

# GUIDE\_\_\_\_\_FOR ANALYZING PESTICIDE LEGISLATION

DIGEST OF

STATE

PESTICIDE USE AND APPLICATION

LAWS

U.S. ENVIRONMENTAL PROTECTION AGENCY

Office of Pesticide Programs

OPERATIONS DIVISION



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## INTRODUCTION

This publication represents an updating of the Digest published in May 1971 and has been prepared in the same format as the previous compilation; it is current through all State legislative sessions of calendar year 1972. The year shown in the citation is generally the year the reference volume was copyrighted.

The material included herein was submitted to the respective States for review and comment prior to publication, and the response was most gratifying. Much credit is due these State officials and the Association of American Pesticide Control Officials for their useful and constructive comments.

Because some arbitrary definitions must be established, the pesticide control laws have been divided into two groups as follows:

### A. Use and application laws

[Structural Pest Control Laws, which logically fall in this category, have not been digested.]

Those laws which:

1. require examination and licensing of persons who engage in the business of applying pesticides,
2. regulate persons in professions concerned with the use or application of pesticides; e.g., entomologists, plant pathologists, horticulturists, tree surgeons, weed control specialists, etc., and
3. prohibit or restrict use of certain pesticides; require the purchaser to obtain a "permit" before purchasing, possessing, or using certain restricted pesticides; and require dealers in restricted pesticides to be licensed.

### B. Registration laws

Those which regulate the production and marketing of pesticides by requiring compliance with registration and labeling criteria prior to interstate or intrastate shipment. These are often referred to as "economic poison laws" or "insecticide, fungicide, and rodenticide acts."

More recently, sections on "restricted use pesticides" have been incorporated into these laws, but these same sections may also be found in use and application laws of other States; it is a matter of choice with each State.

Following the adoption of the Federal Insecticide, Fungicide, and Rodenticide Act in 1947, many States enacted essentially the same legislation requiring registration and labeling of economic poisons as a prerequisite to their lawful introduction and shipment in commerce. As a result, all States now have pesticide regulation laws, and a comparative digest shows little difference in this type of legislation between the States. Of the various categories of use and application laws, probably the structural pest control laws (not included in this Digest) are the most uniform, and those which relate to the use and application of agricultural pesticides, the least uniform. Unfortunately, many States did not follow the "model" use and application act prepared by the Association of

American Pesticide Control Officials and published as suggested State legislation by the Council of State governments in 1951. A redraft of this model act was published in the 1971 edition of suggested State legislation and provides broadened authority to cope with current needs in regulating the use of pesticides.

While this publication presents a digest of those State laws which relate primarily (but not exclusively) to the use and application of pesticides in agriculture, it should be recognized that some States have enacted laws in sufficiently broad language to regulate most, or all, uses of pesticides but have chosen, in keeping with legislative intent, to apply such acts only to one field of usage.

A standard format is used for each digest of the applicable law in order to achieve uniformity and permit comparison. Laws are sometimes drafted to include a "short title," but in the absence of an official title, the codifier generally provides a descriptive title when incorporating the law into the State code. In this guide the statutory titles are enclosed in quotation marks. Descriptive titles are taken from the State code (or supplied if necessary).

State pesticide laws governing tolerances for pesticide residues in or on raw agricultural commodities are not included in this Digest, since those States which have such provisions generally follow Sec. 408 of the Federal Food, Drug, and Cosmetic Act (Miller Amendment).

It should be kept in mind that a large part of pesticide control is accomplished by regulations issued under authority of the appropriate law; e.g., the Michigan custom applicators law states ". . . the director may promulgate rules to carry out the provisions of this act . . .," and under this authority very specific details are issued regulating the use and application of pesticides.

In order to make this publication of maximum use, it was finalized soon after the end of the legislative sessions but before many of the laws were officially codified in the appropriate State code and before the supplements were issued. Hence, there may be cases where parts of a new law will be placed in sections other than the citations indicate. Reference should be made to "Pesticide Legislative Notes," issued separately, which cite the various laws by appropriate Chapter and Session Laws 1971 or 1972.

Emerson R. Baker, J.D.  
Consultant  
Operations Division  
January 1973

ALABAMA

|                        |   |   |
|------------------------|---|---|
| <u>Title</u>           | <u>Custom Application of Pesticides</u><br>[Code of Ala., tit. 2, s 337(12a) to 337(12n) (Supp. 1971)]  |   |
| <u>Prohibited acts</u> | Unlawful to:<br><br>(1) ". . . engage in the custom application of pesticides . . . without first procuring an annual license from the Commissioner [of Agriculture and Industries],<br><br>(2) ". . . discard, dispose of or otherwise handle any pesticide or pesticide container . . . [in a manner harmful to man, animals, wildlife, environment, etc.] . . ." |   |
| <u>Exemptions</u>      | (1) application of pesticides to lawns, trees or shrubs,<br><br>(2) structural or household pest control activities,<br><br>(3) farmers on own land,<br><br>(4) municipalities, counties, state, federal, or local governmental bodies [but not work done for them by independent contractors].   |   |
| <u>Licensing</u>       |   |   |
| qualifications         | Not specified in act.   |   |
| application            | On forms furnished by the Commissioner; giving specified statutory information, including qualifications.   |   |
| examination            | Written examination required. Applicant must possess ". . . adequate knowledge concerning the proper use and application of pesticides and the dangers involved . . . precautions to be taken . . . and the knowledge and ability of the effective use of pesticides . . ."   |   |
| fees                   | examination fee   | \$10.00   |
|                        | ground application license  | 50.00   |
|                        | aerial application license  |   |
|                        | one aircraft  | 50.00   |
|                        | more than one   | 10.00 (for each additional aircraft but not to exceed \$100.00) |
|                        | both ground and aerial application license  |   |
|                        | one aircraft  | 50.00   |
|                        | more than one   | 10.00 (for each additional aircraft but not to exceed \$100.00) |

issuance Annual license issued by Commissioner if applicant found qualified; expires Dec. 31 of year issued. Renewable Jan. 1 by payment of annual license fee. Penalty of 10% added to delinquent renewals (Feb. 15 or within 45 days of due date).

nonresidents Reciprocity provided.

Financial  
responsibility

(1) Ground applicators or aerial applicators with not more than two aircraft \$3,000

(2) Aerial applicators with over two aircraft \$3,000  
(for each additional aircraft but not to exceed \$12,000)

Surety bond or a liability insurance policy required. May contain a reasonable deductible clause, in an amount acceptable to the Commissioner. Eligible surplus line insurers may be used.

Authority granted to:

issue regulations Yes (with approval of the State Board of Agriculture and Industry).

enforce the act Yes.

delegate duties Yes.

restrict usage Yes\*.

inspect property Yes.

require records Yes.

cooperate with others Yes.

publish information Not specified in act.

conduct courses Not specified in act.

regulate storage, transportation, or disposal of pesticides Yes.

require compliance with label Yes\*.

license equipment Yes.

subpoena persons or records Not specified in act. [Necessary legal actions must be referred to Attorney General.]

report losses Not specified in act.

investigate damages Not specified in act.

\*[see Sec. 3,(2),(F), "Alabama Pesticide Act of 1971".]

|   |       |
|---|-------|
| require use<br>permits                    | Yes*. |
| license dealers                           | Yes*. |
| adopt list of<br>restricted<br>pesticides | Yes.  |

Pesticide board

"Pesticide Advisory Committee. (1) A pesticide advisory committee is hereby created and established to consist of twelve (12) members to be appointed from and by certain agencies, departments, institutions and organizations as hereinafter provided. The pesticide advisory committee's membership, their term of service, method of appointment, authority, duties and functions shall be as follows: Two (2) members from the School of Agriculture and Agricultural Experiment Station of Auburn University to be appointed by its Dean and Director; two (2) members from the Cooperative Agricultural Extension Service of Auburn University to be appointed by its Director; two (2) members in the employ of the State Department of Agriculture and Industries to be appointed by its Commissioner; two (2) members in the employ of the State Department of Public Health to be appointed by the State Health Officer; two (2) members in the employ of the State Department of Conservation to be appointed by its Director; and two (2) members from the Alabama Pesticide Institute to be appointed by its Board of Directors. The term of service of the members of said Committee shall be at the pleasure of the appointing authority.

"The Chairman and Secretary of the Pesticide Advisory Committee shall be elected annually from and by the Committee members and each shall serve until their successors are elected.

"(2) Meetings. The Pesticide Advisory Committee shall meet at the call of its chairman or upon a call of a majority of its members. There shall be at least two regular meetings of the Committee during each calendar year to be held not less than five (5) months apart, and call meetings may be held as the duties and business of the Committee may require. In the absence of the chairman, the Committee shall elect a temporary chairman.

"(3) Official Action. Official action of the Pesticide Advisory Committee requires a majority vote of the members of the Committee present and voting. Seven (7) members of the Committee shall constitute a quorum which is the number necessary to transact official business of the Committee.

"(4) Powers and Duties. The Pesticide Advisory Committee, with respect to its field of work, shall have the powers and duties to consider and study the entire field of pesticides; to review and make recommendations to the Commissioner on any pesticide registration submitted to it by the Commissioner; to advise, counsel and consult with the Commissioner upon his request in connection with the promulgation, administration and enforcement of all laws, rules, and regulations relating to pesticides; to consider all matters submitted to it by the Commissioner, other members of the committee or any person affected by the provisions and to offer suggestions and make recommendations to the Commissioner on its own initiative in regard to changes in the laws, rules and regulations relating to pesticides, as may be deemed advisable for the effective administration and enforcement of said laws and

\*[see Sec. 3,(2),(F), "Alabama Pesticide Act of 1971".]



rules and regulations; to suggest or recommend, on its own initiative, policies or practices for the administration and enforcement of this Act, which suggestions and recommendations the Commissioner shall duly consider. To review registered pesticides as to their safety and/or efficacy and make recommendations to the Commissioner as to its findings and to make recommendations as to which pesticides should be prohibited or restricted in use. The Commissioner shall duly consider these recommendations as to the registration cancellation and as to restricted use pesticides, the decision so arrived at shall not be final until approved by the State Board of Agriculture and Industries.

"(5) Records of Meetings. In conducting its meetings, the Pesticide Advisory Committee shall use accepted rules of procedures and the secretary shall keep a complete record of the proceedings of each meeting of the committee, which proceedings shall show the names of the members present at each meeting and the actions taken at committee meetings. Such record of proceedings of the committee shall be kept on file with the secretary and in the office of the Commissioner which shall be open for public inspection."

#### Definitions

- |                                     |                               |
|-------------------------------------|-------------------------------|
| 1. active ingredient                | 19. insect                    |
| 2. adulterated                      | 20. insecticide               |
| 3. aircraft                         | 21. label                     |
| 4. antidote                         | 22. labeling                  |
| 5. bactericide                      | 23. licensed pesticide dealer |
| 6. board                            | 24. low volume                |
| 7. Commissioner                     | 25. misbranded                |
| 8. contamination                    | 26. nematocide                |
| 9. custom application of pesticides | 27. nematode                  |
| 10. defoliant                       | 28. official sample           |
| 11. desiccant                       | 29. person                    |
| 12. device                          | 30. pesticide                 |
| 13. fungi                           | 31. pesticide use permit      |
| 14. fungicide                       | 32. plant regulator           |
| 15. ground equipment                | 33. registrant                |
| 16. herbicide                       | 34. restricted use pesticide  |
| 17. inert ingredient                | 35. rodenticide               |
| 18. ingredient statement            | 36. ultra low volume          |
|                                     | 37. weed                      |

#### Penalties

Violation of the act, or rules and regulations constitutes a misdemeanor subject to a fine of not less than \$25.00 nor more than \$500.00 and, at the discretion of the court, imprisonment not to exceed six months.

#### Relevant laws

##### "Alabama Pesticide Act of 1971"

[Code of Ala., tit. 2, s 337(9a) to 337(9n) (Supp. 1971)]

["An Act to regulate the sale, offering for sale, distribution and transportation of pesticides . . . to provide that the sale, offering for sale, distribution and transportation of certain highly toxic pesticides may be restricted, limited in use or prohibited; to require the annual registration of pesticides . . . before such products are sold, offered for sale or delivered or transported within this State; to require use permits for the purchase and use of restricted use pesticides; to require a special license for the sale or offering for sale of any restricted use pesticides; to create and establish a Pesticide Advisory Committee to perform certain duties . . . and to provide for the administration and enforcement of this Act by the Commissioner of Agriculture and Industries with exemption provisions; authorizing the adoption of rules and regulations . . . to provide enforcement

and penalty provisions for violations of this Act, and to repeal conflicting laws."}]

Requirements for persons performing professional work or services pertaining to entomology, pathology, horticulture, floriculture, and tree surgery

[Code of Ala., tit. 2, s 671 to 677 (1960)]

Provides for the examination and licensing of persons in certain professions, including structural pest control operators practicing subterranean termite eradication or control. Specifically exempts ". . . grafting, spraying, dusting cotton, or other similar work . . ."

Detection of Pesticide Residues

[Code of Ala., tit. 2, s 337(10) to 337(12) (1960)]

Provides for the establishment and operation of a laboratory to detect and analyze pesticide residues on raw and processed agricultural products, and for other purposes.

Food and Drug Law

[Code of Ala., tit. 2, s 303 et seq. (1960)]

ALASKA

|                                 |  |  |
|---------------------------------|--|--|
| <u>Title</u>                    | <u>Environmental Conservation (Pesticide Control)</u><br>[Alaska Stat., s 46.03.320 et seq. (1971)]<br>[Note: This act is a comprehensive law relating to all phases of environmental protection, including regulation of pesticides.]   |  |
| <u>Prohibited acts</u>          | "No person may spray or apply, or cause to be sprayed or applied dichloro-diphenyl-trichloro-ethane (DDT), dieldrin or other pesticide or broadcast chemical in a manner which may cause damage to or endanger the health, welfare or property of another person, or in such a manner as to be likely to pollute the air, soil or water of the state without prior authorization of the department." |  |
| <u>Exemptions</u>               | None.  |  |
| <u>Licensing</u>                |  |  |
| qualifications                  | }  | "The department may provide by regulation for the licensing of persons engaged in the custom, commercial or contract spraying or application of pesticides and broadcast chemicals including the requirement of a surety bond and liability insurance for the licensee." |
| application                     |  |  |
| examination                     |  |  |
| fees                            |  |  |
| issuance                        |  |  |
| nonresidents                    |  |  |
| <u>Financial responsibility</u> | May be prescribed by regulations.  |  |
| <u>Authority granted to:</u>    |  |  |
| issue regulations               | Yes.   |  |
| enforce the act                 | Yes.   |  |
| delegate duties                 | Yes.   |  |
| restrict usage                  | Yes.   |  |
| inspect property                | Yes.   |  |
| require records                 | Not specified in act (implied).  |  |
| cooperate with others           | Yes.   |  |
| publish information             | Yes.   |  |
| conduct courses                 | Not specified in act (implied).  |  |

|  |                                 |
|--|---------------------------------|
| regulate storage,<br>transportation,<br>or disposal of<br>pesticides | Yes.                            |
| require<br>compliance<br>with label                                  | Not specified in act (implied). |
| license<br>equipment   | Not specified in act (implied). |
| subpoena persons<br>or records                                       | Yes.                            |
| report losses  | Not specified in act.           |
| investigate<br>damages   | Not specified in act.           |
| require use<br>permits   | Not specified in act (implied). |
| license dealers  | Not specified in act (implied). |

Pesticide board

None.

[Environmental Advisory Board]

"(a) There is created within the Department of Environmental Conservation an environmental advisory board, consisting of the commissioner of environmental conservation who shall serve as a chairman and eight members appointed by the governor.

"(b) No member of the board other than the chairman may be an officer or employee of a state department or agency.

"(c) Of the members of the board first appointed by the governor, three shall be appointed for a term of one year; three for a term of two years; and two for a term of three years. The initial terms begin on July 1, 1971. Thereafter, all appointments shall be made for terms of three years beginning on July 1 of the year in which the appointment is made. Members of the board shall serve at the pleasure of the governor. In the case of a vacancy other than one arising by expiration of term an appointment to fill the vacancy shall be made for the remainder of the unexpired term.

"EXPENSES AND PER DIEM OF BOARD MEMBERS. Each member of the board is entitled to . . . expenses.

"FUNCTIONS OF BOARD. (a) The board shall

"(1) advise the commissioner of environmental conservation in the review and appraisal of programs and activities of state departments and agencies in light of the policy set out in AS 46.03.010;

"(2) serve as a forum for the exchange of views, concerns, ideas, information and recommendations relating to the quality of the environment; and

"(3) recommend to the commissioner the persons who by virtue of outstanding achievement in the field of environmental conservation merit a certificate of achievement from the commissioner of environmental conservation.

"(b) The board shall exercise and perform such other functions as may be requested by the commissioner."

Definitions

1. commissioner
2. department
3. broadcast chemicals
4. pesticides

[Twenty-two terms are defined, but the above four relate specifically to pesticides.]

Penalties

Violation of the act is a misdemeanor subject to a fine of not more than \$1,000.00 and cost of prosecution, or imprisonment for not more than one year, or combination of fine, costs and imprisonment.

Relevant laws

"Alaska Food, Drug, and Cosmetic Act"

[Alaska Stat., tit. 17, s 17.20.010 to 17.20.380 (1962)]

Section 17.20.030 concerns "tolerances for added poisonous ingredients" in or on food.

ARIZONA

|                                 |   |
|---------------------------------|---|
| <u>Title</u>                    | "Arizona Pesticide Use and Application Act"<br>[A.R.S., tit. 3-371 to 3-390 (Supp. 1972)]<br>[Title of act omitted by codifiers as unnecessary.]  |
| <u>Prohibited acts</u>          | Unlawful . . .<br><br>(1) to engage in the custom application of pesticides without a license from the Board of Pesticide Control;<br><br>(2) for growers to purchase, dispense, or use pesticides without a permit from the Board; and<br><br>(3) for sellers to sell, dispense, or deliver pesticides without a permit. |
| <u>Exemptions</u>               | Structural pest control operators; airplane pilots on a temporary basis during emergencies; persons changing atmospheric conditions; application of fertilizers or seeds; governmental bodies; weed control on railways, highways, canals, or utility easements; treatment of fabrics; and sanitation services.           |
| <u>Licensing</u>                |   |
| qualifications                  | Must satisfy Board as to character, qualifications, responsibility, and good faith.   |
| application                     | On form provided by Board (details established by regulation).  |
| examination                     | Applicant to appear before Board and be examined.   |
| fees                            | Application fee \$25; annual renewal fee \$25; equipment license \$25; growers and sellers \$10.  |
| issuance                        | Calendar year license issued by the Board, renewable annually upon payment of fee, may be revoked for cause after a hearing.  |
| nonresidents                    | No provision for reciprocity.   |
| <u>Financial responsibility</u> | Not less than \$25,000 for property damage, public liability, and drift insurance, each separately.   |
| <u>Authority granted to:</u>    |   |
| issue regulations               | Yes (to the Board).   |
| enforce the act                 | Yes (to the Board).   |
| delegate duties                 | Yes.  |
| restrict usage                  | Yes.  |
| inspect property                | Yes.  |

|   |  |
|---|--|
| require records   | Yes - monthly report required from operators.  |
| cooperate with others                                       | Not specified in act, but it is possible under Arizona Joint Exercise of Powers Act [A.R.S. 11-951 to 11-954 (Effective 3-18-68)].               |
| publish information   | Yes.   |
| conduct courses   | Not specified in act.  |
| regulate storage, transportation, or disposal of pesticides | Unlawful to store, dump, or leave unattended pesticides or pesticide containers in any manner presenting a hazard to persons, animals, or crops. |
| require compliance with label                               | Yes.   |
| license equipment   | Yes.   |
| subpoena persons or records                                 | Yes.   |
| report losses   | May be filed within 60 days from time loss became known, or prior to the time 50% of the crop shall have been harvested.                         |
| investigate damages   | Board may hold hearings.   |
| adopt list of restricted pesticides                         | Yes.   |

Pesticide board                      Composed of the Chairman of the Commission of Agriculture and Horticulture (as Chairman of the Board) and 8 members appointed by the Governor, and additionally an Advisory Committee of 13 members from private industry appointed by the Governor to advise and assist the Board of Pesticide Control.

|                    |                       |                          |
|--------------------|-----------------------|--------------------------|
| <u>Definitions</u> | 1. aircraft           | 12. person               |
|                    | 2. applicator         | 13. permit               |
|                    | 3. board              | 14. pest control         |
|                    | 4. custom application | 15. pesticide            |
|                    | 5. defoliating        | 16. range                |
|                    | 6. ground equipment   | 17. range livestock      |
|                    | 7. grower             | 18. regulate use         |
|                    | 8. insect             | 19. restricted area      |
|                    | 9. license            | 20. rodent               |
|                    | 10. livestock         | 21. seller of pesticides |
|                    | 11. operator          | 22. weed                 |

Penalties                              Violation constitutes a misdemeanor subject to a fine or not less than \$100, nor more than \$1,000, or imprisonment of not over 90 days, or both fine and imprisonment.

Relevant laws                      "Arizona Pesticides Act" (Economic poison law)  
 [A.R.S., tit. 3-341 to 3-357 (1956)]  
 [Title of law omitted by codifiers as unnecessary.]

Structural Pest Control

[A.R.S., tit. 32-2301 to 32-2325 (Supp. 1972)]

Administered by a structural pest control board.



ARKANSAS

|                                 |  |
|---------------------------------|--|
| <u>Title</u>                    | Arkansas Agricultural Application Service Act<br>[Ark. Stat. Ann., s 77-214 to 77-226 (1957)]  |
| <u>Prohibited acts</u>          | Unlawful to "engage for hire in the operation of an agricultural application service . . . unless [licensed by the State Plant Board] . . ."   |
| <u>Exemptions</u>               | Persons applying economic poisons to their own land, or occasional nonbusiness application to the land of others, farmers trading work, and governmental bodies.   |
| <u>Licensing</u>                |  |
| qualifications                  | Not specified in act.  |
| application                     | " . . . in the form prescribed by the board."  |
| examination                     | None.  |
| fees                            | Application fee not to exceed \$50 (\$25 fee established by regulation); equipment license fee \$10 each.  |
| issuance                        | Issued after review of application and proof of financial responsibility; licenses expire December 31 and may be renewed upon payment of same fee as required for initial application. Board may refuse to issue or may cancel licenses for certain listed statutory provisions. |
| nonresidents                    | Must designate a resident agent to accept service of legal process and establish and maintain proof of financial responsibility.   |
| <u>Financial responsibility</u> | Not less than \$2,500 nor more than \$10,000. Regulations require: \$5,000 for aerial applicators; \$2,500 for ground applicators.   |
| <u>Authority granted to:</u>    |  |
| issue regulations               | Yes.   |
| enforce the act                 | Yes.   |
| delegate duties                 | Yes.   |
| restrict usage                  | Not specified in act.  |
| inspect property                | Not specified in act.  |
| require records                 | Yes.   |
| cooperate with others           | Not specified in act.  |
| publish information             | Not specified in act.  |

conduct courses                    Not specified in act.

regulate storage,  
transportation,  
or disposal of  
pesticides                    Not specified in act.

require  
compliance  
with label                    Not specified in act.

license  
equipment                    Yes.

subpoena persons  
or records                    Not specified in act.

report losses                    Not specified in act.

investigate  
damages                    Not specified in act.

Pesticide board                    State Plant Board administers this act and several other agri-  
culturally oriented laws.

Definitions                    1. person  
                                  2. agricultural application service  
                                  3. inspector  
                                  4. license  
                                  5. board

Penalties                    Violation of the law or regulations is a misdemeanor subject to  
a fine of not less than \$100, nor more than \$1,000.

Relevant laws                    "Arkansas Pest Control Law"  
                                  [Ark. Stat. Ann., s 77-1801 to 77-1811 (1957)]  
  
Regulates tree surgery, spraying fruit trees, spraying shade trees  
and shrubs, termite and other structural pest control, household  
pest and rodent control, fumigation, pecan pests, and treatment  
of rugs, carpeting, and upholstery material for fabric pests.  
Excludes most agricultural crop treatment from planting to harvest.

Economic Poison Act  
[Ark. Stat. Ann., s 77-201 to 77-213 (1957)]

Under Section 211 of this Act, special restrictive regulations  
have been written regarding the use and application of hormone-  
type herbicides. Use of a dust is prohibited except with hand  
equipment on lawns. Use of certain herbicides may be prohibited  
or permitted only under methods and conditions authorized by the  
Board.

"Arkansas Food, Drug, and Cosmetic Act"  
[Ark. Stat. Ann., s 82-1101 to 82-1123 (1960)]

Section 82-1113, Poisonous or Deleterious Substances, permits  
establishment of tolerances.

CALIFORNIA

Title

California Agricultural Code  
[Cal. Agric. Code, s 11401 to 12121 (Supp. 1973)]

Pest control operations including:

- a. agricultural pest control license (applicator)
- b. aircraft operation regulation
- c. agricultural pest control adviser
- d. pesticide dealers

Prohibited acts

Unlawful. . .

- (1) to engage for hire in the business of pest control without an agricultural pest control license,
- (2) to act or offer to act as an agricultural pest control adviser without first having secured . . . [a license] from the Director,
- (3) to act or offer to act as an agricultural pest control adviser without first registering with the county agricultural commissioner of that county,
- (4) for any pest control adviser to make recommendations in a category for which he is not certified,
- (5) to act or offer to act as a pesticide dealer unless licensed by the Director.

Exemptions

- (1) structural pest control operations,
- (2) treatment of fabrics or structural materials,
- (3) household and industrial sanitation services,
- (4) seed treatment (unless principal business),
- (5) tree surgery (these exemptions are regulated under various other statutes), and
- (6) federal, state, county and University of California personnel engaged in official duties relating to agriculture.

Licensing

|                |   |
|----------------|---|
| qualifications | Applicant must furnish information to satisfy Director of his qualifications, and be responsible. |
| application    | On form prescribed by Director.   |
| examination    | Written examination required.   |

|   |   |
|---|---|
| fees  | Agricultural pest control (applicator) \$50; dealer \$50 (each branch sales location \$20); pilot \$25 (renewal \$15); agricultural pest control adviser \$25.  |
| issuance  | License issued by Director of Agriculture expires December 31. Renewable annually (prior to January 1 without penalty) by application; may be cancelled for cause after a hearing.  |
| categories  | Agricultural pest control adviser <ul style="list-style-type: none"> <li>a. control of insects, mites and other invertebrates</li> <li>b. control of plant pathogens</li> <li>c. control of nematodes</li> <li>d. control of vertebrate pests</li> <li>e. control of weeds</li> <li>f. defoliation</li> <li>g. plant growth regulation</li> </ul> |
| nonresidents  | No provision for reciprocity.   |
| <u>Financial responsibility</u>                             | Prescribed by regulation of the Director. Aircraft operations only--\$25,000 bond or insurance required after judgment rendered in court against pilot applicator.  |
| <u>Authority granted to:</u>                                |   |
| issue regulations   | Director of Agriculture (state level) and Commissioner (county level) may issue regulations after hearings.   |
| enforce the act   | Director may suspend license after hearing and report violations to District Attorney for prosecution.  |
| delegate duties   | Yes.  |
| restrict usage  | The Director has broad authority to regulate the use or application of pesticides. Permits are required for sale and use of restricted material. The Director " . . . shall designate and establish . . . a list of restricted materials . . ."   |
| inspect property  | May inspect prior to use of "permit" material, or on report of injury.  |
| require records   | Yes (including "restricted materials").   |
| cooperate with others                                       | Yes. Director required to cooperate with interested agencies regarding environmental impact and on registration matters.  |
| publish information   | Publish use information. Director must report to Legislature on control of environmentally harmful materials.   |
| conduct courses   | Not specified in act (implied).   |
| regulate storage, transportation, or disposal of pesticides | Yes.  |
| require compliance with label                               | Yes; deviations from label directions may be authorized by Director or agricultural commissioner.   |
| license equipment   | Not specified in act.   |

subpoena persons  
or records

Not specified in act.

report losses

Report of damage from pesticides shall be filed with County Agricultural Commissioner in the county where loss occurred.

investigate  
damages

Not specified in act (implied).

require use  
permits

Yes.

license dealers

Yes.

adopt list of  
restricted  
pesticides

Yes.

#### Pesticide board

[Agricultural Pest Control Advisory Committee]

"There is in the department an Agricultural Pest Control Advisory Committee consisting of 11 members. The committee shall be appointed by the Director and shall be composed of two pest control research specialists and one agricultural extension service specialist nominated by the Regents of the University of California, and eight additional members, one each representing the following: the California State Colleges, agricultural pest control advisers, licensed pest control operators, the State Department of Public Health, the Department of Fish and Game, producers as defined in Section 56110, the agricultural chemical industry, and the department.

"The term of office of the members of the committee is three years. Appointment of the first members shall be made so that the terms of office of three members shall expire at the end of one year, four at the end of two years, and four at the end of three years. Thereafter, appointment shall be for full three-year terms. Vacancies shall be filled for an unexpired term.

"The committee shall be advisory to the Director on all matters concerning the education, examination, and qualifications of agricultural pest control advisers, and shall meet on the call of the Director."

#### Definitions

- |                                      |                           |
|--------------------------------------|---------------------------|
| 1. agricultural pest control adviser | 7. operator               |
| 2. agricultural use                  | 8. pest control           |
| 3. Commissioner                      | 9. pest control operation |
| 4. environment                       | 10. pesticide             |
| 5. judgment                          | 11. pesticide dealer      |
| 6. license                           | 12. registrant            |
|                                      | 13. recommendation        |

(Other definitions included by reference to various sections of the Agricultural Code.)

#### Penalties

Violation of the Agricultural Code is a misdemeanor, subject to a fine of \$500 or 6 months in jail, or both fine and imprisonment.

#### Relevant laws

Restricted Materials Law (2,4-D, 1080, thallium, etc.)  
[West's Ann. Agric. Code, s 14001 to 14098 (1967)]

Permits the Director to declare and regulate use of "restricted" pesticides.

