

## ● 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.*