

● 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 37270 (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 or criminal offense.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.