

**6280.0600 APPROVAL OF PESTICIDES AND METHODS USED FOR AQUATIC PLANT MANAGEMENT OR AQUATIC NUISANCE CONTROL.**

Subpart 1. **Pesticides must be labeled for use in aquatic sites.** Pesticides used to control aquatic plants or algae in public waters must be registered by the United States Environmental Protection Agency (EPA) and the Minnesota Department of Agriculture (MDA), including pesticides registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), United States Code, title 7, sections 136c (experimental use permit), 136p (emergency exemption), and 136v (special local need), and must be approved for use in aquatic sites by the EPA and by the commissioner in consultation with the MDA.

Subp. 2. **Instructions and precautions of pesticides must be followed.** Pesticides must be applied according to the label and labeling provided by the manufacturer and other water use restrictions imposed by the department or the MDA. Pesticide-treated areas must be posted with signs provided or approved by the commissioner bearing the permit number; the name of pesticide used; the date of treatment; and dates on which water from the treated area may be safely used for swimming, fishing, and other uses, as specified on the product label or by the department. The department, in consultation with the MDA, may require water use restrictions in addition to those on the product label. The permittee or agent is responsible for the placement and removal of required signs. The treatment area must be posted in such a way that people entering from any direction can see the signs, or as otherwise prescribed in the permit. The treatment area must be posted for at least 24 hours or the length of time of the longest water use restriction on the pesticide label, whichever is greater.

Subp. 3. **Pesticide control of aquatic plants in watercourses.** Pesticides may be used to control aquatic plants in flowing waters, provided that the vegetation is present to such a degree that it impedes the flow of water and that the flow rate will not carry the pesticide beyond the treatment area during the period of water use restriction specified on the pesticide label. The pesticide to be used must be labeled for use in flowing water.

**Statutory Authority:** *MS s 103G.615*

**History:** *18 SR 83; 21 SR 1406; 33 SR 1721*

**Published Electronically:** *April 15, 2009*