment may be imposed on persons found to have violated any provision of the Act.

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

## Michigan

### ● NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (*PESTICIDE CONTROL*)

*STATUTORY CITATION:* Mich. Comp. Laws §§ 324.8301 – 324.8336

*RELATED REGULATIONS:* Mich. Admin. Code R. 285.636.1 – 285.636.17 and 285.637.1 – 285.637.17

*GENERAL SUMMARY:* Part 83 of the Natural Resources and Environmental Protection Act regulates the distribution, sale and use of pesticides in Michigan, in part by requiring the certification of applicators, defining numerous mandatory practices and unlawful acts involving pesticide compounds, and authorizing adoption by the state agriculture department of more explicit pesticide control measures.

#### *SPECIFIC TERMS AND CONDITIONS*

**CERTIFICATION** — No one may apply general- or restricted-use pesticides without being certified by the state as competent to do so safely. Certification of commercial applicators requires the applicant to complete a written examination designed to test the applicant's knowledge of the hazards posed by pesticides and safe handling and application practices. A private applicator intending to use any restricted-use pesticide product for agricultural purposes must also obtain a certificate, a prerequisite for which includes completion of either (1) a course of self-directed study and an examination, (2) classroom training and an examination, or (3) an oral fact-finding interview conducted by the state enforcement agency.

**APPLICATOR QUALIFICATIONS** — Commercial applicators are required to have either (1) a baccalaureate degree from a recognized college or university in a discipline relevant to pest control and at least one season of service as an employee of a commercial applicator, or (2) at least 2 seasons of experience as an employee of a commercial applicator.

**FINANCIAL RESPONSIBILITY** — Licensed commercial applicators are required to maintain liability insurance for bodily injury and property damage arising from pesticide applications. In general, minimum coverage for each occurrence must be no less than \$100,000 for bodily injury and \$25,000 for property damage. Policies written for aerial applicators may have a combined single limit of \$300,000.

**RECORDKEEPING** — Commercial applicators must maintain a record of each application of restricted-use pesticides for not less than 3 years from the date of application and must make those records available to the state agency on request. The record must show the name and amount of the pesticide used, the purpose of the application, the date and place where the material was applied, and the method and rate of application. Similar records on each use of a general-use pesticide must be maintained for at least one year.

**STANDARDS FOR PESTICIDE USE** — Among many other regulatory requirements, (1) no pesticide may be used in a manner inconsistent with its label, (2) applications must be made in a manner that prevents off-target discharges, (3) application equipment must be in sound mechanical condition, properly calibrated and equipped with shut-off valves, and (4) applications must not occur when weather conditions would result in off-target drift.

**PERSONAL PROTECTIVE EQUIPMENT** — Commercial applicators must follow pesticide label directions regarding use of personal protective equipment, and must follow state-prescribed requirements for the use of protective clothing, footwear and gloves.

#### *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 and Plant Pest Management Division, Michigan Department of Agriculture and Rural Development, Lansing, Michigan 48909 (517-284-5639; toll-free 800-292-3939)*. The Department is responsible for certification of pesticide applicators and licensing of commercial pesticide application businesses. In addition, representatives of the Department are authorized to enter public and private property where pesticides are used, to inspect pesticide application equipment, to observe pesticide applications, and to obtain samples. The Department has the power to order any applicator to cease the use of a pesticide when it appears the product is being or has been used unsafely or in contravention of the law, to order cessation of any other prohibited conduct, and to impose civil money penalties for violations. Violations are also punishable as misdemeanor offenses.

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



## Minnesota

### ● 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*.

## Mississippi

### ● 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*.

## Missouri

### ● MISSOURI PESTICIDE USE ACT

*STATUTORY CITATION:* Mo. Rev. Stat. §§ 281.005 – 281.116

*RELATED REGULATIONS:* Mo. Code Regs. Title 2, §§ 70-25.010 – 70-25.180

*GENERAL SUMMARY:* The Missouri Pesticide Use Act regulates the handling, application and disposal of pesticide products in the state, in part by requiring the licensing of applicators, establishing a damage claim filing procedure, and authorizing administrative adoption of additional controls over the use of pesticides in the state.

#### *SPECIFIC TERMS AND CONDITIONS*

**LICENSING** — Among many others, the following categories of pesticide applicators are required to be licensed:

**Certified Commercial Applicators** — Anyone who charges a fee or receives compensation to apply or supervise the use of any pesticide in Missouri must first be licensed by the state as a certified commercial applicator. As a precondition for licensing, applicants must pass examinations demonstrating competence to apply pesticides safely and effectively and knowledge of applicable regulatory standards. Applicants must also pay an annual license fee of \$50.

**Certified Private Applicators** — Persons who use or supervise the use of restricted-use pesticides for agricultural purposes on their own land, or on someone else's land without compensation, must be licensed and certified as private applicators. Certification requires attendance at a state-administered or online course of instruction covering the use, handling, storage and application of restricted-use pesticides.

**Non-Commercial Applicators** — Individuals who are not regarded as private applicators and who use restricted-use products without compensation or profit on their own or their employer's land, are required to be licensed as certified non-commercial applicators. A license of this type necessitates, in part, completion of examinations to demonstrate competence in the proper use of pesticides under the classification for which licensing is sought, and knowledge of applicable regulatory standards.

**FINANCIAL RESPONSIBILITY** — Prior to licensing, a commercial pesticide applicator must present evidence of having secured a surety bond or liability insurance of at least \$50,000, protecting persons who may suffer legal damages as a result of the applicator's operations.

**STORAGE AND DISPOSAL OF PESTICIDES** — It is illegal to discard, transport or store any pesticide or pesticide container in such a manner as to cause injury to humans, vegetation, crops, livestock, wildlife or beneficial insects.

**RECORDKEEPING** — Commercial applicators must keep a record of each application of any general- or restricted-use pesticide, and must maintain the record for a period of 3 years from the date of application. At a minimum, the record must include the name and address of the customer, the location of the pesticide treatment, the target pests involved, the kind of pesticide applied, an estimate of the amount of pesticide used, and the date of the application. Non-commercial applicators applying restricted-use products are subject to comparable recordkeeping requirements.

**DAMAGE CLAIMS** — Any person who claims to have been damaged or injured as a result of an application of pesticides, and who requests an investigation by the state enforcement agency, must file a report of the incident with the state agency within 30 days after the date the damage is alleged to have occurred. The agency may inspect the damages and must make a report of the investigation available to the parties involved. In no case does failure to file a damage claim bar any criminal or civil action against anyone responsible for the misuse of a pesticide or any other violation of the Act.

#### *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 Pesticide Control, Missouri Department of Agriculture, Jefferson City, Missouri 65102 (573-751-5504)*. The Department is responsible for testing, certification and licensing of pesticide applicators in the state, and for monitoring their compliance with applicable standards and procedural requirements authorized by the Act. With the owner's permission, representatives of the Department may enter private property at reasonable times to inspect land and equipment, observe pesticide applications, and investigate specific complaints. The Department is authorized to suspend, revoke or refuse to renew the license of any applicator who has violated the Act or the Department's regulations. Violations are classified as a misdemeanor.

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

## Montana

### ● MONTANA PESTICIDES ACT

*STATUTORY CITATION:* Mont. Code §§ 80-8-101 – 80-8-401

*RELATED REGULATIONS:* Mont. Admin. R. 4.10.101 – 4.10.1808

*GENERAL SUMMARY:* The Montana Pesticides Act controls the use of pesticide products in the state, in part through the licensing of pesticide applicators and operators, and the authorization of specific rules relating to application practices, financial responsibility, recordkeeping, and other matters.

#### *SPECIFIC TERMS AND CONDITIONS*

##### LICENSING —

**Farm Applicators** — Individuals who apply pesticides to their own crops must obtain a special-use permit prior to purchasing and using any restricted-use pesticide. To qualify for an initial five-year permit, farm applicators must either pass a written examination or attend a state-approved training course, to assure the applicant's practical knowledge regarding agricultural pests, pesticide product labeling, application procedures, environmental considerations, and pesticide poisoning symptoms and accident procedures. Farm applicators must re-qualify for renewal of the permit by attending a 6-hour refresher course.

**Commercial Applicators** — It is illegal for anyone to engage in the business of applying pesticides for any other person without first obtaining an annual license from the state to do so. Before such a license is issued, the applicant generally must pass a written examination to assure the person's competency to use pesticides safely and effectively, must submit proof of financial responsibility, and must meet other licensing requirements.

**GENERAL OPERATING PRACTICES** — The state enforcement agency may modify or revoke, or refuse to grant or renew, the license or permit of an applicator who has (1) applied a pesticide without having a current and appropriate license or permit, (2) operated in a faulty, careless or negligent manner, (3) operated faulty or unsafe equipment, (4) refused or neglected to comply with the Act, the associated regulations or a lawful order of the state agency, (5) refused or neglected to keep required records or make required reports, or (6) used or applied a registered pesticide in a manner inconsistent with its labeling.

In addition, it is unlawful for anyone (1) to handle, transport or store pesticides or pesticide containers in such a way as to endanger people, food, other products, or the environment, (2) to apply or attempt to apply a pesticide contrary to label instructions, or (3) to discard any pesticide or pesticide container in such a manner as to cause injury to humans, domestic animals or wildlife, or to pollute any waterway.

#### *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** – *Agricultural Services Bureau, Montana Department of Agriculture, Helena, Montana 59601 (406-444-5400)*. This agency is responsible for licensing of pesticide applicators in the state, and for enforcing their compliance with the Pesticides Act and related regulations. With a warrant or the consent of the inhabitant or owner, agents of the Department have authority to enter any public or private property in order to inspect pesticides, pesticide application equipment and facilities, application records, and actual or reported damages caused by pesticides. Similarly, the Department may observe the use, application, storage or disposal of any pesticide product anywhere in the state. The Act prescribes both civil and criminal penalties for persons found in violation.

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

## Nebraska

### ● 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*.

## Nevada

### ● CUSTOM PESTICIDE APPLICATION LAW

*STATUTORY CITATION:* Nev. Rev. Stat. §§ 555.2605 – 555.470

*RELATED REGULATIONS:* Nev. Admin. Code §§ 555.250 – 555.700

*GENERAL SUMMARY:* Chapter 555 of the state statutes contains provisions which regulate the custom application of pesticides in Nevada, in part by requiring the licensing of individuals engaged in pest control operations and the certification of users of restricted-use pesticides. The state agriculture department is authorized to adopt related regulatory provisions consistent with statutory intent.

#### *SPECIFIC TERMS AND CONDITIONS*

**LICENSING** — In general, no one may engage in pest control activities in Nevada without a license to do so issued by the state. Among other qualifications, an applicant for a pest control license must have at least 2 years' practical pest control experience, or an equivalent combination of education and experience. Issuance of a license is also contingent on the applicant's presentation of proof of bonding or public liability and property damage insurance in an amount not less than \$50,000. In addition, drift insurance may be required whenever the applicant intends or expects to employ pesticides that are hazardous to humans, livestock, crops or wildlife.

**CERTIFICATION** — Aside from the licensing requirement, anyone who intends to use or supervise the use of a restricted-use pesticide must first obtain a certificate from the state authorizing such activity. Certification is conditioned on a finding by the state enforcement agency that the applicant has adequate knowledge concerning the proper use and application of such materials, and of the hazards involved and precautions to be taken in connection with their use.