Produce Carrying Spray Residue (tolerances)

[West's Ann. Agric. Code, s 12501 to 12671 (1967)]

Economic Poisons

[West's Ann. Agric. Code, s 12751 to 12994 (1967)]

"California Hazardous Substances Act"

[West's Ann. Health & Safety Code, s 27740 to 28792 (1967)]

Pesticide Poisoning

[West's Ann. Health & Safety Code, s 2950 (1970)]

Requires physicians to report pesticide poisoning cases to Health and Agricultural Departments. Director of Public Health may be required to assist in conducting epidemiologic investigations regarding outbreak in pesticide poisoning incidents.

Structural Pest Control Act

[West's Ann. Bus. & Prof. Code, s 8500 to 8697.6 (1964)]

Division of Industrial Safety

[West's Ann. Labor Code, s 6500 et seq. (1955)]

May issue safety orders which affect the use of pesticides with respect to working conditions.

COLORADO

|                                 |  |
|---------------------------------|--|
| <u>Title</u>                    | "Commercial Pesticide Applicator's Act"<br>[Colo. Rev. Stat., s 6-14-1 to 6-14-22 (1967)]  |
| <u>Prohibited acts</u>          | Unlawful to apply pesticides for hire unless licensed by the Commissioner of Agriculture.  |
| <u>Exemptions</u>               | Persons applying pesticides on their own or controlled property, occasional applicators working on adjacent property, applicators of fertilizer and soil conditioners.   |
| <u>Licensing</u>                |  |
| qualifications                  | Qualifying experience, gained within 3 years immediately preceding application.  |
| application                     | No specific form required.   |
| examination                     | Oral and written examination required.   |
| fees                            | Application fee \$25; annual license fee \$25; annual equipment registration fee for first 10 units, \$10 each; for over 10 units, \$5 each.   |
| issuance                        | Calendar year license issued by Commissioner to qualified applicants; license may restrict individuals to certain types of equipment or materials. Renewable prior to December 31, reexamination required. License may be revoked for cause, with opportunity for a hearing. |
| nonresidents                    | Required to have or to designate a resident agent to accept service of legal process. Reciprocity not recognized.  |
| <u>Financial responsibility</u> | Personal injury \$25,000/\$50,000; property damage \$5,000.  |
| <u>Authority granted to:</u>    | (Certain of these authorities and definitions are contained in " <u>The Pesticide Act.</u> ")  |
| issue regulations               | Yes.   |
| enforce the act                 | Yes.   |
| delegate duties                 | Yes.   |
| restrict usage                  | Yes. The Department may adopt a list of restricted use pesticides.   |
| inspect property                | Yes.   |
| require records                 | Yes.   |
| cooperate with others           | Yes.   |

|   |                       |
|---|-----------------------|
| publish information   | Yes.                  |
| conduct courses   | Yes.                  |
| regulate storage, transportation, or disposal of pesticides | Yes.                  |
| require compliance with label                               | Yes.                  |
| license equipment   | Yes.                  |
| subpoena persons or records                                 | Not specified in act. |
| report losses   | Yes.                  |
| investigate damages   | Not specified in act. |
| require use permits   | Yes.                  |
| require purchase permits                                    | Yes.                  |
| license dealers   | Yes.                  |

Pesticide board None. [The Act provides for an advisory committee, including agricultural and ornamental licensed applicators.]

| <u>Definitions</u>         |                              |
|----------------------------|------------------------------|
| 1. advertise               | 17. insect                   |
| 2. agent                   | 18. insecticide              |
| 3. agricultural applicator | 19. licensee                 |
| 4. agricultural pest       | 20. nematode                 |
| 5. applicant               | 21. nematocide               |
| 6. applicator              | 22. ornamental applicator    |
| 7. commercial applicator   | 23. ornamental pest          |
| 8. commission              | 24. person                   |
| 9. commissioner            | 25. pesticide                |
| 10. defoliant              | 26. pesticide dealer         |
| 11. department             | 27. plant regulator          |
| 12. desiccant              | 28. qualified applicator     |
| 13. equipment              | 29. restricted use pesticide |
| 14. fungi                  | 30. stop work order          |
| 15. fungicide              | 31. structural pest control  |
| 16. herbicide              | 32. weed                     |

Penalties Violation constitutes a nuisance subject to abatement by injunction; conviction subjects violator to fine of from \$100 to \$1,000 depending upon section violated and whether a first or subsequent offense.

Relevant laws "The Pesticide Act" (Economic poison law)  
[Colo. Rev. Stat., s 6-12-1 to 6-12-16 (1963)]

Amended and updated effective January 1, 1972; see Senate Bill No. 172, Regular Session, 1971.



"Structural Pest Control Act"

[Colo. Rev. Stat., s 6-18-1 to 6-18-19 (Supp. 1971)]

Provides that persons who engage in structural pest control shall be qualified, examined, and licensed by the Commissioner of Agriculture.

"Colorado Food and Drug Act"

[Colo. Rev. Stat., s 66-20-1 et seq. (1963)]

Adopts by reference certain provisions of pertinent Federal laws.

CONNECTICUT

|                                 |  |
|---------------------------------|--|
| <u>Title</u>                    | <u>Custom application of pesticides</u><br>[Gen. Stat. Conn., s 19-300 (k) to (s) (Supp. 1971)]  |
| <u>Prohibited acts</u>          | Unlawful to engage in custom ground application of pesticides or to apply pesticides or fertilizers by aircraft unless licensed by the Commissioner of Environmental Protection.               |
| <u>Exemptions</u>               | Tree experts (covered elsewhere); farm operator on land within a radius of 7 miles of any point from his farm.   |
| <u>Licensing</u>                |  |
| qualifications                  | Not specified in act.  |
| application                     | To contain "Such information regarding the applicants' qualifications and other relevant matters as the commissioner may require."   |
| examination                     | "Upon examination applicant must show that he possesses adequate knowledge."   |
| fees                            | Application for examination \$10; renewal of license \$4.  |
| issuance                        | Commissioner shall issue the license when applicant is found to be qualified; license renewable annually. License may restrict applicant to certain types of equipment or kinds of pesticides. |
| nonresidents                    | Reciprocity provided for in act.   |
| <u>Financial responsibility</u> | Ground applicators - none specified in act. Aerial applicators - provided by regulations: public liability \$100,000/\$300,000, property damage \$25,000.                                      |
| <u>Authority granted to:</u>    |  |
| issue regulations               | Yes.   |
| enforce the act                 | Yes.   |
| delegate duties                 | Yes.   |
| inspect property                | Yes.   |
| require records                 | Yes.   |
| cooperate with others           | Yes.   |
| publish information             | Yes.   |
| conduct courses                 | Not specified in act.  |

regulate storage,  
transportation,  
or disposal of  
pesticides

Yes.

require  
compliance  
with label

Not specified in act (implied).

license  
equipment

Not specified in act (implied).

subpoena persons  
or records

Not specified in act (implied).

report losses

Not specified in act (implied).

investigate  
damages

Not specified in act (implied).

adopt list of  
restricted  
pesticides

Yes.

#### Pesticide board

None.

#### Definitions

- |  |                     |
|--|---------------------|
| 1. Commissioner                        | 6. ground equipment |
| 2. custom application of<br>pesticides | 7. insect           |
| 3. desiccant                           | 8. pesticide        |
| 4. defoliant                           | 9. plant regulator  |
| 5. fungus                              | 10. rodent          |
|  | 11. weed            |

#### Penalties

Violation of act or regulations subject to fine of not more than \$200 (except unlicensed aircraft operators subject to a fine of not more than \$1,000). Conviction of two or more violations in a period of 2 years shall require forfeiture of license, and renewal thereafter shall require "good and sufficient" bond.

#### Relevant laws

[Gen. Stat. Conn., s 19-300 (t) (1958)]

Regulates the sale, use or possession of sodium fluoroacetate.

[Gen. Stat. Conn., s 19-300 (u) (1958)]

Requires permit for use of pesticides in State waters.

Pesticide Control (Economic poison law)

[Gen. Stat. Conn., s 19-300 (a) to 19-300 (j) (1958)]

"Connecticut Food, Drug and Cosmetic Act"

[Gen. Stat. Conn., s 19-211 to 19-239 (1958)]

Section 19-224 relates (in part) to pesticide chemicals and accepts tolerances established by Federal regulations.

Tree Expert Law

[Gen. Stat. Conn., s 23-61 et seq. (1958)]

Requires licensing of persons who contract to improve the conditions of trees (including spraying to control insects or diseases).

DELAWARE

|                                 |  |
|---------------------------------|--|
| <u>Title</u>                    | <u>Chapter 12. Pesticides</u><br>[Delaware Code, tit. 3, s 1201 to 1219 (1971)]  |
| <u>Prohibited acts*</u>         | Unlawful to:<br><br>(1) purchase or use a restricted pesticide except in accordance with a permit granted by the Secretary of the Department of Agriculture,<br><br>(2) sell or offer to sell to a person not possessing a valid purchase and use permit,<br><br>(3) dispose of restricted pesticides except in accordance with State regulations.   |
| <u>Licensing</u>                | "Permits" required to purchase or use a restricted pesticide. "No applicator's permits will be issued unless the permit holder operates under an authorized consultant or has demonstrated expertise in the proper use of the pesticide for which the permit is issued."   |
| qualifications                  | Not specified in act.  |
| application                     | On forms provided by the Secretary.  |
| examination                     | Not specified in act.  |
| fees                            | Established by regulation but may not exceed \$15 for each permit.   |
| issuance                        | Permit may specify ". . . the area, time, amount or rate of application or such other conditions of use as . . . necessary . . ." Structural pesticide applicator permits shall be issued on an annual basis. Permits may be cancelled for violation of the act or if an emergency creates a clear and present danger to the overall public interest and welfare from the uses authorized by the permit. Administrative and judicial reviews provided for adverse actions. |
| nonresidents                    | No provision for reciprocity.  |
| <u>Financial responsibility</u> | None.  |
| <u>Authority granted to:</u>    |  |
| issue regulations               | Yes.   |
| enforce the act                 | Yes.   |
| delegate duties                 | Yes.   |

\*Portions of the act which relate to "registration" of pesticides are not included in this digest.

|   |   |
|---|---|
| restrict usage  | Yes.  |
| inspect property  | Not specified in act.   |
| require records   | Not specified in act (implied). [Under Dept. order No. 11, paragraph VIII, shall maintain records of each sale on forms provided by Department of Agriculture.] |
| cooperate with others                                       | Yes.  |
| publish information   | Not specified in act. [See 1209(c)]   |
| conduct courses   | Not specified in act.   |
| regulate storage, transportation, or disposal of pesticides | Yes.  |
| require compliance with label                               | Yes.  |
| license equipment   | Not specified in act.   |
| subpoena persons or records                                 | Not specified in act.   |
| report losses   | Not specified in act.   |
| investigate damages   | Not specified in act.   |
| require use permits   | Yes.  |
| license dealers   | Not specified in act. [By regulation, permits required to sell restricted use pesticides.]  |
| require reports of pesticide poisoning                      | Not specified in act.   |
| adopt list of restricted pesticides                         | Yes.  |

Pesticide board

"(a) There is hereby created a Pesticide Advisory Committee, consisting of three pesticide applicators residing in the State, one qualified to operate ground equipment, one qualified to operate aerial equipment and one qualified for structural pest control; one entomologist in public service; one environmental health specialist from the State Department of Health and Social Services; one toxicologist in public service; one plant pathologist in public service; one member from the agricultural chemical industry; one member from the food processing industry; one producer of agricultural crops or products on which pesticides are applied or which may be affected by the application of pesticides; two representatives of the Department of Natural Resources and Environmental

Control--one who in his employment is responsible for the protection of environmental control, and one who in his employment is responsible for fish and wildlife protection. Such members shall be appointed by the Governor for terms of three years and may be appointed for successive three year terms at the discretion of the Governor. The Governor may remove any member of the Committee prior to the expiration of his term of appointment for cause; . . .

". . . (b) Upon the death, resignation, or removal for cause of any member of the Committee, the Governor shall fill such vacancy.

"(c) The Committee shall advise the Department on any or all problems relating to the use and application of pesticides in the State.

"(d) The Committee shall elect one of its members chairman. The members of the Committee shall meet at such time and at such place as shall be specified by the call of the Department, chairman, or a majority of the Committee . . . ."

#### Definitions

- |                                    |                                     |
|------------------------------------|-------------------------------------|
| 1. active ingredient               | 16. labeling                        |
| 2. adulterated                     | 17. misbranded                      |
| 3. antidote                        | 18. mite                            |
| 4. commercial pesticide applicator | 19. miticide                        |
| 5. defoliant                       | 20. nematode                        |
| 6. department                      | 21. nematocide                      |
| 7. desiccant                       | 22. person                          |
| 8. device                          | 23. pesticides                      |
| 9. fungi                           | 24. plant regulator                 |
| 10. fungicide                      | 25. registrant                      |
| 11. herbicide                      | 26. restricted use pesticide        |
| 12. inert ingredient               | 27. rodenticide                     |
| 13. ingredient statement           | 28. secretary                       |
| 14. insect                         | 29. structural pesticide applicator |
| 15. insecticide                    | 30. user                            |
|                                    | 31. weed                            |

#### Penalties

Violation of the act subject to a fine of not more than \$5,000 for each offense. Provision made for a "stop sale, use or removal" order as well as injunctive procedures.

#### Relevant laws

##### Pest Control Compact

[Delaware Code, tit. 3, s 9001 to 9027 (1971)]

FLORIDA

|                        |   |
|------------------------|---|
| <u>Title</u>           | <u>"Florida Pesticide Law"</u><br>[Fla. Stat. Ann., s 487.011 to 487.114 (1965)]<br>This is a uniform State registration law which was amended in 1970 to restrict the use of certain pesticides. It authorizes the Department of Agriculture to designate pesticides which should be restricted in their sale and use.   |
| <u>Prohibited acts</u> | Unlawful . . .<br><br>(1) to sell "restricted pesticides" without a license.<br><br>(2) to purchase or possess "restricted pesticides" without a permit, and<br><br>(3) to use or dispose of a restricted pesticide, except in a manner authorized by the permit and according to label directions.   |
| <u>Relevant laws</u>   | <u>"Pest Control Act"</u><br>[Fla. Stat. Ann., s 482.001 to 482.25 (1965)]<br><br>Relates to control of pests in structures, lawns, ornamentals, and other nonagricultural environments. Administered by the State Board of Health.<br><br><u>"Florida Food, Drug, and Cosmetic Law"</u><br>[Fla. Stat. Ann., s 500.01 to 500.45 (1962)]<br><br>Sec. 500.13 . . . relates to pesticide chemicals in or on raw agricultural commodities. |

GEORGIA

|                                 |  |              |
|---------------------------------|--|--------------|
| <u>Title</u>                    | <u>"Georgia Pesticide Use and Application Act"</u><br>[Ga. Code Ann., s 5-1501a to 5-1523a (Supp. 1972)]   |              |
| <u>Prohibited acts</u>          | Unlawful to engage in the business of applying pesticides to the lands of another unless licensed by the Commissioner of Agriculture.  |              |
| <u>Exemptions</u>               | Farmers, public operators, and structural pest control operators (regulated under the Structural Pest Control Act).  |              |
| <u>Licensing</u>                |  |              |
| qualifications                  | Must possess "adequate knowledge."   |              |
| application                     | To be made in writing on form provided by the Commissioner.  |              |
| examination                     | Must cover certain specific areas to test applicant's abilities and working knowledge of pesticide application.  |              |
| fees                            | Pesticide applicators license  | \$15.00 each |
|                                 | Pesticide operators license  | \$10.00 each |
| issuance                        | License granted when applicant found qualified. Renewable January 1 of each year. If not renewed by March 1, Commissioner may require reexamination.   |              |
| nonresidents                    | Reciprocity provided.  |              |
| <u>Financial responsibility</u> | Surety bond or liability insurance of not less than \$10,000 for property damage and public liability, each separately; with a \$1,000 deductible feature for aerial applicators, and \$100 deductible for ground applicators. |              |
| <u>Authority granted to:</u>    |  |              |
| issue regulations               | Yes.   |              |
| enforce the act                 | Yes.   |              |
| delegate duties                 | Yes.   |              |
| restrict usage                  | Yes.   |              |
| inspect property                | Yes.   |              |
| require records                 | Yes.   |              |
| cooperate with others           | Yes.   |              |
| publish information             | Yes.   |              |
| conduct courses                 | Yes.   |              |



|  |                                 |
|--|---------------------------------|
| regulate storage,<br>transportation,<br>or disposal of<br>pesticides | Yes.                            |
| require<br>compliance<br>with label                                  | Yes.                            |
| license<br>equipment   | Not specified in act (implied). |
| subpoena persons<br>or records                                       | Yes.                            |
| report losses  | Yes.                            |
| investigate<br>damages   | Yes.                            |
| require use<br>permits   | Yes.                            |
| license dealers  | Not specified in act.           |
| require reports<br>of pesticide<br>poisoning                         | Not specified in act.           |
| adopt list of<br>restricted<br>pesticides                            | Yes.                            |

Pesticide board

"In the administration of this Act the Commissioner shall appoint a Pesticide Advisory Board for the purpose of advising him on all matters relating to pesticides, their use and application . . ."

Definitions

|                       |                              |
|-----------------------|------------------------------|
| 1. defoliant          | 13. person                   |
| 2. desiccant          | 14. pest                     |
| 3. engage in business | 15. pesticide                |
| 4. equipment          | 16. pesticide applicator     |
| 5. fungi              | 17. pesticide operator       |
| 6. fungicide          | 18. plant regulator          |
| 7. herbicide          | 19. public operators         |
| 8. insect             | 20. restricted use pesticide |
| 9. insecticide        | 21. rodenticide              |
| 10. land              | 22. snails or slugs          |
| 11. nematocide        | 23. weed                     |
| 12. nematode          | 24. wildlife                 |

Penalties

Violation of the act or regulations issued under the act constitutes a misdemeanor.

Relevant laws

"Georgia Economic Poison Act"  
[Ga. Code Ann., s 5-1502 to 5-1516 (1962)]

"Structural Pest Control Act"  
[Ga. Code Ann., s 84-3401 to 84-3420 (1962)]

## HAWAII

### Title

#### "Hawaii Pesticides Law"

[Hawaii Rev. Laws, § 149A-1 to 149A-43 (Supp. 1972)]

### Prohibited acts\*

#### Unlawful to:

- "(1) Apply any pesticide in excess of dosage or inconsistent with . . . its label . . . .
- "(2) Apply any pesticide on any agricultural crop, livestock, or residential, recreational, watershed, or any other area that is prohibited or not specified on its label . . . .
- "(3) Use, store, transport, or discard any pesticide or the containers . . . in any manner which would have substantial adverse effect on the environment;
- "(4) Use or apply restricted pesticides unless . . . [by] a certified pesticide applicator . . . or
- "(5) Use or apply pesticides in any manner that has been banned . . . ."

### Exemptions\*

". . . may be granted by the chairman to the University of Hawaii and other state and federal agencies for [certain] experimental or research work . . . and experimental work conducted by private agencies with adequate research facilities . . . must be in writing stating the specific exemptions and conditions."

### Licensing

qualifications

application

examination

fees

issuance

nonresidents

"The Department shall have the authority to . . . effectuate the purpose of this part by rules and regulations, including . . . procedures, conditions, and standards to certify [applicators] . . . ."

No provision for reciprocity.

### Financial responsibility

Not specified in act.

### Authority granted to:

issue regulations      Yes.

enforce the act      Yes.

\*Portions of this law relating to the "registration" of pesticides are not included in this digest.

|   |   |
|---|---|
| delegate duties   | Yes (Sec. 3, page 7).                               |
| restrict usage  | Yes.  |
| inspect property  | Yes.  |
| require records   | No (requires record of sale but not record of use). |
| cooperate with others                                       | Yes.  |
| publish information   | Yes.  |
| conduct courses   | Yes.  |
| regulate storage, transportation, or disposal of pesticides | Yes.  |
| require compliance with label                               | Yes.  |
| license equipment   | Not specified in act (implied).                     |
| subpoena persons or records                                 | Not specified in act.                               |
| report losses   | Not specified in act.                               |
| investigate damages   | Not specified in act (implied) (Sec. 23, page 17).  |
| license dealers   | Yes.  |
| require reports of pesticide poisoning                      | Not specified in act.                               |
| adopt list of restricted pesticides                         | Yes.  |

Pesticide board

"There shall be an advisory committee on pesticides composed of but not limited to the chairman, or his designated representative, who shall head the committee and one representative each from the department of health, department of land and natural resources, University of Hawaii agricultural experiment station, University of Hawaii cooperative extension service, State environmental organization, sugar industry, pineapple industry, livestock industry, Hawaii farm bureau federation, diversified crop industry, pesticide industry, structural pest control industry and three at-large members . . . appointed by the governor from a list of persons recommended by the respective agencies and industries. The committee shall advise and assist the department in developing or revising laws and regulations to carry out and effectuate the purposes of this chapter and in advising the department in pesticide problems."

## Definitions

- |                                    |  |
|------------------------------------|--|
| 1. active ingredient               | 19. label  |
| 2. adulterated                     | 20. labeling                                       |
| 3. animal                          | 21. misbranded                                     |
| 4. board                           | 22. nematode                                       |
| 5. certified pesticide applicator  | 23. person   |
| 6. chairman                        | 24. pest   |
| 7. commercial pesticide applicator | 25. pesticide                                      |
| 8. defoliant                       | 26. plant regulator                                |
| 9. department                      | 27. private pesticide applicator                   |
| 10. desiccant                      | 28. producer (produce)                             |
| 11. device                         | 29. protect health and the environment             |
| 12. environment                    | 30. restricted pesticide                           |
| 13. fungi                          | 31. registrant                                     |
| 14. general use pesticides         | 32. sell or distribute                             |
| 15. imminent hazard                | 33. substantial adverse effects on the environment |
| 16. inert ingredient               |  |
| 17. ingredient statement           |  |
| 18. insect                         | 34. weed   |

## Penalties

"(a) Any person who violates this part or any . . . regulation shall upon the first violation be issued a written warning notice citing the specific violation and necessary corrective action.

"(b) [Violation] . . . after receipt of a notice . . . shall be punished by a fine of not more than \$1,000."

## Relevant laws

### Food, Drug Devices, and Cosmetics

[Hawaii Rev. Laws, s 328-1 to 328-89 (1955)]

Includes "tolerances for pesticide chemicals in or on raw agricultural commodities."

### Office of Environmental Quality Control

[Hawaii Rev. Laws, s 341-1 to 341-6 (Supp. 1972)]

### Fumigation

[Hawaii Rev. Laws, s 450-1 to 450-12 (1955)]

### Health Laws

[Hawaii Rev. Laws, ch. 321, 322, 330 (1955)]

### (Structural) Pest Control Operators

[Hawaii Rev. Laws, s 460J-1 to 460J-27 (Supp. 1972)]

IDAHO

|                                 |  |
|---------------------------------|--|
| <u>Title</u>                    | "Pesticide Use and Application Law"<br>[Idaho Code, s 22-2208 to 22-2223 (1968)]   |
| <u>Prohibited acts</u>          | Unlawful to engage in the custom application of pesticides unless licensed by the Commissioner of Agriculture.   |
| <u>Exemptions</u>               | Farmers, government research personnel applying pesticides to experimental plots, and persons using pesticides on lawns and ornamental plants incidental to plant care.  |
| <u>Licensing</u>                |  |
| qualifications                  | Commissioner must find applicant qualified.  |
| application                     | Must contain certain required information.   |
| examination                     | Kind not specified in act; written examination required by regulations. Commissioner may require any licensee to be retested.  |
| fees                            | Pesticide applicator \$10; pesticide operator, fee set by regulation; applicants failing to pass examination shall pay a reexamination fee set by regulation; no fee for public operators; application for renewal after January 1 must be accompanied by affidavit that no work was performed while unlicensed. |
| issuance                        | Licenses expire December 31 each year, renewable annually. Licenses may restrict applicant to the use of certain type or types of equipment, apparatus, or materials and may be revoked or modified.   |
| nonresidents                    | Commissioner may issue a license without examination to a non-resident licensed in another State, having substantially the same standards.   |
| <u>Financial responsibility</u> | Commissioner shall require a reasonable bond or insurance policy of each applicator. Regulations require minimum \$20,000 personal injury and \$40,000 property damage for aerial applicators and \$5,000/5,000 for ground applicators. Cash deposit in escrow may be accepted in lieu of bond or insurance.     |
| <u>Authority granted to:</u>    |  |
| issue regulations               | Yes.   |
| enforce the act                 | Yes.   |
| delegate duties                 | Yes.   |
| restrict usage                  | Yes.   |
| inspect property                | Yes.   |
| require records                 | Yes.   |

|   |  |
|---|--|
| cooperate with others                                       | Yes.   |
| publish information   | Yes.   |
| conduct courses   | Not specified in act.  |
| regulate storage, transportation, or disposal of pesticides | Yes.   |
| require compliance with label                               | Yes.   |
| license equipment   | Yes.   |
| subpoena persons or records                                 | Not specified in act.  |
| report losses   | Yes - within 60 days of occurrence or prior to harvest of 25% of damaged crop. |
| investigate damages   | Yes.   |
| require use permit  | Yes.   |
| license dealers   | Yes.   |
| require reports of pesticide poisoning                      | Not specified in act.  |
| adopt list of restricted pesticides                         | Yes.   |

Pesticide board . None.

Definitions

- |                                     |  |
|-------------------------------------|--|
| 1. aircraft                         | 12. insecticide                            |
| 2. apparatus                        | 13. person                                 |
| 3. Commissioner                     | 14. pest                                   |
| 4. custom application of pesticides | 15. pesticide                              |
| 5. defoliant                        | 16. pesticide applicator                   |
| 6. desiccant                        | 17. pesticide dealer (see "Pesticide law") |
| 7. fungi                            | 18. pesticide operator                     |
| 8. fungicide                        | 19. plant regulator                        |
| 9. ground equipment                 | 20. public hearing                         |
| 10. herbicide                       | 21. restricted use pesticide               |
| 11. insect                          | 22. weed                                   |

Penalties

Violation of the act or any regulation shall upon the first conviction constitute a petty misdemeanor and upon any subsequent conviction constitute a misdemeanor. The Commissioner is not required to report for prosecution minor violations when he believes that the public interests will be best served by suitable warning or other administrative action.

Any person operating as a commercial pesticide applicator or operator without a license shall forfeit to the State for each day of such unlicensed operation fifty dollars (\$50) as a civil penalty.

Relevant laws

"Pesticide Law"

[Idaho Code, s 22-3401 to 22-3416 (1968)]

(Formerly known as the "Economic Poison Act of 1963")

"Idaho Food, Drug, and Cosmetic Act" (1959)

[Idaho Code, s 37-113 to 37-134 (1968)]

Authorizes Commissioner to adopt list of restricted use pesticides, determine areas where restrictions are necessary and require permits to apply these chemicals.

Procedures for establishing restricted area

[Idaho Code, 22-2225]

Proposal - The Commissioner, upon his own initiative or upon petition of a number of owners, may issue a proposal for the establishment of a designated restricted area. A notice and hearing shall then be held, after which the Commissioner shall decide whether or not to establish a restricted area.

Referendum - The Commissioner shall conduct a referendum on the matter if petitioned by 25 landowners or if he is unable to determine the need for a restricted area after public hearings.

Establishment - A favorable decision of the Commissioner after public hearings or a 2/3 affirmative vote of persons in the proposed area shall constitute authority to establish the area and to issue regulations.

Regulations - The Commissioner may prescribe the time and conditions under which pesticides may be used in restricted areas and may restrict, prohibit, or require special permit to use pesticides.

## ILLINOIS

|                                 |   |
|---------------------------------|---|
| <u>Title</u>                    | <u>Custom Application of Pesticides</u><br>[Ill. Ann. Stat., ch. 5, s 87(d)(1) to 87(d)(17) (1966)]   |
| <u>Prohibited acts</u>          | Unlawful to engage in custom application of pesticides unless licensed by the Director of the Department of Agriculture.  |
| <u>Exemptions</u>               | Structural pest control operators, fumigators, governmental bodies, tree experts, farmers, canning establishments, veterinarians in practice, farmer or grower applying pesticides to not more than two neighbors' land each year and general pest control operators (nuisance pests or disease vectors).   |
| <u>Licensing</u>                |   |
| qualifications                  | Must possess "adequate knowledge" concerning proper use and application of pesticides.  |
| application                     | Must contain information regarding applicants' qualifications and proposed operations and other information deemed necessary by the Director.   |
| examination                     | Applicant required to "pass the examination."   |
| fees                            | Annual license fee \$25.  |
| issuance                        | If found qualified, applicant shall be issued license valid for one year from date of issue, renewable w/o examination if fee paid and valid bond in effect. Director may restrict licensee to the use of certain types of material or equipment. Director may revoke license for listed statutory reasons, but must provide administrative hearings and appeal procedures. |
| nonresidents                    | Reciprocity provided.   |
| <u>Financial responsibility</u> | "Reasonable performance bond" required, or a deposit of cash or collateral in lieu of bond.   |
| <u>Authority granted to:</u>    |   |
| issue regulations               | Yes.  |
| enforce the act                 | Yes.  |
| delegate duties                 | Yes.  |
| restrict usage                  | Yes.  |
| inspect property                | Yes.  |
| require records                 | Yes.  |
| cooperate with others           | Yes.  |



|  |                                 |
|--|---------------------------------|
| publish<br>information   | Yes.                            |
| conduct courses  | Not specified in act.           |
| regulate storage,<br>transportation,<br>or disposal of<br>pesticides | Not specified in act (implied). |
| require<br>compliance<br>with label                                  | Not specified in act (implied). |
| license<br>equipment   | Not specified in act.           |
| subpoena persons<br>or records                                       | Not specified in act.           |
| report losses  | Not specified in act.           |
| investigate<br>damages   | Not specified in act.           |
| adopt list of<br>restricted<br>pesticides                            | Yes (Sec. 8).                   |

Pesticide board

Interagency Committee on Pesticides  
[Ill. Ann. Stat., ch. 5, s 271 to 276 (1966)]

"An act to create an interagency committee on pesticides to study, advise and recommend any needed legislation concerning pesticides, and to approve all proposed rules and regulations pertaining to the labeling, sale, use or application of pesticides." The act creates a 7-man committee representing Departments of Agriculture, Conservation, Public Health, Public Works and Buildings, Natural History Survey, College of Agriculture, and Illinois Environmental Protection Agency whose duties are to: (1) review the sale and use of pesticides, (2) review governmental sponsored or directed pesticide programs, (3) consider hazards of pesticide use, (4) recommend pesticide legislation, (5) obtain the views of interested parties, (6) advise and approve all programs (except research) involving pesticides on State property, and (7) meet quarterly or at the call of the chairman or any member and report annually to the Governor. "All proposed rules and regulations pertaining to the regulation or prohibitions of the sale, use or application of pesticides and labeling of pesticides shall be submitted to and approved by the committee before they are promulgated and made effective."

