

CHAPTER 18B

PESTICIDE CONTROL

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18B.01 DEFINITIONS.

[For text of subds 1 to 4, see M.S.1988]

Subd. 4a. **Collection site.** "Collection site" means a permanent or temporary designated location with scheduled hours for authorized collection where pesticide end users may bring their waste pesticides.

Subd. 5. **Commercial applicator.** "Commercial applicator" means a person who has or is required to have a commercial applicator license.

[For text of subd 6, see M.S.1988]

Subd. 6a. **Container.** "Container" means a portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

Subd. 6b. **Corrective action.** "Corrective action" means an action taken to minimize, eliminate, or clean up an incident.

[For text of subds 7 to 11, see M.S.1988]

Subd. 12. **Incident.** "Incident" means a flood, fire, tornado, transportation accident, storage container rupture, leak, spill, emission discharge, escape, disposal, or other event that releases or immediately threatens to release a pesticide accidentally or otherwise into the environment, and may cause unreasonable adverse effects on the environment. "Incident" does not include a release from normal use of a pesticide or practice in accordance with law.

[For text of subds 13 and 14, see M.S.1988]

Subd. 14a. **Local unit of government.** "Local unit of government" means a statutory or home rule charter city, town, county, soil and water conservation district, watershed district, another special purpose district, and local or regional board.

Subd. 15. **Noncommercial applicator.** "Noncommercial applicator" means a person who has or is required to have a noncommercial applicator license.

Subd. 15a. **Owner of real property.** "Owner of real property" means a person who is in possession of, has the right of control, or controls the use of real property, including a person who has legal title to property and a person who has the right to use or contract use of the property under a lease, contract for deed, or license.

[For text of subds 16 to 18, see M.S.1988]

Subd. 19. **Pesticide dealer.** "Pesticide dealer" means a person who has or is required to have a pesticide dealer license.

Subd. 19a. **Pesticide end user.** "Pesticide end user" means a farmer or other person who uses, intends to use, or owns a pesticide. Pesticide end user does not include a dealer, manufacturer, formulator, or packager.

[For text of subd 20, see M.S.1988]

Subd. 21. **Private applicator.** "Private applicator" means a person certified or required to be certified to use restricted use pesticides.

[For text of subds 22 to 24, see M.S.1988]

Subd. 24b. **Returnable container.** "Returnable container" means a container for distributing pesticides that enables the unused pesticide product to be returned to the distributor, manufacturer, or packager, and includes bulk, mini-bulk, or dedicated containers designed to protect the integrity of the pesticide and prevent contamination through the introduction of unauthorized materials.

[For text of subd 25, see M.S.1988]

Subd. 26. **Safeguard.** "Safeguard" means a facility, equipment, device, or system, or a combination of these, designed to prevent an incident as required by rule.

[For text of subds 27 to 29, see M.S.1988]

Subd. 30. **Structural pest control applicator.** "Structural pest control applicator" means a person who has or is required to have a structural pest control applicator license.

[For text of subd 31, see M.S.1988]

Subd. 31a. **Waste pesticide.** "Waste pesticide" means a pesticide that the pesticide end user considers a waste. A waste pesticide can be a canceled pesticide, an unusable pesticide, or a usable pesticide.

[For text of subd 32, see M.S.1988]

History: 1989 c 326 art 5 s 1-15

18B.04 PESTICIDE IMPACT ON ENVIRONMENT.

The commissioner shall:

(1) determine the impact of pesticides on the environment, including the impacts on surface water and groundwater in this state;

(2) develop best management practices involving pesticide distribution, storage, handling, use, and disposal; and

(3) cooperate with and assist other state agencies and local governments to protect public health and the environment from harmful exposure to pesticides.

History: 1989 c 326 art 5 s 16

18B.045 PESTICIDE MANAGEMENT PLAN.

Subdivision 1. **Development.** The commissioner shall develop a pesticide management plan for the prevention, evaluation, and mitigation of occurrences of pesticides or pesticide breakdown products in groundwaters and surface waters of the state. The pesticide management plan must include components promoting prevention, developing appropriate responses to the detection of pesticides or pesticide breakdown products in groundwater and surface waters, and providing responses to reduce or eliminate continued pesticide movement to groundwater and surface water.

Subd. 2. **Coordination.** The pesticide management plan shall be coordinated and developed with other state agency plans and with other state agencies through the environmental quality board. In addition, the University of Minnesota extension service, farm organizations, farmers, environmental organizations, and industry shall be involved in the pesticide management plan development.