**RECORDKEEPING** — Persons who, for hire, apply pesticides to cropland using ground equipment or apply pesticides by aircraft are required to keep a record of each property treated. The record must include the date of treatment, the start and end times, the name of the person for whom the pesticide was applied, the county where the treatment took place, the crop involved, the number of units treated, the material and dosage applied, the purpose for applying pesticides, the temperature and wind velocity at the start and end of treatment, and the name of the applicator or pilot.

**PROHIBITED ACTS** — Among other grounds for suspension, modification or revocation of licensing and certification, it is unlawful for pesticide applicators in the state (1) to operate faulty or unsafe equipment, (2) to apply pesticides in a faulty, careless or negligent manner, (3) to engage in pesticide control activities not authorized under the class of license or certificate held, or in violation of its restrictions, (4) to continue to operate when the required insurance or bonding has expired or been canceled, (5) to fail or neglect to keep required records or make required reports, or (6) to apply a pesticide product in a manner inconsistent with its labeling or contrary to other restrictions imposed by the state agency.

**EXEMPTION OF FARMER-OWNERS** — Except with respect to the use of restricted-use products, the licensing and other requirements of the pesticide application laws do not apply to any farmer-owner of ground equipment applying pesticides on his or her own property, or on adjacent property for the accommodation of neighbors for agricultural purposes, as long as the farmer-owner does not regularly engage in pesticide application for hire or offer such services to the general public.

#### *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** – *Plant Industry Division, Nevada Department of Agriculture, Sparks, Nevada 89431 (775-353-3729)*. The Department is responsible for the licensing and certification of pesticide applicators in the state, and for assuring their compliance with the standards and duties imposed by these provisions. Inspectors from the Department may enter any public or private property at reasonable times for the purpose of inspecting, auditing, sampling or monitoring any aircraft, ground equipment, records, storage areas, pesticides, pesticide application operations, disposal operations, or other activities subject to regulation by the Department. On receipt of a verified complaint, the Department may investigate any loss or damage resulting from the application of any pesticide by a licensed pest control operator, generally provided that the complaint is filed within 60 days from the time the loss or damage becomes known to the complainant. In addition to suspension or revocation of the applicant's license or certificate, violators are subject to criminal charges.

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

## New Hampshire

### ● PESTICIDE CONTROL LAW

*STATUTORY CITATION:* N.H. Rev. Stat. §§ 430:28 – 430:50

*RELATED REGULATIONS:* N.H. Code Admin. R. Pes. 100 – 1100

*GENERAL SUMMARY:* The New Hampshire pesticide control law regulates the use of pesticides in the state, in part by requiring the registration and licensing of applicators and by defining numerous illegal acts related to the application and other use of pest control compounds. The state pesticide control board has explicit authority to adopt administrative rules further regulating pesticides and pesticide users.

#### *SPECIFIC TERMS AND CONDITIONS*

**REGISTRATION CERTIFICATES** — No one in New Hampshire may engage in the commercial application of pesticides, or in the private application of restricted-use pesticides, without a valid certificate of registration issued by the state. Every person who applies for a registration certificate is required to demonstrate by examination or comparable means his or her competency to use pesticides in accordance with state standards, and commercial for-hire applicators must provide proof of financial responsibility covering potential damages from the applicant's pest control operations.

**PERMITS** — In general, no one other than a commercial applicator may apply pesticides in New Hampshire without first obtaining a written permit from the state. Issuance of such a permit is contingent on the applicant's demonstration of ability to use pesticides safely.

**APPLICATOR RECORDKEEPING** — Both commercial and private applicators are required to make, and keep available for at least 2 years, a record of each application of pesticides. The record must include, among other entries, the site or crop treated and its location, the pesticide and formulation used, the dosage applied, the method of application, the date of application, and the target pest involved.

**DAMAGE TO NON-TARGET AREAS** — It is illegal for anyone to apply pesticides in a way that causes or could cause contamination of areas not targeted for treatment. Pesticides may not be applied by power equipment any time wind velocity would cause contamination of a non-target area.

**PESTICIDE DISPOSAL** — Unusable pesticides generally must be disposed of in an authorized solid waste or hazardous waste treatment storage disposal facility. Empty pesticide containers must be disposed of in accordance with prescribed procedures. Pesticide containers may not be used for any purpose not described on the product label.

**PROHIBITED ACTS** — Among numerous other unlawful practices cited in these provisions, it is illegal for anyone (1) to handle, transport or store pesticides in such a manner as to endanger humans, food, feed or the environment, or (2) to store or dispose of any pesticides or pesticide containers in a way that may cause injury to humans, vegetation, crops, livestock, wildlife or beneficial insects.

#### *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** – *Division of Pesticide Control, New Hampshire Department of Agriculture, Markets and Food, Concord, New Hampshire 03301 (603-271-3550)*. The Department is responsible for issuing registration certificates and permits to pesticide applicators in the state, and for assuring their compliance with state standards governing use and application of such products. Agents of the Department are authorized to enter any public or private premises, among other purposes (1) to inspect equipment or aircraft used in the application of pesticides, (2) to inspect crops, animals and property exposed to pesticides, (3) to inspect pesticide storage and disposal areas, (4) to inspect and copy records related to pesticide distribution, storage and use, and (5) to obtain soil and water samples believed to have been exposed to pesticides. Anyone who violates any provision of the pesticide control laws, the associated regulations, or a Department order is guilty of a criminal offense and is also liable for a civil money penalty of up to \$5,000 and an administrative fine of up to \$1,000 for each violation.

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

## New Jersey

### ● PESTICIDE CONTROL ACT OF 1971

*STATUTORY CITATION:* N.J. Rev. Stat. §§ 13:1F-1 – 13:1F-18

*RELATED REGULATIONS:* N.J. Admin. Code 7:30, Subchs. 5 – 13

*GENERAL SUMMARY:* In order to eliminate the environmental threat posed by the indiscriminate use of pesticides, the Pesticide Control Act authorizes the adoption of state regulations governing the sale, purchase, transportation, labeling, use and application of insecticides, rodenticides and similar products in New Jersey.

*SPECIFIC TERMS AND CONDITIONS:* Under statutory rulemaking authority, the state environmental protection department has adopted standards relevant to pesticide applicators and the general use of pesticides.

#### PESTICIDE APPLICATOR BUSINESSES —

**Licensing** — No individual, company or other entity may engage in the business of applying pesticides for hire without first licensing the business with the state. Among other requirements, a pesticide application business must maintain liability insurance with limits ranging from \$300,000 to \$500,000 for bodily injury and property damage, or obtain a surety bond of from \$100,000 to \$300,000. For each category of pesticide application in which it engages, the business must employ at least one commercial pesticide applicator who is certified and registered in that category.

**Recordkeeping** — Along with numerous related duties, every pesticide application business is required to keep a record of each application of pesticides performed by the business. The record must include the date of application, the place of application, the name of the product used, the amount applied, the dosage or rate of application, and the name and business license number of the person performing the application.

#### COMMERCIAL PESTICIDE APPLICATORS —

**Certification and Licensing** — In general, no one (other than a private applicator, discussed below) may use or supervise the use of any pesticide in any category of use for which he or she has not been certified and licensed by the state, unless the person is an employee of a commercial pesticide applicator and is applying pesticides (using non-aerial equipment only) under the direct supervision of that commercial applicator. In order to become certified, an applicant is required to pass both a general examination and an examination specific to the category of use in which the applicant will engage. Within 12 months after certification, a commercial applicator must apply for a license, which is renewable annually.

**Recordkeeping** — Among related responsibilities, commercial pesticide applicators must keep a record of each application of pesticides they make or supervise. The record must contain essentially the same elements as those prescribed for pesticide application businesses.

#### PRIVATE PESTICIDE APPLICATORS —

**Certification and Registration** — Agricultural producers who apply or supervise the application of restricted-use pesticides to their own crops, as well as the employees of such producers who apply restricted-use pesticides to their employer's crops, must be certified and licensed as private pesticide applicators. Certification requires successful completion of two separate examinations, both designed to test the applicant's knowledge and understanding of pesticide safety, laws and regulations, pesticide labeling, crops and pests, pesticide poisoning symptoms, and related subjects. Within 12 months after certification, private applicators are required to apply for a license.

**Recordkeeping** — Registered private applicators must keep a record of each application of pesticides, in essentially the same format as described above with respect to pesticide application businesses.

**COMMERCIAL PESTICIDE OPERATORS** — Unless the person is certified and licensed as a commercial or private applicator or is working in the actual presence of such an applicator, no person may apply pesticides under the supervision of a commercial or private applicator unless he or she has undergone annual prescribed training and is licensed as a pesticide operator. Under no circumstances, however, may a pesticide operator apply pesticides by air.

**STORAGE OF PESTICIDES** — Restricted-use pesticides and contaminated containers generally must be stored in a secure, locked enclosure, plainly marked with warnings.

**CONTAINER LABELING** — It is illegal to store, transport or possess any pesticide if part or all of its labeling is missing or unreadable; if the product is in a service container, the container must have attached to it a readable label showing the name of the substance, its EPA registration number, the name and percentage of its active ingredients, and an appropriate signal word ("Danger—Poison," "Warning," or "Caution"). Pesticides may not be placed or kept in any container commonly used for food, beverages or household products.

**PESTICIDE DISPOSAL** — No one may dispose of pesticides, pesticide containers or pesticide equipment in any way which could harm people or the environment, or in a manner prohibited by state or federal law.

**APPLICATION AND SAFETY EQUIPMENT** — Pesticide application equipment must be properly maintained and calibrated. Anyone having employees who handle or apply pesticides must make necessary or appropriate safety equipment available to the workers. Safety equipment must be in good working order, and the workers must be trained in its proper operation.

**PRIOR NOTIFICATION OF PESTICIDE APPLICATIONS** — In general, application of pesticides to an area greater than 3 acres, when the treatment is performed by or contracted for one person who has control over the targeted land, is illegal unless prior notification of the proposed application has been given to persons living in the vicinity of the target site. Notification must be given in at least 2 newspapers, no earlier than 30 days and no later than 7 days before the proposed date of treatment.

*NOTE: While this requirement does not apply to aerial pesticide applications made in connection with the production of agricultural commodities, any private or commercial applicator who has been cited by the state agency for a violation involving pesticide drift, direct application to non-target areas, or injury or damage to people or the environment during the course of producing an agricultural commodity, must post a warning flag or sign that is visible to nearby properties. The flags or signs need to go up at the start of the application and remain posted for at least 24 hours and be removed within 72 hours of the end of the restricted-entry interval.*



## *Pesticides & Agricultural Chemicals — General Application Standards — New Jersey*

PROHIBITED ACTS — Among many other unlawful acts, it is illegal for anyone (1) to use a pesticide in a manner inconsistent with the product's labeling or with state or federal restrictions, (2) to handle or apply pesticides in any way that causes or could cause harm to people, property or the environment, (3) to apply pesticides without taking reasonable precautions to minimize exposure of individuals and assuring the safety of persons who are unavoidably exposed, (4) to apply pesticides to a target site in such a way or under such conditions that a non-targeted site is contaminated by pesticide drift, or (5) to apply pesticides to agricultural lands when persons other than those involved in the application are in the target area without prescribed protective clothing or equipment.