Definitions

- |  |   |
|--|---|
| 1. aircraft                            | 11. nematode                            |
| 2. custom application of<br>pesticides | 12. person                              |
| 3. director                            | 13. pesticide applicator                |
| 4. fungicide                           | 14. pesticide operator                  |
| 5. fungus                              | 15. pesticides                          |
| 6. ground equipment                    | 16. public application of<br>pesticides |
| 7. herbicide                           | 17. public applicator                   |
| 8. insect                              | 18. public operator                     |
| 9. insecticide                         | 19. structure                           |
| 10. nematocide                         | 20. weed                                |

Penalties

Violation of the act is a misdemeanor subject to a fine of not more than \$200 for the first offense, and not more than \$400 for each subsequent offense.

Relevant laws

Use and Application of 2,4-D and Related Herbicides

[Ill. Ann. Stat., ch. 5, s 87(a)(1) to 87(a)(8) (1966)]

Provides that county boards, or 10 or more commercial fruit or vegetable producers, may petition the Director of Agriculture, who may, upon the finding of certain facts, restrict or prohibit the use of hormone-type herbicides in the area set out in the petition.

"Economic Poison Law"

[Ill. Ann. Stat., ch. 5, s 87(c)(1) to 87(c)(13) (1966)]

Requires the registration and labeling of economic poisons.

"Pesticides Control Law"

[Ill. Ann. Stat., ch. 5, s 256 to 267 (1969)]

The act authorizes the Director of the Department of Agriculture or the Director of the Department of Public Health to issue regulations relating to labeling, sale, use or application of pesticides, and when approved by the Interagency Committee on Pesticides, to restrict or prohibit the use and application of a pesticide.

"Illinois Food, Drug and Cosmetic Act"

[Ill. Ann. Stat., ch. 56 1/2, s 501 to 526 (1967)]

See Sec. 513 for "tolerances."

Tree Experts

[Ill. Ann. Stat., ch. 5, s 163 to 187 (1966)]

The act requires examination, licensing and regulation of persons who diagnose, recommend treatment, or provide care for ornamental or shade trees.

"Pest Control Compact"

[Ill. Ann. Stat., ch. 5, s 281 to 286 (1966)]

An act to provide financial assistance for timely and coordinated effort of neighborhood States in conducting effective pest control activities when the State is threatened by pest outbreaks (from within or without) of more than local concern. Provides for an "insurance fund" with contributions from members of the compact, from which funds can be withdrawn for financial support of pest control or eradication activities. Provides for a governing body and a formula by States for contribution to the insurance fund. Law becomes operative when enacted by 5 or more States.

"The Insect Pest and Plant Disease Act"

[Ill. Ann. Stat., ch. 5, s 61 to 67a.02 (1966)]

Primarily a nursery inspection and pest quarantine act. Amendments of 1969 authorize the Department of Agriculture to prohibit in quarantined areas farm practices favorable to the development of pests, and to require certain crop disposal practices or crop treatments to control or eradicate pests.

"Uniform Hazardous Substances Act of Illinois"  
[Ill. Ann. Stat., ch. 111 1/2, s 251 to 266(a) (1959)]

Relates to "household type" chemicals and exempts economic poisons registered under the USDA Federal Insecticide, Fungicide, and Rodenticide Act. [Historical note - An act to regulate the sale of Paris green was approved April 22, 1907, and repealed in 1967.]

"Environmental Protection Act"  
[Ill. Ann. Stat., ch. 111 1/2, s 1001 to 1051 (1966)]

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INDIANA

|   |  |
|---|--|
| <u>Title</u>  | <u>Pesticides*</u><br>[Burns Ind. Stat. Ann., s 15-2701 to 15-2736 (Supp. 1972)]   |
| <u>Prohibited acts</u>                                      | Unlawful . . .<br><br>(1) to use "restricted use pesticides" or "pesticides for use by prescription only," contrary to regulations issued by the Indiana Pesticide Review Board;<br><br>(2) to use highly volatile herbicides without a permit from the State Chemist. |
| <u>Exemptions</u>   | Qualified investigators approved by the Indiana Pesticide Review Board, research personnel of the U.S. Departments of Agriculture and Interior, Purdue University Agricultural Experiment Station and licensed professional veterinarians.                             |
| <u>Licensing</u>  | Licensing of commercial applicators not provided for in the act. Permits required by users. Implied authority to examine applicants for "use" permits.   |
| <u>Financial responsibility</u>                             | Not specified in act.  |
| <u>Authority granted to:</u>                                |  |
| issue regulations   | Yes.   |
| enforce the act   | Yes.   |
| delegate duties   | Yes.   |
| restrict usage  | Yes.   |
| inspect property  | Yes.   |
| require records   | Yes.   |
| cooperate with others                                       | Yes.   |
| publish information   | Not specified in act.  |
| conduct courses   | Not specified in act.  |
| regulate storage, transportation, or disposal of pesticides | Yes.   |

\* This act is a combined registration and use and application law. Only those sections relating to use and application are included in this digest.

|  |   |
|--|---|
| require compliance with label          | Yes.  |
| license equipment                      | Not specified in act.   |
| subpoena persons or records            | Not specified in act.   |
| report losses                          | Not specified in act.   |
| investigate damages                    | Not specified in act.   |
| require use permits                    | Yes.  |
| license dealers                        | Not specified in act (the Board may adopt regulations regarding safe distribution of pesticides). |
| require reports of pesticide poisoning | Not specified in act.   |
| adopt list of restricted pesticides    | Yes.  |

Pesticide board

"(Pesticide Review Board) There is created the Indiana Pesticide Review Board, hereinafter referred to as the Board, and consisting of one (1) representative of the State Board of Health; the State Toxicologist; the State Veterinarian; one (1) representative of the Department of Natural Resources; one (1) representative of the Purdue University Agricultural Experiment Station; one (1) representative of the Indiana Cooperative Extension Service; two ecologists with earned doctorate degrees, one (1) a terrestrial ecologist and one (1) an aquatic ecologist, no more than one (1) of whom may be from a state supported university or college and no more than one (1) of whom may be a plant ecologist and one (1) public representative, each with full voting power; one (1) representative of the pesticide industry and one (1) representative of producers of agricultural crops or products on which pesticides are applied or which may be affected by the application of pesticides and two (2) public representatives from conservation organizations, as advisory, non-voting members. Such members shall be appointed by the Governor for terms of four (4) years, provided that at the inception of this chapter the Governor shall appoint three (3) members for a period of two (2) years; three (3) members for a period of three (3) years; and three (3) members for a period of four (4) years. All subsequent terms for appointment to the Board shall be for a period of four (4) years. Members may be appointed for successive terms at the discretion of the Governor. The Governor may remove any member of the Board prior to the expiration of his term of appointment for cause. Non-voting members will serve at the pleasure of the Governor.

"(Board: Vacancies) Vacancies on the Board created by death, resignation, or removal for cause of any member shall be filled by the Governor within thirty days after occurrence for the remainder of the vacated term in the manner herein prescribed for appointment to the Board.

"(Board: Chairman) The Board shall elect one of its members Chairman to serve for a term of two years, unless his appointment should terminate before the expiration of said term, in which case the term shall be for the duration of his appointment.

"(Board: Meetings) The Board shall meet at least annually and at such other times and at such place as shall be specified by the call of the Chairman or a majority of the Board.

"(Board: Quorum) Six (6) voting members of the Board shall constitute a quorum and official actions will be subject to approval by a simple majority of Board members present at a called meeting. The Chairman shall actively participate in all decisions of the Board.

"(Board: Per Diem and Travel Expenses) State officials and staff members of state offices as well as Purdue University Agricultural Experiment Station and Cooperative Extension Service staff members appointed to the Board shall serve without compensation but shall be entitled to receive per diem payments at rates and under conditions incident to these positions. Other members shall be paid a per diem of twenty-five (\$25) per day or per part of each day of actual attendance at called meetings or hearings. In addition, each Board member shall receive mileage expense to and from his place of business and the place where official business is transacted."

#### Definitions

- |                          |                              |
|--------------------------|------------------------------|
| 1. active ingredient     | 17. label                    |
| 2. adulterated           | 18. labeling                 |
| 3. antidote              | 19. misbranded               |
| 4. board                 | 20. nematocide               |
| 5. defoliant             | 21. nematode                 |
| 6. desiccant             | 22. person                   |
| 7. device                | 23. pesticide                |
| 8. distribute            | 24. pesticides for           |
| 9. fungi                 | prescription use only        |
| 10. fungicide            | 25. plant regulator          |
| 11. herbicide            | 26. registrant               |
| 12. highly volatile      | 27. restricted use pesticide |
| herbicide                | 28. rodenticide              |
| 13. inert ingredient     | 29. weed                     |
| 14. ingredient statement | 30. aquatic ecologist        |
| 15. insect               | 31. terrestrial ecologist    |
| 16. insecticide          |                              |

#### Penalties

Violation of the act, or interference with duties of state chemist, constitutes misdemeanor, subject to a fine of not more than \$1,000 for first offense, and not more than \$5,000 for each subsequent offense.

#### Relevant laws

"Indiana Hazardous Household Products Act"  
[Burns Ind. Stat. Ann., s 35-4214 to 35-4228 (1969)]

"Uniform Indiana Food, Drug, and Cosmetic Act"  
[Burns Ind. Stat. Ann., s 35-3101 to 35-3139 (1969)]

## IOWA

|                                 |   |
|---------------------------------|---|
| <u>Title</u>                    | "Pesticide Act of Iowa"<br>[Iowa Code Ann., s 206.1 to 206.13 (Supp. 1972)]<br>Combination registration law and commercial applicators law.   |
| <u>Prohibited acts*</u>         | Unlawful to engage in custom application of pesticides unless licensed by the Secretary of Agriculture.   |
| <u>Exemptions</u>               | Farmer trading work with another and State and Federal employees engaged in research.   |
| <u>Licensing</u>                |   |
| qualifications                  | Proof of competency and responsibility required.  |
| application                     | ". . . properly executed application . . ." required.   |
| examination                     | Written examination may be required.  |
| fees                            | Initial fee \$10; renewal fee \$5.  |
| issuance                        | An annual license, expiring October 31, shall be issued upon receipt of properly executed application and payment of fee. Secretary may refuse to renew license during a period of investigation of applicator's wrongdoing and may cancel license if applicator is convicted of a violation of the act. Aerial commercial applicators must also be registered with the Iowa Aeronautics Commission.        |
| nonresidents                    | Licensing of a nonresident applicator implies consent to the appointment of the Secretary of Agriculture as his agent for service of legal process. Nonresident aerial applicators may apply pesticides in Iowa under the direct supervision of a licensed Iowa aerial applicator; or they may operate independently if they obtain a license, post bond and register with the Iowa Aeronautics Commission. |
| <u>Financial responsibility</u> | Proof of unencumbered net financial worth of \$5,000, or surety bond of \$5,000, or liability insurance policy of \$5,000.  |
| <u>Authority granted to:</u>    |   |
| issue regulations               | Yes.  |
| enforce the act                 | Yes.  |
| delegate duties                 | Yes.  |
| restrict usage                  | [See authorities of the Chemical Technology Commission, p. 15b.]  |
| inspect property                | Yes.  |
| require records                 | Yes.  |

\*Portions of the Act which relate to "registration" of pesticides are not included in this digest.

|   |  |
|---|--|
| cooperate with others                                       | Yes.   |
| publish information   | Not specified in act.  |
| conduct courses   | Not specified in act.  |
| regulate storage, transportation, or disposal of pesticides | Yes (transferred to Chemical Technology Commission, see authorities, p. 15b).  |
| require compliance with label                               | Not specified in act.  |
| license equipment   | Not specified in act.  |
| subpoena persons or records                                 | Not specified in act.  |
| report losses   | Yes (from aerial application) before one-half of the damaged crop is harvested and within 60 days after damage is detected (within 2 years in the case of livestock damage). |
| investigate damages   | Yes - mandatory for Secretary to appoint a three-member committee to investigate alleged claim of damage.  |
| require use permits   | Not specified in act.  |
| require purchase permits                                    | Not specified in act.  |
| license dealers   | Not specified in act.  |
| require reports of pesticide poisoning                      | Not specified in act. [See authorities of the Chemical Technology Commission, p. 15b.]   |

Pesticide board

Chemical Technology Commission

[Iowa Code Ann., s 1119.101 to 1119.106 (Supp. 1971)]

"There are created within the department [of Environmental Quality] the air quality commission, the water quality commission, the chemical technology commission, and the solid waste disposal commission. Each commission shall establish policy for the programs and services assigned to it.

". . . The chemical technology commission shall consist of the secretary of agriculture, the commissioner of public health, the director of the Iowa natural resources council, the chairman of the state soil conservation committee, the chief executive of the league of Iowa municipalities, the state conservation director and the dean, college of agriculture of Iowa state university of science and technology, or their designees, a representative of a firm in Iowa actively engaged in the manufacture or formulation of agricultural chemicals, and a farmer experienced in the application of agricultural chemicals to be appointed by the governor with the consent of two-thirds of the senate.



"The commission shall collect, analyze, and interpret information relating to agricultural chemicals and their use. The commission shall coordinate the regulation and information responsibilities of state agencies on matters relating to the sale and use of agricultural chemicals. It shall adopt rules relating to the sale, use and disuse of agricultural chemicals and may by rule, restrict or prohibit the sale, distribution, or use of any agricultural chemical . . . .

"The commission shall consider the toxicity, hazard, effectiveness and public need for the agricultural chemicals, and the availability of less toxic or less hazardous agricultural chemicals and substances or other means of control.

"The commission shall, by rule and regulation, after a public hearing following due notice:

1. Declare as a pest any form of plant or animal life or virus which is unduly injurious to plants, man, domestic animals, articles, or substances.
2. Specify the conditions under which containers of pesticides may be transported, stored, or disposed.
3. Determine the proper use of pesticides, including their formulations, and the times and methods of application and other conditions of use.
4. Require that all veterinarians licensed and practicing veterinary medicine in the state promptly report any case of domestic livestock poisoning or suspected poisoning to the executive director and the veterinary medical diagnostic laboratory at Iowa state university of science and technology."

Definitions

- |                          |                            |
|--------------------------|----------------------------|
| 1. active ingredient     | 9. label                   |
| 2. adulterated           | 10. labeling               |
| 3. antidote              | 11. misbranded             |
| 4. commercial applicator | 12. person                 |
| 5. department            | 13. pesticide              |
| 6. device                | 14. plant growth regulator |
| 7. inert ingredient      | 15. registrant             |
| 8. ingredient statement  | 16. secretary              |

Penalties

[Various] from \$100 to \$1,000 fine and imprisonment for up to 1 year.

Relevant laws

Department of Environmental Quality  
[Iowa Code Ann., s 1119.1 to 1119.113 (Supp. 1972)]

"Pesticide Act of Iowa"  
[Iowa Code Ann., s 206.1 to 206.13 (Supp. 1972)]

Contains sections relating to registration of pesticides.

## KANSAS

|                                 |   |
|---------------------------------|---|
| <u>Title</u>                    | "Kansas Pesticide Use Law"<br>[Kan. Stat. Ann., s 2-2414 to 2-2436 (Supp. 1971)]  |
| <u>Prohibited acts</u>          | Unlawful to engage in the business of applying pesticides to the land of another unless licensed by the Secretary of the State Board of Agriculture.  |
| <u>Exemptions</u>               | Structural pest control operators, persons working on own premises or those of another in an exchange of work, shade tree and ornamental shrub work, and government research personnel.         |
| <u>Licensing</u>                |   |
| qualifications                  | Must possess adequate knowledge concerning proper use and application of pesticides.  |
| application                     | Must be in writing to the Secretary on a designated form furnished by the Secretary's office.   |
| examination                     | Type not specified, but a number of subjects are included in the examination.   |
| fees                            | Pesticide business applicator \$10; pesticide equipment operator \$10; public equipment operator \$10; business license \$25; government agency registration \$25; each unit of equipment \$10. |
| issuance                        | Issued upon being found qualified, and filing of bond or insurance; licenses expire at end of calendar year in which issued.  |
| nonresidents                    | Must file written consent to accept service of legal process and to be sued for damages in Kansas courts.   |
| <u>Financial responsibility</u> | Aggregate amount of liability insurance to be not less than \$25,000. First unit of equipment shall carry \$8,000 liability insurance; additional units to carry \$2,000.                       |
| <u>Authority granted to:</u>    |   |
| issue regulations               | Yes.  |
| enforce the act                 | Yes.  |
| delegate duties                 | Yes.  |
| restrict usage                  | Yes; additionally county commissioners may restrict pesticides in their county if such restrictions are approved by the Secretary of Agriculture.   |
| inspect property                | Yes.  |
| require records                 | Yes.  |

|   |  |
|---|--|
| cooperate with others                                       | Yes.   |
| publish information   | Yes.   |
| conduct courses   | Not specified in act.  |
| regulate storage, transportation, or disposal of pesticides | The Secretary "shall" issue regulations governing discarding and storing pesticides or pesticide containers. |
| require compliance with label                               | Not specified in act (implied).  |
| license equipment   | Yes.   |
| subpoena persons or records                                 | Yes.   |
| report losses   | Yes.   |
| investigate damages   | Yes.   |

Pesticide board                      Thirteen-member board representing (1) health, (2) water resources, (3) forestry, fish and game, (4) geological survey, (5) agriculture, (6) soil conservation, (7) livestock commission, (8) House of Representatives, (9) Senate, (10) custom ground applicator, (11) custom aerial applicator, (12) pesticide industry, and (13) an agricultural user of pesticides. The board is advisory in nature and has no regulatory authority.

|                    |               |                                   |
|--------------------|---------------|-----------------------------------|
| <u>Definitions</u> | 1. board      | 12. pesticide business applicator |
|                    | 2. defoliant  | 13. pesticide equipment operator  |
|                    | 3. desiccant  | 14. pesticide public operator     |
|                    | 4. equipment  | 15. plant regulator               |
|                    | 5. fungus     | 16. rodent                        |
|                    | 6. insect     | 17. secretary                     |
|                    | 7. land       | 18. snails or slugs               |
|                    | 8. nematode   | 19. weed                          |
|                    | 9. person     |                                   |
|                    | 10. pest      |                                   |
|                    | 11. pesticide |                                   |

Penalties                      Violation of the act or regulations is an unclassified misdemeanor, subject to a fine of not less than \$100 and not more than \$500.

Relevant laws                      "Kansas Pest Control Act"  
    [Kan. Stat. Ann., s 2-2401 et seq. (1964)]

Licenses and regulates:

1. termite control
2. structural insect control
3. fumigation
4. tree pest control

"Kansas Agricultural Chemical Act of 1947"  
    [Kan. Stat. Ann., s 2-2201 et seq. (1964)]

"Kansas Food, Drug, and Cosmetic Act"  
[Kan. Stat. Ann., s 65-655 et seq. (1964)]

Hazardous Household Articles  
[Kan. Stat. Ann., s 65-2701 et seq. (1964)]

KENTUCKY

|   |  |   |                   |
|---|--|---|-------------------|
| <u>Title</u>                              | <u>"Kentucky Pesticide Use and Application Act of 1972"</u><br>[Ky. Rev. Stat., s 217B.010 to 217B.990 (1972)]   |   |                   |
| <u>Prohibited acts</u>                    | Unlawful to engage in the business of applying pesticides to the lands of another, or to act as a pesticide operator, or a pest control consultant, unless licensed by the Director of the Kentucky Agricultural Experiment Station.   |   |                   |
| <u>Exemptions</u>                         | State agencies; structural pest control operators (licensed under KRS 249.250 to 249.340); persons using hand-powered equipment to apply pesticides on lawns, ornamental shrubs, and trees not over 12 feet high, as part of their care of premises; farmers, for themselves or their neighbors, when using ground equipment; and government research personnel applying pesticides to experimental plots. |   |                   |
| <u>Licensing</u>                          |  |   |                   |
| <u>qualifications</u>                     | Must possess "adequate knowledge"; pest control consultants must provide evidence of training and experience to understand "pest control principles."  |   |                   |
| <u>application</u>                        | On a form provided by the Director, including information on applicants' qualifications and proposed operations.   |   |                   |
| <u>examination</u>                        | Pest control consultants required to pass a written examination; other applicants must show upon examination that they are qualified.  |   |                   |
| <u>fees</u>                               | pest control consultant  | - | annual fee   \$50 |
|   | pesticide applicator   | - | annual fee   \$25 |
|   | pesticide operator   | - | annual fee   \$10 |
|   | public operator  | - | no fee            |
|   | aircraft licensing   | - | annual fee   \$25 |
|   | ground equipment   | - | annual fee   \$10 |
|   | licensing  |   |                   |
|   | (second inspection   |   | \$ 5)             |
| <u>issuance</u>                           | Licenses expire at end of calendar year but may be revoked for cause, or if financial security has expired. Penalty for late renewal provided in act.  |   |                   |
| <u>nonresidents</u>                       | No provision for reciprocity.  |   |                   |
| <u>Financial</u><br><u>responsibility</u> | Surety bond or liability insurance in an amount not less than \$100,000 for property damage and public liability, each separately. Deductible clause of \$1,000 acceptable.  |   |                   |
| <u>Authority granted to:</u>              |  |   |                   |
| <u>issue regulations</u>                  | Yes.   |   |                   |
| <u>enforce the act</u>                    | Yes.   |   |                   |
| <u>delegate duties</u>                    | Yes.   |   |                   |

|   |                                 |                              |
|---|---------------------------------|------------------------------|
| restrict usage  | Yes.                            |                              |
| inspect property  | Yes.                            |                              |
| require records   | Yes.                            |                              |
| cooperate with others                                       | Yes.                            |                              |
| publish information   | Yes.                            |                              |
| conduct courses   | Yes.                            |                              |
| regulate storage, transportation, or disposal of pesticides | Yes.                            |                              |
| require compliance with label                               | Yes.                            |                              |
| license equipment   | Yes.                            |                              |
| subpoena persons or records                                 | Yes.                            |                              |
| report losses   | Yes.                            |                              |
| investigate damages   | Not specified in act (implied). |                              |
| require use permits   | Not specified in act.           |                              |
| license dealers   | Not specified in act.           |                              |
| require reports of pesticide poisoning                      | Not specified in act.           |                              |
| adopt list of restricted pesticides                         | Yes.                            |                              |
| <u>Pesticide board</u>                                      | None.                           |                              |
| <u>Definitions</u>  | 1. defoliant                    | 14. pest                     |
|   | 2. desiccant                    | 15. pest control consultant  |
|   | 3. engage in business           | 16. pesticide                |
|   | 4. equipment                    | 17. pesticide applicator     |
|   | 5. fungi                        | 18. pesticide operator       |
|   | 6. fungicide                    | 19. plant regulator          |
|   | 7. herbicide                    | 20. public operator          |
|   | 8. insect                       | 21. restricted use pesticide |
|   | 9. insecticide                  | 22. rodenticide              |
|   | 10. land                        | 23. snails or slugs          |
|   | 11. nematocide                  | 24. weed                     |
|   | 12. nematode                    | 25. wildlife                 |
|   | 13. person                      |                              |

Penalties

Violation of the act or regulations constitutes a misdemeanor, subject to a penalty of not less than \$25, nor more than \$500, or imprisonment for not more than 30 days, or both fine and imprisonment.

Relevant laws

Kentucky Economic Poison Law

[Ky. Rev. Stat., s 217.540 to 217.640 (1969)]

Amended by adding 217.558 in 1970, re DDT.

Kentucky Termite and Pest Control Industry Law

[Ky. Rev. Stat., s 249.250 to 249.340 (1962)]

"Kentucky Food, Drug and Cosmetic Act"

[Ky. Rev. Stat., s 217.005 to 217.215 (1962)]

Sec. 217.145(2) provides for regulations of pesticide chemicals in or on raw agricultural commodities by incorporating applicable provisions of the Federal Food, Drug, and Cosmetic Act.

"Kentucky Hazardous Substances Labeling Act"

[Ky. Rev. Stat., s 217.650 to 217.710 (1962)]

Kentucky Department of Aeronautics KAV-5

"Aerial Applicators"

Requires aerial applicators of agricultural chemicals to obtain a permit before engaging in the business of applying chemicals to crops, and requires certain bonding procedures.

LOUISIANA

|                                 |  |
|---------------------------------|--|
| <u>Title</u>                    | Custom Application of Pesticides<br>[La. Rev. Stat., s 3-1622 to 3-1634 (1951)]  |
| <u>Prohibited acts</u>          | Unlawful to engage in custom application of pesticides unless licensed by the Commissioner of Agriculture and Immigration.   |
| <u>Exemptions</u>               | Farmers.   |
| <u>Licensing</u>                |  |
| qualifications                  | Not specified in act.  |
| application                     | Form provided by the Commissioner must include information regarding applicant's qualifications and proposed operations.   |
| examination                     | Aircraft pilots and supervisors of ground equipment required to pass a written examination before obtaining a permit to operate equipment.   |
| fees                            | License \$25; permits - examination \$2, renewal \$1; equipment inspection - aerial \$10, ground \$10, hand \$2.   |
| issuance                        | Applicator's license issued upon approval of application. Equipment operator's permits issued after passing written examination. All expire on April 30. Failure to renew permit requires reexamination. Licenses and permits may be suspended, cancelled, or revoked for cause. |
| nonresidents                    | Required to appoint Secretary of State as an agent for service of legal process.   |
| <u>Financial responsibility</u> | Bond in the amount of \$10,000 required of applicators.  |
| <u>Authority granted to:</u>    |  |
| issue regulations               | Yes.   |
| enforce the act                 | Yes.   |
| delegate duties                 | Yes.   |
| restrict usage                  | Yes.   |
| inspect property                | Yes.   |
| require records                 | Not specified in act.  |
| cooperate with others           | Not specified in act.  |
| publish information             | Not specified in act.  |



|   |  |                            |                      |             |            |               |            |                 |               |                       |              |              |                        |              |                        |             |          |          |  |
|---|--|----------------------------|----------------------|-------------|------------|---------------|------------|-----------------|---------------|-----------------------|--------------|--------------|------------------------|--------------|------------------------|-------------|----------|----------|--|
| conduct courses   | Not specified in act.  |                            |                      |             |            |               |            |                 |               |                       |              |              |                        |              |                        |             |          |          |  |
| regulate storage, transportation, or disposal of pesticides | Not specified in act.  |                            |                      |             |            |               |            |                 |               |                       |              |              |                        |              |                        |             |          |          |  |
| require compliance with label                               | Not specified in act.  |                            |                      |             |            |               |            |                 |               |                       |              |              |                        |              |                        |             |          |          |  |
| license equipment   | Yes.   |                            |                      |             |            |               |            |                 |               |                       |              |              |                        |              |                        |             |          |          |  |
| subpoena persons or records                                 | Not specified in act.  |                            |                      |             |            |               |            |                 |               |                       |              |              |                        |              |                        |             |          |          |  |
| report losses   | Not specified in act.  |                            |                      |             |            |               |            |                 |               |                       |              |              |                        |              |                        |             |          |          |  |
| investigate damages   | Not specified in act.  |                            |                      |             |            |               |            |                 |               |                       |              |              |                        |              |                        |             |          |          |  |
| adopt list of restricted pesticides                         | Yes.   |                            |                      |             |            |               |            |                 |               |                       |              |              |                        |              |                        |             |          |          |  |
| <u>Pesticide board</u>                                      | The act authorizes the commissioner to appoint a 12-member advisory committee to "advise him and to make recommendations for the regulation and control of the application and the applicators of pesticides. . ."   |                            |                      |             |            |               |            |                 |               |                       |              |              |                        |              |                        |             |          |          |  |
| <u>Definitions</u>  | <table> <tr> <td>1. agricultural applicator</td><td>10. ground equipment</td></tr> <tr> <td>2. aircraft</td><td>11. insect</td></tr> <tr> <td>3. applicator</td><td>12. person</td></tr> <tr> <td>4. Commissioner</td><td>13. pesticide</td></tr> <tr> <td>5. custom application</td><td>14. services</td></tr> <tr> <td>6. defoliant</td><td>(a) ground application</td></tr> <tr> <td>7. desiccant</td><td>(b) aerial application</td></tr> <tr> <td>8. employer</td><td>15. weed</td></tr> <tr> <td>9. fungi</td><td></td></tr> </table>                              | 1. agricultural applicator | 10. ground equipment | 2. aircraft | 11. insect | 3. applicator | 12. person | 4. Commissioner | 13. pesticide | 5. custom application | 14. services | 6. defoliant | (a) ground application | 7. desiccant | (b) aerial application | 8. employer | 15. weed | 9. fungi |  |
| 1. agricultural applicator                                  | 10. ground equipment   |                            |                      |             |            |               |            |                 |               |                       |              |              |                        |              |                        |             |          |          |  |
| 2. aircraft   | 11. insect   |                            |                      |             |            |               |            |                 |               |                       |              |              |                        |              |                        |             |          |          |  |
| 3. applicator   | 12. person   |                            |                      |             |            |               |            |                 |               |                       |              |              |                        |              |                        |             |          |          |  |
| 4. Commissioner   | 13. pesticide  |                            |                      |             |            |               |            |                 |               |                       |              |              |                        |              |                        |             |          |          |  |
| 5. custom application                                       | 14. services   |                            |                      |             |            |               |            |                 |               |                       |              |              |                        |              |                        |             |          |          |  |
| 6. defoliant  | (a) ground application   |                            |                      |             |            |               |            |                 |               |                       |              |              |                        |              |                        |             |          |          |  |
| 7. desiccant  | (b) aerial application   |                            |                      |             |            |               |            |                 |               |                       |              |              |                        |              |                        |             |          |          |  |
| 8. employer   | 15. weed   |                            |                      |             |            |               |            |                 |               |                       |              |              |                        |              |                        |             |          |          |  |
| 9. fungi  |  |                            |                      |             |            |               |            |                 |               |                       |              |              |                        |              |                        |             |          |          |  |
| <u>Penalties</u>  | Violation of the act or regulations is a misdemeanor subject to a fine of not less than \$100 nor more than \$500, or by imprisonment for not less than 30 days nor more than 6 months, or by both fine and imprisonment. The Commissioner may file injunctive procedures.   |                            |                      |             |            |               |            |                 |               |                       |              |              |                        |              |                        |             |          |          |  |
| <u>Relevant laws</u>  | <p>"Structural Pest Control Law"<br/>[La. Rev. Stat., s 40-1261 to 40-1274 (1965)]</p> <p><u>Economic Poison Law</u><br/>[La. Rev. Stat., s 3-1601 to 3-1609 (1951)]</p> <p>Regulates the sale and purity of pesticides, requires registration, etc.</p> <p><u>Louisiana Horticulture Laws</u><br/>[La. Rev. Stat., s 37-1961 to 37-1975 (1964)]</p> <p>Establishes a horticulture commission with authority to license and regulate the practice of persons engaged in:</p> <ol style="list-style-type: none"> <li>1. entomology</li> <li>2. plant pathology</li> </ol> |                            |                      |             |            |               |            |                 |               |                       |              |              |                        |              |                        |             |          |          |  |