History: 1989 c 326 art 5 s 17

18B.063 STATE USES OF PESTICIDES AND NUTRIENTS.

The state shall use integrated pest management techniques in its management of public lands, including roadside rights-of-way, parks, and forests; and shall use planting regimes that minimize the need for pesticides and added nutrients.

History: 1989 c 326 art 5 s 18

18B.064 PESTICIDE USE INFORMATION.

The commissioner shall monitor urban and rural pesticide use on a biennial basis. Information shall be collected and automated consistent with section 116C.41, subdivision 1.

History: 1989 c 326 art 5 s 19

18B.065 WASTE PESTICIDE COLLECTION PROGRAM.

Subdivision 1. Collection and disposal. The commissioner of agriculture shall establish and operate a program to collect waste pesticides. The program shall be made available to pesticide end users whose waste generating activity occurs in this state.

Subd. 2. Implementation. (a) The commissioner may obtain a United States Environmental Protection Agency hazardous waste identification number to manage the waste pesticides collected.

(b) The commissioner may limit the type and quantity of waste pesticides accepted for collection and may assess pesticide end users for portions of the costs incurred.

Subd. 3. Information and education. The commissioner shall provide informational and educational materials regarding waste pesticides and the proper management of waste pesticides to the public.

Subd. 4. Consultation with pollution control agency. The commissioner shall develop the program in this section in consultation and cooperation with the pollution control agency.

Subd. 5. Waste pesticide collection account. A waste pesticide account is established in the state treasury. Assessments collected under subdivision 2 shall be deposited in the state treasury and credited to the waste pesticide account. Money in the account is appropriated to the commissioner to pay for costs incurred to implement the waste pesticide collection program.

Subd. 6. Rules. The commissioner may adopt rules to administer this section.

Subd. 7. Cooperative agreements. The commissioner may enter into cooperative agreements with state agencies and local units of government for administration of the waste pesticide collection program.

History: 1989 c 326 art 5 s 20

18B.07 PESTICIDE USE, APPLICATION, AND EQUIPMENT CLEANING.

[For text of subd 1, see M.S.1988]

Subd. 2. Prohibited pesticide use. (a) A person may not use, store, handle, distribute, or dispose of a pesticide, rinsate, pesticide container, or pesticide application equipment in a manner:

- (1) that is inconsistent with a label or labeling as defined by FIFRA;
- (2) that endangers humans, damages agricultural products, food, livestock, fish, or wildlife; or
- (3) that will cause unreasonable adverse effects on the environment.

(b) A person may not direct a pesticide onto property beyond the boundaries of the target site. A person may not apply a pesticide resulting in damage to adjacent property.

(c) A person may not directly apply a pesticide on a human by overspray or target site spray.

(d) A person may not apply a pesticide in a manner so as to expose a worker in an immediately adjacent, open field.

Subd. 3. Posting. (a) If the pesticide labels prescribe specific hourly or daily intervals for human reentry following application, the person applying the pesticide must post sites, buildings, or areas where the pesticide has been applied. The posting must be done with placards in accordance with label requirements and rules adopted under this section.

(b) Sites being treated with pesticides through irrigation systems must be posted throughout the period of pesticide treatment. The posting must be done in accordance with labeling and rules adopted under this chapter.

Subd. 4. Pesticide safeguards at application sites. A person may not allow a pesticide, rinsate, or unrinsed pesticide container to be stored, kept, or to remain in or on any site without safeguards adequate to prevent an incident.

[For text of subd 5, see M.S.1988]

Subd. 6. Use of public waters for filling equipment. (a) A person may not fill pesticide application equipment directly from public or other waters of the state, as defined in section 105.37, subdivision 14, unless the equipment contains proper and functioning anti-backsiphoning mechanisms. The person may not introduce pesticides into the application equipment until after filling the equipment from the public waters.

(b) This subdivision does not apply to permitted applications of aquatic pesticides to public waters.

[For text of subds 7 and 8, see M.S.1988]

History: 1989 c 326 art 5 s 21-24

18B.08 CHEMIGATION.

Subdivision 1. Permit required. (a) A person may not apply pesticides through an irrigation system without a chemigation permit from the commissioner. A chemigation permit is required for one or more wells or other sources of irrigation water that are protected from contamination by devices as required by rule. The commissioner may allow irrigation to be used to apply pesticides on crops and land, including agricultural, nursery, turf, golf course, and greenhouse sites.