### *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 Pesticide Compliance and Enforcement, Division of Waste Enforcement, Pesticides and Release Prevention, New Jersey Department of Environmental Protection, Trenton, New Jersey 08625 (609-984-6568)*. This agency is responsible for certification and licensing of pesticide applicators, and for monitoring compliance with the statutory and regulatory requirements and restrictions on the use of pesticides in the state. The Department may suspend or revoke the license of any application business, applicator or operator found to have violated any of these provisions, or of anyone who has been assessed a civil penalty or convicted of a criminal violation under the Federal Insecticide, Fungicide, and Rodenticide Act.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

## New Mexico

### ● PESTICIDE CONTROL ACT

*STATUTORY CITATION:* N.M. Stat. §§ 76-4-1 – 76-4-39

*RELATED REGULATIONS:* N.M. Code R. § 21.17.50 and § 21.17.56

*GENERAL SUMMARY:* The Pesticide Control Act regulates the sale, distribution and use of pesticides in New Mexico, in part by requiring the licensing of pesticide applicators, requiring the inspection of pesticide application equipment, and outlawing certain acts involving pesticide products. The state agriculture department is expressly authorized to adopt related regulatory standards consistent with statutory intent.

#### *SPECIFIC TERMS AND CONDITIONS*

##### LICENSING AND CERTIFICATION —

**Private Agricultural Applicators** — No private applicator may use a restricted-use pesticide in agricultural operations without first being certified by the state. Certification requires an understanding of basic pesticide product labeling and competence in the use and handling of the particular pesticide or pesticides to be applied. As a further precaution, private applicators must obtain a user permit prior to purchase of the product.

**Commercial Applicators and Operators** — It is unlawful for anyone to engage in the business of applying pesticides to someone else's land without a commercial pesticide applicator license issued by the state. Likewise, employees of commercial applicators must be licensed as pesticide operators. Licensing in both commercial categories requires as a prerequisite completion of an examination to demonstrate competence to perform the respective pesticide use functions safely.

**INSURANCE AND BONDING** — The state may not grant a commercial pesticide applicator license until the applicant has furnished evidence of financial responsibility, consisting of a liability insurance policy or a surety bond protecting persons who may suffer legal damages as a result of the licensee's operations. Current regulations require minimum liability coverage of \$50,000 for bodily injury and property damage (\$100,000 for aerial pesticide applicators) or a surety bond of \$100,000.

**INSPECTION OF EQUIPMENT** — Equipment used for the commercial application of pesticides must be inspected annually by the state agency. Any piece of equipment which fails inspection must be tagged with an "Out of Order" seal and may not be put back into service until it has passed re-inspection.

**STORAGE AND DISPOSAL OF PESTICIDES** — Pesticides must be stored in a manner that will not result in injury to humans, vegetation, crops, livestock, wildlife or beneficial insects, or the pollution of any waterway.

**RECORDKEEPING** — Commercial and non-commercial applicators are required to make a record of each application of pesticides within 24 hours after the job is completed, whether the product is applied by the applicator or someone under the applicator's direct supervision. The record must include, among other data, the name of the person for whom the pesticide was applied, the target pest and the crop or site involved, the date and time of the application, identifying information on the product applied, the wind velocity and temperature at the time and place of application, and the concentration and amount of the substance applied.

**PROHIBITED PRACTICES** — Among other acts defined as violations of the Pesticide Control Act and which constitute grounds for denial, suspension or revocation of a license or permit are these:

- (1) Operating faulty or unsafe equipment.
- (2) Operating in a faulty, careless or negligent manner.
- (3) Refusing or failing to keep required records or to make required reports.
- (4) Applying pesticides without the proper certification or license.

No one, whether licensed or not, may transport, distribute or dispose of a pesticide or pesticide container in a manner that may cause injury to humans, vegetation, crops, livestock, wildlife or beneficial insects.

**DAMAGE REPORTS** — Anyone suffering loss or damage from the use or application by others of any pesticide may file a report of the loss with the state enforcement agency within 60 days from the time the loss or damage becomes known to the claimant. If inspection of the alleged damages discloses evidence that the complaint has merit, the agency's report will be made available to the parties involved. While filing of a damage report is not mandatory, a claimant's refusal to allow the state agency or a representative of the applicator's insurance or bonding company to inspect the alleged damage or injury will effectively preclude prosecution of the claim.

#### *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 Compliance, New Mexico Department of Agriculture, Las Cruces, New Mexico 88003 (575-646-2733)*. The Department is responsible for testing and licensing pesticide applicators in the state, monitoring their compliance with the Act and its regulations, and investigating pesticide-related complaints. For these purposes, representatives of the Department are authorized to enter any public or private premises, with the consent of the owner or by court order, to inspect pesticide equipment, inspect land exposed to pesticides, inspect storage and disposal areas, and sample pesticide residues in soil and on crops. The Department may file a criminal complaint, punishable as a petty misdemeanor, for any violation of the Act. The filing of charges also exposes the violator to liability for a civil penalty of up to \$1,000.

*Pesticides & Agricultural Chemicals — General Application Standards — New Mexico*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY - *None.*

## New York

### ● ENVIRONMENTAL CONSERVATION LAW (*PESTICIDES*)

*STATUTORY CITATION:* N.Y. Environmental Conservation Law §§ 33-0101 – 33-1503 and §§ 71-2901 – 71-2915

*RELATED REGULATIONS:* N.Y. Comp. Codes R. & Regs. Title 6, Part 325

*GENERAL SUMMARY:* Article 33 of the environmental conservation statutes regulates the registration, commercial use, purchase, and custom application of pesticides in New York. Of immediate relevance to the agricultural workplace are provisions requiring certain permits and certification for the purchase and application of restricted-use pesticides, requiring the registration of pesticide businesses, and defining certain unlawful acts involving pesticide products. Article 71, in turn, delimits the state's powers and procedures in enforcing the substantive pesticide standards, and grants the enforcement agency authority to adopt additional regulatory controls over pesticides and pesticide users.

#### *SPECIFIC TERMS AND CONDITIONS*

**PURCHASE PERMITS** — With few exceptions, a purchase permit issued by the state is required for the purchase, possession or use of a restricted-use pesticide. The applicant for a purchase permit has to justify the need for the quantity and type of pesticide requested and must demonstrate sufficient knowledge and experience concerning the proper handling, application and disposal of the product. A permit is valid only for the compound and quantity indicated on its face and must be properly canceled by the seller at the time the product is purchased.

**APPLICATOR CERTIFICATION** — No one may engage in the commercial application of any pesticide, or the private agricultural application of a restricted-use pesticide, without first being certified by the state. An applicant for certification must show adequate knowledge and experience in the proper application of pesticides and the use of pesticide equipment by completing an examination. Certification is not valid unless the certificate-holder also has a valid identification card issued by the state agency.

**PESTICIDE BUSINESS REGISTRATION** — Apart from the preceding requirements, any individual or firm that performs commercial application of pesticides for hire must register with the state and meet state-prescribed standards of competence in the use of pesticides and pesticide equipment.

**APPLICATOR RECORDKEEPING** — Every application business and commercial applicator must keep a record of each application of any pesticide. Among other information, the record must include the date and location of the application, the pesticide and dosage applied, the target pest involved, and the total acreage treated.

**UNLAWFUL ACTS** — Among numerous other prohibited activities, it is illegal for anyone (1) to detach, alter or deface any part of the labeling on a pesticide product, (2) to store or dispose of a pesticide or pesticide container in a manner contrary to state regulations, (3) to purchase, possess or use a restricted-use pesticide without a purchase permit or a certified applicator identification card, (4) to apply pesticides commercially without a certified applicator identification card (unless working under the direct supervision of a certified applicator), or (5) to engage in the pesticide application business without being registered.

#### *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 Pest Management, Division of Materials Management, New York State Department of Environmental Conservation, Albany, New York 12233-7250 (518-402-8652)*. The registration of pesticide application businesses in the state, the certification of pesticide applicators, and the issuance of pesticide purchase permits is administered exclusively by the Department. In enforcing compliance with the rules applicable to the purchase and use of pesticides, the Department may conduct investigations, hold hearings, subpoena witnesses and documents, and take sworn testimony. Whenever the Department finds, or has probable cause to believe, that a pesticide is being used in violation of the state pesticide laws, the agency may issue a stop-use order requiring immediate cessation of the pesticide operation involved. Anyone who violates the pesticide provisions is liable to a civil penalty of up to \$5,000 for the first violation, assessed by the Department and enforceable in court by the state attorney general. Acts prohibited under the pesticide laws are also deemed a criminal offense, punishable by fine and imprisonment.

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

## North Carolina

### ● NORTH CAROLINA PESTICIDE LAW OF 1971

*STATUTORY CITATION:* N.C. Gen. Stat. §§ 143-434 – 143-470.1

*RELATED REGULATIONS:* 02 N.C. Admin. Code 09L.0101 – .2203

*GENERAL SUMMARY:* The North Carolina Pesticide Law regulates the registration, sale, use, application and disposal of insecticides, fungicides, herbicides, defoliant and similar substances in the state. Of particular relevance to agricultural field workers, the pesticide law (1) requires the licensing and certification of applicators of such products, (2) establishes general guidelines for the handling, storage and disposal of pesticides, and (3) authorizes the state pesticide board to issue specific regulations relating to pesticide application procedures and other issues.

#### *SPECIFIC TERMS AND CONDITIONS*

**LICENSING OF COMMERCIAL APPLICATORS** — No one may engage in the pesticide application business at any time without a license from the state. Issuance of a license requires the applicant to demonstrate his or her technical qualifications to conduct such operations, as well as knowledge of the laws and regulations governing use and application of pesticides.

**CERTIFICATION OF PRIVATE APPLICATORS** — Farm operators who use or supervise the use of restricted-use pesticides on their own crops, and who are not licensed as commercial applicators, must be certified by the state as private applicators. Certification generally requires, among other conditions, that the applicant participate in a state-approved classroom training program dealing with pest control and pesticide safety.

**RECORDKEEPING** — All commercial pesticide applicators using ground application equipment must keep a record of all applications of restricted-use pesticides. The record must include, among other elements, the name of the applicator, the name and address of the person for whom the pesticide was applied, the location of the site treated, the name of the crop involved, the approximate acreage treated, the date of treatment, the name of the pesticide used, and the amount of the product applied.

**PESTICIDE STORAGE** — No pesticide may be stored in an unlabeled container, nor may such substances be stored in any food, feed, beverage or medicine container. Pesticides may not be stored in a manner that could lead to contamination of foods, feeds, beverages, eating utensils, or tobacco products, or could result in accidental ingestion by humans or domestic animals.

**PESTICIDE DISPOSAL** — It is unlawful to dispose of pesticides or pesticide containers in any way which could cause or allow such items to be dumped in the open, burned in the open, or dumped in the ocean or in some other body of water.

**PROHIBITED ACTS** — Among numerous other restrictions and offenses mentioned in the statute, it is unlawful for anyone:

- (1) To transport, store or handle pesticides in such a manner as to endanger human life, the environment, food, feed or other products.
- (2) To store or dispose of pesticides or pesticide containers in a way that may cause injury to humans, vegetation, crops, livestock or wildlife, or pollute any water supply or waterway.
- (3) To detach, alter or deface all or any part of the labeling on a pesticide product.
- (4) To use a pesticide in a manner inconsistent with its labeling.

#### *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 Section, Structural Pest Control and Pesticide Division, North Carolina Department of Agriculture and Consumer Services, Raleigh, North Carolina 27699 (919-733-3556)*. Representatives of the Department may enter public and private property to inspect both the premises and equipment used in the storage or application of pesticides, and to investigate specific complaints of injury to humans, land or plants. Any person violating any provision of the pesticide law or the associated regulations is subject to a criminal fine, imprisonment or both. The Department may also impose civil money penalties for a range of violations, including unlicensed application of pesticides, failure to keep required records or make required reports, and use of pesticides contrary to product labeling.

