

1505.4010 SCOPE.

Parts 1505.4000 to 1505.4130 apply to all local units of government. No local unit of government is allowed to implement any portion of the state pesticide control law at the local level except by adoption of a delegation agreement which has been signed by the commissioner or as specifically provided by Minnesota Statutes, section 18.81 or 18B.09. Portions of the state pesticide control law which are available for delegation to local units of government are limited to: Minnesota Statutes, section 18B.07, subdivision 3 (identification of proper posting, according to product labeling, of areas where pesticides have been applied); Minnesota Statutes, section 18B.07, subdivision 4 (identification of maintenance of proper safeguards, according to MDA requirements as provided in parts 1505.3010 to 1505.3150, to prevent incidents); Minnesota Statutes, section 18B.07, subdivision 5 (identification of proper backflow prevention devices when public water supplies are used in filling pesticide application equipment); Minnesota Statutes, section 18B.07, subdivision 6 (identification of proper anti-backsiphoning devices when public waters are used for filling pesticide application equipment); Minnesota Statutes, section 18B.07, subdivision 8 (identification of proper disposal of pesticide containers); Minnesota Statutes, section 18B.08, subdivision 1 (confirmation of the holding of valid state permits for chemigation); Minnesota Statutes, section 18B.08, subdivision 3 (identification of proper backflow prevention for chemigation systems); Minnesota Statutes, section 18B.14, subdivision 2, paragraph (a) (confirmation of the holding of valid permitting for bulk storage of pesticides); Minnesota Statutes, section 18B.31, subdivisions 1 to 3 (confirmation of the holding of valid state dealer licensing for wholesale or retail sale of restricted use or bulk pesticides); and Minnesota Statutes, sections 18B.32, subdivisions 1 and 2; 18B.33, subdivisions 1 to 3; 18B.34, subdivisions 1 and 2; and 18B.36, subdivision 1 (confirmation of the holding of valid licensing or certification for commercial application of pesticides or noncommercial or private application of restricted use pesticides). All areas of the pesticide control law related to product registration, issuance of licenses or permits, or collection of pesticide-related fees or surcharges are retained by the department. Local units of government will not be allowed to ban the use or application of specific pesticide active ingredients or formulations. Ordinances by local units of government that prohibit or regulate any matter relating to the registration, labeling, distribution, sale, handling, use, application, or disposal of pesticides are preempted by Minnesota Statutes, section 18B.02.

Statutory Authority: *MS s 118B.06*

History: *20 SR 468*

Published Electronically: *September 17, 2013*