(b) A person must apply for a chemigation permit on forms prescribed by the commissioner.

[For text of subd 2, see M.S.1988]

Subd. 3. Equipment. A chemigation system must be fitted with effective antisiphon devices or check valves that prevent the backflow of pesticides or pesticide-water mixtures into water supplies or other materials during times of irrigation system failure or equipment shutdown. The devices or valves must be installed between:

(1) the irrigation system pump or water source discharge and the point of pesticide injection; and

(2) the point of pesticide injection and the pesticide supply.

Subd. 4. Application fee. A person initially applying for a chemigation permit must pay a nonrefundable application fee of \$50. A person who holds a fertilizer chemigation permit under section 18C.205, is exempt from the fee in this subdivision.

[For text of subd 5, see M.S.1988]

History: 1989 c 326 art 5 s 25-27

18B.115 USE OF CHLORDANE PROHIBITED.

The state, a state agency, a political subdivision of the state, a person, or other legal entity may not sell, use, or apply the pesticide chlordane or its derivative heptachlor within the state.

History: 1989 c 326 art 5 s 28

18B.135 SALE OF PESTICIDES IN RETURNABLE CONTAINERS AND MANAGEMENT OF UNUSED PORTIONS.

Subdivision 1. **Acceptance of returnable containers.** (a) A person distributing, offering for sale, or selling a pesticide must accept empty pesticide containers and the unused portion of pesticide that remains in the original container from a pesticide end user if:

- (1) the pesticide was purchased after July 1, 1994; and
- (2) a place is not designated in the county for the public to return empty pesticide containers and the unused portion of pesticide.

(b) This subdivision does not prohibit the use of refillable and reusable pesticide containers.

(c) The legislative water commission must prepare a report and make a recommendation to the legislature on the handling of waste pesticide containers and waste pesticides.

Subd. 2. **Rules.** The commissioner may adopt rules to implement this section, including procedures and standards prescribing the exemption of certain pesticide products and pesticide containers.

History: 1989 c 326 art 5 s 29

NOTE: This section is effective July 1, 1994, relating to the sale and distribution of pesticides in returnable containers. See Laws 1989, chapter 326, article 5, section 54.

18B.15 [Repealed, 1989 c 326 art 5 s 53]

18B.16 [Repealed, 1989 c 326 art 5 s 53]

18B.18 [Repealed, 1989 c 326 art 5 s 53]

18B.19 [Repealed, 1989 c 326 art 5 s 53]

18B.20 [Repealed, 1989 c 326 art 5 s 53]

18B.21 [Repealed, 1989 c 326 art 5 s 53]

18B.22 [Repealed, 1989 c 326 art 5 s 53]

18B.23 [Repealed, 1989 c 326 art 5 s 53]

18B.25 [Repealed, 1989 c 326 art 5 s 53]

NOTE: Subdivision 4 was also amended by Laws 1989, chapter 209, article 1, section 6, to read as follows:

"Subd. 4. **Disposal that becomes hazardous waste.** A person who knowingly, or with reason to know, disposes of a pesticide so that the product becomes hazardous waste is subject to the penalties in section 609.671, subdivision 4."

18B.26 PESTICIDE REGISTRATION.

Subdivision 1. **Requirement.** (a) A person may not use or distribute a pesticide in this state unless it is registered with the commissioner. Pesticide registrations expire on December 31 of each year and may be renewed on or before that date for the following calendar year.

(b) Registration is not required if a pesticide is shipped from one plant or warehouse to another plant or warehouse operated by the same person and used solely at the plant or warehouse as an ingredient in the formulation of a pesticide that is registered under this chapter.

(c) An unregistered pesticide that was previously registered with the commissioner may be used only with the written permission of the commissioner.

(d) Each pesticide with a unique United States Environmental Protection Agency pesticide registration number or a unique brand name must be registered with the commissioner.

[For text of subd 2, see M.S.1988]

Subd. 3. **Application fee.** (a) A registrant shall pay an annual application fee for each pesticide to be registered, and this fee is set at one-tenth of one percent for 1990 and at one-fifth of one percent thereafter of annual gross sales within the state, with a minimum fee of \$150. A registrant paying more than the minimum fee shall pay the

application fee in quarterly installments by 30 days after the end of each calendar quarter based on the gross sales of the pesticide by the registrant for the preceding calendar quarter. The fee for disinfectants and sanitizers is \$150. Of the amount collected after July 1, 1990, \$600,000 per year must be credited to the waste pesticide account under section 18B.065, subdivision 5.