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

## North Dakota

### ● NORTH DAKOTA PESTICIDE ACT OF 1975

*STATUTORY CITATION:* N.D. Cent. Code §§ 4-35-01 – 4-35-30

*RELATED REGULATIONS:* N.D. Admin. Code 60-03-01

*GENERAL SUMMARY:* The North Dakota Pesticide Act regulates the distribution, transportation, storage, use and disposal of pesticides, plant regulators and similar substances in the state, largely by requiring the licensing of pesticide applicators and enforcing their compliance with application standards and procedural rules. The state agriculture department is expressly authorized to adopt and enforce administrative standards further regulating pesticides and pesticide users in North Dakota.

#### *SPECIFIC TERMS AND CONDITIONS*

**CERTIFICATION** — In general, no one may purchase, use or supervise the use of any restricted-use pesticide for commercial purposes without being certified as a commercial pesticide applicator. Similarly, agricultural producers who intend to use restricted-use pesticides on their own property, or without compensation on agricultural lands belonging to another producer, must be certified by the state as private applicators as a precondition to buying, using or supervising the use of any such product. Among other violations for which a license or certification may be denied, suspended or revoked are the following:

- (1) Applying a pesticide in a manner inconsistent with its labeling.
- (2) Operating faulty or unsafe equipment.
- (3) Refusing or neglecting to keep required records or make required reports.
- (4) Operating unlicensed equipment.
- (5) Purchasing, using or supervising the use of a restricted-use pesticide without complying with certification requirements.

**FINANCIAL RESPONSIBILITY** — Applicants for commercial applicator certification must submit proof of financial ability to cover liability for damage or injury caused by their pesticide application activity. This requirement may be met by obtaining a performance bond or liability insurance policy in the amount of \$100,000, or a notarized letter from a financial institution or CPA confirming that the applicant has at least \$100,000 in net assets.

**PESTICIDE STORAGE AND DISPOSAL** — It is illegal for anyone to store or discard surplus pesticides or empty pesticide containers in a manner that would endanger humans, the environment, food, feed or other products.

**APPLICATOR RECORDKEEPING** — Commercial and private applicators must keep a record of all applications of restricted-use pesticides. Among other elements, each record must include the name and address of the person for whom the pesticide was applied, the location of the treatment and the specific crops and acreage involved, the pest or pests to be controlled, the date and time of the application, the name of the pesticide supplier, the name and amount of the product applied, the wind velocity and air temperature at the treatment site at the time of application, and a description of the equipment used in the application.

**REPORTING OF PESTICIDE ACCIDENTS OR LOSSES** — Any person claiming injury or damage by a pesticide applied by another party must report the incident to the applicator involved, and must allow the applicator to inspect the property or non-target organism alleged to have been affected. In general, no civil action for damages arising out of the application of a pesticide may be commenced unless the claimant has notified the applicator (1) within 28 days from the date the claimant knew the loss had occurred, or (2) before 20 percent of the crop or field allegedly damaged is harvested or destroyed, whichever period occurs earlier. Refusal by the claimant to permit examination of the damage automatically bars the claim.

#### *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 Enforcement Program, North Dakota Department of Agriculture, Bismarck, North Dakota 58505 (701-328-4922)*. The Department is responsible for the certification of pesticide applicators and the enforcement of the statutory and regulatory standards applicable to pesticide use in the state. In addition to civil liability for damages caused by misuse or abuse of pesticide products, anyone who violates the Pesticide Act is subject to criminal prosecution.

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

**PRIVATE CIVIL ACTION** — A person who has suffered damages from a violation of the Pesticide Act may take civil action against the applicator involved, using a private attorney or public legal service provider.

## Ohio

### ● PESTICIDE LAW

*STATUTORY CITATION:* Ohio Rev. Code §§ 921.01 – 921.99

*RELATED REGULATIONS:* Ohio Admin. Code 901:5-11

*GENERAL SUMMARY:* Chapter 921 of the state statutes regulates the sale, storage, use and disposal of pesticides in Ohio and contains, among other provisions, licensing requirements and operational standards relevant to pesticide applicators in the state.

#### *SPECIFIC TERMS AND CONDITIONS*

##### LICENSING —

**Pesticide Businesses** — No one may own or operate a business whose purpose it is to apply pesticides to someone else's property for hire without first obtaining a pesticide business license from the state. Among other prerequisites for obtaining a business license, the applicant must submit proof of liability insurance in the minimum amount of \$300,000 covering potential damage caused by the application of pesticides.

**Commercial Applicators** — No one (other than a private applicator, discussed next) may apply a restricted-use pesticide without having a commercial applicator license issued by the state. As conditions for receiving such a license, the applicant must pass both a general core examination and an examination for the specific category of pesticide use for which the applicant is applying, and be found competent to apply pesticides and conduct diagnostic inspections.

**Private Applicators** — A private applicator's license is required for any non-commercial applicator who intends to apply a restricted-use pesticide to agricultural crops on the applicator's own land, or on someone else's property when no fee is charged for such services. Applicants for a private applicator license must demonstrate adequate knowledge and competence to apply the types of pesticides they will be applying.

##### OPERATIONAL STANDARDS —

**Recordkeeping** — Every licensed commercial applicator must make a record of all pesticide applications performed, including such information as the name and address of the person contracting for the service, the date and time of the application, the size and location or field number of the treatment area, the identity of the pesticide product used, the type of equipment used, and the wind velocity and air temperature when the application occurred. Records must be retained for a period of 3 years from the date of the pesticide application to which they refer.

Private applicator records must include, for each restricted-use pesticide applied, the applicator's name and license number, the product name and EPA registration number, the total amount of product applied, the location or field number of the area treated, the total area or acreage treated, the crop to which the pesticide was applied, and the date of application.

**Storage and Disposal** — Pesticides and pesticide containers must not be stored or disposed of in such a manner as to adversely affect the environment, contaminate animal feed or commercial fertilizers, or result in injury to crops, livestock or the general public. Pesticide handlers and applicators must observe detailed procedural rules spelled out in the state regulations.

**Unlawful Acts** — Among many other offenses defined in the pesticide law and associated regulations, it is illegal for anyone (1) to use or apply a pesticide contrary to the product's labeling or state regulations, (2) to use or supervise the use of a restricted-use pesticide without being licensed or certified to do so, or unless directly supervised by a certified applicator, (3) to fail or refuse to keep required records or make required reports, or (4) to operate in a faulty, careless or negligent manner, or operate faulty or unsafe equipment.

#### *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** – *Enforcement Division, Ohio Department of Agriculture, Reynoldsburg, Ohio 43068 (614-728-6270)*. The Department has exclusive control over the licensing of pesticide applicators in the state, and is responsible for enforcing compliance with the statutory and regulatory provisions governing their operations. Representatives of the Department are granted free access to all books, records, pesticides and pesticide equipment subject to regulation, on any public or private property during regular business hours. The Department may observe pesticide applications and take samples of plant and animal life, soil, water or other matter to determine any adverse effects of a pesticide application, drift or spillage. Among other remedies, the Department may seize illegal products, issue orders requiring repair of unsafe application equipment, suspend or revoke the license or certification of pesticide applicators found in violation of the law or regulations, and apply to the state courts to enforce compliance.

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

## Oklahoma

### ● OKLAHOMA COMBINED PESTICIDE LAW

*STATUTORY CITATION:* Okla. Stat. Title 2, §§ 3-81 – 3-86

*RELATED REGULATIONS:* Okla. Admin. Code §§ 35:30-17-1 – 35:30-17-107

*GENERAL SUMMARY:* Among other matters, the Oklahoma Combined Pesticide Law regulates pesticide applicators in Oklahoma, in part by requiring most classes of applicators to be licensed and certified, to secure liability insurance, to keep pesticide application records, and to observe other standards of performance and conduct. The state agriculture department has authority under the law to adopt and enforce related administrative standards further regulating pesticides and pesticide users.

#### *SPECIFIC TERMS AND CONDITIONS*

**LICENSING AND CERTIFICATION** — It is unlawful for any person to act, operate or do business as a commercial, non-commercial or private pesticide applicator unless the person has obtained a valid applicator's license from the state for the category of pesticide application in which the person intends to engage. There must be a certified applicator identified on each license issued, and certification requires the applicator to prove, through a written test (and, in some cases, a practical examination) competence in the particular use of pesticides for which the license is issued.

**LIABILITY INSURANCE** — No commercial applicator's license may be granted until the applicant furnishes evidence of insurance covering liability for damages arising from the applicator's operations and involving property other than the crops, plants or land targeted for treatment at the time the loss occurred.

**RECORDKEEPING** — Commercial and non-commercial applicators are required to keep accurate records of their pesticide activities, including such data as the time and place of each application, the name and address of the applicator and the person for whom the work is being performed, the legal description of the targeted property, the date of application, the quantity of the pesticide used, the trade name of the product, and the targeted pest.

**PROHIBITED ACTS** — Among other grounds for denial, suspension, revocation or non-renewal of licensing, a pesticide applicator is forbidden from (1) using a pesticide in a manner inconsistent with the product's labeling, (2) failing or refusing to keep required records, and (3) applying a pesticide without possessing the proper category of license permitting such use.

**COMPLAINTS** — The state agriculture department is required to receive and attempt to resolve written complaints involving the use or alleged misuse of pesticides.

#### *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 Section, Consumer Protection Services Division, Oklahoma Department of Agriculture, Food, and Forestry, Oklahoma City, Oklahoma 73152 (405-522-6347)*. In addition to its licensing function, the Department is responsible for inspecting the job performance of licensed applicators to determine their compliance with the statutory and regulatory provisions applicable to pesticide use, and for investigating related damage claims. The Department has authority to assess civil money penalties of up to \$1,000 for each violation of these provisions. Violators are also subject to criminal fines and imprisonment.

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



## Oregon

### ● STATE PESTICIDE CONTROL ACT

*STATUTORY CITATION:* Or. Rev. Stat. §§ 634.005 – 634.992

*RELATED REGULATIONS:* Or. Admin. R. 603-057-001 – 603-057-0535

*GENERAL SUMMARY:* The State Pesticide Control Act regulates the registration, distribution and use of pesticides in the state. Among the measures in the Act most immediately relevant to agricultural labor are provisions requiring the licensing and certification of pesticide applicators and defining certain prohibited acts involving the use of pesticides. The Act also authorizes the state agriculture department to adopt and enforce administrative rules further regulating pesticides and pesticide users.

#### *SPECIFIC TERMS AND CONDITIONS*

##### LICENSING AND CERTIFICATION —

**Pesticide Operators** — Any business engaged in the application of pesticides on the land or property of another must be licensed by the state. A pesticide operator's license may not be issued until the applicant has, in addition to other prerequisites, furnished evidence of liability insurance coverage or posted comparable security covering injury or death to persons, or damage to property, resulting from the applicant's pesticide operations. Minimum coverage is \$25,000 for bodily injury and \$25,000 for property damage.

**Pesticide Applicators** — Individuals who apply pesticides while in the employ of a pesticide operator must be licensed. Among other licensing conditions, an applicant must demonstrate by written examination adequate knowledge of pesticides, application practices, precautions to be taken, pesticide laws and regulations, and related issues.

**Private Applicators** — Farm operators and their employees who apply restricted-use pesticides to crops on their own land must secure a private applicator's certificate from the state. Such individuals must, among other certification requirements, pass a written examination covering such subjects as pesticides, application techniques and practices, safety precautions, and pesticide laws and regulations.

**Aerial Applicators** — No individual may apply pesticides by aircraft unless the individual holds a valid aerial pesticide applicator certificate issued by the state. An aerial certificate may be issued only if the applicant (1) is a licensed pesticide applicator, (2) holds a valid commercial pilot certificate for the type of aircraft to be used in applying pesticides, (3) has at least 50 hours of prescribed pesticide application experience or related flight training, and (4) has passed an examination testing the applicant's knowledge regarding pesticide application by aircraft.

