

CHAPTER 18B

PESTICIDE CONTROL

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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 must be made available to agriculture and residential pesticide end users whose waste generating activity occurs in this state.

[For text of subd 2, see M.S.2006]

Subd. 2a. **Disposal site requirement.** The commissioner must designate a place in each county of the state that is available at least every other year for persons to dispose of unused portions of pesticides in accordance with subdivision 1. The commissioner shall consult with the person responsible for solid waste management and disposal in each county to determine an appropriate location.

[For text of subs 3 to 7, see M.S.2006]

History: 2007 c 45 art 1 s 22,23

NOTE: The amendments to subdivisions 1 and 2a by Laws 2007, chapter 45, article 1, sections 22 and 23, are effective July 1, 2008, and apply to all cooperative agreements entered into by the commissioner of agriculture and local units of government for waste pesticide collection and disposal after that date. Laws 2007, chapter 45, article 1, sections 22 and 23, the effective dates.

18B.26 PESTICIDE REGISTRATION.

[For text of subs 1 and 2, see M.S.2006]

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 0.4 percent of annual gross sales within the state and annual gross sales of pesticides used in the state, with a minimum nonrefundable fee of \$250. The registrant shall determine when and which pesticides are sold or used in this state. The registrant shall secure sufficient sales information of pesticides distributed into this state from distributors and dealers, regardless of distributor location, to make a determination. Sales of pesticides in this state and sales of pesticides for use in this state by out-of-state distributors are not exempt and must be included in the registrant's annual report, as required under paragraph (c), and fees shall be paid by the registrant based upon those reported sales. Sales of pesticides in the state for use outside of the state are exempt from the application fee in this paragraph if the registrant properly documents the sale location and distributors. A registrant paying more than the minimum fee shall pay the balance due by March 1 based on the gross sales of the pesticide by the registrant for the preceding calendar year. The fee for disinfectants and sanitizers shall be the minimum. The minimum fee is due by December 31 preceding the year for which the application for registration is made. The commissioner shall spend at least \$400,000, not including the commissioner's administrative costs, per fiscal year from the pesticide regulatory account for the purposes of the waste pesticide collection program.

(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 by March 1 for the previous year's registration. 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.

(d) A registrant who is required to pay more than the minimum fee for any pesticide under paragraph (a) must pay a late fee penalty of \$100 for each pesticide application fee paid after March 1 in the year for which the license is to be issued.

[For text of subs 4 to 6, see M.S.2006]

History: 2007 c 45 art 1 s 24

NOTE: The amendment to subdivision 3 by Laws 2007, chapter 45, article 1, section 24, is effective July 1, 2008, and applies to all cooperative agreements entered into by the commissioner of agriculture and local units of government for waste pesticide collection and disposal after that date. Laws 2007, chapter 45, article 1, section 24, the effective date.

18B.305 PESTICIDE EDUCATION AND TRAINING.

[For text of subs 1 and 2, see M.S.2006]

Subd. 3. [Repealed, 2007 c 133 art 2 s 13]

18B.315 [Repealed, 2007 c 45 art 1 s 66]

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 or a structural pest control license.

(b) 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 subs 2 to 7, see M.S.2006]

History: 2007 c 45 art 1 s 25

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 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.

[For text of subs 2 to 5, see M.S.2006]

History: 2007 c 45 art 1 s 26

18B.345 PESTICIDE APPLICATION ON GOLF COURSES.

(a) Application of a pesticide to the property of a golf course must be performed by:

(1) a structural pest control applicator; or

(2) a commercial or noncommercial pesticide applicator with appropriate use certification.

(b) Pesticides determined by the commissioner to be sanitizers and disinfectants are exempt from the requirements in paragraph (a).

History: *2007 c 45 art 1 s 27*