(b) An additional fee of \$100 must be paid by the applicant for each pesticide to be registered if the application is a renewal application that is submitted after December 31.

(c) A registrant must annually report to the commissioner the amount and type of each registered pesticide sold, offered for sale, or otherwise distributed in the state. The report shall be filed at the time of payment of the registration application fee. The commissioner shall specify the form of the report and require additional information deemed necessary to determine the amount and type of pesticides annually distributed in the state. The information required shall include the brand name, amount, and formulation of each pesticide sold, offered for sale, or otherwise distributed in the state, but the information collected, if made public, shall be reported in a manner which does not identify a specific brand name in the report.

[For text of subd 4, see M.S.1988]

Subd. 5. Review and registration. (a) The commissioner may not deny the registration of a pesticide because the commissioner determines the pesticide is not essential.

(b) The commissioner shall review each application and may approve, deny, or cancel the registration of any pesticide. The commissioner may impose state use and distribution restrictions on a pesticide as part of the registration to prevent unreasonable adverse effects on the environment.

(c) The commissioner must notify the applicant of the approval, denial, cancellation, state use or distribution restrictions.

(d) The applicant may request a hearing on any adverse action of the commissioner within 30 days after being notified.

Subd. 6. Discontinuance of registration. To ensure complete withdrawal from distribution or further use of a pesticide, a person who intends to discontinue a pesticide registration must:

(1) terminate a further distribution within the state and continue to register the pesticide annually for two successive years;

(2) initiate and complete a total recall of the pesticide from all distribution in the state within 60 days from the date of notification to the commissioner of intent to discontinue registration; or

(3) submit to the commissioner evidence adequate to document that no distribution of the registered pesticide has occurred in the state.

History: 1989 c 326 art 5 s 30-33

18B.305 PESTICIDE EDUCATION AND TRAINING.

Subdivision 1. Education and training. (a) The commissioner shall develop, in conjunction with the University of Minnesota extension service, innovative educational and training programs addressing pesticide concerns including:

- (1) water quality protection;
- (2) endangered species;
- (3) pesticide residues in food and water;
- (4) worker protection;
- (5) chronic toxicity;
- (6) integrated pest management; and
- (7) pesticide disposal.

(b) The commissioner shall appoint educational planning committees which must include representatives of industry.

(c) Specific current regulatory concerns must be discussed and, if appropriate, incorporated into each training session.

(d) The commissioner may approve programs from private industry and nonprofit organizations that meet minimum requirements for education, training, and certification.

Subd. 2. Training manual and examination development. The commissioner, in conjunction with the University of Minnesota extension service, shall continually revise and update pesticide applicator training manuals and examinations. The manuals and examinations must be written to meet or exceed the minimum standards required by the United States Environmental Protection Agency and pertinent state specific information. Questions in the examinations must be determined by the responsible agencies. Manuals and examinations must include pesticide management practices that discuss prevention of pesticide occurrence in groundwaters of the state.

Subd. 3. Pesticide applicator education and examination review board. (a) The commissioner shall establish and chair a pesticide applicator education and examination review board. This board must meet at least once a year before the initiation of pesticide educational planning programs. The purpose of the board is to discuss topics of current concern that can be incorporated into pesticide applicator training sessions and appropriate examinations. This board shall review and evaluate the various educational programs recently conducted and recommend options to increase overall effectiveness.

(b) Membership on this board must represent industry, private, nonprofit organizations, and other governmental agencies, including the University of Minnesota, the pollution control agency, department of health, department of natural resources, and department of transportation.

(c) Membership on the board must include representatives from environmental protection organizations.

History: 1989 c 326 art 5 s 34

18B.31 PESTICIDE DEALER LICENSE.

Subdivision 1. Requirement. (a) Except as provided in paragraph (b), a person may not distribute at wholesale or retail or possess restricted use pesticides or bulk pesticides with an intent to distribute them to an ultimate user without a pesticide dealer license.

(b) The pesticide dealer license requirement does not apply to:

(1) a licensed commercial applicator, noncommercial applicator, or structural pest control applicator who uses restricted use pesticides only as an integral part of a pesticide application service;

(2) a federal, state, county, or municipal agency using restricted use pesticides for its own programs; or

(3) a licensed pharmacist, physician, dentist, or veterinarian when administering or dispensing a restricted use pesticide for use in the pharmacist's, physician's, dentist's, or veterinarian's practice.