**RECORDKEEPING** — Pesticide operators must maintain a record of each pesticide application, showing the name of the party for whom the pesticide was applied, the approximate location of the property treated, the date and time of application, the person who supplied the pesticide, the trade name and strength of the product, the amount or concentration used, the specific crops targeted, the equipment employed (including the FAA registration number of any aircraft used), and the name of each pesticide applicator and trainee who performed the actual application.

**LIABILITY CLAIMS** — No legal action may be taken against a pesticide operator for injury or damage from the use of a pesticide unless the claimant has filed a report of the loss with the state enforcement agency, and forwarded a copy of the report to the operator allegedly responsible and to the party for whom the application was performed, within 60 days from the date of the loss or the claimant's discovery of the loss.

**PROHIBITED ACTS** — Among other offenses described in the Act, it is illegal for anyone (1) to operate any faulty or unsafe pesticide spray apparatus, aircraft or other application equipment, (2) to perform pesticide application activities in a faulty, careless or negligent manner, (3) to refuse or neglect to keep required records, (4) to make false, misleading or fraudulent reports required by the Act, (5) to use pesticides without proper licensing or certification, if required, or (6) to use any pesticide product in a manner inconsistent with its labeling.

#### *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** – *Pesticides Program, Oregon Department of Agriculture, Salem, Oregon 97301 (503-986-4635)*. The Department is responsible for the registration of pesticide products in Oregon, the licensing and certification of pesticide applicators, and enforcement of compliance with statutory and regulatory application standards. The Department may revoke, suspend or refuse to issue or renew any license or certificate if it determines that an applicant, licensee or certificate-holder has violated any of these provisions. Violation is a misdemeanor, punishable by fine, imprisonment, or both.

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

## Pennsylvania

### ● PENNSYLVANIA PESTICIDE CONTROL ACT OF 1973

*STATUTORY CITATION:* 3 Pa. Stat. §§ 111.21 – 112

*RELATED REGULATIONS:* 7 Pa. Code Ch. 128

*GENERAL SUMMARY:* Among other matters, the Pennsylvania Pesticide Control Act regulates the application and disposal of pesticides in the state, in part by requiring the licensing of pesticide application businesses, the registration of their employees, and the certification of certain private applicators. The Act also authorizes the state administering agency to adopt specific procedural controls over the use of pesticides, in the interest of individual and community-wide safety.

#### *SPECIFIC TERMS AND CONDITIONS*

**LICENSING OF BUSINESSES** — Every individual, firm or other entity in the business of applying pesticides commercially must have a license, issued by the state, specifying the categories of pesticide use in which the business may engage. Among other prerequisites to licensing, the applicant must furnish evidence of financial responsibility, in the form of a surety bond, liability insurance or comparable security. Likewise, an applicant must at all times have in its employ a certified applicator, an individual who has been examined by the state agency and found knowledgeable and competent in such areas as (1) identification of target pests, (2) appropriate pest control measures, (3) pesticide hazards, (4) proper use of application equipment, (5) protective clothing and devices, (6) precautions in cleaning and maintaining equipment, (7) transportation, storage and disposal of pesticides, and (8) applicable federal and state pesticide laws and regulations.

**REGISTRATION OF TECHNICIANS** — Non-certified employees of any business engaged in applying pesticides to someone else's property may apply pesticides only under the direct supervision of a certified applicator. Such employees must be formally registered as application technicians if they use pesticides where a certified applicator is not physically present on the site. Moreover, application technicians must annually undergo training in pest identification, proper use of pesticides, use and maintenance of equipment, use of protective gear, pesticide transportation and disposal, and state and federal pesticide regulations.

**CERTIFICATION OF PRIVATE APPLICATORS** — No one, including most farm operators, may use any restricted-use pesticide without first being certified by the state as a private applicator. Certification requires, among other conditions, passing a written examination covering product labeling, safety and health, environmental protection, pests, pesticides, integrated pest management, equipment, application techniques, and laws and regulations.

**RECORDKEEPING** — Licensed application businesses and private applicators are required to keep a complete and accurate record of each pesticide application they perform. The record must include such information as the date of application, the location and size of the area treated, the pesticide product used, and the amount and dosage applied.

**PRIOR NOTIFICATIONS** — Commercial applicators planning to apply a restricted-use pesticide for an agricultural purpose generally must either (1) publish a notice of the proposed application in two general-circulation newspapers in the affected area, (2) individually notify people living adjacent to the treatment area at least 18 hours prior to the application, or (3) post signs of prescribed size and content at entry points and along property borders at least 18 hours prior to the application. Signs must remain posted until the expiration of any restricted-entry period specified on the pesticide label.

#### *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** – *Division of Health and Safety, Bureau of Plant Industry, Pennsylvania Department of Agriculture, Harrisburg, Pennsylvania 17110 (717-772-5214)*. This agency is responsible for the licensing and certification of pesticide applicators in the state, and for assuring compliance with the limitations and duties applicable to their operations. Representatives of the Department may enter public or private property in order to sample pesticides, examine pesticide equipment, inspect lands exposed to pesticides, inspect storage and disposal areas, and investigate specific complaints of injury to humans or land. In addition to suspension and revocation of licensing and certification, the Department's enforcement tools include the power to assess civil money penalties and to initiate court action to restrain violations. The Act also prescribes criminal penalties for most such infractions.

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

## Puerto Rico

### ● PESTICIDE ACT OF PUERTO RICO

*STATUTORY CITATION:* 5 Laws P.R. Ann. §§ 1001 – 1013

*RELATED REGULATIONS:* Regulation 7769

*GENERAL SUMMARY:* The Pesticide Act of Puerto Rico regulates the use of pesticides, in part by requiring the licensing and certification of applicators, imposing recordkeeping and reporting duties on some applicators, and prohibiting specified acts involving pesticides. The Act authorizes the enforcement agency to adopt administrative rules further regulating pesticides and pesticide users in Puerto Rico.

#### *SPECIFIC TERMS AND CONDITIONS*

**LICENSING** — Any person or establishment that is in the business of applying pesticides commercially must have a license issued by the government of Puerto Rico to do so. Applicants for a license must, among other requirements, furnish bond in an amount ranging from \$50,000 to \$100,000, to guarantee payment of any loss or damage caused by the licensee in the course of pesticide operations. The applicant must also submit evidence of compliance with federal pesticide licensing requirements, if applicable.

#### **APPLICATOR CERTIFICATION** —

**Private Agricultural Applicators** — Persons engaged in the application of restricted-use pesticides for farming must be certified by the government of Puerto Rico to do so. As a prerequisite for certification, private applicators must pass a test demonstrating practical knowledge of agricultural pests and pest control methods. Among other competencies, applicants for certification must show they can read and understand pesticide labeling information, apply pesticides in accordance with label instructions and warnings, recognize application problems that could cause environmental contamination, and recognize symptoms of pesticide poisoning and take effective measures in case of an accident.

**Commercial Applicators** — Persons who apply restricted-use pesticides commercially are required to be certified to do so. Among other requirements, commercial applicators must demonstrate general knowledge about pesticides and their hazards, and must pass a written exam covering such topics as plant pests, pesticide products and labeling, toxicity, application techniques, pesticide storage and disposal, protective equipment, environmental protection, accident prevention, and emergency treatment.

**RECORDKEEPING** — Every applicator of restricted-use pesticides used in an agricultural operation must make and preserve a record of each such application. At a minimum, the record must include the applicator's name and certification number, the name and federal registration number of the pesticide used, the date and hour of the treatment, a description of the area and crop treated, the specific pest being targeted, the dosage used, the re-entry interval involved, and the procedure used to dispose of unused product.

**ACCIDENT REPORTING** — Every applicator of restricted-use pesticides must immediately inform the enforcement agency of the occurrence of any accident where a restricted-use pesticide under the applicator's responsibility is involved.

**WORKER PROTECTION** — Agricultural employers must comply with the worker protection standards established by the U.S. Environmental Protection Agency, which require that workers be provided with certain information about the pesticides to which they are exposed in the fields and with personal protective equipment to help prevent pesticide-related injury or illness (*see entry, U.S. — Pesticides & Agricultural Chemicals — Field Worker Safety Standards*).

**PROHIBITED ACTS** — It is unlawful for anyone to use or apply any pesticide in a manner that does not comply with use instructions on the product label. Among other grounds for denial, suspension or revocation of applicator certification, an applicator may not perform pesticide applications for which he or she is not certified, violate any provision of the Puerto Rico or U.S. pesticide laws, or fail to maintain required records.

#### *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** – *Agrology and Agricultural Materials Laboratory, Puerto Rico Department of Agriculture, Dorado, Puerto Rico 00646 (787-796-1735)*. Aside from testing, licensing and certifying pesticide applicators, the Department is responsible for monitoring the use of pesticides by all parties in Puerto Rico, and for investigating reported or suspected violations of the Pesticide Act. Representatives of the Department are empowered to enter any establishment or premises where pesticides are being applied, to verify compliance with the Act and the associated regulations. Failure to adhere to these provisions is a misdemeanor, punishable by a fine of from \$100 to \$500 for the first offense, and a \$200 to \$500 fine, imprisonment of 30 days to 6 months, or both fine and imprisonment for each subsequent offense. The Department is authorized to impose administrative fines in lieu of criminal prosecution for any such violation.

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

## Rhode Island

### ● PESTICIDE CONTROL ACT

*STATUTORY CITATION:* 23 R.I. Gen. Laws §§ 23-25-1 – 23-25-39

*RELATED REGULATIONS:* R.I. Code R. 12 020 013, Rules 1 – 28

*GENERAL SUMMARY:* The Pesticide Control Act regulates the labeling, distribution, sale, storage, transportation, use, application and disposal of pesticides. Among the Act's provisions with an immediate bearing on the safety of agricultural workers are those which require the licensing and certification of applicators, define unlawful acts involving the use of pesticides, impose recordkeeping duties on certain applicators, and authorize administrative adoption of other pesticide safeguards.

#### *SPECIFIC TERMS AND CONDITIONS*

##### LICENSING AND CERTIFICATION —

**Commercial Applicators** — No one may apply restricted-use pesticides on someone else's land unless the application is performed by or under the supervision of a person licensed by the state. Moreover, in order to lawfully acquire, possess, apply or supervise the application of certain restricted-use pesticides, a person generally must be certified, which requires passing a written examination to demonstrate particular knowledge of pesticides and their effects and establish the applicant's competence to handle such products safely and effectively.

**Certified Private Applicators** — Farm operators who intend to apply restricted-use pesticides to their own land or crops, and farmworkers who apply restricted pesticides to the land or crops of their employers, must be certified as certified private applicators by the state. Like their commercial counterparts, certified private applicators must pass a test evidencing knowledge and competency to handle and use pesticides in their normal operations or for any special uses for which they are being examined.

**FINANCIAL RESPONSIBILITY** — As a condition for certification, commercial pesticide applicators must obtain a performance bond in the amount of \$50,000 per job, or purchase an insurance policy covering bodily injury (\$50,000 each occurrence, \$100,000 aggregate) and property damage (\$50,000).

**APPLICATOR RECORDKEEPING** — With respect to each application of pesticides, commercial applicators are required to make and retain for at least 2 full calendar years a record of, among other information, the name and EPA registration number of the product used, the formulation and quantity used, the purpose of the treatment, and the date and place of application. Certified private applicators must make and retain for at least 2 full calendar years a record of essentially the same information, but only with respect to applications of restricted-use and state limited-use pesticides.