3. cotton insect control
4. sugar cane borer control
5. tree surgery
6. pot plant and nursery stock dealer
7. retail florist
8. fumigation
9. wholesale floristry
10. landscape architecture
11. horticultural service
12. landscape contractor
13. ornamental plant spraying and dusting

MAINE

|                                 |   |
|---------------------------------|---|
| <u>Title</u>                    | <u>Board of Pesticides Control</u><br>[Me. Rev. Stat. Ann., tit. 22, s 1451 to 1465 (1964)]<br>[Public Laws 1969, ch. 479]  |
| <u>Prohibited acts</u>          | Unlawful to:<br><br>(1) engage in custom application of pesticides without a license from the Board of Pesticide Control;<br><br>(2) apply pesticides to or in streams, rivers or ponds, without a permit from the board.                             |
| <u>Exemptions</u>               | Structural pest control, certain State forestry activities, licensed arborists, and (by regulation) bona fide farmers. Municipalities applying pesticides shall have at least one licensed employee.  |
| <u>Licensing</u>                |   |
| qualifications                  | Adequate knowledge required.  |
| application                     | Form to show qualifications and "other relevant matters."   |
| examination                     | Required.   |
| fees                            | \$10 annually.  |
| issuance                        | License issued for calendar year and may be suspended for cause after hearing.  |
| nonresidents                    | Reciprocity provided in act.  |
| <u>Financial responsibility</u> | Required; amounts to be established by regulation. (1) Ground application - public liability \$20,000/\$40,000, property damage \$10,000/\$25,000; (2) Aircraft application - public liability \$50,000/\$100,000, property damage \$25,000/\$50,000. |
| <u>Authority granted to:</u>    |   |
| issue regulations               | Yes.  |
| enforce the act                 | Yes - Board to designate enforcement agency from its membership.  |
| delegate duties                 | Yes.  |
| restrict usage                  | Yes.  |
| inspect property                | Yes.  |
| require records                 | Yes.  |
| cooperate with others           | Yes.  |

|   |  |
|---|--|
| publish information   | Yes.   |
| conduct courses   | Not specified in act.  |
| regulate storage, transportation, or disposal of pesticides | Not specified in act, but covered by regulations of the Board.   |
| require compliance with label                               | Not specified in act; required by regulation.                    |
| license equipment   | Not specified in act.  |
| subpoena persons or records                                 | Not specified in act.  |
| report losses   | Not specified in act.  |
| investigate damages   | Not specified in act.  |
| require use permits   | Yes.   |
| require purchase permits                                    | Not specified in act.  |
| license dealers   | " . . . regulations may relate to . . . the sale of pesticides." |
| require reports of pesticide poisoning                      | Not specified in act.  |
| adopt list of restricted pesticides                         | Yes (by regulation).   |

Pesticide board

"There is established a Board of Pesticides Control to be composed of the Commissioner of Agriculture, the Commissioner of Health and Welfare, the Forest Commissioner, the Commissioner of Inland Fisheries and Game, the Commissioner of Sea and Shore Fisheries, the Chairman of the Public Utilities Commission, the Chairman of the Highway Commission, and the Chairman of the Water Improvement Commission. The commissioners of the State departments may appoint agents to serve in their absence. The Board shall elect annually a chairman from its own membership and be authorized to employ necessary personnel."

Definitions

- |                                     |                     |
|-------------------------------------|---------------------|
| 1. aircraft                         | 6. ground equipment |
| 2. board                            | 7. herbicide        |
| 3. custom application of pesticides | 8. insect           |
| 4. fungi                            | 9. insecticide      |
| 5. fungicide                        | 10. pesticide       |
|                                     | 11. weed            |

Penalties

Violation of the law or regulations is a misdemeanor subject to a fine of not more than \$500. Each day of operation without a license or a permit is a separate offense.

Relevant laws

"Maine Economic Poison Law"

[Me. Rev. Stat. Ann., tit. 7, s 581 et seq. (1964)]

"Uniform Hazardous Substances Labeling Act"

[Me. Rev. Stat. Ann., tit. 7, s 501 to 513 (1964)]

Arborist Law

[Me. Rev. Stat. Ann., tit. 32 (1964)]

Department of Environmental Protection

[Me. Rev. Stat. Ann., tit. 12, s 5011 (1964)]

[Public Laws 1971, ch. 489]

Certain environmentally oriented boards and commissions are included in this new Department; however, it does not include the Board of Pesticide Control; the Board remains a separate entity.

Pest Control Compact

[Me. Rev. Stat. Ann., tit. 12, s 1111 to 1128 (1964)]

[Public Laws 1967, ch. 485]

MARYLAND

|                                 |  |                           |
|---------------------------------|--|---------------------------|
| <u>Title</u>                    | <u>Maryland Pesticide Applicators Law</u><br>[Ann. Code of Md., art. 66C, s 110A et seq. (1970)]   |                           |
| <u>Prohibited acts</u>          | Unlawful to engage in the business of applying pesticides or to act as pest control consultant unless licensed by the Department of Agriculture.   |                           |
| <u>Exemptions</u>               | Growers (farmers), manual laborers (under supervision), homeowners, application of seed and fertilizer (other than by aircraft), efforts to change atmospheric conditions, research, treatment of fabrics, application of antidesiccants to ornamental plants, application of pesticides by arborists licensed by Department of Forests and Parks, or of pesticides on residential properties of one acre or less. |                           |
| <u>Licensing</u>                |  |                           |
| qualifications                  | To be established by Department. Consideration must be given to formal education in entomology, pest control, and practical experience.  |                           |
| application                     | Written, on form established by Board.   |                           |
| examination                     | Oral or written, or both oral and written required by the act. Must be passed every second year.   |                           |
| fees                            | Custom applicator, pest control consultant, and pest control operator's license fee is \$30 per annum.   |                           |
| issuance                        | Requirements set by Board. Successful completion of short course may serve in lieu of examination for one year.  |                           |
| nonresidents                    | No provision for reciprocity.  |                           |
| <u>Financial responsibility</u> | Established by Board (as follows):   |                           |
|                                 | A. Custom applicator   |                           |
|                                 | 1. Ground application  |                           |
|                                 | public liability   | \$ 20,000 each person     |
|                                 | public liability   | \$ 40,000 each occurrence |
|                                 | property damage  | \$ 15,000 each occurrence |
|                                 | property damage  | \$ 30,000 aggregate       |
|                                 | 2. Aerial application  |                           |
|                                 | public liability   | \$ 50,000 each person     |
|                                 | public liability   | \$100,000 each occurrence |
|                                 | property damage  | \$ 50,000 each occurrence |
|                                 | property damage  | \$100,000 aggregate       |

B. Pest control consultant

1. Ground application

|                  |                           |
|------------------|---------------------------|
| public liability | \$ 20,000 each person     |
| public liability | \$ 40,000 each occurrence |
| property damage  | \$ 15,000 each occurrence |
| property damage  | \$ 30,000 aggregate       |

2. Aerial application

|                  |                           |
|------------------|---------------------------|
| public liability | \$ 50,000 each person     |
| public liability | \$100,000 each occurrence |
| property damage  | \$ 50,000 each occurrence |
| property damage  | \$100,000 aggregate       |

C. Pest control operator

To be established by regulation.

Authority granted to:

|   |  |
|---|--|
| issue regulations   | Yes.   |
| enforce the act   | Yes.   |
| delegate duties   | Not specified in act (but may employ inspectors for enforcement of the act). |
| restrict usage  | Yes.   |
| inspect property  | Yes.   |
| require records   | Yes.   |
| cooperate with others                                       | Yes.   |
| publish information   | Yes.   |
| conduct courses   | Yes.   |
| regulate storage, transportation, or disposal of pesticides | Yes.   |
| require compliance with label                               | Yes.   |
| license equipment   | Not specified in act (inspected but not licensed).                           |
| subpoena persons or records                                 | Not specified in act.  |
| report losses   | Not specified in act.  |
| investigate damages   | Not specified in act.  |

|  |  |
|--|--|
| require use permits                    | Yes.                                   |
| require purchase permits               | Yes.                                   |
| license dealers                        | Implied (done under permit at no fee). |
| require reports of pesticide poisoning | Not specified in act.                  |
| adopt list of restricted pesticides    | Yes.                                   |

Pesticide board : Maryland Pesticide Advisory Board

Definitions

A. Law

- |                              |                            |
|------------------------------|----------------------------|
| 1. agent or authorized agent | 6. pest                    |
| 2. application               | 7. pest control consultant |
| 3. Board                     | 8. pest control operator   |
| 4. custom applicator         | 9. pesticide               |
| 5. device                    |                            |

B. Regulation

- |                         |                          |
|-------------------------|--------------------------|
| 1. dealer               | 5. restricted pesticide  |
| 2. drift                | 6. restricted use permit |
| 3. public agency permit | 7. supervision           |
| 4. residue              |                          |

Penalties

Violation of the law or regulations constitutes a misdemeanor subject to a fine not to exceed \$1,000, or imprisonment of not more than 60 days, or both fine and imprisonment.

Relevant laws

"Maryland Pesticide Law of 1958"  
[Ann. Code of Md., art. 48, s 129 to 139 (1965)]

Economic Poison Law



MASSACHUSETTS

|                                 |  |
|---------------------------------|--|
| <u>Title</u>                    | <u>Pesticide Board - Application of Pesticides</u><br>[Mass. Ann. Laws, ch. 94B, s 21A to 22 (1967)]   |
| <u>Prohibited acts</u>          | Unlawful to apply pesticides "on the land of another" unless licensed by the Pesticide Board.  |
| <u>Exemptions</u>               | Farmers and structural pest control operators are exempt from licensing. (Farmers and PCO's may be required to use pesticides only in accordance with the label directions.) These exempted groups are bound by regulations of the Board made under paragraph 2 of ch. 94B.  |
| <u>Licensing</u>                |  |
| qualifications                  | All applicants must be 16 years of age or over. Two classes of licenses are established: (1) operational, (2) supervisory. Certain educational or experience prerequisites established, including experience at operational level, prior to eligibility for supervisory license.   |
| application                     | Not specified in act. [Provided for in rules and regulations.]   |
| examination                     | Not specified in act. [Provided for in rules and regulations.]   |
| fees                            | The law specifies that the annual fee shall not exceed \$5. Regulations establish supervisory license fee of \$5 and operational license fee of \$3. (Regulations provide that fee may be required. Board to date has not so required.)  |
| issuance                        | "Licenses shall be granted to those who meet the requirements of the Board . . . and who achieve a satisfactory mark on an examination . . . , such licenses shall remain in force for a period of two years . . ." (Wholesalers and distributors must be licensed by the Department before selling and dealing in pesticides.) Not licensed by Board but by Division of Food and Drugs, DPH. They also register pesticides. |
| nonresidents                    | Reciprocity provided.  |
| <u>Financial responsibility</u> | Not specified in act.  |
| <u>Authority granted to:</u>    |  |
| issue regulations               | Yes.   |
| enforce the act                 | Yes (Department of Health).  |
| delegate duties                 | Yes.   |
| restrict usage                  | Yes.   |
| inspect property                | Yes.   |

|   |  |
|---|--|
| require records   | Yes.   |
| cooperate with others                                       | Not specified in act.                        |
| publish information   | Yes.   |
| conduct courses   | Not specified in act.                        |
| regulate storage, transportation, or disposal of pesticides | Yes.   |
| require compliance with label                               | Yes (Division of Food and Drugs, Mass. DPH). |
| license equipment   | Not specified in act.                        |
| subpoena persons or records                                 | Not specified in act.                        |
| report losses   | Not specified in act.                        |
| investigate damages   | Not specified in act.                        |
| require use permits   | Not specified in act (implied).              |
| require purchase permits                                    | Not specified in act (implied).              |
| license dealers   | Yes (see Section 13A of the Pesticides Law). |
| require reports of pesticide poisoning                      | Not specified in act.                        |

Pesticide board

"There shall be in the Department [of Public Health] a pesticide board, hereinafter referred to as the board, consisting of the Commissioner, who shall be the Chairman, the Commissioner of Natural Resources, the Commissioner of Agriculture, the Commissioner of Public Works, the Director of the Division of Fisheries and Game, the Chairman of the State Reclamation Board, or their designees, and five members to be appointed by the governor. The appointive members shall serve for terms coterminous with the governor. Said appointive members shall serve without compensation but shall receive their necessary expenses incurred in the discharge of their duties. The board shall meet at least four times annually and from time to time at the call of the Chairman or upon written request of any two members of the board. All decisions of the board shall be by majority vote and shall be executed and administered by the Commissioner, except as otherwise provided."

Definitions\*

- |                              |                    |
|------------------------------|--------------------|
| 1. application of pesticides | 3. disposal        |
| 2. board                     | 4. farmer          |
|                              | 5. land of another |

\*Included in rules and regulations.

- |                        |                   |
|------------------------|-------------------|
| 6. operational license | 9. surface waters |
| 7. pesticide           | 10. watershed     |
| 8. supervisory license |                   |

Penalties

Violation of act subject to a fine of not more than \$500, or by imprisonment for not more than two months or both fine and imprisonment. Violation of regulations of the board subject to a first offense fine of \$100, and a subsequent offense fine not exceeding \$500.

Relevant laws

Pesticides Law (Economic Poison Law)

[Mass. Ann. Laws, ch. 94B, s 11 to 21 (1967)]

Hazardous Substances

[Mass. Ann. Laws, ch. 94B, s 1 to 10 (1967)]

Applies to hazardous materials other than pesticides.

Control of Plant Pests

[Mass. Ann. Laws, ch. 128, s 16 et seq. (1967)]

Division of Environmental Protection

[Mass. Ann. Laws, ch. 12, s 11D (Supp. 1972)]

[Acts 1972, ch. 781]

Requires preparation of environmental impact reports (including "pesticide pollution").

MICHIGAN

|                                 |  |                        |  |         |
|---------------------------------|--|------------------------|--|---------|
| <u>Title</u>                    | <u>Pesticide Applicator's Law</u><br>[Mich. Stat. Ann., s 12.353 (1967)]<br><br>and Economic Poisons Law known as:<br><u>"Michigan Insecticide, Fungicide, and Rodenticide Act of 1949"</u><br>[Mich. Stat. Ann., s 12.352 (1967)] |                        |  |         |
| <u>Prohibited acts</u>          | Unlawful to apply pesticides commercially, or sell restricted use pesticide unless licensed by the Director of Agriculture.  |                        |  |         |
| <u>Exemptions</u>               | Property owners or their employees, farmers trading with other farmers, municipalities, Road Commissions or State or Federal agencies.   |                        |  |         |
| <u>Licensing</u>                |  |                        |  |         |
| qualifications                  | Director must find applicant qualified by a written examination and with minimum financial responsibility.   |                        |  |         |
| application                     | On forms furnished by the Director.  |                        |  |         |
| examination                     | Written examinations in each category of operation.  |                        |  |         |
| fees                            | License \$20.00, renewed annually January 1; restricted use pesticide dealer \$50.00, renewed annually January 1.  |                        |  |         |
| nonresidents                    | No provision for reciprocity.  |                        |  |         |
| <u>Financial responsibility</u> | <u>Liability insurance</u>   | <u>Property damage</u> | <u>Corporate surety bond or equivalent</u> |         |
|                                 | Applicator (general)   | \$20,000/40,000        | \$10,000                                   | \$2,000 |
|                                 | Brush control, soil sterilant, forest and shade tree pest control  | 20,000/40,000          | 25,000                                     | 5,000   |
|                                 | Aerial applicators space fumigation  | 50,000/100,000         | 25,000                                     | 5,000   |
| <u>Authority granted to:</u>    |  |                        |  |         |
| issue regulations               | Yes.   |                        |  |         |
| enforce the act                 | Yes.   |                        |  |         |
| delegate duties                 | Yes.   |                        |  |         |
| restrict usage                  | Yes.   |                        |  |         |
| inspect property                | Yes.   |                        |  |         |

|   |  |
|---|--|
| require records   | Of restricted use pesticide dealers.   |
| cooperate with others                                       | Not specified in act.  |
| publish information   | Must make sales data on restricted use pesticides available upon request except sale of patented pesticides. |
| conduct courses   | Not specified in act.  |
| regulate storage, transportation, or disposal of pesticides | Not specified in act.  |
| require compliance with label                               | Not specified in act.  |
| license equipment   | Not specified in act.  |
| subpoena persons or records                                 | Sales records of restricted use pesticides must be retained by dealer two years.                             |
| report losses   | Not specified in act.  |
| investigate damages   | Not specified in act.  |
| adopt list of restricted pesticides                         | Yes.   |

Pesticide board

Five-member advisory committee created consisting of Director of Natural Resources, Director of Public Health, Director of Aeronautics, Director of the Pesticides Research Center, Michigan State University, and the Executive Secretary of the Water Resources Commission (or their designee).

Definitions

- |                     |                     |
|---------------------|---------------------|
| 1. aircraft         | 10. herbicide       |
| 2. defoliant        | 11. insect          |
| 3. desiccant        | 12. insecticide     |
| 4. director         | 13. nematocide      |
| 5. economic poison  | 14. nematode        |
| 6. equipment        | 15. person          |
| 7. fungi            | 16. plant regulator |
| 8. fungicide        | 17. weed            |
| 9. ground equipment |                     |

Categories of pesticide application defined

- |  |  |
|--|--|
| 1. aerial application                      | 7. vertebrate control                        |
| 2. aquatic pest control                    | 8. animal pest control                       |
| 3. brush control and soil sterilant        | 9. field crop pest control                   |
| 4. mosquito and public health pest control | 10. fruit crop pest control                  |
| 5. space fumigation                        | 11. lawn, garden and ornamental pest control |
| 6. control of pest related to structures   | 12. forest and shade tree pest control       |

Penalties

Violation of act or regulation is a misdemeanor.

Relevant laws

Michigan 2,4-D Act

[Mich. Stat. Ann., s 12.366 (1967)]

Permits establishment of designated areas within which the use of certain herbicides may be prohibited (grape vineyards).

MINNESOTA

|                                 |   |
|---------------------------------|---|
| <u>Title</u>                    | Minnesota Spraying and Dusting Law<br>[Minn. Stat., s 18.031 to 18.036 (1969)]  |
| <u>Prohibited acts</u>          | Unlawful to:<br><br>(1) spray or dust for hire unless licensed by the commissioner of agriculture;<br><br>(2) sell restricted use pesticides unless a licensed dealer.  |
| <u>Exemptions</u>               | Homeowners and farmers on own premises, or on neighbors' premises when not for hire; licensed physicians, dentists, or veterinarians prescribing, dispensing, or administering pesticides in their practice.  |
| <u>Licensing</u>                |   |
| qualifications                  | Determined by commissioner to be "qualified."   |
| application                     | To be made on form provided by commissioner.  |
| examination                     | Written.  |
| fees                            | Original license or renewal \$5; each identification card fee \$5.<br>(Restricted use pesticide dealer's license fee is \$20.)  |
| issuance                        | Issued annually on calendar year basis, renewable by examination or by evidence of having completed approved training. Aerial applicators to have passed additional examination prepared by Department of Aeronautics; persons applying pesticides to public waters must have passed examination prepared by Department of Natural Resources. |
| nonresidents                    | No provision for reciprocity.   |
| <u>Financial responsibility</u> | Not specified in act.   |
| <u>Authority granted to:</u>    |   |
| issue regulations               | Yes.  |
| enforce the act                 | Yes.  |
| delegate duties                 | Yes.  |
| restrict usage                  | Yes.  |
| inspect property                | Yes.  |
| require records                 | Yes.  |

|   |  |
|---|--|
| cooperate with others                                       | Yes.   |
| publish information   | Not specified in act.  |
| conduct courses   | Not specified in act.  |
| regulate storage, transportation, or disposal of pesticides | Yes.   |
| require compliance with label                               | Yes.   |
| license equipment   | "A list of requirements that equipment shall meet may be adopted by regulation."   |
| subpoena persons or records                                 | Not specified in act.  |
| report losses   | Yes.   |
| investigate damages   | Yes. (If damage report is filed within 60 days after pesticide application or alleged damage occurred or prior to time that 25% of crop is harvested, the commissioner shall inspect and make a report.) |
| require use permits   | No.  |
| require purchase permits                                    | No.  |
| license dealers   | Yes.   |
| require reports of pesticide poisoning                      | Not specified in act.  |
| adopt list of restricted pesticides                         | Yes.   |

Pesticide board                      None.

Definitions

- |                                     |   |
|-------------------------------------|---|
| 1. act                              | 10. person (law)                                  |
| 2. approved agency                  | 11. pest  |
| 3. authorized agent                 | 12. pesticide (law)                               |
| 4. commissioner                     | 13. pollution                                     |
| 5. custom spraying or dusting (law) | 14. registered approved use                       |
| 6. device                           | 15. restricted use pesticides                     |
| 7. economic poison                  | 16. spraying or dusting operations for hire (law) |
| 8. equipment                        |   |
| 9. license                          |   |

Penalties

Violation of the act is a misdemeanor. Licenses may be denied, suspended or revoked after notice and a hearing for any violation of the act.



Relevant laws

Minnesota Economic Poisons and Devices Law  
[Minn. Stat., s 24.069 to 24.077 (1969)]

Structural Pest Control  
[Minn. Stat., s 18A.01 to 18A.11 (1969)]

Interstate Pest Control Compact  
[Minn. Stat., s 18.62 to 18.71 (1969)]

"Hazardous Substances Labeling Act"  
[Minn. Stat., s 24.32 to 24.42 (1969)]

## MISSISSIPPI

|                                 |   |
|---------------------------------|---|
| <u>Title</u>                    | "Agricultural Aviation Licensing Act of 1966"<br>[Miss. Code Ann., s 5011-01 to 5011-15 (1957)]   |
| <u>Prohibited acts</u>          | Unlawful to ". . . act, operate or conduct business as an applicator, or to engage in the custom application of pesticides by air, unless . . . licensed . . . by the board [Board of Agricultural Aviation] . . ."   |
| <u>Exemptions</u>               | Jurisdiction of the aerial application of hormone-type herbicides [regulated by the state entomologist, acting as the agent for the commissioner of agriculture and commerce; see Miss. Code Ann., s 5000-21 through 5000-31; application of hormone-type herbicides by aircraft (1957)]; however, aerial applicators of hormone-type herbicides are required to be licensed under both aerial applicator laws. |
| <u>Licensing</u>                |   |
| qualifications                  | Not specified in act (see "application"); ". . . the board shall set professional standards . . ."  |
| application                     | ". . . on a form . . . prescribed by the board [containing] information regarding applicants' qualifications and proposed operations . . ."   |
| examination                     | Not specified in act.   |
| fees                            | ". . . up to \$50 for each aircraft . . ."  |
| issuance                        | Applicants must submit proof of payment of all ad valorem or other taxes applicable to equipment. Licenses expire March 31 and may be suspended, cancelled or revoked for cause, after an opportunity for a hearing.  |
| nonresidents                    | Reciprocity provided.   |
| categories                      | ". . . all aerial applicators . . . shall be known as registered aerial applicators . . ."  |
| <u>Financial responsibility</u> | Surety bond or liability insurance policy in an amount not less than \$5,000; to be established by regulations.   |
| <u>Authority granted to:</u>    |   |
| issue regulations               | Yes (14 CFR 137 adopted by reference).  |
| enforce the act                 | Yes.  |
| delegate duties                 | Not specified in act.   |
| restrict usage                  | Yes.  |
| inspect property                | Yes.  |

|   |   |
|---|---|
| require records   | Not specified in act (implied).   |
| cooperate with others                                       | Yes (limited).  |
| publish information   | Not specified in act.   |
| conduct courses   | Not specified in act.   |
| regulate storage, transportation, or disposal of pesticides | Not specified in act.   |
| require compliance with label                               | Not specified in act (implied).   |
| license equipment   | Yes.  |
| subpoena persons or records                                 | Not specified in act.   |
| report losses   | Yes, losses to be reported on a form provided by the board, within 60 days after damages occurred or prior to time 25% of crop harvested. |
| investigate damages   | Not specified in act.   |
| require use permits   | Not specified in act.   |
| require purchase permits                                    | Not specified in act.   |
| license dealers   | Not specified in act.   |
| require reports of pesticide poisoning                      | Not specified in act.   |
| adopt list of restricted pesticides                         | Not specified in act.   |

Pesticide board

[Board of Agricultural Aviation]

"There is hereby created a State Board of Agricultural Aviation composed of 5 members as follows: 1 member being the Executive Officer of the Mississippi Department of Agriculture and Commerce; 4 licensed pilots to be appointed by the governor from a list of 8 agricultural aerial applicators submitted to the governor by the Mississippi Aerial Applicators Association. The term of office of one board member shall be 1 year; second board member 2 years; third board member 3 years; and the term of office of the fourth board member 4 years. After the initial appointment, succeeding board members shall serve a staggered 4 year term of office. Each board member shall serve until his successor is appointed. The Executive Officer of the Division of Plant Industry, Mississippi Department of Agriculture and Commerce, shall continue to serve each term by virtue of his office.

"The membership of the board shall elect a chairman at their organizational meeting who shall be one of the 4 aerial applicators who serve on the board.

"Vacancies on the said board shall be filled as herein stated by appointment of the governor.

"A quorum necessary to conduct business shall be a majority of the 5 board members.

"Each member of the Agricultural Aviation Board shall receive a per diem of \$15 and actual expenses as provided by law incidental to attending meetings of said board. Said board shall not be paid for more than 15 meetings in any one calendar year."

Advisory Committee (Regulation 11)

An advisory committee shall be appointed annually consisting of one representative from each of the following:

- (a) Mississippi Farm Bureau Federation
- (b) The Delta Council
- (c) Cooperative Extension Service
- (d) State Board of Health
- (e) Mississippi Aeronautics Commission
- (f) Delta Branch Experiment Station

Definitions

- |                       |              |
|-----------------------|--------------|
| 1. aerial application | 6. desiccant |
| 2. aircraft           | 7. insect    |
| 3. applicator         | 8. person    |
| 4. board              | 9. pesticide |
| 5. defoliant          |              |

Penalties

Violation of act or regulations constitutes a misdemeanor subject to fine or not less than \$100 or more than \$500; or imprisonment in county jail for not more than 6 months; or both fine and imprisonment. Board may also seek injunctive relief.