(c) A licensed pesticide dealer may sell restricted use pesticides only to an applicator licensed or certified by the commissioner, unless a sale is allowed by rule.

[For text of subd 2, see M.S.1988]

Subd. 3. License. A pesticide dealer license:

(1) expires on December 31 of each year unless it is suspended or revoked before that date;

(2) is not transferable to another person or location; and

(3) must be prominently displayed to the public in the pesticide dealer's place of business.

[For text of subd 4, see M.S.1988]

Subd. 5. **Application fee.** (a) An application for a pesticide dealer license must be accompanied by a nonrefundable application fee of \$50.

(b) If an application for renewal of a pesticide dealer license is not filed before January 1 of the year for which the license is to be issued, an additional fee of \$20 must be paid by the applicant before the license is issued.

(c) An application for a duplicate pesticide dealer's license must be accompanied by a nonrefundable application fee of \$10.

History: 1989 c 326 art 5 s 35-37

18B.32 STRUCTURAL PEST CONTROL LICENSE.

[For text of subd 1, see M.S.1988]

Subd. 2. **Licenses.** (a) A structural pest control license:

(1) expires on December 31 of the year for which the license is issued;

(2) is not transferable; and

(3) must be prominently displayed to the public in the structural pest controller's place of business.

(b) The commissioner shall establish categories of master, journeyman, and fumigator for a person to be licensed under a structural pest control license.

[For text of subds 3 to 6, see M.S.1988]

History: 1989 c 326 art 5 s 38

18B.33 COMMERCIAL APPLICATOR LICENSE.

Subdivision 1. **Requirement.** (a) A person may not apply a pesticide for hire without a commercial applicator license for the appropriate use categories except a licensed structural pest control applicator.

(b) A person with a commercial applicator license may not apply pesticides on or into surface waters without an aquatic category endorsement on a commercial applicator license.

(c) A commercial applicator licensee must have a valid license identification card when applying pesticides for hire and must display it upon demand by an authorized representative of the commissioner or a law enforcement officer. The commissioner shall prescribe the information required on the license identification card.

[For text of subd 2, see M.S.1988]

Subd. 3. **License.** A commercial applicator license:

(1) expires on December 31 of the year for which it is issued, unless suspended or revoked before that date;

(2) is not transferable to another person; and

(3) must be prominently displayed to the public in the commercial applicator's place of business.

[For text of subds 4 to 6, see M.S.1988]

Subd. 7. **Application fees.** (a) A person initially applying for or renewing a commercial applicator license must pay a nonrefundable application fee of \$50.

(b) If a renewal application is not filed before March 1 of the year for which the license is to be issued, an additional penalty fee of \$10 must be paid before the commercial applicator license may be issued.

(c) An application for a duplicate commercial applicator license must be accompanied by a nonrefundable application fee of \$10.

History: 1989 c 326 art 5 s 39-41

18B.34 NONCOMMERCIAL APPLICATOR LICENSE.

Subdivision 1. Requirement. (a) Except for a licensed commercial applicator, certified private applicator, or licensed structural pest control applicator, a person, including a government employee, may not use a restricted use pesticide in performance of official duties without having a noncommercial applicator license for an appropriate use category.

(b) A licensed noncommercial applicator may not apply pesticides into or on surface waters without an aquatic category endorsement on the license.

(c) A licensee must have a valid license identification card when applying pesticides and must display it upon demand by an authorized representative of the commissioner or a law enforcement officer. The license identification card must contain information required by the commissioner.

Subd. 2. License. A noncommercial applicator license:

(1) expires on December 31 of the year for which it is issued unless suspended or revoked before that date;

(2) is not transferable; and

(3) must be prominently displayed to the public in the noncommercial applicator's place of business.

[For text of subds 3 and 4, see M.S.1988]

Subd. 5. Fees. (a) A person initially applying for or renewing a noncommercial applicator license must pay a nonrefundable application fee of \$50, except an applicant who is a government employee who uses pesticides in the course of performing official duties must pay a nonrefundable application fee of \$10.

(b) If an application for renewal of a noncommercial license is not filed before March 1 in the year for which the license is to be issued, an additional penalty fee of \$10 must be paid before the renewal license may be issued.

(c) An application for a duplicate noncommercial applicator license must be accompanied by a nonrefundable application fee of \$10.

History: 1989 c 326 art 5 s 42-44

18B.36 PRIVATE APPLICATOR CERTIFICATION.