**PROHIBITED PRACTICES** — The following acts, among many others, are both unlawful and grounds for denial, suspension or revocation of a pesticide applicator's license or certification:

- (1) Using a pesticide in a manner inconsistent with label instructions.
- (2) Operating faulty or unsafe equipment.
- (3) Operating in a faulty, careless or negligent manner.
- (4) Refusal or failure to keep required records or make required reports.
- (5) Using pesticides without being licensed or certified for such use, or without direct supervision by a properly licensed or certified applicator.
- (6) Detaching, altering or defacing any part of a pesticide label.
- (7) Storing or disposing of a pesticide or pesticide container in such a manner as to cause injury to humans, vegetation, crops, livestock, wildlife, or beneficial insects.

#### *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** – *Division of Agriculture, Rhode Island Department of Environmental Management, Providence, Rhode Island 02908 (401-222-2781)*. Representatives of the Department have the right to enter public and private property for the purpose of inspecting pesticide application equipment, sampling pesticides or soil, inspecting storage and disposal areas, and observing pesticide applications. The Department has the express power to bring legal action to stop violations or threatened violations of the Act and the associated regulations. After notifying the party being charged and affording due opportunity to be heard, the Department may assess a civil penalty of up to \$10,000 against anyone who violates these provisions. Violators are also subject to criminal prosecution.

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

## South Carolina

### ● SOUTH CAROLINA PESTICIDE CONTROL ACT

*STATUTORY CITATION:* S.C. Code §§ 46-13-10 – 46-13-240

*RELATED REGULATIONS:* S.C. Code Regs. 27-1070 – 27-1085

*GENERAL SUMMARY:* The South Carolina Pesticide Control Act regulates the registration, distribution, sale and use of pesticides in the state. Among other provisions, the Act requires the certification and licensing of certain pesticide applicators, requires evidence of financial responsibility as a precondition on licensing of commercial applicators, authorizes certain recordkeeping regulations, and imposes restrictions on the conduct of licensees and certificate-holders.

#### *SPECIFIC TERMS AND CONDITIONS*

**LICENSING AND CERTIFICATION** — It is unlawful for anyone to use or supervise the use of any restricted-use pesticide without a private, commercial or non-commercial applicator license issued by the agency responsible for administration of the Pesticide Control Act. To qualify for a license, commercial applicators and most agricultural producers must also be certified, which requires, in part, that the applicant pass an examination or otherwise demonstrate competency with respect to the use of the pesticides covered by their certification prior to purchase or use of the products involved. Licensing also necessitates payment of an annual license fee.

**FINANCIAL RESPONSIBILITY** — Before a commercial applicator license may be granted, the applicant must furnish evidence of financial responsibility, in the form of a surety bond, liability insurance or comparable security ranging from \$50,000 to \$100,000, protecting persons who may suffer legal damages as a result of the applicant's operations.

**RECORDKEEPING** — Under the Act's rulemaking authority, the administering agency has adopted regulations requiring each licensed commercial applicator to keep a record of each application of any restricted-use pesticide. The record must include the quantity of the product applied, the chemical and common names of the active ingredient, the pest or purpose for which the pesticide was applied, and the date and place of application.

**PROHIBITED PRACTICES** — Among many others, each of the following acts is regarded as a violation of the law and grounds for denial, suspension or revocation of a license and certification:

- (1) Knowingly operating faulty or unsafe equipment.
- (2) Applying pesticides in a grossly negligent manner.
- (3) Refusing or failing to keep required records.
- (4) Applying pesticides without the category of license or certification required by the Act.

#### *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** – *Department of Pesticide Regulation, Regulatory Services Division, Clemson University, Pendleton, South Carolina 29670 (864-646-2164)*. This agency is responsible for testing, licensing and certifying pesticide applicators in the state, and for enforcing their adherence to the rules and regulations applicable to their operations. With a properly executed warrant, representatives of the agency are authorized to enter any premises where pesticides are stored or used, to examine records, take samples and perform related investigatory activities. Enforcement officers may issue a stop-use order against the owner or custodian of a pesticide or pesticide device whenever there is reasonable cause to believe it is being used in violation of these provisions. The agency is also empowered to assess a civil money penalty for any such infraction. Willful violation may lead to criminal penalties.

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

## South Dakota

### ● AGRICULTURAL PESTICIDE APPLICATION LAW

*STATUTORY CITATION:* S.D. Codified Laws §§ 38-21-14 – 38-21-58

*RELATED REGULATIONS:* S.D. Admin. R. 12:56:02 – 12:56:18

*GENERAL SUMMARY:* Chapter 21 of the state agriculture statutes regulates the use and application of pesticides in South Dakota and includes provisions related to the licensing and certification of applicators, applicator recordkeeping, damage claims, and prohibited acts. The state agriculture department has explicit authority to adopt administrative rules further regulating pesticides and pesticide users.

#### *SPECIFIC TERMS AND CONDITIONS*

**LICENSING** — In general, no one may engage at any time in the business of applying pesticides to the land of another without an applicator's license issued by the state, and no one employed by a licensed applicator may apply or supervise the application of any pesticide without having obtained an operator's license.

*Exceptions* — Licensing is not required of a farm operator applying non-restricted pesticides manually or with ground equipment on the farmer's own property, or on the property of neighboring farmers for their accommodation, as long as the farmer does not regularly perform such functions for hire. Also, pesticides may be applied by an unlicensed person acting under the direct supervision of a licensed applicator or licensed operator.

**CERTIFICATION** — It is illegal for anyone to use a restricted-use pesticide unless the individual has been certified by the state as competent to do so without unreasonable adverse effects on the environment, including injury to the applicator or other persons.

**RECORDKEEPING** — Commercial applicators are required to keep a record of each pesticide application. Among other data, the record must include the name and address of the person for whom the pesticide was applied, the location of the land or property treated, the pest and crop involved, the acreage treated, the date and time of application, the name of the pesticide used, the temperature and wind velocity at the time and place of application, the amount and concentration of the pesticide applied, and the name and address of the applicator.

**STORAGE AND DISPOSAL OF PESTICIDES** — It is generally unlawful to store or dispose of a pesticide or pesticide container in any way which could lead to open dumping or burning of such products or containers, or to water dumping. Pesticides may not be stored next to food or feed.

**PROHIBITED ACTS** — The pesticide application law makes it a misdemeanor for anyone to apply pesticides to someone else's land without the appropriate class of applicator's or operator's license required for such use. Generally, too, it is a violation of the law for a person to transport, store or dispose of any pesticide or pesticide container in such a manner as to cause injury to humans, vegetation, crops, livestock, wildlife or beneficial insects. Among the grounds for denial, suspension, revocation or modification of an applicator's license or certification are these:

- (1) Operating faulty or unsafe equipment.
- (2) Operating in a faulty, careless or negligent manner.
- (3) Refusing or neglecting to keep required records or make required reports.
- (4) Refusing or neglecting to comply with the statutory or regulatory pesticide provisions or with a lawful order by the enforcement agency.

**DAMAGE CLAIMS** — A person claiming damages from a pesticide application generally must file a written claim with the state agency within 30 days after the damages occurred. Whenever possible, the agency must inspect the damages and, if the complaint has merit, must make a report of the inspection available to the parties 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** — *Office of Agronomy Services, Division of Agricultural Services, South Dakota Department of Agriculture, Pierre, South Dakota 57501 (605-773-4432)*. The Department is responsible for issuing regulations for carrying out the language of the pesticide application law, for licensing and certifying pesticide applicators in the state, and for monitoring their compliance with the statutory and regulatory provisions. Representatives of the Department may enter public and private property at reasonable times to inspect pesticide-related equipment, to inspect lands actually or reportedly exposed to pesticides, to inspect storage and disposal areas, to investigate complaints of injury to humans and land, to examine required records, and to sample pesticides being applied or to be applied. The law provides both civil money penalties and criminal sanctions for violations.

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

## Tennessee

### ● TENNESSEE INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

*STATUTORY CITATION:* Tenn. Code §§ 43-8-101 – 43-8-206

*RELATED REGULATIONS:* Tenn. Comp. R. & Regs. 0080-09-02 and 0080-09-04

*GENERAL SUMMARY:* The Tennessee Insecticide, Fungicide, and Rodenticide Act specifically regulates pesticide products and dealers in the state, including commercial and private applicators. The Act explicitly authorizes the state agriculture department to adopt and enforce related administrative standards further regulating the use of pesticides in Tennessee.

#### *SPECIFIC TERMS AND CONDITIONS*

**RESTRICTED-USE PESTICIDES** — Anyone who buys or uses a restricted-use pesticide must be certified as a private or commercial applicator, unless licensed as a commercial pest control operator.

**COMMERCIAL APPLICATOR CERTIFICATION** — Restricted-use pesticide applicators are required to pass an examination specific to the category of service they will engage in. The agricultural pest control certification exam covers the various crops and pests targeted by pesticides, soil and water issues, pre-harvest and re-entry intervals, the potential for environmental contamination and non-target injury, and community issues relevant to use of restricted-use pesticides in agricultural areas. Every 3 years, a commercial pesticide applicator must obtain at least 18 units of approved continuing education to qualify for recertification.

**RECORDKEEPING** — All commercial pest control operators and commercial applicators must keep true and accurate records documenting each use of general- and restricted-use pesticides. Records must be made available for enforcement agency inspection for 2 years following the pesticide use. Among other information, the record must include (1) the applicator's name and state-assigned ID number, (2) the name of the pesticide used, (3) the pest and crop targeted by the treatment, (4) the location of the application, (5) the application rate and amount of product used, (6) the name of the person who requested the application, and (7) the date of the treatment.

#### *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 Section, Consumer and Industry Services Division, Tennessee Department of Agriculture, Nashville, Tennessee 3720 (615-837-5148)*. The Department is responsible for issuing licenses and certification for qualified pesticide businesses and applicators in the state, and for monitoring their operations. Representatives of the Department may inspect any premises where pesticides are stored or used, observe pesticide applications, and take samples. After an opportunity for hearing, the Department may suspend or revoke the license or certificate of any applicator who has violated any provision of the Act or the associated regulations. Non-compliance is also punishable as a misdemeanor criminal offense.

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

## Texas

### ● AGRICULTURE CODE (*PESTICIDE AND HERBICIDE REGULATION*)

*STATUTORY CITATION:* Tex. Agric. Code §§ 76.001 – 76.203

*RELATED REGULATIONS:* 4 Tex. Admin. Code §§ 7.1 – 7.71

*GENERAL SUMMARY:* Chapter 76 of the state agriculture statutes regulates the labeling, registration, sale, use, storage and disposal of pesticides in the state. Among other prescriptive measures, the law requires the certification and licensing of pesticide applicators and authorizes the state agriculture department to adopt detailed standards governing application practices.

#### *SPECIFIC TERMS AND CONDITIONS*

**APPLICATOR CERTIFICATION AND LICENSING** — Unless acting under the direct supervision of a certified applicator, no one may use or supervise the use of a restricted-use or state-limited-use pesticide unless the individual is licensed as a certified commercial, non-commercial or private applicator and is authorized by the license to use the pesticide in such a manner. Before a license may be issued, applicants for a commercial or non-commercial license must be tested to demonstrate competence to safely and effectively use and supervise the use of pesticides; applicants for a private applicator license must attend a state-approved training course.

**FINANCIAL RESPONSIBILITY** — Applicants for a commercial applicator license must provide the state licensing agency with proof of a surety bond or liability insurance protecting persons who may suffer damages as a result of the applicant's operations. The amount of the bond or insurance coverage must be no less than \$100,000 for bodily injury, or general aggregate coverage of \$200,000 for each occurrence. Insurance policies must include chemical drift coverage.