## MISSISSIPPI

|                                 |   |
|---------------------------------|---|
| <u>Title</u>                    | <u>Application of Hormone-type Herbicides by Aircraft</u><br>[Miss. Code Ann., s 5000-21 to 5000-33 (1957)]   |
| <u>Prohibited acts</u>          | Unlawful to engage in the application of hormone-type herbicides by aircraft unless licensed by the Commissioner of Agriculture and Commerce through his agent, the State Entomologist.   |
| <u>Exemptions</u>               | Application of herbicides by means other than aircraft. [State and Federal agencies exempt by regulation.]  |
| <u>Licensing</u>                |   |
| qualifications                  | Adequate knowledge concerning proper use and aerial application of herbicides.  |
| application                     | On a form provided by the Commissioner to include information on applicant's qualifications and proposed operations.  |
| examination                     | ". . . The Commissioner may require . . . [an] examination . . . ."   |
| fees                            | Not specified in act.   |
| issuance                        | If applicant found qualified, license issued for period of time prescribed by regulation [by regulation, licenses expire December 31 or before if so requested].  |
| nonresidents                    | Reciprocity provided.   |
| <u>Financial responsibility</u> | Fidelity bond, insurance policy, "or other security satisfactory to the Commissioner" required in an amount not less than \$10,000 for each aircraft. [Regulations require \$10,000, except application of invert emulsions which requires \$20,000.] |
| <u>Authority granted to:</u>    |   |
| issue regulations               | Yes (regulations must be approved by the Advisory Board before becoming effective).   |
| enforce the act                 | Yes.  |
| delegate duties                 | Not specified in act (implied).   |
| restrict usage                  | Yes.  |
| inspect property                | Yes.  |
| require records                 | Yes.  |
| cooperate with others           | Yes.  |
| publish information             | Not specified in act.   |

|   |  |
|---|--|
| conduct courses   | Not specified in act.  |
| regulate storage, transportation, or disposal of pesticides | Not specified in act (implied).  |
| require compliance with label                               | Yes.   |
| license equipment   | Yes.   |
| subpoena persons or records                                 | Not specified in act.  |
| report losses   | Yes, on form provided by Commissioner, within 60 days after date damage occurred, or prior to time 25% of crop is harvested. |
| investigate damages   | Commissioner to furnish copy of damage report to person alleged to be responsible.   |
| require use permits   | Not specified in act. [Application of certain ester formulations of 2,4-D requires written "permission."]                    |
| require purchase permits                                    | Not specified in act.  |
| license dealers   | Not specified in act.  |
| require reports of pesticide poisoning                      | Not specified in act.  |
| adopt list of restricted pesticides                         | Not specified in act, (implied authority with respect to hormone-type herbicides).   |
| <u>Pesticide board</u>                                      | Advisory Board (Division of Plant Industry Advisory Board).  |
| <u>Definitions</u>  | 1. commissioner<br>2. hormone-type herbicides  |
| <u>Penalties</u>  | Violation constitutes a misdemeanor subject to a fine of not more than \$500 for each offense.                               |

## MISSISSIPPI

|                                 |  |  |
|---------------------------------|--|--|
| <u>Title</u>                    | <u>Mississippi Pest Control Law (Professional Services)</u><br>[Miss. Code Ann., s 5006 to 5011 (1957)]  |  |
| <u>Prohibited acts</u>          | Unlawful to engage in:<br><br>(1) entomological work,<br>(2) pathological work,<br>(3) horticultural or floricultural work,<br>(4) tree surgery work, or<br>(5) weed control work<br><br>as a profession or to solicit business in such fields, unless licensed by the Commissioner. |  |
| <u>Exemptions</u>               | ". . . any person employed by the owners or others in possession of property . . . under supervision in grafting, spraying, dusting cotton . . . [etc.]."  |  |
| <u>Licensing</u>                |  |  |
| qualifications                  | Not specified in act. [May be established by regulations.]   |  |
| application                     | In writing on form provided by the Board, plus statements as to training and experience.   |  |
| examination                     | ". . . such tests or examinations as the Board may prescribe . . . ."  |  |
| fees                            | "No fee shall be required for the license."  |  |
| issuance                        | Not specified in act. [May be established by regulations.]   |  |
| nonresidents                    | No provision for reciprocity.  |  |
| <u>Financial responsibility</u> | Fidelity bond required; not to exceed \$2,500.   |  |
| <u>Authority granted to:</u>    | "The Commissioner shall have the power to make rules and regulations to govern the qualifications and the practicing of persons engaged in . . . professional services . . . and to prevent fraudulent practices . . . ."  |  |
| <u>Pesticide board</u>          | None.  |  |
| <u>Definitions</u>              | 1. entomological work                      4. plant pathological work<br>2. horticultural and flori-                5. tree surgery work<br>cultural work                            6. weed control work<br>3. person   |  |
| <u>Penalties</u>                | Violation of the act or regulations constitutes a misdemeanor subject to a fine of not more than \$500 or imprisonment for not more than 6 months or both fine and imprisonment.   |  |

Relevant laws

"Mississippi Economic Poison Act of 1950"  
[Miss. Code Ann., s 5000-01 to 5000-14 (1957)]



MISSOURI

|                      |  |
|----------------------|--|
| <u>Title</u>         | (No pesticide use and application law)   |
| <u>Relevant laws</u> | " <u>Missouri Economic Poison Law of 1955</u> "<br>[Mo. Rev. Stat., s 263.270 to 263.380 (1969)] |

MONTANA

|                                 |   |
|---------------------------------|---|
| <u>Title</u>                    | "Montana Pesticide Act"<br>[Mont. Rev. Codes Ann., s 27-213 to 27-245 (Supp. 1971)]   |
| <u>Prohibited acts*</u>         | Unlawful . . .<br><br>(1) to engage in the business of applying pesticides for another unless licensed by the department of agriculture;<br><br>(2) for farm applicators to apply a restricted use pesticide without a permit from the department of agriculture;<br><br>(3) [for dealers] to sell or deliver pesticides without first obtaining dealer's license; and<br><br>(4) to purchase and sell pesticides at retail unless licensed by the department of agriculture. |
| <u>Exemptions</u>               | Farm applicators applying nonrestricted pesticides on their own or their neighbors' land. Jurisdictional health officers, the State veterinarian, and governmental research personnel applying pesticides to experimental areas.  |
| <u>Licensing</u>                |   |
| qualifications                  | Applicants must possess "adequate knowledge." Aerial applicators must meet all requirements of Federal and State aeronautical agencies.   |
| application                     | Form and content may be established by regulation. Annual application required.   |
| examination                     | Written examination required of initial applicants for commercial applicator and operator license and farm applicators desiring to apply restricted use pesticides. Dealers are required to take a "reasonable examination."  |
| fees                            | Commercial applicators, dealers, and retail outlets (minimum), \$10.<br><br>License may be established by regulation.   |
| issuance                        | Calendar year licenses, renewable upon application, without examination. Annual special use permits issued to farm applicators upon passing written examination. Licenses and permits subject to revocation for cause.  |
| nonresidents                    | No provision for reciprocity. Nonresidents without resident agent required to authorize secretary of state to accept service of legal process.  |
| <u>Financial responsibility</u> | Within 2 years of implementation of act (prior to January 1, 1974) Commissioner shall establish by regulation amount of financial responsibility required for commercial applicators.   |

\* Sections of the act relating to the registration of pesticides are not included in this digest.

Authority granted to:

|   |  |
|---|--|
| issue regulations   | Yes; including adoption by reference to regulations issued under the Federal Insecticide, Fungicide and Rodenticide Act. |
| enforce the act   | Yes.   |
| delegate duties   | Yes.   |
| restrict usage  | Yes; the director "shall establish a list of pesticides which are restricted for agricultural use."                      |
| inspect property  | Yes.   |
| require records   | Yes.   |
| cooperate with others                                       | Yes.   |
| publish information   | Yes.   |
| conduct courses   | Yes.   |
| regulate storage, transportation, or disposal of pesticides | Yes; unlawful to discard pesticides or pesticide containers in a manner harmful to anything in the environment.          |
| require compliance with label                               | Yes.   |
| license equipment   | Not specified in act (but department may regulate the operation and maintenance of equipment used by applicators).       |
| subpoena persons or records                                 | Yes.   |
| report losses   | Yes.   |
| investigate damages   | Yes.   |
| require use permits   | Yes (farm applicators).  |
| require purchase permits                                    | Not specified in act (implied).  |
| license dealers   | Yes.   |
| require reports of pesticide poisoning                      | Not specified in act.  |
| adopt list of restricted pesticides                         | Yes (for agricultural use).  |

Pesticide board

Advisory committee. "The commissioner of the state department of agriculture may appoint advisory committee to study and make recommendations on special pesticide problems in the state. The advisory committee shall consist of individuals representing,

equally, controlled industry, agriculture, health and wildlife. Government personnel, university personnel not included, shall not be represented on the advisory committee. Government personnel shall meet with the committee in an advisory capacity when requested by the committee. The advisory committee shall not exceed twelve (12) members. The commissioner of the department of agriculture shall establish the time period in which the advisory committee shall hold meetings. The time period shall not exceed 2 years. The department of agriculture shall provide the necessary administrative, secretarial, and any other essential items to the advisory committee.

"Each member of the advisory committee shall receive as compensation for his services the sum of twenty-five dollars (\$25) per day for each day actually expended in the performance of his duties and shall be reimbursed for actual per diem and necessary traveling expenses as provided by state law.

"The advisory committee may request that the department of agriculture hold a public hearing as outlined in Section 27-235, to assist it in gathering factual data and information on the special problem(s) assigned it."

#### Definitions

- |                               |                              |
|-------------------------------|------------------------------|
| 1. active ingredient          | 22. home, yard, garden, home |
| 2. adulterated                | orchard, tree or lawn        |
| 3. antidote                   | applicator                   |
| 4. applicator                 | 23. inert ingredient         |
| 5. beneficial insects         | 24. ingredient statement     |
| 6. commercial applicator      | 25. insect                   |
| 7. commercial operator        | 26. insecticide              |
| 8. commissioner               | 27. label                    |
| 9. crop                       | 28. labeling                 |
| 10. dealer                    | 29. misbranded               |
| 11. defoliant                 | 30. nematocide               |
| 12. department of agriculture | 31. nematode                 |
| 13. department of health      | 32. official sample          |
| 14. desiccant                 | 33. person                   |
| 15. device                    | 34. pest                     |
| 16. environment               | 35. pesticide                |
| 17. equipment                 | 36. plant regulator          |
| 18. farm applicator           | 37. registrant               |
| 19. fungi                     | 38. restricted use pesticide |
| 20. fungicide                 | 39. retailer                 |
| 21. herbicide                 | 40. rodenticide              |
|                               | 41. weed                     |

#### Penalties

Violation of act, regulations, or obstructing duties of commissioner is a misdemeanor; injunctive relief permissible; employees revealing formulas obtained in scope of employment subject to \$500 fine or year in jail, or both fine and imprisonment.

#### Relevant laws

"Montana Pesticide Act" (1971)  
[Mont. Rev. Codes Ann., s 27-213 to 27-245 (Supp. 1971)]

One act which covers registration, labeling, and use and application of economic poisons. Sections on use and application are digested supra. Repeals the Montana Insecticide, Fungicide, and Rodenticide Act of 1947.

NEBRASKA

Title

(No pesticide use and application law)

Relevant laws

Aeronautics

[Reissue Rev. Stat. Nebr., s 3-128 (1943)]

Authorizes the Department of Aeronautics to:

- (1) ". . . issue appropriate certificates authorizing qualified individuals to conduct aerial pesticide application operations . . . .

"The applicant, or, . . . either the person employed by him in direct charge . . . or the person employed by him as chief pilot . . . or all persons employed by him as pilot . . . shall possess the following qualifications:

- (a) hold a valid Federal Aviation Administration commercial certificate;
- (b) have a current medical certificate;
- (c) have three hundred fifty hours of solo and pilot-in-command logged time;
- (d) have five hours flight training in simulated aerial pesticide application conducted, and certified to, by an aerial pesticide applicator certificate holder; and
- (e) have one season's actual experience in aerial pesticide application work under the direct supervision of an aerial pesticide applicator certificate holder, during which he shall have acquired a minimum of forty hours experience in aerial pesticide application, except that the department may issue a certificate to an applicant who fails to meet the requirements of subdivisions (d) and (e) of this subdivision if, after examination by the department, he demonstrates that he is possessed of the necessary skills.

"To insure safety, additional training and qualification criteria, financial responsibility requirements, and certificate renewal procedures shall be as prescribed by rules and regulations of the Department of Aeronautics.

- (2) ". . . temporarily or permanently revoke any license or certificate of registration of an . . . aerial pesticide applicator, . . . or to refuse to issue any such license . . . when it shall reasonably determine that any . . . aerial pesticide applicator . . . is not qualified, has willfully violated the provisions of sections 3-101 to 3-154, the rules and regulations prescribed pursuant thereto, or any other statute of this state relating to aeronautics, or any act of Congress or any rule or regulation promulgated pursuant thereto, is

addicted to the use of narcotics or other habit forming drug or the excessive use of intoxicating liquor, has made any false statement in an application for registration of a federal license certificate or permit, or has been guilty of other conduct, acts or practices dangerous to the public safety and the safety of those engaged in aeronautics . . . ."

Economic Poison and Devices Law

[Rev. Stat. Nebr., s 2-2601 to 2-2611 (1962)]

Under provisions of this law "The director may, whenever he deems it necessary for protection of public health, after public hearing, restrict registration of certain economic poisons to specific usages by pest control professionals."

Pest control professionals are defined as ". . . any person who operates pest control equipment, applies economic poisons, or buys and sells economic poisons for a valuable consideration."

NEVADA

|                                 |  |
|---------------------------------|--|
| <u>Title</u>                    | <u>Custom Application of Pesticides</u><br>[Nev. Rev. Stat., s 555.260 to 555.460 (1967)]  |
| <u>Prohibited acts</u>          | Unlawful to engage in the business of applying pesticides by aircraft or ground equipment unless licensed by the Executive Director of the State Department of Agriculture. Includes application of pesticides to structures.  |
| <u>Exemptions</u>               | Government research personnel applying pesticides to experimental plots; farmers applying pesticides with ground equipment; persons using hand-powered equipment to apply pesticides incidental to yard and lawn care.   |
| <u>Licensing</u>                |  |
| qualifications                  | None established (see application).  |
| application                     | On form supplied by Director providing information on applicant's qualifications, proposed operations and other relevant matters.  |
| examination                     | Written.   |
| fees                            | \$25 from each person applying for a license; operators, pilots and agents, \$10; public operators, no fee; penalty fee of \$5 for late renewal.   |
| issuance                        | Licenses expire June 30 each year. Renewable upon application and payment of license fee. Director may classify licenses and place restrictions on licenses.   |
| classes                         | (1) aerial application, (2) agricultural, and (3) urban and structural, each of which may be general or limited.   |
| nonresidents                    | No reciprocity [repealed 1971].  |
| <u>Financial responsibility</u> | Not less than \$10,000 nor more than \$200,000; except that the Executive Director may accept insurance policy or surety bond with deductible clause of \$500 for aerial applicators, or \$250 for all other applicators (provided applicator has no unsatisfied legal claims in these amounts). |
| <u>Authority granted to:</u>    |  |
| issue regulations               | Yes.   |
| enforce the act                 | Yes.   |
| delegate duties                 | (See Chapter 561.245 NRS).   |
| restricted usage                | Yes.   |
| inspect property                | Yes.   |

|  |   |
|--|---|
| require records  | Yes.  |
| cooperate with others  | (See Chapter 561.245 NRS.)  |
| publish information  | Yes.  |
| conduct courses  | Not specified in act.   |
| regulate storage, transportation, and disposal of pesticides | Yes (see Nevada Pesticides Act).  |
| require compliance with label                                | Yes.  |
| license equipment  | Not specified in act.   |
| subpoena persons or records                                  | Not specified in act (provided elsewhere in statutes).  |
| report losses  | Within 60 days of date of knowledge of loss, and prior to time 50% of crop is harvested.          |
| investigate damages  | Yes.  |
| require use permits  | Yes.  |
| require purchase permits                                     | Yes.  |
| license dealers  | Not specified in act. [Dealers subject to regulations under sale of "restricted use pesticides."] |
| require reports of pesticide poisoning                       | Not specified in act.   |
| adopt list of restricted pesticides                          | Yes.  |

Pesticide board                      None.

Definitions

- |                                     |                     |
|-------------------------------------|---------------------|
| 1. agent                            | 9. insect           |
| 2. aircraft                         | 10. nematode        |
| 3. custom application of pesticides | 11. person          |
| 4. defoliant                        | 12. pest            |
| 5. desiccant                        | 13. pesticide       |
| 6. Executive Director (agriculture) | 14. plant regulator |
| 7. fungi                            | 15. public operator |
| 8. ground equipment                 | 16. snails or slugs |
|                                     | 17. weed            |
|                                     | 18. wildlife        |

Penalties                              Violation of the act or regulations is a misdemeanor.



Relevant laws

"Nevada Pesticides Act"

[Nev. Rev. Stat., s 586.010 to 586.450 (1964)]

"Nevada Food, Drug, and Cosmetic Act"

[Nev. Rev. Stat., s 585.010 to 585.550 (1964)]

Dangerous Caustic or Corrosive Substances

[Nev. Rev. Stat., s 586.460 to 586.520 (1964)]

NEW HAMPSHIRE

|                                 |  |
|---------------------------------|--|
| <u>Title</u>                    | <u>Pesticides Control Law</u><br>[N. H. Rev. Stat. Ann., s 149D.1 to 149D.11 (Supp. 1971)]   |
| <u>Prohibited acts</u>          | Unlawful to engage in commercial application of pesticides unless registered with the Pesticides Control Board. Persons other than commercial applicators must obtain a "permit."  |
| <u>Exemptions</u>               | Governmental research and experimental work; application of pesticides around, under, or in the immediate vicinity of buildings by the owner, provided crops raised therein are not offered for sale, and "restricted" pesticides are used only in accordance with applicable restrictions and regulations.                |
| <u>Licensing</u>                |  |
| qualifications                  | Not specified in act other than "adequate knowledge of pesticides."  |
| application                     | On form provided by the Board.   |
| examination                     | Required of commercial applicators, permittees, and dealers.   |
| fees                            | Annual registration certificate \$10. Permits issued without cost. Dealers license \$10.   |
| issuance                        | Renewal on calendar year basis; applicant for renewal must furnish simple, accurate record of his use of pesticides for preceding calendar year. Persons other than commercial applicators required to obtain, at no cost, an annual written permit, renewable upon furnishing record of preceding year's pesticide usage. |
| nonresidents                    | Reciprocity provided.  |
| <u>Financial responsibility</u> | A. Custom applicator   |
|                                 | 1. Ground application:   |
|                                 | public liability           \$40,000 each occurrence  |
|                                 | property damage         \$10,000 each occurrence   |
|                                 | property damage         \$25,000 aggregate   |
|                                 | 2. Aerial application:   |
|                                 | public liability         \$50,000 each person  |
|                                 | public liability         \$100,000 each occurrence   |
| <u>Authority granted to:</u>    |  |
| issue regulations               | Yes.   |
| enforce the act                 | Yes.   |
| delegate duties                 | Yes.   |

|   |  |
|---|--|
| restrict usage  | Yes.   |
| inspect property  | Yes.   |
| require records   | Yes. [All aerial applications of pesticides to be reported within 7 days.]   |
| cooperate with others                                       | Not specified in act.  |
| publish information   | Not specified in act.  |
| conduct courses   | Not specified in act.  |
| regulate storage, transportation, or disposal of pesticides | Yes. [See Economic Poison Law.]  |
| require compliance with label                               | Yes.   |
| license equipment   | Not specified in act.  |
| subpoena persons or records                                 | Not specified in act.  |
| report losses   | Yes.   |
| investigate damages   | Yes.   |
| require use permits   | Yes.   |
| require purchase permits                                    | Yes.   |
| license dealers   | Yes. [See Economic Poison Law.]  |
| require reports of pesticide poisoning                      | Not specified in act.  |
| adopt list of restricted pesticides                         | Yes.   |
| <u>Pesticide board</u>                                      | "A pesticides control board is established to consist of the commissioner of agriculture, the director of the division of public health services, the director of the division of resources development, the director of the fish and game department, the state entomologist, the executive director of the water pollution commission, and four members appointed by the governor with the consent of the council each for a term of three years and until his successor is appointed and qualified. Of the original appointments one member is for a term of one year, two for a term of two years, and one for a term of three years. The governor, with the consent of the council, shall make his appointments as follows: one from the general public (not in any of the following two categories): |

one person from a slate of three persons presented by the New Hampshire Horticultural Society; one person from a slate of three persons presented by the New Hampshire Arborists Association; and one a recognized ecologist, preferably holding a doctorate in ecology. The executive director of the water pollution commission shall act as executive secretary to the board and shall coordinate for the board the information and data developed by the water pollution commission and department of agriculture relating to this chapter. The board shall choose its own chairman. The four members appointed by the governor and council are not entitled to compensation for their services, but may receive reimbursement for their necessary traveling and other expenses while engaged in actual work of the board, and shall be paid from the monies appropriated for the purposes of this chapter.

"The administration of clerical activities under this act is the responsibility of the department of agriculture."

#### Definitions

##### Law:

- |                           |              |
|---------------------------|--------------|
| 1. board                  | 4. person    |
| 2. commercial application | 5. pest      |
| 3. commercial applicator  | 6. pesticide |

##### Regulation:

- |                            |                           |
|----------------------------|---------------------------|
| 1. crew                    | 7. watershed of public    |
| 2. disposal                | water supply              |
| 3. drift                   | 8. within, around, under, |
| 4. mechanically-powered    | or in the immediate       |
| equipment                  | vicinity of buildings     |
| 5. residue                 | by a property owner       |
| 6. surface waters or their | or his agent              |
| tributaries used for       |                           |
| public water supply        |                           |

#### Penalties

Violation of law or regulation subject to a fine of not more than \$500.

#### Relevant laws

##### Economic Poison Law

[N. H. Rev. Stat. Ann., s 438.1 to 438.17 (1964)]

##### Food, Drug and Cosmetic Law

[N. H. Rev. Stat. Ann., s 146.1 et seq. (1964)]

##### New Hampshire Arborist Law

[N. H. Rev. Stat. Ann., s 222.1 et seq. (1964)]

##### Pest Control Compact

[N. H. Rev. Stat. Ann., s 437B1 to 437B7 (1964)]

NEW JERSEY

|                                     |  |
|-------------------------------------|--|
| <u>Title</u>                        | "Pesticide Control Act of 1971"<br>[N.J. Stat. Ann., s 13:1F-1 to 13:1F-14 (Supp. 1972)]   |
| <u>Prohibited acts</u>              | Unlawful to sell, purchase, transport, label, use or apply pesticides which cause or may tend to cause adverse effects on man or the environment contrary to orders, rules, and regulations of the Commissioner of Environmental Protection; or to remove, dispose, or use any detained or embargoed pesticide without permission of the department. |
| <u>Exemptions</u>                   | Not specified in act.  |
| <u>Licensing</u>                    |  |
| qualifications                      | Not specified in act.  |
| application                         | Not specified in act.  |
| examination                         | Not specified in act.  |
| fees                                | Not specified in act.  |
| issuance                            | Not specified in act.  |
| nonresidents                        | No provision for reciprocity.  |
| categories                          | Not specified in act.  |
| <u>Financial<br/>responsibility</u> | Not specified in act.  |
| <u>Authority granted to:</u>        |  |
| issue regulations                   | Yes.   |
| enforce the act                     | Yes.   |
| delegate duties                     | Yes.   |
| restrict usage                      | Yes.   |
| inspect property                    | Yes (except private residences).   |
| require records                     | Not specified in act.  |
| cooperate with<br>others            | Yes.   |
| publish<br>information              | Yes.   |
| conduct courses                     | Yes.   |

|  |                                 |
|--|---------------------------------|
| regulate storage,<br>transportation,<br>or disposal of<br>pesticides | Yes.                            |
| license<br>equipment   | Not specified in act.           |
| subpoena persons<br>or records                                       | Not specified in act.           |
| report losses  | Not specified in act (implied). |
| investigate<br>damages   | Not specified in act (implied). |
| require use<br>permits   | Not specified in act (implied). |
| require purchase<br>permits  | Not specified in act (implied). |
| license dealers  | Not specified in act (implied). |
| require reports<br>of pesticide<br>poisoning                         | Not specified in act.           |
| adopt list of<br>restricted<br>pesticides                            | Yes.                            |

Pesticide board

"There is hereby created in the department of [a] Pesticide Control Council which shall consist of nine members, three of whom shall be the Secretary of Agriculture, the Commissioner of Health, the Dean of the College of Agriculture and Environmental Science of Rutgers, The State University, or their designees, who shall serve as ex officio, and six citizens of the State representing the general public to be appointed by the Governor, to serve at his pleasure, of whom one shall be a farmer, one a toxicologist and one an ecologist. The Governor shall designate a chairman and a vice chairman of the council from the public members who shall serve at the will of the Governor . . .

"The Pesticide Control Council shall be the advisory body in the Department of Environmental Protection in matters relating to the control, regulation and use of pesticides and is empowered to:

a. Request from the commissioner such information concerning pesticides as it may deem necessary;

b. Study and consider any matter relating to the improvement of pesticide control programs and advise the commissioner thereon;

c. From time to time submit to the commissioner such recommendations and reports which it deems necessary for the proper conduct and improvement of pesticide control programs;

d. Study the use, application and disposal of pesticides and advise the commissioner thereon;

e. Study pesticide control programs and make reports and recommendations thereon to the commissioner as it may deem necessary;

f. Study any regulations promulgated by the department or any other governmental entity in regard to the control of pesticides and make such recommendations thereon to the commissioner as it may deem appropriate;

g. Study and investigate the state of the art and the technical capabilities and limitations of regulations concerning use and control of pesticides and their relation to the environment and ecology and report its findings and recommendations thereon to the commissioner;

h. Study and investigate the need for programs for long range technical support of pesticide control programs and report its findings and recommendations thereon to the commissioner; and

i. Hold periodic public hearings concerning the use and application of pesticides and upon the state of the art and technical capabilities and limitations in pesticide control and report its recommendations thereon to the commissioner . . ."

Definitions

- |                 |              |
|-----------------|--------------|
| 1. commissioner | 4. person    |
| 2. council      | 5. pesticide |
| 3. department   |              |

Penalties

Violation of the act or regulations subject to a penalty of not more than \$3,000 for each offense (to be collected in a civil action); each day of violation to constitute a separate offense.

Relevant laws

"New Jersey Economic Poison Act of 1951"  
[N.J. Stat. Ann., s 4:8A-1 to 4:8A-27 (1959)]

NEW MEXICO

|                                 |   |
|---------------------------------|---|
| <u>Title</u>                    | "Pesticide Applicators Law"<br>[N.M. Stat. Ann., s 67-34-1 to 67-34-8 (1966)]   |
| <u>Prohibited acts</u>          | Unlawful to act, operate, do business, or engage in custom application of pesticide unless licensed by the Board of Regents of New Mexico State University.   |
| <u>Exemptions</u>               | (1) stump treatment<br>(2) ax frilling<br>(3) tree injection<br>(4) plant treatment adjacent to buildings<br>(5) termite and household insect control.  |
| <u>Licensing</u>                |   |
| qualifications                  | Must be found to be qualified by examination.   |
| application                     | Required on form prescribed by Board.   |
| examination                     | Written examination required.   |
| fees                            | Examination - none; \$25 annual fee for each unit of aerial application equipment, and \$10 annual fee for each unit of "any other applicator."   |
| issuance                        | Permits expire December 31. Renewable upon application made prior to March 31. After March 31, written examination required.  |
| nonresidents                    | No provision for reciprocity.   |
| <u>Financial responsibility</u> | Act permits "reasonable" bond to be established by regulations. Regulations require surety bond, cash bond, or liability insurance in amounts of \$10,000 for ground operations and \$25,000 for aircraft operations. |
| <u>Authority granted to:</u>    |   |
| issue regulations               | Yes.  |
| enforce the act                 | Yes.  |
| delegate duties                 | Yes.  |
| restrict usage                  | Board may issue licenses for special categories and designated pesticides to be used by licensee (see Regulatory Order No.2).   |
| inspect property                | May inspect records and collect samples of pesticides after mixing.   |
| require records                 | Records must be kept for 2 years.   |
| cooperate with others           | Not specified in act.   |



|                        |  |                     |
|------------------------|--|---------------------|
| <u>Pesticide board</u> | None.                                  |                     |
| <u>Definitions</u>     | 1. aircraft                            | 9. ground equipment |
|                        | 2. applicator                          | 10. herbicide       |
|                        | 3. board                               | 11. insect          |
|                        | 4. defoliant                           | 12. insecticide     |
|                        | 5. desiccant                           | 13. pesticide       |
|                        | 6. fungi                               | 14. person          |
|                        | 7. fungicide                           | 15. weed            |
|                        | 8. custom application<br>of pesticides |                     |

**Misdemeanor.**

"New Mexico Economic Poisons Act of 1951"  
[N.M. Stat. Ann., s 45-9-1 to 45-9-12 (1966)]

Commercial Exterminators and Fumigators Act  
[N.M. Stat. Ann., s 12-1-23 (1953)]

Pest Control Act (Quarantine and Control Act)  
[N.M. Stat. Ann., s 45-8-39 to 45-8-47 (1953)]

NEW YORK

|  |  |
|--|--|
| <u>Title</u>                                 | <u>Custom Application of Pesticides</u><br>[N.Y. Envir. Con. Law, s 33-0901 to 33-0905 (1973)]   |
| <u>Prohibited acts</u>                       | Unlawful to engage in custom application of pesticides unless registered by the Commissioner of Environmental Conservation.  |
| <u>Exemptions</u>                            | Farmer owner of ground equipment applying pesticides on own or neighbor's land and not engaged in commercial application, and any person applying pesticides with ground equipment on own premises.                        |
| <u>Licensing</u>                             |  |
| qualifications                               | Applicant must satisfy Commissioner that he has sufficient knowledge and experience concerning the proper use and application of pesticides.   |
| application                                  | On form prescribed by Commissioner.  |
| examination                                  | Not specified in act.  |
| fees   | Established by regulation. Custom applicators \$30.  |
| issuance                                     | Registration annually for the period April 1 through March 31 of the following year. Registration may be cancelled or refused for specified causes (including application of pesticides contrary to the registered usage). |
| nonresidents                                 | No provisions for reciprocity.   |
| <u>Financial responsibility</u> <sup>3</sup> | Applicant must satisfy Commissioner of his financial responsibility.   |
| <u>Authority granted to:</u>                 |  |
| issue regulations                            | Yes.   |
| enforce the act                              | Yes.   |
| delegate duties                              | Not specified in act (implied).  |
| restrict usage                               | Yes.   |
| inspect property                             | Yes.   |
| require records                              | Yes.   |
| cooperate with others                        | Yes.   |
| publish information                          | Not specified in act.  |
| conduct courses                              | Not specified in act.  |

|   |   |
|---|---|
| regulate storage, transportation, or disposal of pesticides | Yes; unlawful to store and dispose of pesticides and used pesticide containers except in compliance with the rules and regulations of the Commissioner. |
| require compliance with label                               | Yes.  |
| license equipment   | Not specified in act (implied - identification "stickers" required on equipment and vehicles).  |
| subpoena persons or records                                 | Not specified in act.   |
| report losses   | Not specified in act.   |
| investigate damages   | Not specified in act.   |
| require use permits   | Yes (same as "purchase" permit).  |
| require purchase permits                                    | Yes.  |
| license dealers   | Yes (unlawful to "deal" in restricted pesticides without a "commercial permit").  |
| require reports of pesticide poisoning                      | Not specified in act.   |
| adopt list of restricted pesticides                         | Yes.  |

Pesticides board

The Pesticides Board ceased to function when the new Department of Environmental Conservation was formed and pesticides transferred from the Department of Agriculture and Markets.

