

1505.1100 RESTRICTED USE PESTICIDE DISPLAY; SALES AND DISTRIBUTION; RECORD KEEPING.

Subpart 1. **Display for sale.** No person shall display for sale any restricted use pesticides in any public area of a store or other place to which the general public has access unless displayed by a sign or placard bearing the following statement in capital letters not less than two inches high: "RESTRICTED USE PESTICIDES – USER MUST BE CERTIFIED."

Subp. 2. **Sale and distribution to unlicensed or uncertified persons.** A pesticide dealer licensed under Minnesota Statutes, section 18B.31, may offer for sale, sell, and as provided in subpart 3 make restricted use pesticides available to an unlicensed or uncertified person for application by a person licensed or certified under Minnesota Statutes, sections 18B.29 to 18B.36.

Subp. 3. **Making restricted use pesticides available; record keeping.**

A. A restricted use pesticide is considered to be made available when it is picked up by or delivered to a person.

B. At the time a restricted use pesticide is made available to a person, the pesticide dealer or a person working under the supervision of the pesticide dealer must obtain:

(1) the date that the restricted use pesticide is made available;

(2) the name and address of the person to whom the restricted use pesticide is made available if the person is not licensed or certified under Minnesota Statutes, sections 18B.29 to 18B.36;

(3) the name and the license or certification number of the applicator who will be applying the restricted use pesticide, the expiration date of the applicator's license or certification, and the original or a facsimile copy of the applicator license or certification card if the applicator is licensed or certified by a state other than Minnesota; and

(4) the pesticide product brand name, EPA registration number, and amount of restricted use pesticide being made available.

C. All information required under item B must be recorded, either manually or on a computer, by the end of the business day in which a restricted use pesticide is made available to a person. All records must be kept on forms provided by the commissioner. Records may be kept by computer if all information required in item B is included in the computer record.

Statutory Authority: *MS s 14.3895; 18B.06; 18B.39*

History: *20 SR 759; 41 SR 799*

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