**RECORDKEEPING** — Licensees must keep a record of each application of a restricted-use or state-limited-use pesticide, including the date and time of application, the name of the person for whom the application was performed, the location of the land involved, identifying information on the pesticide used, the target pest involved, the crop treated, certain meteorological data, and the identifying number of each piece of equipment used in the application.

**REGISTRATION AND INSPECTION OF EQUIPMENT** — All application equipment used by commercial applicators must be registered with the state agency, and a decal issued by the agency must be conspicuously affixed to each such device. Equipment must be maintained in a condition that will permit safe and proper pesticide application and may be inspected by state officers at any time.

**STORAGE AND DISPOSAL OF PESTICIDES** — No one may store or dispose of a pesticide or pesticide container in a manner that may result in injury to humans, vegetation, crops, livestock, wildlife or pollinating insects, or pollution of any water supply.

**LABEL INSTRUCTIONS** — It is illegal for anyone to use a pesticide in a manner inconsistent with its labeling, including, among other practices, failing to observe re-entry intervals, pre-harvest intervals, or worker protection requirements.

#### *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 Programs, Agricultural and Consumer Protection Division, Texas Department of Agriculture, Austin, Texas 78711 (512-475-1620; toll-free 800-835-5832)*. The Department is responsible for testing and licensing pesticide applicators in the state, and for assuring their compliance with the pesticide laws and the associated regulations. Any worker or other person with cause to believe that a violation has occurred, or who has experienced adverse effects from a pesticide application, may file a complaint with the Department, which must investigate the complaint and make a full written report. The Department may modify, suspend or revoke the license of an applicator for any violation, and may require cessation of the use of any unsafe pesticide equipment until repairs or adjustments are made. The Act provides both civil and criminal penalties for violations.

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



## Utah

### ● UTAH PESTICIDE CONTROL ACT

*STATUTORY CITATION:* Utah Code §§ 4-14-1 – 4-14-13

*RELATED REGULATIONS:* Utah Admin. Code R. 68-7

*GENERAL SUMMARY:* The Utah Pesticide Control Act regulates pesticides in the state, primarily by authorizing the state agriculture department to adopt regulations relating to the sale, distribution, use and disposal of such materials.

*SPECIFIC TERMS AND CONDITIONS:* Under the Act's rulemaking authority, the agriculture department has established standards in the following areas of immediate relevance to agricultural field workers:

**LICENSING AND CERTIFICATION OF APPLICATORS** — It is illegal for anyone to apply any pesticide for hire without becoming certified and obtaining a commercial applicator's license from the state. Before a commercial license can be issued, the applicant is required to pass both a general examination and a more specific test covering the particular pesticide operations the applicant intends to conduct, both designed to demonstrate knowledge and ability to apply pesticides safely and effectively.

Likewise, every agricultural producer who applies restricted-use pesticides on his or her own land must be licensed and certified as a private applicator. Certification generally requires that the applicant demonstrate the ability to read and understand pesticide label directions, demonstrate competency in safely mixing and applying pesticides, and pass a related written examination.

**PESTICIDE STORAGE AND DISPOSAL** — No one may store or dispose of any pesticide or pesticide containers in a way that would cause injury to humans, vegetation, crops, livestock, wildlife, or beneficial insects, or pollute any waterway.

**PROHIBITED ACTS** — Among other offenses defined in the regulations, it is unlawful for anyone (1) to apply any pesticide in a manner contrary to instructions and warnings on the product's label or in violation of state or federal restrictions, (2) to operate in a faulty or careless manner, or (3) to use pesticides without having the proper licensing or certification, if any, required for such use.

#### *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 and Conservation Division, Utah Department of Agriculture and Food, Salt Lake City, Utah 84114 (801-538-7183)*. The Department is responsible for licensing and certification of pesticide applicators, and for monitoring their compliance with the Pesticide Control Act and the corresponding regulations. Representatives of the Department are authorized to observe the use and application of pesticides, to inspect equipment used to apply pesticides, to sample lands exposed to pesticides, and to investigate related complaints of injury to animals or lands.

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

## Vermont

### ● PESTICIDE CONTROL LAW

*STATUTORY CITATION:* Vt. Stat. Title 6, §§ 1101 – 1112

*RELATED REGULATIONS:* Vt. Code R. 20-031-012

*GENERAL SUMMARY:* Chapter 87 of the Vermont agriculture laws grants broad authority to the state agriculture agency to regulate and license the sale, use, storage, treatment and disposal of pesticides.

#### *SPECIFIC TERMS AND CONDITIONS*

**LICENSING AND CERTIFICATION OF APPLICATORS** — Agricultural producers who use or supervise the use of restricted pesticides on their crops are required to obtain a private applicator certificate from the state. Such a certificate may not be issued unless the applicant passes written examinations demonstrating competency in the safe handling of restricted-use products. Similarly, anyone who charges a fee to apply any type of pesticide must have a commercial applicator certificate, which requires passing written examinations specific to the category of operation he or she will engage in.

**APPLICATOR RECORDKEEPING** — Private applicators must record prescribed information concerning each application of restricted-use pesticides, including the product name and EPA registration number, the amount used, the date of application, the location of the treatment, and the pest or pests targeted. Commercial users are required to make similar records and to annually report all pesticide usage to the state agency.

**PESTICIDE STORAGE AND DISPOSAL** — Among other requirements and restrictions, pesticide storage areas must not be accessible to unauthorized users or to wildlife. Excess pesticides and pesticide containers must be disposed of in accordance with instructions on the product label.

#### *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 Management Section, Vermont Agency of Agriculture, Food and Markets, Montpelier, Vermont 05620 (802-828-2431)*. This agency has authority to license and certify pesticide applicators in the state, and to revoke or suspend licensing and certification for failure to adhere to the regulations governing their operations. The agency is authorized to levy an administrative penalty of up to \$1,000 for each violation committed by a private applicator, and up to \$5,000 per violation committed by a commercial or non-commercial applicator. In addition, the law provides for a civil fine of up to \$25,000 for any violation of the statutory or regulatory pesticide provisions, and violators may be subject to criminal prosecution.

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

## Virginia

### ● VIRGINIA PESTICIDE CONTROL ACT

*STATUTORY CITATION:* Va. Code §§ 3.2-3900 – 3.2-3947

*RELATED REGULATIONS:* 2 Va. Admin. Code §§ 5-670-10 – 5-690-240

*GENERAL SUMMARY:* Among other provisions, the Virginia Pesticide Control Act requires the certification of commercial and private users of pesticides in the state, makes certification contingent on meeting prescribed competencies with respect to handling and use of pesticide products, imposes certain recordkeeping and reporting duties on pesticide businesses and certain applicators, and defines various prohibited activities. The state agriculture board is authorized under the Act to adopt administrative regulations further controlling the use and application of pesticide products in Virginia.

#### *SPECIFIC TERMS AND CONDITIONS*

**APPLICATOR CERTIFICATION** — All commercial pesticide applicators, as well as private agricultural users of restricted-use pesticides, must be certified as competent to utilize such formulations safely and effectively. As conditions for certification, commercial applicators are required to (1) meet certain minimum education or experience qualifications, and (2) complete a state-approved training course and pass a written examination.

Within 90 days after applying for certification, private applicators must take an examination for each pesticide application category in which they plan to engage.

**RECORDKEEPING** — Most pesticide application businesses, including individual applicators who apply general-use or restricted-use pesticides for hire, must keep a record of each pesticide application. The record must include the name of the property owner, the location of the treated area, the date of the application, the crop and crop pests targeted, the name and EPA registration number of the pesticide product applied, the amount of pesticide applied, and the type of application equipment used.

Private or not-for-hire applicators are subject to similar recordkeeping requirements.

**FINANCIAL RESPONSIBILITY** — Licensed pesticide application businesses (which may include individual pesticide applicators) must, before the license is issued, furnish the licensing agency with evidence of a surety bond or liability insurance protecting persons who may suffer legal damages as a result of the misapplication of pesticides; this requirement does not extend to agricultural establishments that do not sell or distribute pesticides. At a minimum, the bond or insurance must provide at least \$100,000 coverage for property damage, \$100,000 for personal injury to or death of one person, and \$300,000 per occurrence.

**PROHIBITED ACTS** — Each of the following acts, among others, is unlawful and constitutes grounds for denial, suspension or revocation of licensing and certification:

- (1) Use or disposal of any pesticide contrary to label instructions or restrictions.
- (2) Application of pesticides in a negligent manner.
- (3) Refusal or failure to keep required records or make required reports.
- (4) Use of a restricted-use pesticide without certification or direct supervision by a certified applicator.

**DAMAGE REPORTS** — Anyone claiming damages from the use or application of a restricted-use pesticide may file a written report of the incident with the state agency. The agency must attempt to inspect the damage and make its findings available to the parties 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** – *Office of Pesticide Services, Virginia Department of Agriculture and Consumer Services, Richmond, Virginia 23218 (804-786-3798; 804-371-6560)*. The Department has responsibility for the licensing and certification of pesticide applicators in the state, and for enforcing compliance with the statutory and regulatory provisions governing their operations. Representatives of the Department may enter any public or private property for the purpose of inspecting pesticide application equipment, inspecting storage or disposal areas, investigating complaints of injury to humans or property, sampling pesticides, or taking other action to determine and enforce compliance with the Pesticide Control Act. Any person violating the Act or the associated regulations is guilty of a Class 1 misdemeanor, and subject to an additional fine of up to \$500,000 if death or serious bodily injury results from the violation.

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

## Washington

### ● WASHINGTON PESTICIDE APPLICATION ACT

*STATUTORY CITATION:* Wash. Rev. Code §§ 17.21.010 – 17.21.920

*RELATED REGULATIONS:* Wash. Admin. Code Chs. 16-202 – 16-232

*GENERAL SUMMARY:* The Washington Pesticide Application Act regulates the use of pesticides in the state, in part by requiring the licensing of pesticide applicators and giving the state agriculture department broad authority to adopt specific rules governing the conditions under which pesticides may be applied.

#### *SPECIFIC TERMS AND CONDITIONS*

**LICENSING AND CERTIFICATION** — Among other categories of users, persons who (1) engage in the business of applying pesticides to the land of another, (2) apply pesticides manually or by licensed apparatus while in the employ of a pesticide application business, or (3) use or supervise the use of restricted-use pesticides in the production of agricultural commodities, must be licensed by the state to do so. In each case, applicants for a license must be certified as to their ability to apply pesticides in the classifications they have applied for and their knowledge of the nature and effects of pesticides.

*Exception* — The commercial pesticide applicator licensing requirements do not apply to any farmer who owns ground application equipment and applies pesticides only on his or her own crops, or on the crops of other farmers on an occasional basis not amounting to a principal or regular occupation.

**BONDING OR INSURANCE** — The state may not issue a commercial pesticide applicator's license until the applicant has furnished evidence of a surety bond or liability insurance policy protecting persons who may suffer legal damages as a result of the applicant's operations. The amount of the bond or insurance must be at least \$50,000 each for property damage and public liability coverage, or \$100,000 combined coverage.

**RECORDKEEPING** — In general, licensed pesticide applicators must make, and preserve for at least 7 years, a record of each pesticide application they perform, including such information as the name of the person for whom the pesticide was applied, the location of the land where the application occurred, the year, month, day and time of application, the trade or common name of the product, and the direction and estimated velocity of the wind at the time of application.