Definitions

- |                                     |   |
|-------------------------------------|---|
| 1. aircraft                         | 4. ground equipment                           |
| 2. commissioner                     | 5. pesticides                                 |
| 3. custom application of pesticides | 6. restricted use pesticide (Section 33-0303) |

Penalties

Up to \$50 per day for each day of operation without registration.

Relevant laws

Economic Poison Law

[N.Y. Envir. Con. Law, s 33-0101 to 33-0721 and s 33-1301 to 33-1503 (1973)]

Treatment of State Waters with a Pesticide

[N.Y. Envir. Con. Law, s 15-0313(4)(a)(b)(c) (1973)]

Pesticides in Grape Vineyards (Protection of Grape Growing Areas)

[N.Y. Envir. Con. Law, s 33-1101 to 33-1105 (1973)]

NORTH CAROLINA

|                        |   |
|------------------------|---|
| <u>Title</u>           | "North Carolina Pesticide Law of 1971"<br>[N.C. Gen. Stat., s 143-434 to 143-470 (Supp. 1971)]  |
| <u>Prohibited acts</u> | Unlawful:<br><br>a. Registration Law<br><br>to distribute, sell, or transport in INTRASTATE commerce pesticides not registered with the Pesticide Board, not properly labeled, not in the manufacturer's unbroken immediate container, and (for certain ones) not properly colored; to detach, alter, deface, or destroy any label; to add substances to or take material from a pesticide; to reveal (with certain exceptions) or use for own advantage any information gained when registering a pesticide.<br><br>b. Sale and Use Law<br><br>to engage in business as a pesticide dealer unless licensed by the Pesticide Board; to engage in the business of pesticide applicator or perform services as a pest control consultant, unless licensed by the Pesticide Board.   |
| <u>Exemptions</u>      | a. Registration<br><br>Common carriers transporting pesticides, public officials performing official duties, pesticides marked for experimental use only, and pesticides manufactured to foreign customers' specifications for export.<br><br>b. Dealers and Applicators<br><br>None.   |
| <u>Licensing</u>       | a. Dealers<br><br>qualifications 2 years as employee or owner-operator in field of pesticide sales, but may substitute, year for year, training in pesticides or pest control received under college supervision, or a college degree with training in entomology, plant pathology, weed science or related subjects, including some practical experience.<br><br>application ". . . shall be in the form and shall contain the information prescribed by the Board . . . ."<br><br>examination Written, or oral and written, exam required to test applicants' knowledge of pesticides, their usefulness and hazards, and the laws and regulations relating to sale and use of pesticides.<br><br>fees Application fee \$25; license renewal fee \$25; delinquent renewal fee 25% penalty.<br><br>issuance Calendar year license, expires December 31. Renewal must be filed on or before January 1. |

b. Applicators and Consultants

qualifications                    2 years experience as an employee or owner-operator in the field of pesticide application or pesticide consulting, but may substitute, year for year, training received under college supervision in lieu of experience; or a college degree, with training in entomology, sanitary or public health engineering, plant pathology, weed science or related subjects; including some practical experience; or in the case of local public employees engaged in public pest control, sufficient experience to satisfy the Board of their qualifications.

application                    ". . . shall be in the form and contain the information prescribed by the Board . . . ."

examination                    Written or oral and written exam required to test applicants' knowledge of the usefulness and hazards of pesticides and the laws and regulations regarding their control.

fees                                Application fee \$25; aircraft inspection fee (each aircraft) \$10; ground equipment inspection fee \$5; late filing fee 25% penalty; lost license replacement \$2.

nonresidents                    Provision made for reciprocity provided nonresident meets State financial responsibility requirements.

Financial  
responsibility                    Surety bond, liability insurance or cash deposit required in an amount to be established by the Board. The Board may also require a performance bond to assure protection in case of breach of contract.

Authority granted to:

|   |                       |
|---|-----------------------|
| issue regulations   | Yes.                  |
| enforce the act   | Yes.                  |
| delegate duties   | Yes.                  |
| restrict usage  | Yes.                  |
| inspect property  | Yes.                  |
| require records   | Yes.                  |
| cooperate with others                                       | Yes.                  |
| publish information   | Yes.                  |
| conduct courses   | Not specified in act. |
| regulate storage, transportation, or disposal of pesticides | Yes.                  |
| require compliance with label                               | Yes.                  |

|  |                       |
|--|-----------------------|
| license equipment                      | Yes.                  |
| subpoena persons or records            | Yes.                  |
| report losses                          | Yes.                  |
| investigate damages                    | Yes.                  |
| require use permits                    | Yes.                  |
| require purchase permits               | Yes.                  |
| license dealers                        | Yes.                  |
| require reports of pesticide poisoning | Not specified in act. |
| accept gifts or grants                 | Yes.                  |
| adopt list of restricted pesticides    | Yes.                  |

Pesticide board

"North Carolina Pesticide Board: creation and organization.--

- (a) There is hereby established the North Carolina Pesticide Board which, together with the Commissioner of Agriculture, shall be responsible for carrying out the provisions of this Article.
- (b) The Pesticide Board shall consist of seven members, to be appointed by the Governor, as follows:
  - (1) One member each representing the North Carolina Department of Agriculture, the North Carolina Department of Health, and a State conservation agency. The persons so selected may be either members of a policy board of departmental officials or employees.
  - (2) A representative of the agricultural chemical industry.
  - (3) A person directly engaged in agricultural production.
  - (4) Two at-large members, from fields of endeavor other than those enumerated in paragraphs (2) and (3) of this subsection, one of whom shall be a non-governmental conservationist.
- (c) The members of the Pesticide Board shall serve staggered four-year terms. Of the persons originally appointed, the members representing State agencies shall serve two-year terms, and the four at-large members shall serve four-year terms. All members shall hold their offices until their successors are appointed and qualified. Any vacancy occurring in the membership of the Board prior to the expiration of the term shall be filled by appointment by the Governor for the remainder of the

unexpired term. The Governor may at any time remove any member from the Board for gross inefficiency, neglect of duty, malfeasance, misfeasance or nonfeasance in office. Each appointment to fill a vacancy in the membership of the Board shall be of a person having the same credentials as his predecessor.

- (d) The Board shall select its chairman from its own membership, to serve for a term of two years. The chairman shall have a full vote. Any vacancy occurring in the chairmanship shall be filled by the Board for the remainder of the term. The Board may select such other officers as it deems necessary.
- (e) Any action of the Board shall require at least four concurring votes.
- (f) The members of the Board who are not officers or employees of the State shall receive for their services the per diem and compensation prescribed in G.S. 138-5.(1971, c.832, s.1.)"

"Pesticide Board: functions.--The Pesticide Board shall be the governing board for the programs of pesticide management and control set forth in this Article. The Pesticide Board shall have the following powers and duties under this Article:

- (1) To adopt rules and regulations and make policies for the programs set forth in this Article.
- (2) To carry out a program of planning and of investigation into long-range needs and problems concerning pesticides.
- (3) To collect, analyze and disseminate information necessary for the effective operation of the programs set forth in this Article.
- (4) To provide professional advice to public and private agencies and citizens of the State on matters relating to pesticides, in cooperation with other State agencies, with professional groups, and with North Carolina State University and other educational institutions.
- (5) To accept gifts, devises and bequests and with the approval of the Governor to apply for and accept grants from the Federal Government and its agencies and from any foundation, corporation, association or individual, and may comply with the terms, conditions and limitations of the grant, in order to accomplish any of the purposes of the Board, such grant funds to be expended pursuant to the Executive Budget Act.
- (6) To inform and advise the Governor on matters involving pesticides, and to prepare and recommend to the Governor and the General Assembly any legislation which may be deemed proper for the management and control of pesticides in North Carolina.
- (7) To make annual reports to the Governor and to make such other investigations and reports as may be requested by the Governor or the General Assembly. (1971, c.832, s.1.)"

"Pesticide Advisory Committee: creation and functions.--

- (a) There is hereby authorized the establishment of the Pesticide Advisory Committee, which shall assist the Board and the

Commissioner in an advisory capacity on matters which may be submitted to it by the Board or the Commissioner, including technical questions and the development of rules and regulations.

- (b) The Pesticide Advisory Committee shall consist of fifteen members to be appointed by the Board, as follows:

Three practicing farmers  
One conservationist (at large)  
One ecologist (at large)  
One representative of the pesticide industry  
One representative of agri-business (at large)  
One local health director  
Three members of the North Carolina State University School of Agriculture and Life Sciences, at least one of which shall be from the area of wildlife and/or biology  
One member each representing the North Carolina Department of Agriculture, the North Carolina Department of Health and a State conservation agency  
One representative of a public utility or railroad company which uses pesticides, or of the State Highway Commission.

- (c) Members of the Pesticide Advisory Committee shall serve at the pleasure of the Board. The members who are not officers or employees of the State shall receive regular State subsistence and travel expenses. (1971, c.832, s.1.)"

#### Definitions

- |                          |                              |
|--------------------------|------------------------------|
| 1. active ingredient     | 20. land                     |
| 2. adulterated           | 21. manufacturer             |
| 3. Board                 | 22. misbranded               |
| 4. Commissioner          | 23. nematocide               |
| 5. Committee             | 24. nematode                 |
| 6. defoliant             | 25. person                   |
| 7. desiccant             | 26. pest control             |
| 8. device                | 27. consultant               |
| 9. engage in business    | 28. pesticide                |
| 10. equipment            | 29. pesticide applicator     |
| 11. fungi                | 30. pesticide dealer         |
| 12. fungicide            | 31. pesticide operator       |
| 13. herbicide            | 32. plant regulator          |
| 14. inert ingredient     | 33. public operator          |
| 15. ingredient statement | 34. registrant               |
| 16. insect               | 35. restricted use pesticide |
| 17. insecticide          | 36. rodenticide              |
| 18. label                | 37. weed                     |
| 19. labeling             | 38. wildlife                 |

#### Penalties

Violation of the act or regulations constitutes a misdemeanor subject to a fine of not less than \$100, nor more than \$1000, or imprisonment for not more than 60 days, or both fine and imprisonment. Each day of violation following receipt of written notice from the Board constitutes another violation.

#### Relevant laws

Structural Pest Control Act of North Carolina of 1955  
[N.C. Gen. Stat., s 106-65.22 to 106-65.33 (Supp. 1971)]

An act regulating those who control wood-destroying organisms and household pests. Includes fumigators.



Labeling of Household Cleaners

[N.C. Gen. Stat., s 66.85 to 66.88 (1966)]

An act to require that manufacturers of household cleaners which contain volatile substances capable of producing toxic effects to label such cleaners with a warning as to their contents and with directions as to their safe use.

North Carolina Plant Pest Law

[N.C. Gen. Stat., s 106-419 et seq. (1966)]

The act authorizes the Board of Agriculture to issue regulations relating to the control of plant pests, including inspection and quarantine. It includes regulation and licensing of plant nurseries.

Protection of Forests Against Insect Infestations and Disease

[N.C. Gen. Stat., s 113-60.5 et seq. (1966)]

Places authority and responsibility within the Department of Conservation and Development, Division of Forestry, for investigating insect infestations or disease infections and devising or effecting control measures.

## NORTH DAKOTA

|                                 |  |
|---------------------------------|--|
| <u>Title</u>                    | <u>Aerial Spraying</u> (spraying, dusting, fertilizing, and insect control)<br>[N.D. Cent. Code, s 2-05-18 (1960)]   |
| <u>Prohibited acts</u>          | Unlawful to engage in aerial spraying without obtaining a license for each aircraft from North Dakota Aeronautics Commission.  |
| <u>Exemptions</u>               | None, but certain privileges granted private pilot spraying on own land.   |
| <u>Licensing</u>                |  |
| qualifications                  | Not specified in act except must comply with all regulations of Aeronautics Commission.  |
| application                     | Made on forms provided by Commission.  |
| examination                     | Not specified in act.  |
| fees                            | \$15 for each aircraft.  |
| issuance                        | License issued upon payment of fees and compliance with regulations. Expires December 31 each year. May be revoked for cause.  |
| nonresidents                    | Nonresidents may be licensed if they meet all the requirements of North Dakota law and that of the State of residence.   |
| <u>Financial responsibility</u> | Applicants must furnish affidavit that there are no unsettled claims or unsatisfied judgments resulting from prior aerial pesticide operations in North Dakota. Nonresidents must post bond in amount equal to that of their State of residence. |
| <u>Authority granted to:</u>    |  |
| issue regulations               | License issued upon payment of fees and compliance with regulations. Expires December 31 each year. May be revoked for cause.  |
| enforce the act                 | Yes.   |
| delegate duties                 | Not specified in act.  |
| restrict usage                  | The act relates more to the mechanical aspects of pesticide application than to the technical and chemical phases of pesticides.   |
| inspect property                | Yes.   |
| require records                 | Yes.   |
| cooperate with others           | Not specified in act.  |
| publish information             | Not specified in act.  |

|  |  |
|--|--|
| conduct courses  | Not specified in act.  |
| regulate storage,<br>transportation,<br>or disposal of<br>pesticides | Not specified in act.  |
| require<br>compliance<br>with label                                  | Not specified in act.  |
| license<br>equipment   | Yes.   |
| subpoena persons<br>or records                                       | Not specified in act.  |
| report losses  | Report of loss through spraying by aircraft is required prior to the time when 50% of the crops were harvested or within 60 days from time damages noted.  |
| investigate<br>damages   | Losses must be "verified."   |
| <u>Pesticide board</u>   | None.  |
| <u>Definitions</u>   | None.  |
| <u>Penalties</u>   | As for a misdemeanor.  |
| <u>Relevant laws</u>   | <p>"<u>Insecticide, Fungicide and Rodenticide Act of 1947</u>"<br/>[N.D. Cent. Code, s 19-18-01 to 19-18-11 (1960)]</p> <p>Amended March 29, 1971; administered by the State Food Commissioner and Chemist, State Laboratories Department.</p> <p>"<u>Livestock Medicine</u>"<br/>[N.D. Cent. Code, s 19-14-01 to 19-14-08 (1960)]</p> <p>"<u>Hazardous Substances Labeling Act</u>"<br/>[N.D. Cent. Code, s 19-21-01 to 19-21-10 (1960)]</p> <p><u>Interstate Pest Control Compact</u><br/>[N.D. Cent. Code, s 4-32-01 to 4-32-09 (1960)]</p> |

OHIO

|                                 |   |
|---------------------------------|---|
| <u>Title</u>                    | <u>Pesticide Use and Application Act</u><br>[Ohio Rev. Code, s 921.41 to 921.53 (Supp. 1971)]   |
| <u>Prohibited acts</u>          | Unlawful to act as a (1) pesticide applicator, (2) pesticide operator, or (3) public operator unless licensed by the Director of Agriculture.   |
| <u>Exemptions</u>               | Application by a person upon his own property or by individuals upon land they lease for agricultural purposes, application by State or Federal agencies, and government research personnel applying pesticides for experimental purposes (no exemption for a "restricted use pesticide") and structural pest control.                              |
| <u>Licensing</u>                |   |
| qualifications                  | Director must find "applicant qualified."   |
| application                     | ". . . shall be made on a form prescribed by the Director . . . shall state the applicant's qualifications . . . type of operation . . . and other information . . ."   |
| examination                     | "The Director shall require each applicant . . . to be examined on his knowledge of the proper use and application of pesticides . . ."   |
| fees                            | Pesticide applicator \$50; pesticide operator \$10; public operator no fee.   |
| issuance                        | License issued upon applicant being found qualified. Licenses expire on the last day of February; renewable upon payment of fee. If application for renewal filed after March 1, penalty of 25% added to fee. Director may determine that a new examination is required. Licenses may be cancelled for listed violations of the act or regulations. |
| nonresidents                    | Provisions made for reciprocity.  |
| <u>Financial responsibility</u> | Pesticide applicators must furnish a . . . surety bond, an effective liability insurance policy, or such other evidence of financial responsibility as the Director determines necessary . . ." Actual amounts established by regulation.   |
| <u>Authority granted to:</u>    |   |
| issue regulations               | Yes.  |
| enforce the act                 | Yes - specifically regarding storage and disposal of pesticides.  |
| delegate duties                 | Not specified in act.   |
| restrict usage                  | Yes - the Director shall adopt a list of "restricted use pesticides . . . including DDT and dieldrin . . ." and require a permit for their use.   |

|   |   |
|---|---|
| inspect property  | Yes.  |
| require records   | Yes.  |
| cooperate with others                                       | Not specified in act.                           |
| publish information   | Not specified in act.                           |
| conduct courses   | Not specified in act.                           |
| regulate storage, transportation, or disposal of pesticides | Commissioner may regulate storage and disposal. |
| require compliance with label                               | Yes.  |
| license equipment   | Not specified in act.                           |
| subpoena persons or records                                 | Not specified in act.                           |
| report losses   | Yes.  |
| investigate damages   | Not specified in act.                           |

#### Pesticide board

". . . There is hereby created an interagency pesticide advisory council consisting of the Director of Agriculture or his designee, who shall serve as chairman, the Director of Environmental Protection, the Director of Health, the Director of Natural Resources, Dean of the College of Agriculture of the Ohio State University, the Dean of the College of Biological Sciences of the Ohio State University . . . the Director of the Ohio Agricultural Research and Development Center . . . one member of the House of Representatives and one member of the Senate . . . to formulate policies and coordinate efforts among State agencies . . .

". . . The Director of Agriculture shall establish . . . a committee of not less than 5, nor more than 11, members to assist him in establishing standards of training, examination and licensing of . . . applicators or . . . operators . . ."

#### Definitions

- |                       |                              |
|-----------------------|------------------------------|
| 1. aircraft           | 7. pesticide applicator      |
| 2. beneficial insects | 8. pesticide operator        |
| 3. custom application | 9. public operator           |
| 4. ground equipment   | 10. restricted use pesticide |
| 5. pest               | 11. structure                |
| 6. pesticide          | 12. wildlife                 |

The act also adopts by reference all of the definitions used in the Economic Poison Act.

#### Penalties

Violation of the law subject to a fine of not more than \$200; subsequent violations subject to a fine of not more than \$400 or imprisonment for not more than one year, or both fine and imprisonment.

Relevant laws

Economic Poison Law

[Ohio Rev. Code, s 921.11 et seq. (1954)]

Control Measures for Herbicides

[Ohio Rev. Code, s 921.06 to 921.07 (1954)]

Labeling Hazardous Substances

[Ohio Rev. Code, s 3716.01 to 3716.08 (1954)]

OKLAHOMA

|                                 |   |
|---------------------------------|---|
| <u>Title</u>                    | "Oklahoma Pesticide Applicators Law"<br>[Okla. Stat., tit. 2, s 3-81 to 3-88 (1961)]  |
| <u>Prohibited acts</u>          | Unlawful to engage in custom application of pesticides without a license from the State Board of Agriculture.   |
| <u>Exemptions</u>               | The act exempts the application of pesticides on lawns, trees, shrubs, and in the control of termites and household insects. These acts are covered under separate laws.  |
| <u>Licensing</u>                |   |
| qualifications                  | The Board must find the applicant "qualified" and possessing "fitness" as an applicator.  |
| application                     | The form prescribed by the Board shall contain information regarding the applicant's qualifications and proposed operations and "such other information as may be specified by the Board."  |
| examination                     | Written examination required.   |
| fees                            | Resident aerial applicator \$25; nonresident aerial applicator \$25 for each aircraft; other applicators \$10 (same fee for renewal).   |
| issuance                        | All permits expire at end of calendar year and may be renewed, without examination, if application for renewal is made before March 1; otherwise, a written examination is required. Permits may be suspended, cancelled, or revoked by the Board after granting the licensee an opportunity for a hearing and upon finding certain specified facts of wrongdoing.  |
| nonresidents                    | Must appoint and file with the Board the name and address of a resident "service agent;" otherwise, the Secretary of the Board of Agriculture shall serve as the "service agent."   |
| <u>Financial responsibility</u> | The amount, form, and sufficiency of the bond is subject to the approval of the Board. (Present regulations require (1) \$3,000 minimum for one or two aircraft, plus \$1,000 for each additional aircraft, (2) \$1,000 for one ground spray unit, and (3) \$3,000 for one aircraft and one ground unit, plus \$1,000 for each additional aircraft or \$500 for each additional ground unit (a nurse tank used for serving one or several knapsack sprayers is a unit.) Nonresident applicators' bond \$15,000. |
| <u>Authority granted to:</u>    |   |
| issue regulations               | Yes. (Board may "make, adopt, or promulgate regulations and standards for the custom application of pesticides, which shall conform, as far as possible under existing State law, to the recommendations of U.S. Department of Agriculture and of the Oklahoma State University of Agriculture and Applied Science.")   |
| enforce the act                 | Not specified in act.   |

|   |  |
|---|--|
| delegate duties   | Not specified in act.  |
| restrict usage  | Not specified in act.  |
| inspect property  | Yes.   |
| require records   | Yes. [Applicators are required to keep an accurate record on a prescribed form, showing the time and place of each application, and the name and address of the person for whom services were performed. The application of a phenoxy herbicide requires submission (within 10 days) of specific information, including the purpose, location, date, quantity, brand name, and manufacturer of product used, as well as the wind direction and velocity at time of application.] |
| cooperate with others                                       | Not specified in act.  |
| publish information   | Not specified in act.  |
| conduct courses   | Not specified in act.  |
| regulate storage, transportation, or disposal of pesticides | Not specified in act.  |
| require compliance with label                               | Not specified in act.  |
| license equipment   | Not specified in act.  |
| subpoena persons or records                                 | Not specified in act.  |
| report losses   | Statement must be filed with Board of alleged damages, prior to bringing suit for compensation.  |
| investigate damages   | Not specified in act.  |
| adopt list of restricted pesticides                         | Not specified in act.  |

Pesticide board None.

Definitions

- |                                     |                     |
|-------------------------------------|---------------------|
| 1. aircraft                         | 8. fungicide        |
| 2. applicator                       | 9. ground equipment |
| 3. board                            | 10. herbicide       |
| 4. custom application of pesticides | 11. insect          |
| 5. defoliant                        | 12. insecticide     |
| 6. desiccant                        | 13. person          |
| 7. fungi                            | 14. pesticide       |
|                                     | 15. weed            |

Penalties

Violation of the act is a misdemeanor punishable by a fine of from \$100 to \$300, or imprisonment in the county jail from 1 to 6 months, or both fine and imprisonment.



Relevant laws

Oklahoma Pesticide Law (Economic poison law)  
[Okla. Stat., tit. 2, s 3-61 to 3-70 (Supp. 1970)]

Oklahoma Phenoxo Herbicide Law  
[Okla. Stat., tit. 2, s 3-251 to 3-259 (Supp. 1970)]

Requires dealers who sell phenoxo herbicides to obtain permits and keep records, and requires users who buy 1 quart or more of a phenoxo herbicide to keep records and report to the State Department of Agriculture upon request.

Wood Preservative Law  
[Okla. Stat., tit. 2, s 2-301 to 2-309 (Supp. 1970)]

Requires commercial wood treatment operators to register with the State Department of Agriculture and to comply with standards established by the Department.

Ornamental Spraying and Pruning Law  
[Okla. Stat., tit. 2, s 3-271 to 3-279 (Supp. 1970)]

Requires the licensing of persons who engage in the business of spraying or pruning trees, shrubs, or weeds.

"Structural Pest Control Act"  
[Okla. Stat., tit. 2, s 3-171 to 3-180 (Supp. 1970)]

Regulates persons who control pests in structures.

An act relating to food and feed products for human and animal consumption . . .  
[Okla. Stat., tit. 2, s 2-19 to 2-24 (Supp. 1970)]

Among other things, establishes an analytical laboratory and authorizes the establishment of tolerances for pesticide residues in foodstuffs. Permits staggering of renewal dates for licenses and permits issued by the Department.

OREGON

|                        |  |
|------------------------|--|
| <u>Title</u>           | "Oregon Pesticide Application Law"<br>[Ore. Rev. Stat., s 573.005 to 573.260 (1967)]   |
| <u>Prohibited acts</u> | Unlawful to engage in the business of applying pesticides unless licensed by the State Department of Agriculture.  |
| <u>Exemptions</u>      | The State of Oregon and its agents, counties, cities, municipal corporations, irrigation and drainage districts, public utilities, manufacturers, and governmental agencies using pesticides in research; farmers and landowners; gardeners and caretakers using manually operated equipment; retailers (unless demonstrating application of pesticides); railroads (except when using volatile herbicides in power equipment); manual laborers; and pollenicide applicators.  |
| <u>Licensing</u>       |  |
| qualifications         | 18 years of age; experience as a trainee or with minimum educational qualifications, or unusual or active experience equal to minimum standards.   |
| application            | To be made on forms approved by the Department.  |
| examination            | Written examination required covering specific areas of pesticide usage. <u>EXCEPT</u> - written examination not required for applicants with 4 years of college, majoring in entomology or agronomy; a trainee completing 1,000 hours experience; former licensees who worked 3 months during a year in 2 out of the last 3 years.  |
| fees                   | Application or renewal \$15; additional type of license: if made at time of initial application \$5--if made later \$10; reexamination fee \$5.  |
| issuance               | License issued upon notice that applicant has received a passing grade. All licenses expire December 31. Delinquent renewal invokes 20% penalty. Renewable upon payment of fee, when due. Applicators delinquent over 30 days required to take written examination. Persons applying for renewal who have not been engaged in business for 6 months or since expiration of license, not subject to penalty. Department may suspend, revoke, or refuse to renew license of persons found to be in violation of act.<br><br>Regulations establish the following types of pesticide licenses:<br><br>Type 1 - Herbicide license<br>Type 2 - Insecticide-fungicide license<br>Type 3 - Structural pest and rodenticide license<br>Type 4 - Fumigation license<br><br>Choice of pesticides by licensees is limited to those normally used or labeled for their special usage. |

"Special Applicator" and "Special Trainee" licenses issued without cost to individuals in government employment. "Fumigators" registered with the State Board of Health, may be exempted from paying license fee.

nonresidents

No provision for reciprocity.

Financial  
responsibility

Proof must be furnished to Department before issuance or renewal of license. Not less than \$25,000 bodily injury and \$25,000 property damages. Aircraft operators may be permitted to reduce, suspend, or drop coverage during nonactive periods. Deductible amounts (n.t.e. \$1,000) may be permitted.

Authority granted to:

issue regulations

Yes.

enforce the act

Yes (Department of Agriculture).

delegate duties

Yes (Other State agencies may give examination.)

restrict usage

Yes.

inspect property

Not specified in act.

require records

Records must be kept for 3 years and report made to landowner, if requested. Special records to be kept on "trainees."

cooperate with  
others

Yes.

publish  
information

Yes.

conduct courses

Yes.

regulate storage,  
transportation,  
or disposal of  
pesticides

Not specified in act. An act of the 1969 legislature amends the economic poison law to require persons storing, transporting, or disposing of pesticide wastes to obtain a temporary permit from the Department of Agriculture.

require  
compliance  
with label

Not specified in act.

license  
equipment

Not specified in act.

subpoena persons  
or records

Not specified in act.

report losses

Must be filed within 60 days of knowledge of loss or prior to time 50% of crop is harvested.

investigate  
damages

Department may investigate extent and nature of damages and undertake settlement but may not determine source, person responsible, or amount of loss.

adopt list of  
restricted  
pesticides

Yes.

Pesticide board

None. Advice may be received from the Committee on Synthetic Chemicals in the Environment. House Bill 1335 of the 1969 regular

session of the legislature established a Committee on Synthetic Chemicals in the Environment consisting of 12 members representing both industry and government (including the State Board of Health).

Definitions

- |                         |                        |
|-------------------------|------------------------|
| 1. department           | 7. pesticide equipment |
| 2. herbicide            | 8. pesticide operator  |
| 3. insecticide          | 9. pesticide trainee   |
| 4. landowner            | 10. protected area     |
| 5. pesticide            | 11. restricted area    |
| 6. pesticide applicator | 12. weed               |

Penalties

Violation of act upon first conviction subject to a \$1,000 fine or 1 year imprisonment, or both fine and imprisonment. Subsequent convictions subject to a \$2,000 fine, or 1 year imprisonment, or both fine and imprisonment.

Protected and  
restricted areas

This act provides for the establishment and administration of geographical "protected areas" in which the use and application of herbicides and insecticides are regulated by a governing body. The governing body may regulate the time, place, manner, and method of applying herbicides and insecticides to prevent damage or injury to susceptible crops or insects. "Restricted areas" may also be established on the perimeter of the "protected areas" to further protect from drift of pesticides. The governing body has been granted limited taxing authority to finance administration of the "district."

Relevant laws

Standards and Labels for Agricultural Chemicals  
[Ore. Rev. Stat., s 634.211 to 634.990 (1967)]

Economic poison law.

Food, Drink, and Sanitation Laws  
[Ore. Rev. Stat., s 616.005 to 616.990 (1967)]

Feeds, Fertilizers, and Seeds  
[Ore. Rev. Stat., s 633.006 to 633.990 (1967)]

Drugs, Poisons, Caustics and Corrosives  
[Ore. Rev. Stat., s 453.010 to 453.320 (1967)]

PENNSYLVANIA

Title

No pesticide use and application law.

Relevant laws

"Pennsylvania Pesticide Act of 1957" (Economic poison law)  
[Pa. Stat. Ann., tit. 3, s 111.1 to 111.12 (1963)]

"Pennsylvania Grape Herbicide Act" (1965)  
[Pa. Stat. Ann., tit. 3, s 214.51 to 214.55 (1963)]

Permits establishment of geographical areas, within which use of herbicides may be restricted or prohibited.

Pest Control Compact (1967)  
[Pa. Stat. Ann., tit. 3, s 214.41 to 214.47 (Supp. 1971)]

Provides for the entry of the Commonwealth into a compact with other States relating to pest control.

