

1 Department of Agriculture

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3 Adopted Permanent Rules Relating to Restricted Use Pesticides

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5 Rules as Adopted

6 1505.0980 PRIVATE APPLICATOR CERTIFICATION; PROHIBITIONS;
7 RESTRICTIONS.

8 Subpart 1. **Certification requirements.** A private
9 applicator is considered certified if the private applicator
10 has, within the past three years, completed one or more of the
11 following state-approved certification programs:

- 12 A. a home study course;
13 B. a pesticide training session;
14 C. a personal interview by the commissioner; or
15 D. a written or oral examination.

16 Subp. 2. **Prohibition on purchasing or making restricted**
17 **use pesticides available to uncertified persons.** A person must
18 not purchase a restricted use pesticide for or make a restricted
19 use pesticide available for use by a person who is not licensed
20 or certified.

21 As used in this subpart, "purchase" means to buy or obtain
22 a restricted use pesticide in exchange for money or something
23 else of value. A purchase has not been completed under this
24 part unless the restricted use pesticide is picked up by or
25 delivered to a person.

26 Subp. 3. **Restrictions on taking possession of restricted**
27 **use pesticides by uncertified persons.** A person who is
28 uncertified may take possession of a restricted use pesticide
29 from a pesticide dealer by pick up, delivery, or similar
30 activity for use by a licensed or certified person if:

- 31 A. the licensed or certified person to whom the
32 restricted use pesticide is being made available has a valid
33 license or certification as verified by providing the original
34 or facsimile of the licensed or certified person's applicator
35 card to the pesticide dealer, or by providing the licensed or

1 certified person's license or certification number with the
2 expiration date to the pesticide dealer; and

3 B. the uncertified person discloses the person's name
4 and address to the pesticide dealer.

5 1505.1100 RESTRICTED USE PESTICIDE DISPLAY; SALES AND
6 DISTRIBUTION; RECORDKEEPING.

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

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

20 Subp. 3. Making restricted use pesticides available;
21 recordkeeping.

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

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

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

29 (2) the name and address of the person to whom
30 the restricted use pesticide is made available if the person is
31 not licensed or certified under Minnesota Statutes, sections
32 18B.29 to 18B.36;

33 (3) the name and the license or certification
34 number of the applicator who will be applying the restricted use
35 pesticide, the expiration date of the applicator's license or

1 certification, and the original or a facsimile copy of the
2 applicator license or certification card if the applicator is
3 licensed or certified by a state other than Minnesota; and

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

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

14 E. D. Records must be submitted to the commissioner
15 no later than December 1 of the calendar year in which they
16 occur.

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18 EFFECTIVE DATE. The amendments to Minnesota Rules, parts
19 1505.0980 and 1505.1100 become effective December 1, 1995.