Subdivision 1. Requirement. (a) Except for a licensed commercial or noncommercial applicator, only a certified private applicator may use a restricted use pesticide to produce an agricultural commodity:

(1) as a traditional exchange of services without financial compensation; or

(2) on a site owned, rented, or managed by the person or the person's employees.

(b) A private applicator may not purchase a restricted use pesticide without presenting a certified private applicator card or the card number.

Subd. 2. Certification. (a) The commissioner shall prescribe certification requirements and provide training that meets or exceeds United States Environmental Protection Agency standards to certify private applicators and provide information relating to changing technology to help ensure a continuing level of competency and ability to use pesticides properly and safely. The training may be done through cooperation with other government agencies and must be a minimum of three hours in duration.

(b) A person must apply to the commissioner for certification as a private applicator. After completing the certification requirements, which must include an examination as determined by the commissioner, an applicant must be certified as a private applicator to use restricted use pesticides. The certification is for a period of three years from the applicant's nearest birthday.

(c) The commissioner shall issue a private applicator card to a private applicator.

[For text of subd 3, see M.S.1988]

History: 1989 c 326 art 5 s 45,46

18B.37 RECORDS, REPORTS, PLANS, AND INSPECTIONS.

Subdivision 1. Pesticide dealer. (a) A pesticide dealer must maintain records of all sales of restricted use pesticides as required by the commissioner. Records must be kept at the time of sale on forms supplied by the commissioner or on the pesticide dealer's forms if they are approved by the commissioner.

(b) Records must be submitted annually with the renewal application for a pesticide dealer license or upon request of the commissioner.

(c) Copies of records required under this subdivision must be maintained by the pesticide dealer for a period of five years after the date of the pesticide sale.

Subd. 2. Commercial and noncommercial applicators. (a) A commercial or non-commercial applicator, or the applicator's authorized agent, must maintain a record of pesticides used on each site. The record must include the:

- (1) date of the pesticide use;
- (2) time the pesticide application was completed;
- (3) brand name of the pesticide, the United States Environmental Protection Agency registration number, and dosage used;
- (4) number of units treated;
- (5) temperature, wind speed, and wind direction;
- (6) location of the site where the pesticide was applied;
- (7) name and address of the customer;
- (8) name and signature of applicator, name of company, license number of applicator, and address of applicator company; and
- (9) any other information required by the commissioner.

(b) Portions of records not relevant to a specific type of application may be omitted upon approval from the commissioner.

(c) All information for this record requirement must be contained in a single page document for each pesticide application, except a map may be attached to identify treated areas. For the rights-of-way and wood preservative categories, the required record may not exceed five pages. An invoice containing the required information may constitute the required record. The commissioner shall make sample forms available to meet the requirements of this paragraph.

(d) A commercial applicator must give a copy of the record to the customer when the application is completed.

(e) Records must be retained by the applicator, company, or authorized agent for five years after the date of treatment.

Subd. 3. Structural pest control applicators. (a) A structural pest control applicator must maintain a record of each structural pest control application conducted by that person or by the person's employees. The record must include the:

- (1) date of structural pest control application;
- (2) target pest;
- (3) brand name of the pesticide, United States Environmental Protection Agency registration number, and amount used;
- (4) for fumigation, the temperature and exposure time;
- (5) time the pesticide application was completed;
- (6) name and address of the customer;
- (7) name and signature of structural pest control applicator; name of company and address of applicator or company, applicator's signature, and license number of applicator; and
- (8) any other information required by the commissioner.

(b) All information for this record requirement must be contained in a single-page document for each pesticide application. An invoice containing the required information may constitute the record.

(c) Records must be retained for five years after the date of treatment.

(d) A copy of the record must be given to a person who ordered the application that is present at the site where the structural pest control application is conducted, placed in a conspicuous location at the site where the structural pest control application is conducted immediately after the application of the pesticides, or delivered to the person who ordered an application or the owner of the site. The commissioner must make sample forms available that meet the requirements of this subdivision.

Subd. 4. Storage, handling, and disposal plan. A commercial, noncommercial, or structural pest control applicator or the business that the applicator is employed by must develop and maintain a plan that describes its pesticide storage, handling, and disposal practices. The plan must be kept at a principal business site or location within this state and must be submitted to the commissioner upon request on forms provided by the commissioner. The plan must be available for inspection by the commissioner.

[For text of subd 5, see M.S.1988]

History: 1989 c 326 art 5 s 47-50