RHODE ISLAND

|                                 |  |
|---------------------------------|--|
| <u>Title</u>                    | "The Rhode Island Pest Control Law" 1970<br>[R.I. Gen. Laws Ann., s 23-41-1.1 to 23-41-1.25 (Supp. 1972)]  |
| <u>Prohibited acts</u>          | Unlawful to use, sell, transport, or store a banned or restricted pesticide unless licensed by the Department of Natural Resources; commercial applicators required to be licensed, as are research institutions who use pesticides. |
| <u>Exemptions</u>               | None. (Veterinarians may use restricted pesticides on domestic animals for treatment of external parasites.)   |
| <u>Licensing</u>                |  |
| qualifications                  | Must be thoroughly grounded in recognition of, and general knowledge of, pesticide hazards.  |
| application                     | As the Department may prescribe.   |
| examination                     | Oral or written.   |
| fees                            | \$10 for initial license; \$2 for renewal. <u>EXCEPT</u> - municipalities, State agencies, or private persons applying pesticides to their own premises, not subject to payment of fees.   |
| issuance                        | Issued upon passing examination. Department may deny, suspend, revoke, or modify any license for cause.  |
| nonresidents                    | No provision for reciprocity.  |
| <u>Financial responsibility</u> | Required in amounts to be set by regulation.   |
| <u>Authority granted to:</u>    |  |
| issue regulations               | Yes.   |
| enforce the act                 | Yes.   |
| delegate duties                 | Yes.   |
| restrict usage                  | Yes (DDT, dieldrin, lindane, BHC, endrin, aldrin, heptachlor, toxaphene, and chlordane are either banned or restricted by a special provision in act).   |
| inspect property                | Yes.   |
| require records                 | Yes.   |
| cooperate with others           | Yes.   |
| publish information             | Not specified in act.  |

|  |                                 |
|--|---------------------------------|
| conduct courses  | Not specified in act.           |
| regulate storage,<br>transportation,<br>or disposal of<br>pesticides | Yes.                            |
| require<br>compliance<br>with label                                  | Not specified in act (implied). |
| license<br>equipment   | Not specified in act.           |
| subpoena persons<br>or records                                       | Not specified in act.           |
| report losses  | Not specified in act.           |
| investigate<br>damages   | Not specified in act.           |
| adopt list of<br>restricted<br>pesticides                            | Yes (hazardous pesticides).     |

Pesticide board

"Technical Pesticide Advisory Board" established by act. The purpose of the Board of seven members is to advise the director and to review all rules and regulations prior to their becoming effective.

Definitions

- |                           |                       |
|---------------------------|-----------------------|
| 1. commercial application | 7. economic threshold |
| 2. commercial applicator  | 8. nontarget organism |
| 3. control                | 9. person             |
| 4. department             | 10. pesticide         |
| 5. director               | 11. target organism   |
| 6. equipment              |                       |

Penalties

Violation of act is subject to a fine of not more than \$500, or imprisonment not exceeding 6 months, or both fine and imprisonment.

Relevant laws

Economic Poison Law

[R.I. Gen. Laws Ann., s 2-8-1 to 2-8-28 (1957)]

"Rhode Island Food, Drug and Cosmetics Act"

[R.I. Gen. Laws Ann., s 21-31-1 to 21-31-23 (1968)]

SOUTH CAROLINA

|                      |   |
|----------------------|---|
| <u>Title</u>         | No pesticide use and application law.   |
| <u>Relevant laws</u> | County licensing of structural pest control operators has been authorized in legislation applying to Georgetown, Williamsburg, Clarendon, and Greenwood Counties.<br><br>"South Carolina Economic Poison Law" (1954)<br>[S.C. Code of Laws, s 3-151 to 3-177 (1962)]<br><br><u>Pest Control Compact</u><br>[S.C. Code of Laws, s 3-191 to 3-197 (Supp. 1971)] |



SOUTH DAKOTA

|                                 |  |
|---------------------------------|--|
| <u>Title</u>                    | <u>Aerial and Ground Spraying and Dusting Law</u><br>[S.D. Code, s 38.21.01 to 38.21.13 (1960)]  |
| <u>Prohibited acts</u>          | Unlawful to own, lease, pilot, or fly aircraft in disseminating pesticides, or to represent to the public oneself as a commercial ground applicator, without securing a permit from the Secretary of Agriculture.  |
| <u>Exemptions</u>               | Regulations exempt personnel of South Dakota State Experiment Station or other organizations designated by the Secretary.  |
| <u>Licensing</u>                |  |
| qualifications                  | Aircraft equipment and operators must comply with all State and Federal aeronautical laws and regulations. Secretary may accept endorsement from State Aeronautics Commission that applicant has fulfilled these requirements.   |
| application                     | Written application (under oath) required on a form provided by the Secretary, containing such information as he may prescribe by regulation. Applicant must also file affidavit that he has no outstanding claims or unpaid judgments.  |
| examination                     | Regulations provide for an examination of applicants applying insecticides, herbicides, or fungicides on agricultural land, and for a special examination for applicants applying parathion, TEPP, Metacide, or other chemicals designated by the Secretary.   |
| fees                            | Application fee \$5.   |
| issuance                        | Regulations provide for class "A" and class "B" permits for aircraft operators. Permits expire at end of the calendar year. Special permits are required for application of pesticides within 10 rods of watered areas, and may be issued only after conference with Director, Department of Game, Fish, and Parks. Permit may be cancelled for cause, after notice and opportunity for a hearing. |
| nonresidents                    | Required to furnish performance bond in the amount of \$3,000.   |
| <u>Financial responsibility</u> | Applicant must certify that he has no unsettled claims or outstanding judgments and that he has a net worth of at least \$2,000. Filing of suit against applicator must be reported to Secretary within 10 days. Secretary may suspend permit until statutory bonding requirements are met.  |
| <u>Authority granted to:</u>    |  |
| issue regulations               | Yes. ". . . the Secretary of Agriculture may adopt rules and regulations . . . as . . . may be necessary . . . for the administration of this act . . . ."   |
| enforce the act                 | Yes.   |

|   |  |
|---|--|
| delegate duties   | Not specified in act.  |
| restrict usage  | Not specified in act.  |
| inspect property  | Not specified in act.  |
| require records   | Not specified in act.  |
| cooperate with others                                       | Not specified in act.  |
| publish information   | Not specified in act.  |
| conduct courses   | Yes.   |
| regulate storage, transportation, or disposal of pesticides | Not specified in act.  |
| require compliance with label                               | Not specified in act.  |
| license equipment   | Not specified in act.  |
| subpoena persons or records                                 | Not specified in act.  |
| report losses   | Not specified in act.  |
| investigate damages   | Not specified in act.  |
| <u>Pesticide board</u>                                      | None.  |
| <u>Definitions</u>  | None.  |
| <u>Penalties</u>  | Violations of act are classified as misdemeanors.  |
| <u>Relevant laws</u>  | <p><u>"South Dakota Insecticide, Fungicide, and Rodenticide Act of 1947"</u><br/> [S.D. Code, s 39.19.01 to 39.19.52 (1960)]</p> <p><u>South Dakota Poison Law</u><br/> [S.D. Code, s 22.1201 to 22.1206 (1960)]</p> <p>Regulates the sale of certain poisonous chemicals by non-pharmacist licensees.</p> |

TENNESSEE

|   |   |       |  |                |     |  |               |       |  |                  |     |  |                   |     |  |                   |     |   |  |  |              |    |   |          |     |   |        |     |   |             |  |   |
|---|---|-------|--|----------------|-----|--|---------------|-------|--|------------------|-----|--|-------------------|-----|--|-------------------|-----|---|--|--|--------------|----|---|----------|-----|---|--------|-----|---|-------------|--|---|
| <u>Title</u>  | <u>"Tennessee Pest Control Operators Act of 1972"</u><br>[Tenn. Code Ann., s 43-609 to 43-618 (Supp. 1972)]<br>[Chapter 854, Public Laws 1972]  |       |  |                |     |  |               |       |  |                  |     |  |                   |     |  |                   |     |   |  |  |              |    |   |          |     |   |        |     |   |             |  |   |
| <u>Prohibited acts</u>                                  | Unlawful to engage in the business of pest control unless licensed, chartered, or registered by the Department of Agriculture.  |       |  |                |     |  |               |       |  |                  |     |  |                   |     |  |                   |     |   |  |  |              |    |   |          |     |   |        |     |   |             |  |   |
| <u>Exemptions</u>                                       | Any class of commercial pest control operators subject to other specific "class" laws (e.g. aerial applicators) to the extent covered by such other law; local, State or Federal operations; legitimate experimental work; and owners on their own land.  |       |  |                |     |  |               |       |  |                  |     |  |                   |     |  |                   |     |   |  |  |              |    |   |          |     |   |        |     |   |             |  |   |
| <u>Licensing</u>  |   |       |  |                |     |  |               |       |  |                  |     |  |                   |     |  |                   |     |   |  |  |              |    |   |          |     |   |        |     |   |             |  |   |
| <u>qualifications</u>                                   | Established by regulations of the Board. (Relatively high educational or experience requirements established by regulation.)  |       |  |                |     |  |               |       |  |                  |     |  |                   |     |  |                   |     |   |  |  |              |    |   |          |     |   |        |     |   |             |  |   |
| <u>application</u>                                      | [Format of] Not specified in act. Must show qualifications and be filed by 10th of month preceding date of examination.   |       |  |                |     |  |               |       |  |                  |     |  |                   |     |  |                   |     |   |  |  |              |    |   |          |     |   |        |     |   |             |  |   |
| <u>examination</u>                                      | Written, prescribed by the Pest Control Board (oral examinations prohibited). Must be substantially uniform in content, difficulty, and equity as to each class.  |       |  |                |     |  |               |       |  |                  |     |  |                   |     |  |                   |     |   |  |  |              |    |   |          |     |   |        |     |   |             |  |   |
| <u>fees</u>   | Charter - A. (general business license): <table><tr><td></td><td style="text-align: center;">Gross Business</td><td style="text-align: center;">Fee</td></tr><tr><td></td><td>\$ 1 - 50,000</td><td>\$ 50</td></tr><tr><td></td><td>50,001 - 100,000</td><td>100</td></tr><tr><td></td><td>100,001 - 150,000</td><td>150</td></tr><tr><td></td><td>150,001 and above</td><td>200</td></tr></table> Charter - B. (wood destroying organisms only): 10<br>License fee (for individuals in each category): 5<br>Operations fee (wood destroying organisms contracts): <table><tr><td colspan="3">Contract Amounts (fees in lieu of gross business fees):</td></tr><tr><td>Less than \$</td><td>75</td><td>1</td></tr><tr><td>\$ 75 to</td><td>149</td><td>2</td></tr><tr><td>150 to</td><td>299</td><td>3</td></tr><tr><td>300 or more</td><td></td><td>5</td></tr></table> Registration fee (employees except clerical): 3<br>Original examination fee None<br>Reexamination fee 25 |       |  | Gross Business | Fee |  | \$ 1 - 50,000 | \$ 50 |  | 50,001 - 100,000 | 100 |  | 100,001 - 150,000 | 150 |  | 150,001 and above | 200 | Contract Amounts (fees in lieu of gross business fees): |  |  | Less than \$ | 75 | 1 | \$ 75 to | 149 | 2 | 150 to | 299 | 3 | 300 or more |  | 5 |
|   | Gross Business  | Fee   |  |                |     |  |               |       |  |                  |     |  |                   |     |  |                   |     |   |  |  |              |    |   |          |     |   |        |     |   |             |  |   |
|   | \$ 1 - 50,000   | \$ 50 |  |                |     |  |               |       |  |                  |     |  |                   |     |  |                   |     |   |  |  |              |    |   |          |     |   |        |     |   |             |  |   |
|   | 50,001 - 100,000  | 100   |  |                |     |  |               |       |  |                  |     |  |                   |     |  |                   |     |   |  |  |              |    |   |          |     |   |        |     |   |             |  |   |
|   | 100,001 - 150,000   | 150   |  |                |     |  |               |       |  |                  |     |  |                   |     |  |                   |     |   |  |  |              |    |   |          |     |   |        |     |   |             |  |   |
|   | 150,001 and above   | 200   |  |                |     |  |               |       |  |                  |     |  |                   |     |  |                   |     |   |  |  |              |    |   |          |     |   |        |     |   |             |  |   |
| Contract Amounts (fees in lieu of gross business fees): |   |       |  |                |     |  |               |       |  |                  |     |  |                   |     |  |                   |     |   |  |  |              |    |   |          |     |   |        |     |   |             |  |   |
| Less than \$  | 75  | 1     |  |                |     |  |               |       |  |                  |     |  |                   |     |  |                   |     |   |  |  |              |    |   |          |     |   |        |     |   |             |  |   |
| \$ 75 to  | 149   | 2     |  |                |     |  |               |       |  |                  |     |  |                   |     |  |                   |     |   |  |  |              |    |   |          |     |   |        |     |   |             |  |   |
| 150 to  | 299   | 3     |  |                |     |  |               |       |  |                  |     |  |                   |     |  |                   |     |   |  |  |              |    |   |          |     |   |        |     |   |             |  |   |
| 300 or more   |   | 5     |  |                |     |  |               |       |  |                  |     |  |                   |     |  |                   |     |   |  |  |              |    |   |          |     |   |        |     |   |             |  |   |

issuance Issued by Commissioner upon certification by the Board and after collection of appropriate fees. Expires July 1, renewed on application, provided applicant is in good standing.

nonresidents No provision for reciprocity.

categories

|                                    |                            |
|------------------------------------|----------------------------|
| 1. Wood destroying organisms       | 4. Weed control            |
| 2. Horticultural                   | 5. Fumigation              |
| 3. General pest and rodent control | 6. Consulting entomologist |
| (a) household and commercial       | 7. Bird control            |
| (b) nonrestricted                  |                            |

Financial  
responsibility

Performance bond:

| Gross business    | Amount   |
|-------------------|----------|
| \$ 1 - \$ 50,000  | \$ 5,000 |
| 50,001 - 75,000   | 10,000   |
| 75,001 - 100,000  | 15,000   |
| 100,001 - 200,000 | 20,000   |
| 200,001 and above | 25,000   |

Liability insurance (also required)

|                   |  |
|-------------------|--|
| \$ 1 - 100,000    | \$ 25,000/50,000 and<br>100,000 aggregate  |
| 100,001 and above | \$ 50,000/100,000 and<br>200,000 aggregate |

Authority granted to:

|   |                                 |
|---|---------------------------------|
| issue regulations   | Yes.                            |
| enforce the act   | Yes.                            |
| delegate duties   | Yes.                            |
| restrict usage  | Yes.                            |
| inspect property  | Yes.                            |
| require records   | Yes.                            |
| cooperate with others                                       | Not specified in act (implied). |
| publish information   | Not specified in act (implied). |
| conduct courses   | Not specified in act.           |
| regulate storage, transportation, or disposal of pesticides | Yes.                            |
| license equipment   | Not specified in act (implied). |
| subpoena persons or records                                 | Yes.                            |
| report losses   | Not specified in act.           |

|  |                                 |
|--|---------------------------------|
| investigate damages                    | Yes.                            |
| require use permits                    | Not specified in act (implied). |
| require purchase permits               | Not specified in act.           |
| license dealers                        | Not specified in act.           |
| require reports of pesticide poisoning | Not specified in act.           |
| adopt list of restricted pesticides    | Yes [Section 62-2120(4)].       |

Pesticide board

"Pest Control Board. A seven (7) member Pest Control Board is hereby created and established. Such Board shall consist of the Assistant Commissioner of Agriculture, the Director of Entomology, a member of the staff of a university of this state, two licensed pest control operators and two Tennessee citizens who are not associated in the pest control industry.

The Governor shall appoint the members of the Board to serve four year terms, and, in the event of a vacancy, he shall appoint an interim member to fill the unexpired portion of the previous member's term.

For the terms beginning July 1, 1972, in order to stagger the terms of the members, one pest control operator and one citizen, not associated in such industry, shall be appointed for four (4) year terms; one pest control operator and one citizen, not associated in such industry, shall be appointed for three (3) year terms; and the member from the staff of a university shall be appointed for a two (2) year term.

No proxies, nor power to designate a representative to serve in the place of a board member shall be allowed when this board sits as a licensing examining board.

"Powers and Duties of Board: The Board shall have the following powers and duties:

1. Advise the Department as to the promulgation of rules and regulations.

2. Determine the different categories of service or classes which will require separate charters or licenses, prescribe the required qualifications for applicants for the various licenses and charters, and devise or approve the necessary examinations or testing procedures for the examination of applicants.

3. Certify the qualifications of such applicants to the Commissioner requesting issuance of a license.

4. The Board shall meet quarterly for the purpose of examining and certifying applicants for licenses, and at any time when requested by the Commissioner or by a majority of the Board. The questions and answers of all examinations to determine the qualifications of those seeking to be licensed to engage in the various

classes of pest control shall be written. And all such examinations shall be substantially uniform in content, difficulty, and equity as to each of the various classes. A prohibition of oral examination questions or answers is made, notwithstanding any provisions of the laws or any promulgated rules to the contrary.

#### Definitions

(A) By law:

- |                                       |  |
|---------------------------------------|--|
| 1. branch office                      | 5. license (authority to "act")          |
| 2. charter (authority to do business) | 6. office                                |
| 3. commercial pest control operator   | 7. pest                                  |
| 4. commissioner                       | 8. qualified operator                    |
|                                       | 9. registration (authority to "solicit") |

(B) By regulation:

- |                            |  |
|----------------------------|--|
| 1. bird control            | 7. general pest control and rodent control |
| 2. board                   | (a) household and commercial               |
| 3. commissioner            | (b) nonrestricted                          |
| 4. consulting entomologist | 8. horticultural                           |
| 5. examination             | 9. weed control                            |
| 6. fumigation              | 10. wood destroying organisms              |

#### Penalties

Violation of the act is a misdemeanor, subject to a fine of not less than \$100 nor more than \$500, or by imprisonment for not more than 3 months or both fine and imprisonment. A second or subsequent conviction subject to a fine or not less than \$300, nor more than \$1,000 or by imprisonment for not more than 90 days, or both fine and imprisonment.

#### Relevant laws

"Tennessee Insecticide, Fungicide, and Rodenticide Law" (1951)  
[Tenn. Code Ann., s 43-701 to 43-713 (1964)]

Economic poison law administered by the Department of Agriculture.

"Tennessee Food, Drug, and Cosmetic Act" (1941)  
[Tenn. Code Ann., s 52-101 to 52-124 (1964)]

Administered by the Department of Agriculture. Section 52-114 includes control over pesticide chemicals and permits adoption of regulations identical with Federal standards.

"Tennessee Hazardous Substances Act"  
[Tenn. Code Ann., s 53-3712 to 53-3723 (1966)]

Pest Control Compact (1969)  
[Tenn. Code Ann., s 43-2801 to 43-2808 (Supp. 1971)]

## TEXAS

|                      |   |
|----------------------|---|
| <u>Title</u>         | No pesticide use and application law.   |
| <u>Relevant laws</u> | <p><u>Texas Herbicide Law</u><br/>[Tex. Rev. Civ. Stat., art. 135b-4 (1969)]</p> <p>This act regulates the sale, use, and transportation of herbicides and requires all applicators (those who apply herbicides to more than 10 acres per year) to obtain a permit, and those who sell herbicides in amounts over 1 pound (except up to 1 gallon of 10% concentrate for lawn use) to be licensed by the Department of Agriculture. Equipment used in custom application must also be inspected and licensed. The law and regulations are very specific.</p> <p>The County Commissioner's Court has the authority to place the county under the regulation or to remove it from the regulated list.</p> <p>Commercial applicators are required to maintain a minimum bond or liability insurance in the amount of \$20,000, plus \$2,000 for each piece of equipment.</p> <p><u>"Insecticide, Fungicide, and Rodenticide Act of Texas"</u><br/>[Tex. Rev. Civ. Stat., art. 135b-5 (1969)]</p> <p><u>"Texas Structural Pest Control Act" (1971)</u><br/>[Tex. Rev. Civ. Stat. Ann., art. 135b-6 (Supp. 1971)]</p> <p><u>"Texas Food, Drug and Cosmetic Act"</u><br/>[Tex. Rev. Civ. Stat. Ann., art. 4476-5 (1966)]</p> |

UTAH

|                                 |   |
|---------------------------------|---|
| <u>Title</u>                    | "Economic Poison Application Act of 1951"<br>[Utah Code Ann., s 4-4-14 to 4-4-29 (1953)]  |
| <u>Prohibited acts</u>          | Unlawful to engage in the application of pesticides unless licensed by the Board of Agriculture.  |
| <u>Exemptions</u>               | Custom applicators whose compensation is less than \$50/year.   |
| <u>Licensing</u>                |   |
| qualifications                  | "Adequate" knowledge required.  |
| application                     | On form provided by Board, to include a list of equipment or devices to be used in custom application.  |
| examination                     | Written examination required.   |
| fees                            | \$5 (employees of governmental agencies exempt from payment of fee but not from qualifications for license).  |
| issuance                        | Issued upon finding applicant qualified. Expires on Dec. 31, annual license fee of \$5 for renewal. License may be suspended and revoked for cause after opportunity for a hearing. |
| nonresidents                    | Board may issue a license without examination to a nonresident licensed in a State having substantially same provisions as this act.  |
| <u>Financial responsibility</u> | Not specified in act.   |
| <u>Authority granted to:</u>    |   |
| issue regulations               | Yes.  |
| enforce the act                 | Yes.  |
| delegate duties                 | Yes.  |
| restrict usage                  | Yes (regulations restrict the use of certain pesticides in Millard County).   |
| inspect property                | Yes.  |
| require records                 | Yes.  |
| cooperate with others           | Yes.  |
| publish information             | Yes.  |
| conduct courses                 | Not specified in act.   |



regulate storage, transportation, or disposal of pesticides      Not specified in act; however, disposal of pesticides is covered by regulation.

require compliance with label      Yes.

license equipment      Not specified in act.

subpoena persons or records      Not specified in act.

report losses      Not specified in act.

investigate damages      Not specified in act.

adopt list of restricted pesticides      Yes. [Sec. 4-4-5 (2)]

Pesticide board      None.

Definitions

|                      |                          |
|----------------------|--------------------------|
| 1. aircraft          | 6. ground equipment      |
| 2. board             | 7. insect                |
| 3. custom applicator | 8. person                |
| 4. economic poison   | 9. pest control operator |
| 5. fungi             | 10. weed                 |

Penalties      Violation of the act or regulations is a misdemeanor subject to a fine of not more than \$50 for first offense, and not more than \$500 for each subsequent offense.

Relevant laws      "Insecticide, Fungicide, and Rodenticide Act of 1951"  
[Utah Code Ann., s 4-4-1 to 4-4-13 (1953)]

"Utah Food, Drug, and Cosmetic Act"  
[Utah Code Ann., s 4-26-1 to 4-26-26 (1971)]

See Sec. 4-26-10 re: pesticides.

VERMONT

|   |   |
|---|---|
| <u>Title</u>  | <u>Control of Pesticides</u><br>[Vt. Stat. Ann., tit. 6, s 1101 to 1108 (1965)]   |
| <u>Prohibited acts</u>                                      | Unlawful to display, sell, apply, use, ship, store, or dispose of economic poisons in violation of law or regulations. Use and sale of DDT prohibited unless authorized by Commissioner of Agriculture. |
| <u>Exemptions</u>   | None.   |
| <u>Licensing</u>  | Requirements to be established by regulation. License fee may not exceed \$25.  |
| nonresidents  | Reciprocity permitted.  |
| <u>Financial responsibility</u>                             | To be established by regulation but may not exceed \$10,000.  |
| <u>Authority granted to:</u>                                |   |
| issue regulations   | Yes.  |
| enforce the act   | Yes.  |
| delegate duties   | Yes.  |
| restrict usage  | Yes.  |
| inspect property  | Yes.  |
| require records   | Yes.  |
| cooperate with others                                       | Not specified in act.   |
| publish information   | Not specified in act.   |
| conduct courses   | Not specified in act.   |
| regulate storage, transportation, or disposal of pesticides | Yes.  |
| require compliance with label                               | Yes.  |
| license equipment   | Yes.  |
| subpoena persons or records                                 | Not specified in act (implied).   |

|  |                                 |
|--|---------------------------------|
| report losses                          | Not specified in act.           |
| investigate damages                    | Not specified in act.           |
| require use permits                    | Yes.                            |
| require purchase permits               | Yes.                            |
| license dealers                        | Yes.                            |
| require reports of pesticide poisoning | Not specified in act (implied). |
| adopt list of restricted pesticides    | Yes.                            |

Pesticide board

"Pesticide advisory council established

(a) The pesticide advisory council, as constituted by executive order of January 12, 1967, is established as an adjunct to the executive office. Members of the council shall be professionally qualified individuals who, by experience and training, are knowledgeable in one or more areas associated with pesticides. One staff member of each of the State departments or agencies listed below, to be designated by the commissioner of the agency except as otherwise provided, shall represent each department or agency on the council:

- (1) The fish and game department;
- (2) The department of water resources;
- (3) The department of agriculture;
- (4) The department of forests and parks;
- (5) The department of health;
- (6) The aeronautics board;
- (7) One physician from the College of Medicine of the University of Vermont nominated by its dean;
- (8) One representative in the area of entomology, plant pathology or weed control from the University of Vermont Extension Service to be named by the director; and
- (9) One representative in the area of pesticide research from the Vermont Agricultural Experiment Station named by the dean of College of Agriculture of the University of Vermont.

(b) Each member of the council shall serve until his death or resignation or until his successor is appointed or otherwise designated in accordance with this chapter.

(c) The chairman of the council shall be designated by the governor and shall serve as his personal representative, and shall coordinate activities on the council.

(d) The functions of the council are:

- (1) To review insect, plant disease, weed, nematode, rodent, noxious wildlife, and other pest control programs within the State and to assess the effect of such programs on human health and comfort, natural resources, water, wildlife, and food and fibre production, and where necessary make recommendations for greater safety and efficiency.

- (2) To serve as the advisory group to the aeronautics board relative to the safety and effectiveness of aerially applied pesticides, and to such other State agencies having responsibilities for the use and dispersal of pesticides.
- (3) To advise the executive branch of State government with respect to legislation concerning the use of various pest control measures.
- (4) To suggest programs, policies, and legislation for wise and effective pesticide chemical use in Vermont as the need arises.
- (5) To prepare annually or more frequently as deemed necessary, a summary of pesticides which because of their hazardous characteristics or properties warrant special surveillance and stricter control of availability and use.
- (6) To control imports from out of state.

(e) The council shall meet biennially, once in the fall and once in the spring. Meetings at other times may be called by the governor, by the chairman or by a member of the council."

#### Definitions

- |                    |              |
|--------------------|--------------|
| 1. commissioner    | 4. pest      |
| 2. cumulative      | 5. pesticide |
| 3. economic poison |              |

#### Penalties

Violation of the act or regulations subject to a fine of not more than \$500 for the first offense and not more than \$500 for each subsequent offense.

#### Relevant laws

Pesticide Registration Act (Economic Poison Law)  
[Vt. Stat. Ann., tit. 6, s 911 to 928 (1965)]

Control of Insect Pests and Plant Diseases  
[Vt. Stat. Ann., tit. 6, s 981 et seq. (1965)]

Vermont Aeronautics Commission  
[Vt. Stat. Ann., tit. 5, s 186 (1965)]

Labeling of Food, Drugs, Cosmetics and Hazardous Substances  
[Vt. Stat. Ann., tit. 18, s 4051 to 4071 (1968)]

VIRGINIA

Title

No pesticide use and application law.

Relevant laws

"Virginia Pesticide Law"

[Va. Code Ann., s 3.1-189 to 3.1-249 (1966)]

[Formerly the "Virginia Insecticide, Fungicide, and Rodenticide Act" (1950)]

This is an economic poison act which incorporates sections authorizing the Commissioner to restrict or prohibit the sale or use of economic poisons, and makes it unlawful to use a pesticide contrary to label directions, or the regulations of the Board of Agriculture and Commerce. Disposal of unused pesticides or pesticide containers is also subject to regulation.

Interstate Pest Control Compact

[Va. Code Ann., s 3.1-188.1 to 3.1-188.19 (Supp. 1972)]

Hazardous Household Substances Law

[Va. Code Ann., s 3.1-250 to 3.1-261 (1966)]

WASHINGTON

|                                 |  |
|---------------------------------|--|
| <u>Title</u>                    | "Washington Pesticide Application Act"<br>[Wash. Rev. Code, s 17.21.010 to 17.21.931 (1962)]   |
| <u>Prohibited acts</u>          | Unlawful to engage in the business of applying pesticides to the land of another without a pesticide applicator's license. Includes manual or mechanical application to crops, ornamentals, and structures. The act makes the State, municipal corporations and public utilities subject to tort liability for their improper application of pesticides. |
| <u>Exemptions</u>               | Forest landowner or farmer owner applying pesticides to owned land by ground equipment; landscape gardener; taking care of lawns and yards; only those governmental employees engaged in research and health officers engaged in pest control other than weed control.   |
| <u>Licensing</u>                | The act also permits certain cities and counties to license and regulate structural pest control operators, exterminators, and fumigators operating within their jurisdictional limits (in addition to State licensing requirements).  |
| qualifications                  | Applicant must demonstrate knowledge of pesticide usage.   |
| application                     | To be on form provided by Director and made on or before January 1.  |
| examination                     | The Director may not issue a license until applicant has passed an examination.  |
| fees                            | Pesticide applicator \$50; pesticide operator \$10; non-scheduled examination fee \$5; over one apparatus license \$10 each; dealer's license fee \$10; pest control consultant license fee \$10; public pest control consultant fee no charge; 25% penalty for delinquent renewal; no fee for public operators.   |
| categories                      | The act provides that the Director may classify licenses. Such classifications may include but not be limited to (1) pest control operators, (2) ornamental sprayers, (3) agricultural crop sprayers, and (4) right-of-way sprayers, with separate classifications of ground, aerial, or manual application.   |
| issuance                        | License issued upon passing examination and payment of fee. All licenses expire December 31 and are renewable by application and examination. License may be denied, suspended, or revoked for cause.  |
| nonresidents                    | No provision for reciprocity.  |
| <u>Financial responsibility</u> | Not less than \$25,000 for personal injury and \$25,000 for property damage. Deductible amounts may not exceed \$500 for aerial applicators and \$250 for other applicants.  |
| <u>Authority granted to:</u>    |  |
| issue regulations               | Yes.   |

|   |   |
|---|---|
| enforce the act   | Yes.  |
| delegate duties   | Yes.  |
| restrict usage  | Yes.  |
| inspect property  | Yes.  |
| require records   | Yes.  |
| cooperate with others                                       | Yes.  |
| publish information   | Not specified in act. [See RCW 15.58.370]   |
| conduct courses   | Not specified in act.   |
| regulate storage, transportation, or disposal of pesticides | Yes. [See RCW 15.58.040(E)]   |
| require compliance with label                               | Yes.  |
| license equipment   | Yes.  |
| subpoena persons or records                                 | Yes.  |
| report losses   | Yes. Within 60 days of knowledge of loss, or prior to harvest of 50% of damaged crop.                                 |
| investigate damages   | Yes. The Department of Social and Health Services shall investigate all suspected human cases of pesticide poisoning. |
| require use permits   | Yes. [See RCW 15.58.150(2)(A) and RCW 17.21.030(1)(C)]  |
| require purchase permits                                    | Yes. [See RCW 15.58.150(2)(A)]  |
| license dealers   | Yes. [See RCW 15.58.180]  |
| require reports of pesticide poisoning                      | Yes. [Department of Social and Health Service legislation.]   |
| adopt list of restricted pesticides                         | Yes. [See RCW 15.58.040(2)(h); WAC 16-222-145 and WAC 16-222-160]   |

Pesticide board

"There is hereby created a pesticide advisory board consisting of three licensed pesticide applicators residing in the State . . . (one shall be licensed to operate ground apparatus, one shall be licensed to operate aerial apparatus, and one shall be licensed for structural pest control), one entomologist in public service . . . one toxicologist in public service, one plant pathologist in public service, one member from the agricultural chemical industry, one member from the food processing industry, . . . and two producers

of agricultural crops or products on which pesticides are applied or which may be affected by the application of pesticides. Such members shall be appointed by the governor for terms of four years and may be appointed for successive four year terms at the discretion of the governor. The governor may remove any member of the board prior to the expiration of his term of appointment for cause . . . . The board shall also include the environmental health specialist from the division of health of the department of social and health services, the supervisor of the grain and chemical division of the department, and the directors, or their appointed representatives, of the departments of game, fisheries, natural resources, and ecology."

