

Subject Restricted use pesticide licenses

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Overview

This bill would amend the Minnesota Department of Agriculture's (MDA) application of the Federal Insecticide Fungicide Rodenticide Act (FIFRA) and restricted use pesticides.

FIFRA and subsequent federal regulations classify pesticides that are not available for purchase or use by the general public due to their unreasonable adverse effects to the environment and applicators as "restricted use pesticides." FIFRA and EPA regulations require that people who "use" the restricted use pesticide to be certified. "Use" is defined as (1) preapplication activities such as mixing and loading the pesticide, (2) applying the pesticide, including supervising the use by a noncertified applicator, and (3) transporting, cleaning equipment, and storing the restricted use pesticide.

States may certify applicators of restricted use pesticides in accordance with their state certification plan approved by the EPA. States must include standards for certification of applicators of restricted use pesticides that meet or exceed federal standards. Any changes to Minnesota's application of FIFRA would require MDA to rewrite and resubmit their certification plan to the EPA. MDA would only be able to administer a change in the certification scheme if the EPA approves the resubmitted certification plan.

The only difference between Minnesota and federal law is that Minnesota does not allow any use of a restricted use pesticide by an unlicensed (uncertified) individual being supervised by a licensed individual. This bill would allow mixing, loading, and transporting of a restricted pesticide to be performed by an unlicensed individual under the supervision of a licensed individual.

Summary

| Section | Description |
|---------|---|
| 1 | <p>Application or use of a pesticide.</p> <p>Amends the definition of “application or use of a pesticide.” Reorganizes the list of uses to put “mixing” and “loading” under the “other activities” category and deleting the “preapplication activities” category.</p> |
| 2 | <p>Handler.</p> <p>Adds a new definition for “handler” for purposes of section 3 that describes unlicensed individuals who mix, load, and transfer a restricted pesticide under the supervision of a licensed applicator. Requires handlers to meet requirements for direct supervision of noncertified applicators by certified applicators under Code of Federal Regulations, title 40, section 171.201, which includes training, meeting a minimum age, and receiving instructions.</p> |
| 3 | <p>Pesticide use license requirement; Internet sales prohibited; restricted use pesticides.</p> <p>Exempts handlers from the license requirement.</p> |



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