Even if not required to be licensed, anyone who applies pesticides to more than one acre of agricultural land in a calendar year must also keep records.

**UNLAWFUL ACTS** — Among other violations enumerated in the statute, it is illegal for anyone to (1) handle or apply pesticides in a faulty, careless or negligent manner, (2) fail or refuse to keep required pesticide-related records, (3) apply pesticides without having obtained the appropriate class of license for that activity, or (4) fail to maintain the liability insurance required for the class of pesticide license held or required to be held.

#### *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** – *Compliance Section, Pesticide Management Division, Washington State Department of Agriculture, Olympia, Washington 98504 (360-902-2036; toll-free 877-301-4555)*. The Department has exclusive control over the licensing and certification of pesticide applicators in the state and is responsible for assuring their compliance with the Pesticide Application Act. Representatives of the Department may enter public or private premises at reasonable times to inspect pesticide application equipment, examine lands exposed to pesticides, inspect pesticide storage and disposal areas, investigate complaints of injury to humans or land, and sample pesticides being applied or to be applied. In addition to the authority to deny, suspend or revoke licensing and certification, the Department may assess a civil penalty of up to \$7,500 for failure to comply with the Act or the associated regulations. Violators are also subject to criminal charges.

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

## West Virginia

### ● WEST VIRGINIA PESTICIDE CONTROL ACT OF 1990

*STATUTORY CITATION:* W. Va. Code §§ 19-16A-1 – 19-16A-27

*RELATED REGULATIONS:* W. Va. Code R. §§ 61-12A-1 – 61-12A-12 and §§ 61-12B-1 – 61-12B-9

*GENERAL SUMMARY:* The West Virginia Pesticide Control Act regulates the use of pesticides in the state, largely by (1) requiring applicators to be licensed and certified, (2) requiring pesticide application businesses to post financial security for potential legal damages, (3) prohibiting certain practices by pesticide applicators, (4) establishing a process for receiving and investigating reports of pesticide-related damage, and (5) authorizing the state agriculture commissioner to adopt regulations governing such matters as recordkeeping, pesticide storage and disposal, and other safety protections.

#### *SPECIFIC TERMS AND CONDITIONS*

**LICENSING AND CERTIFICATION** — With some exceptions, no one may engage in the business of applying pesticides to anyone else's property without being licensed by the state as a pesticide application business, and individuals who use or supervise the use of restricted-use pesticides for hire or in their own agricultural operations must be certified as commercial or private applicators. In most cases, a license or certification in any such classification may not be issued unless the applicant passes an examination evidencing knowledge and ability to conduct the prospective pesticide activities safely and effectively.

**FINANCIAL SECURITY** — As a prerequisite to issuance of a pesticide application business license, the applicant must file proof of a surety bond or liability insurance policy, in an amount not less than \$300,000 for bodily injury or death and \$100,000 for property damage.

**RECORDKEEPING** — All commercial applicators are required to keep a record detailing each application of restricted-use pesticides performed by them or by someone under their supervision. The record must include the identity of the product used, the concentration or quantity applied, the date and place of application, the target pest involved, and the applicator's name. Private applicators and pesticide application businesses are subject to similar recordkeeping obligations.

**PROHIBITED PRACTICES** — Among others, the following practices are deemed violations of the Act and grounds for denial, suspension or revocation of an applicator's license and certification:

- (1) Operating faulty or unsafe equipment.
- (2) Operating in a faulty, careless or negligent manner.
- (3) Refusing or neglecting to keep required records or make required reports.
- (4) Applying pesticides without the required classification of license, permit or certification, or without supervision by a properly licensed or certified applicator.
- (5) Applying pesticides contrary to label instructions, or contrary to state or federal use restrictions.
- (6) Failing to comply with any provision of the Act or the associated regulations.

**DAMAGE REPORTS** — Any person claiming damages from a pesticide application may file a report of the incident with the state enforcement agency within 60 days after the alleged damages occurred. If investigation confirms the validity of the claim, the state agency will make a report of its findings available to the parties 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** – *Pesticide Regulatory Unit, Regulatory and Environmental Affairs Division, West Virginia Department of Agriculture, Charleston, West Virginia 25305 (304-558-2209)*. This agency is responsible for the testing, licensing and certification of pesticide applicators in the state, and for assuring their compliance with the Act and the corresponding regulations governing their activities. Representatives of the Department are authorized to enter public or private property for the purpose of examining pesticide application equipment, inspecting lands exposed to pesticides, inspecting storage and disposal areas, investigating injury complaints, and sampling pesticides. In addition to suspension or revocation of licensing and certification, any applicator found to have violated these provisions is subject to both civil money penalties and criminal charges.

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

## Wisconsin

### ● PESTICIDE LAWS

*STATUTORY CITATION:* Wis. Stat. §§ 94.67 – 94.71

*RELATED REGULATIONS:* Wis. Admin. Code Ch. ATCP 29

*GENERAL SUMMARY:* Chapter 94 of the state statutes contains, among other material, sections regulating the registration, manufacture, sale, use and disposal of pesticides. Of particular relevance to the safety and health of workers performing agricultural field operations are provisions requiring the certification and licensing of pesticide applicators, imposing recordkeeping duties on certified commercial applicators, defining certain prohibited acts involving pesticides, and authorizing the state agriculture department to adopt rules further prescribing the conditions under which pesticides may be used, when such regulation is necessary for the protection of people and property from serious pesticide hazards.

#### *SPECIFIC TERMS AND CONDITIONS*

**CERTIFICATION AND LICENSING** — In general, no one may apply any pesticide for hire without being licensed and certified as a commercial applicator by the state, and farm operators may not apply or supervise the application of restricted-use pesticides in connection with agricultural production on their farms without being certified as private applicators. Certification requires, in part, that the applicant demonstrate competence with respect to the use of pesticides in the category or categories of use for which certification is desired. For commercial applicators, competence must be determined on the basis of written examination, while private agricultural pesticide users normally may be certified either through training or by examination.

**RECORDKEEPING** — All commercial applicators must maintain a record of each use of pesticides. The record must document the type and amount of each formulation used, the location of the pesticide application, the date of application, and the use for which the treatment was intended. Records must be preserved for at least 2 years after the date of each use.

**PESTICIDE STORAGE** — Pesticides must be stored in accordance with label instructions and in such a way that labels are not damaged or destroyed. Storage areas generally must be secure against entry by children or the general public.

**DISPOSAL OF PESTICIDES AND PESTICIDE CONTAINERS** — No one may dispose of pesticides or pesticide containers in a manner contrary to the directions on the product's label or in any way which could create a hazard to humans, property, fish or wildlife. Except in connection with professional recycling, it is illegal to re-use pesticide containers for any purpose.

**PESTICIDE DRIFT** — No one may use a pesticide in a way that results in pesticide over-spray or drift.

**PRE-HARVEST INTERVALS** — It is illegal for a farm operator to harvest an agricultural commodity from the site of a pesticide application during the pre-harvest interval specified for that crop on the pesticide label.

**DEFECTIVE APPLICATION EQUIPMENT** — Use of pesticide application equipment that is clogged, unclean or in disrepair, or that cannot be properly calibrated, is prohibited.

**WARNING SIGNS AT APPLICATION SITES** — In a situation where (1) an agricultural pesticide label requires both posted and oral warnings before the product is applied, and (2) the application site is within 300 feet of a migrant labor camp or other residence, school, playground or similar facility where people are likely to be present during the restricted-entry interval specified on the pesticide label, either the pesticide applicator or the owner or operator of the property targeted by the application must post warning signs that meet the location, visibility and content requirements prescribed in the regulations.

**PROHIBITED ACTS** — It is unlawful for anyone to commit any of the following acts, among numerous others:

- (1) To detach, alter, deface or destroy any part of a pesticide label, or alter the contents of a pesticide container.
- (2) To use any restricted-use pesticide contrary to its labeling or other limitations imposed on its use by federal or state law.
- (3) To use or supervise the use of pesticides without required certification, licensing or supervision.
- (4) To fail to maintain required records or make required reports.

#### *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 Agrichemical Management, Division of Agricultural Resource Management, Wisconsin Department of Agriculture, Trade and Consumer Protection, Madison, Wisconsin 53708 (608-224-4545)*. The Department is responsible for the testing, certification and licensing of pesticide applicators in Wisconsin, and for assuring their compliance with the statutory and regulatory provisions applicable to pesticide users. Apart from loss of certification and licensing, a commercial or private applicator who violates the pesticide laws, or the associated rules or orders of the Department, is subject to a criminal fine and imprisonment, as well as civil money penalties.

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

## Wyoming

### ● WYOMING ENVIRONMENTAL PESTICIDE CONTROL ACT OF 1973

*STATUTORY CITATION:* Wyo. Stat. §§ 35-7-350 – 35-7-376

*RELATED REGULATIONS:* Wyo. Code R. 010-0005 Ch. 28

*GENERAL SUMMARY:* The Wyoming Environmental Pesticide Control Act regulates the labeling, distribution, storage, transportation, disposal, use and application of pesticides. Among other provisions, the Act (1) requires the licensing of commercial pesticide application businesses, (2) requires the certification of commercial and certain private agricultural users of pesticides, (3) defines certain prohibited acts involving pesticides, and (4) confers broad rulemaking authority on the state board of certification to adopt more detailed standards for the safe use of pesticides.

#### *SPECIFIC TERMS AND CONDITIONS*

**PROHIBITED ACTS** — It is unlawful for anyone to engage in any of the following practices, among others:

- (1) Detaching, altering, defacing or destroying any part of a pesticide product label prior to disposal of the container.
- (2) Using any registered pesticide in a manner inconsistent with its labeling.
- (3) Refusing to keep required records.
- (4) Using any restricted-use pesticide unless properly certified to do so, or unless under the direct supervision of a certified applicator.
- (5) Using restricted-use pesticides in a manner inconsistent with the applicator's license or certification classification.

**LICENSING AND CERTIFICATION OF APPLICATORS** — In general, farm operators and their employees are prohibited from applying restricted-use pesticides to agricultural crops unless they are certified as private applicators. Among other conditions, certification requires each applicant to demonstrate competence in the use and handling of restricted-use pesticides, by passing a training course, completing an instruction workbook, or passing a written or oral examination.

Similarly, anyone who intends to engage in the business of applying pesticides on the property of another for hire must be certified as a commercial applicator, which requires passing an examination and meeting other qualifications.

**RECORDKEEPING** — Commercial pesticide applicators, as well as private applicators using restricted-use pesticides, must keep a record of each application of pesticides, including the name and address of the person for whom the product was applied, the location of the application, the crop treated, the target pest involved, the name and amount of the pesticide applied, the rate of application, the date of application, and the weather conditions at the time of application.

**NOTIFICATIONS** — Prior to each application, certified commercial applicators applying restricted-use pesticides must inform the customer of the name of the product to be used, the potential hazards of the residue, any re-entry periods prescribed, and any waiting periods prior to harvest.

#### *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 Section, Technical Services Division, Wyoming Department of Agriculture, Cheyenne, Wyoming 82002 (307-777-7321; toll-free 800-877-9975)*. The Department is responsible for licensing and certification of pesticide applicators in the state, and for monitoring their compliance with the statutory and regulatory standards applicable to their operations. Representatives of the Department are authorized to enter any public or private premises at reasonable times, for the purpose of examining pesticide equipment and devices subject to the Act, inspecting lands exposed to pesticides, observing pesticide applications, and investigating complaints of injury to humans or land. If inspection or investigation yields evidence of non-compliance, the Department may bring action in court to enjoin the violation. Any such infraction is punishable as a criminal misdemeanor.

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