Definitions

- |                       |                                 |
|-----------------------|---------------------------------|
| 1. agricultural crops | 14. insecticide                 |
| 2. apparatus          | 15. land                        |
| 3. board              | 16. nematode                    |
| 4. defoliant          | 17. nematocide                  |
| 5. department         | 18. person                      |
| 6. desiccant          | 19. pest                        |
| 7. device             | 20. pesticide                   |
| 8. director           | 21. plant regulator             |
| 9. engage in business | 22. restricted use<br>pesticide |
| 10. fungi             | 23. rodenticide                 |
| 11. fungicide         | 24. snails or slugs             |
| 12. herbicide         | 25. weed                        |
| 13. insect            |                                 |

Penalties

Violation of the law or regulations constitutes a misdemeanor upon the first offense and a gross misdemeanor upon a second or subsequent offense. An offense committed 5 years after a previous conviction is a first offense.

Relevant laws

"Washington Pesticide Control Act" (Economic Poison Law)  
[Wash. Rev. Code, s 15.58.010 to 15.58.930 (Supp. 1971)]

Provides authority for licensing dealers and consultants.



WEST VIRGINIA

Title

No pesticide use and application law.

Relevant laws

"Pesticide Act of 1961" (Economic Poison Law)  
[W. Va. Code Ann., s 19-16A(1-13) (1966)]

"The Interagency Pesticide Committee Act"  
[W. Va. Code Ann., s 19-12C(1-7) (1966)]

Represents State departments of agriculture (chairman), natural resources, public health, agricultural experiment station, and air pollution control. This is an advisory committee, without administrative or operational authorities or responsibilities, whose duties are to review current use of pesticides, review State pesticide programs, consider problems arising from pesticide use, recommend pesticide control legislation to the Governor, and advise on and approve all programs involving use of pesticides on State property.

WISCONSIN

|                      |   |
|----------------------|---|
| <u>Title</u>         | No pesticide use and application law.   |
| <u>Relevant laws</u> | <u>Pesticide Review Board</u><br>[Wis. Stat., s 15.195 (1967)]<br><br>Creates Board and defines authority. ". . . There is created in the department of health and social services a pesticide review board. The review board shall consist of the secretary of agriculture, the secretary of natural resources and the secretary of health and social services, or their designated representatives . . . .<br><br>". . . the department of natural resources . . . may adopt rules governing the use of pesticides [hazardous to wildlife] . . . such rules are not effective until approved by the pesticide review board . . . .<br><br>". . . the department of agriculture may adopt rules . . . to govern the conditions under which containers of pesticides may be transported, stored, or disposed of . . . to govern the use of pesticides, including their formulation, and to determine the times and methods of application and other conditions of use . . . such rules are not effective until approved by the pesticide review board. . . ."<br><br><u>Distribution and sale of DDT prohibited</u><br>[Wis. Stat., s 134.67 (1967)]<br><br>Prohibits sale or use of DDT, except under certain situations when authorized by the Pesticide Review Board.<br><br><u>Wisconsin Pesticide Law (Economic Poison Law)</u><br>[Wis. Stat., s 94.67 to 94.71 (1967)] |

WYOMING

|                      |  |
|----------------------|--|
| <u>Title</u>         | No pesticide use and application law.  |
| <u>Relevant laws</u> | <u>Aerial Spraying</u><br>[Wyo. Stat. Ann., s 10-4 to 10-9 (1957)]<br><br>Requires annual registration of all aerial applicators, keeping of certain records of each application, specific safety devices on aircraft, etc.<br><br><u>Wyoming Pesticide Law (Economic Poison Law)</u><br>[Wyo. Stat. Ann., s 35-254 to 35-262 (1957)]<br><br><u>Weed and Pest Control Districts</u><br>[Wyo. Stat. Ann., s 11-55.1 to 11-55.20 (1957)] |

PUERTO RICO

|                                 |   |
|---------------------------------|---|
| <u>Title</u>                    | "An Act to regulate the commercial application of insecticides and/or economic poisons in Puerto Rico" (1966)<br>[P.R. Laws Ann., tit. 10, s 976 to 976(n) (1963)]  |
| <u>Prohibited acts</u>          | Unlawful to engage in the application of pesticides for profit unless licensed by the Secretary of Health.  |
| <u>Exemptions</u>               | Public officers engaged in fumigation in discharge of official duties, and owners or legal holders, engaged in fumigation tasks on their own land or structures.  |
| <u>Licensing</u>                |   |
| qualifications                  | Be "of age" and in "good repute" in the community.  |
| application                     | Filed with the Department of Health, on form provided.  |
| examination                     | Written examination may be required.  |
| fees                            | Application fee \$5; license \$15; renewal fee \$10.  |
| issuance                        | License issued by the Secretary upon finding applicant ". . . meets the requirements of law." Licenses expire 1 year after issuance. Renewable by application, accompanied by (1) certification that pesticides to be used will be only those registered by the Department of Agriculture, (2) proof that all supervising employees have experience, ability, and skill in applying pesticides, (3) proof of insurance, and (4) payment of the fee for renewal. |
| nonresidents                    | Must be licensed under this act.  |
| <u>Financial responsibility</u> | Not less than \$50,000 for one person, or \$100,000 for one occurrence.   |
| <u>Authority granted to:</u>    |   |
| issue regulations               | Yes.  |
| enforce the act                 | Yes.  |
| delegate duties                 | Yes.  |
| restrict usage                  | Yes.  |
| inspect property                | Yes.  |
| require records                 | Yes.  |
| cooperate with others           | Not specified in act.   |
| publish information             | Not specified in act.   |

|   |   |
|---|---|
| conduct courses   | Not specified in act.   |
| regulate storage, transportation, or disposal of pesticides | Not specified in act.   |
| require compliance with label                               | Not specified in act (implied).   |
| license equipment   | Not specified in act.   |
| subpoena persons or records                                 | Not specified in act.   |
| report losses   | Not specified in act.   |
| investigate damages   | Not specified in act.   |
| <u>Pesticide board</u>                                      | Secretary of Health is authorized to appoint a five-member advisory board consisting of representatives of the departments of health, labor, and agriculture, and two licensed pesticide applicators.   |
| <u>Definitions</u>  | <ol style="list-style-type: none"> <li>1. economic poison</li> <li>2. for profit</li> <li>3. person</li> <li>4. regulations</li> <li>5. secretary</li> </ol>  |
| <u>Penalties</u>  | <p>Application of pesticides by persons not authorized by Secretary is a misdemeanor, subject to a fine of not less than \$100, nor more than \$500 for first offense; and not less than \$200, nor more than \$1,000 for each subsequent offense.</p> <p>Violation of the act or regulations by licensed applicators is a misdemeanor subject to a fine of not less than \$100, nor more than \$500 for first offense; and a fine of not less than \$300, nor more than \$2,000, for each subsequent offense; and/or by the suspension of license.</p> |
| <u>Relevant laws</u>  | <p><u>"Economic Poison Act"</u><br/>[P.R. Laws Ann., tit. 5, s 1001 to 1013 (1963)]</p> <p><u>Herbicide Use and Application Law</u><br/>[P.R. Laws Ann., tit. 5, s 1014 to 1016 (1963)]</p>   |

## VIRGIN ISLANDS

### Title

No pesticide use and application law.

Regulations have been issued under authority of the Virgin Islands Code (19 V.I.C. s 1571) relating to insect and pest control. The following are relevant:

". . . It shall be unlawful for any person to perform any work of fumigation or other prevention or control of pests, vermin or noxious plants without a permit therefore issued by the Commissioner (of Health). No permit shall be issued, however, unless the Commissioner is satisfied that the applicant and all his employees or agents to be engaged in the performance of the work are qualified to do such work by training and experience and are equipped with safe equipment and techniques for disposing of fumigants and other poisons.

". . . Use of chemicals. Poisons and repellents when used by owners, operators, or others in business establishments or public buildings or when applied by professional pest control operators shall be of a type and in a manner approved by the Health Officer.

". . . only duly authorized and trained personnel shall be permitted to treat premises or buildings under the provisions of these regulations. Adequate precautionary measures shall be taken to protect the occupants of such premises and/or buildings from the effects of poisonous or harmful materials employed in treatments."

AMERICAN SAMOA

Title

Economic Poisons

[Code Amer. Samoa, tit. xx, s 20.0801 et seq.]

Selected  
sections

[20.0803] "The Director of Agriculture may:

"(a) Ban the importation of such fungicides, herbicides and insecticides in addition to DDT, as he shall find to constitute a danger to people, animals or crops . . . .

(b) Sets forth requirements for the labeling of fungicides, herbicides, and insecticide containers so that the users of these products may be informed of their proper use, of any dangers in case of misuse, and of the methods for immediate treatment of persons harmed through misuse.

(c) Requires that fungicide, herbicide, or insecticide vendors personally inform purchasers of these products of their proper use and dangerous potential prior to sale."

[20.0804] "Age restrictions. Sale of any fungicide, herbicide or insecticide to persons under the age of eighteen (18) is prohibited."

[20.0801] Definitions:

1. fungicide
2. herbicide
3. insecticide

GUAM

Title

Economic Poison Law



STATE PESTICIDE CONTROL LAWS (January 1, 1973)

| STATE      | REGISTRATION  | USE AND APPLICATION <u>1/</u>  |
|------------|---|--|
| Alabama    | "Alabama Pesticide Act of 1971"<br>[Code of Ala., tit. 2, s 337(9a) to 337(9n)<br>(Supp. 1971)]     | Custom Application of Pesticides<br>[Code of Ala., tit. 2, s 337(12a) to 337(12n)<br>(Supp. 1971)]<br><br>Requirements for persons performing professional<br>work or services pertaining to entomology, patho-<br>logy, horticulture, floriculture, and tree surgery<br>[Code of Ala., tit. 2, s 671 to 677 (1960)] |
| Alaska     | Environmental Conservation (Pesticide Control)<br>[Alaska Stat., s 46.03.320 <u>et seq.</u> (1971)] | Environmental Conservation (Pesticide Control)<br>[Alaska Stat., s 46.03.320 <u>et seq.</u> (1971)]  |
| Arizona    | "Arizona Pesticides Act" (Economic poison law)<br>[A.R.S., tit. 3-341 to 3-357 (1956)]              | "Arizona Pesticide Use and Application Act"<br>[A.R.S., tit. 3-371 to 3-390 (Supp. 1972)]<br><br>Structural Pest Control<br>[A.R.S., tit. 32-2301 to 32-2325 (Supp. 1972)]   |
| Arkansas   | Economic Poison Act<br>[Ark. Stat. Ann., s 77-201 to 77-213 (1957)]                                 | Arkansas Agricultural Application Service Act<br>[Ark. Stat. Ann., s 77-214 to 77-226 (1957)]<br><br>"Arkansas Pest Control Law"<br>[Ark. Stat. Ann., s 77-1801 to 77-1811 (1957)]   |
| California | Economic Poisons<br>[West's Ann. Agric. Code, s 12751 to 12994<br>(1967)]                           | California Agricultural Code<br>[Cal. Agric. Code, s 11401 to 12121 (Supp. 1973)]  |

| STATE                  | REGISTRATION   | USE AND APPLICATION <u>1/</u>   |
|------------------------|--|---|
| California<br>(cont'd) |  | <p>Restricted Materials Law (2,4-D, 1080, thallium, etc.)<br/>[West's Ann. Agric. Code, s 14001 to 14098 (1967)]</p> <p>Pesticide Poisoning<br/>[West's Ann. Health &amp; Safety Code, s 2950 (1970)]</p> <p>Structural Pest Control Act<br/>[West's Ann. Bus. &amp; Prof. Code, s 8500 to 8697.6 (1964)]</p> |
| Colorado               | <p>"The Pesticide Act" (Economic poison law)<br/>[Colo. Rev. Stat., s 6-12-1 to 6-12-16 (1963)]</p>    | <p>"Commercial Pesticide Applicator's Act"<br/>[Colo. Rev. Stat., s 6-14-1 to 6-14-22 (1967)]</p> <p>"Structural Pest Control Act"<br/>[Colo. Rev. Stat., s 6-18-1 to 6-18-19 (Supp. 1971)]</p>   |
| Connecticut            | <p>Pesticide Control (Economic poison law)<br/>[Gen. Stat. Conn., s 19-300(a) to 19-300(j) (1958)]</p> | <p>Custom application of pesticides<br/>[Gen. Stat. Conn., s 19-300(k) to (s) (Supp. 1971)]</p> <p>Tree Expert Law<br/>[Gen. Stat. Conn., s 23-61 <u>et seq.</u> (1958)]</p>  |
| Delaware               | <p>Chapter 12. Pesticides<br/>[Delaware Code, tit. 3, s 1201 to 1219 (1971)]</p>                       | <p>Chapter 12. Pesticides<br/>[Delaware Code, tit. 3, s 1201 to 1219 (1971)]</p>  |
| Florida                | <p>"Florida Pesticide Law"<br/>[Fla. Stat. Ann., s 487.011 to 487.114 (1965)]</p>                      | <p>"Florida Pesticide Law"<br/>[Fla. Stat. Ann., s 487.011 to 487.114 (1965)]</p> <p>"Pest Control Act"<br/>[Fla. Stat. Ann., s 482.001 to 482.25 (1965)]</p>   |

| STATE    | REGISTRATION  | USE AND APPLICATION <u>1/</u>  |
|----------|---|--|
| Georgia  | "Georgia Economic Poison Act"<br>[Ga. Code Ann., s 5-1502 to 5-1516 (1962)]       | "Georgia Pesticide Use and Application Act"<br>[Ga. Code Ann., s 5-1501a to 5-1523a (Supp. 1972)]<br><br>"Structural Pest Control Act"<br>[Ga. Code Ann., s 84-3401 to 84-3420 (1962)]   |
| Hawaii   | "Hawaii Pesticides Law"<br>[Hawaii Rev. Laws, s 149A-1 to 149A-43 (Supp. 1972)]   | "Hawaii Pesticides Law"<br>[Hawaii Rev. Laws, s 149A-1 to 149A-43 (Supp. 1972)]<br><br>Fumigation<br>[Hawaii Rev. Laws, s 450-1 to 450-12 (1955)]<br><br>(Structural) Pest Control Operators<br>[Hawaii Rev. Laws, s 460J-1 to 460J-27 (Supp. 1972)]   |
| Idaho    | "Pesticide Law"<br>[Idaho Code, s 22-3401 to 22-3416 (1968)]                      | "Pesticide Use and Application Law"<br>[Idaho Code, s 22-2208 to 22-2223 (1968)]   |
| Illinois | "Economic Poison Law"<br>[Ill. Ann. Stat., ch. 5, s 87(c)(1) to 87(c)(13) (1966)] | Custom Application of Pesticides<br>[Ill. Ann. Stat., ch. 5, s 87(d)(1) to 87(d)(17) (1966)]<br><br>Use and Application of 2,4-D and Related Herbicides<br>[Ill. Ann. Stat., ch. 5, s 87(a)(1) to 87(a)(8) (1966)]<br><br>"Pesticides Control Law"<br>[Ill. Ann. Stat., ch. 5, s 256 to 267 (1969)]<br><br>Tree Experts<br>[Ill. Ann. Stat., ch. 5, s 163 to 187 (1966)] |

| STATE     | REGISTRATION  | USE AND APPLICATION <u>1/</u>   |
|-----------|---|---|
| Indiana   | Pesticides<br>[Burns Ind. Stat. Ann., s 15-2701 to 15-2736<br>(Supp. 1972)]                     | Pesticides<br>[Burns Ind. Stat. Ann., s 15-2701 to 15-2736<br>(Supp. 1972)]   |
| Iowa      | "Pesticide Act of Iowa"<br>[Iowa Code Ann., s 206.1 to 206.13 (Supp. 1972)]                     | "Pesticide Act of Iowa"<br>[Iowa Code Ann., s 206.1 to 206.13 (Supp. 1972)]<br><br>Chemical Technology Commission<br>[Iowa Code Ann., s 1119.101 to 1119.106 (Supp.<br>1971)]   |
| Kansas    | "Kansas Agricultural Chemical Act of 1947"<br>[Kan. Stat. Ann., s 2-2201 <u>et seq.</u> (1964)] | "Kansas Pesticide Use Law"<br>[Kan. Stat. Ann., s 2-2414 to 2-2436 (Supp. 1971)]<br><br>"Kansas Pest Control Act"<br>[Kan. Stat. Ann., s 2-2401 <u>et seq.</u> (1964)]  |
| Kentucky  | Kentucky Economic Poison Law<br>[Ky. Rev. Stat., s 217.540 to 217.640 (1969)]                   | "Kentucky Pesticide Use and Application Act of<br>1972"<br>[Ky. Rev. Stat., s 217B.010 to 217B.990 (1972)]<br><br>Kentucky Termite and Pest Control Industry Law<br>[Ky. Rev. Stat., s 249.250 to 249.340 (1962)]<br><br>Kentucky Department of Aeronautics KAV-5<br>"Aerial Applicators" |
| Louisiana | Economic Poison Law<br>[La. Rev. Stat., s 3-1601 to 3-1609 (1951)]                              | Custom Application of Pesticides<br>[La. Rev. Stat., s 3-1622 to 3-1634 (1951)]<br><br>"Structural Pest Control Law"<br>[La. Rev. Stat., s 40-1261 to 40-1274 (1965)]<br><br>Louisiana Horticulture Laws<br>[La. Rev. Stat., s 37-1961 to 37-1975 (1964)]                                 |

| STATE         | REGISTRATION   | USE AND APPLICATION <u>1/</u>  |
|---------------|--|--|
| Maine         | "Maine Economic Poison Law"<br>[Me. Rev. Stat. Ann., tit. 7, s 581 <u>et seq.</u><br>(1964)]             | Board of Pesticides Control<br>[Me. Rev. Stat. Ann., tit. 22, s 1451 to 1465<br>(1964)]<br>[Public Laws 1969, ch. 479]   |
| Maryland      | "Maryland Pesticide Law of 1958"<br>[Ann. Code of Md., art. 48, s 129 to 139 (1965)]                     | Maryland Pesticide Applicators Law<br>[Ann. Code of Md., art. 66C, s 110A <u>et seq.</u><br>(1970)]  |
| Massachusetts | Pesticides Law (Economic Poison Law)<br>[Mass. Ann. Laws, ch. 94B, s 11 to 21 (1967)]                    | Pesticide Board - Application of Pesticides<br>[Mass. Ann. Laws, ch. 94B, s 21A to 22 (1967)]<br><br>Division of Environmental Protection<br>[Mass. Ann. Laws, ch. 12, s 11D (Supp. 1972)]<br>[Acts 1972, ch. 781] |
| Michigan      | "Michigan Insecticide, Fungicide, and Rodenticide<br>Act of 1949"<br>[Mich. Stat. Ann., s 12.352 (1967)] | Pesticide Applicator's Law<br>[Mich. Stat. Ann., s 12.353 (1967)]<br><br>Michigan 2,4-D Act<br>[Mich. Stat. Ann., s 12.366 (1967)]   |
| Minnesota     | Minnesota Economic Poisons and Devices Law<br>[Minn. Stat., s 24.069 to 24.077 (1969)]                   | Minnesota Spraying and Dusting Law<br>[Minn. Stat., s 18.031 to 18.036 (1969)]<br><br>Structural Pest Control<br>[Minn. Stat., s 18A.01 to 18A.11 (1969)]  |
| Mississippi   | "Mississippi Economic Poison Act of 1950"<br>[Miss. Code Ann., s 5000-01 to 5000-14 (1957)]              | "Agricultural Aviation Licensing Act of 1966"<br>[Miss. Code Ann., s 5011-01 to 5011-15 (1957)]<br><br>Application of Hormone-type Herbicides by Aircraft<br>[Miss. Code Ann., s 5000-21 to 5000-33 (1957)]        |

| STATE                   | REGISTRATION  | USE AND APPLICATION <u>1/</u>  |
|-------------------------|---|--|
| Mississippi<br>(cont'd) |   | Mississippi Pest Control Law (Professional Services)<br>[Miss. Code Ann., s 5006 to 5011 (1957)] |
| Missouri                | "Missouri Economic Poison Law of 1955"<br>[Mo. Rev. Stat., s 263.270 to 263.380 (1969)]     |  |
| Montana                 | "Montana Pesticide Act" (1971)<br>[Mont. Rev. Codes Ann., s 27-213 to 27-245 (Supp. 1971)]  | "Montana Pesticide Act" (1971)<br>[Mont. Rev. Codes Ann., s 27-213 to 27-245 (Supp. 1971)]       |
| Nebraska                | Economic Poison and Devices Law<br>[Rev. Stat. Nebr., s 2-2601 to 2-2611 (1962)]            | Aeronautics<br>[Reissue Rev. Stat. Nebr., s 3-128 (1943)]  |
| Nevada                  | "Nevada Pesticides Act"<br>[Nev. Rev. Stat., s 586.010 to 586.450 (1964)]                   | Custom Application of Pesticides<br>[Nev. Rev. Stat., s 555.260 to 555.460 (1967)]               |
| New Hampshire           | Economic Poison Law<br>[N.H. Rev. Stat. Ann., s 438.1 to 438.17 (1964)]                     | Pesticides Control Law<br>[N.H. Rev. Stat. Ann., s 149D.1 to 149D.11 (Supp. 1971)]               |
| New Jersey              | "New Jersey Economic Poison Act of 1951"<br>[N.J. Stat. Ann., s 4:8A-1 to 4:8A-27 (1959)]   | "Pesticide Control Act of 1971"<br>[N.J. Stat. Ann., s 13:1F-1 to 13:1F-14 (Supp. 1972)]         |
| New Mexico              | "New Mexico Economic Poisons Act of 1951"<br>[N.M. Stat. Ann., s 45-9-1 to 45-9-122 (1966)] | "Pesticide Applicators Law"<br>[N.M. Stat. Ann., s 67-34-1 to 67-34-8 (1966)]                    |

| STATE                  | REGISTRATION  | USE AND APPLICATION <u>1/</u>   |
|------------------------|---|---|
| New Mexico<br>(cont'd) |   | Commercial Exterminators and Fumigators Act<br>[N.M. Stat. Ann., s 12-1-23 (1953)]  |
| New York               | Economic Poison Law<br>[N.Y. Envir. Con. Law, s 33-0101 to 33-0721 and<br>33-1301 to 33-1503 (1973)]        | Custom Application of Pesticides<br>[N.Y. Envir. Con. Law, s 33-0901 to 33-0905 (1973)]<br><br>Treatment of State Waters with a Pesticide<br>[N.Y. Envir. Con. Law, s 15-0313(4)(a)(b)(c)<br>(1973)]<br><br>Pesticides in Grape Vineyards (Protection of Grape<br>Growing Areas)<br>[N.Y. Envir. Con. Law, s 33-1101 to 33-1105 (1973)] |
| North Carolina         | "North Carolina Pesticide Law of 1971"<br>[N.C. Gen. Stat., s 143-434 to 143-470 (Supp.<br>1971)]           | "North Carolina Pesticide Law of 1971"<br>[N.C. Gen. Stat., s 143-434 to 143-470 (Supp.<br>1971)]<br><br>"Structural Pest Control Act of North Carolina of<br>1955"<br>[N.C. Gen. Stat., s 106-65.22 to 106-65.33 (Supp.<br>1971)]  |
| North Dakota           | "Insecticide, Fungicide and Rodenticide Act of<br>1947"<br>[N.D. Cent. Code, s 19-18-01 to 19-18-11 (1960)] | Aerial Spraying (spraying, dusting, fertilizing,<br>and insect control)<br>[N.D. Cent. Code, s 2-05-18 (1960)]  |
| Ohio                   | Economic Poison Law<br>[Ohio Rev. Code, s 921.11 <u>et seq.</u> (1954)]                                     | Pesticide Use and Application Act<br>[Ohio Rev. Code, s 921.41 to 921.53 (Supp. 1971)]  |
| Oklahoma               | Oklahoma Pesticide Law (Economic poison law)<br>[Okla. Stat., tit. 2, s 3-61 to 3-70 (Supp. 1970)]          | "Oklahoma Pesticide Applicators Law"<br>[Okla. Stat., tit. 2, s 3-81 to 3-88 (1961)]  |

| STATE                | REGISTRATION  | USE AND APPLICATION <u>1</u> /   |
|----------------------|---|--|
| Oklahoma<br>(cont'd) |   | Oklahoma Phenoxy Herbicide Law<br>[Okla. Stat., tit. 2, s 3-251 to 3-259 (Supp. 1970)]<br><br>Wood Preservative Law<br>[Okla. Stat., tit. 2, s 2-301 to 2-309 (Supp. 1970)]<br><br>"Structural Pest Control Act"<br>[Okla. Stat., tit. 2, s 3-171 to 3-180 (Supp. 1970)] |
| Oregon               | Standards and Labels for Agricultural Chemicals<br>[Ore. Rev. Stat., s 634.211 to 634.990 (1967)]                   | "Oregon Pesticide Application Law"<br>[Ore. Rev. Stat., s 573.005 to 573.260 (1967)]   |
| Pennsylvania         | "Pennsylvania Pesticide Act of 1957" (Economic<br>poison law)<br>[Pa. Stat. Ann., tit. 3, s 111.1 to 111.12 (1963)] |  |
| Rhode Island         | Economic Poison Law<br>[R.I. Gen. Laws Ann., s 2-8-1 to 2-8-28 (1957)]  | "The Rhode Island Pest Control Law" (1970)<br>[R.I. Gen. Laws Ann., s 23-41-1.1 to 23-41.125<br>(Supp. 1972)]  |
| South Carolina       | "South Carolina Economic Poison Law" (1954)<br>[Code of Laws S.C., s 3-151 to 3-177 (1962)]                         |  |
| South Dakota         | "South Dakota Insecticide, Fungicide, and<br>Rodenticide Act of 1947"<br>[S.D. Code, s 39.19.01 to 39.19.52 (1960)] | Aerial and Ground Spraying and Dusting Law<br>[S.D. Code, s 38.21.01 to 38.21.13 (1960)]   |



| STATE         | REGISTRATION   | USE AND APPLICATION <u>1/</u>  |
|---------------|--|--|
| Tennessee     | "Tennessee Insecticide, Fungicide and Rodenticide Law" (1951)<br>[Tenn. Code Ann., s 43-701 to 43-713 (1964)]  | "Tennessee Pest Control Operators Act of 1972"<br>[Tenn. Code Ann., s 43-609 to 43-618 (Supp. 1972)]<br>[Chapter 854, Public Laws 1972]                                      |
| Texas         | "Insecticide, Fungicide, and Rodenticide Act of Texas"<br>[Tex. Rev. Civ. Stat., art. 135b-5 (1969)]   | Texas Herbicide Law<br>[Tex. Rev. Civ. Stat., art. 135b-4 (1969)]<br><br>"Texas Structural Pest Control Act" (1971)<br>[Tex. Rev. Civ. Stat. Ann., art. 135b-6 (Supp. 1971)] |
| Utah          | "Insecticide, Fungicide, and Rodenticide Act of 1951"<br>[Utah Code Ann., s 4-4-1 to 4-4-13 (1953)]  | "Economic Poison Application Act of 1951"<br>[Utah Code Ann., s 4-4-14 to 4-4-29 (1953)]   |
| Vermont       | Pesticide Registration Act (Economic Poison Law)<br>[Vt. Stat. Ann., tit. 6, s 911 to 928 (1965)]  | Control of Pesticides<br>[Vt. Stat. Ann., tit. 6, s 1101 to 1108 (1965)]   |
| Virginia      | "Virginia Pesticide Law"<br>[Va. Code Ann., s 3.1-189 to 3.1-249 (1966)]<br>[Formerly the "Virginia Insecticide, Fungicide, and Rodenticide Act" (1950)] |  |
| Washington    | "Washington Pesticide Control Act" (Economic Poison Law)<br>[Wash. Rev. Code, s 15.58.010 to 15.58.930 (Supp. 1971)]                                     | "Washington Pesticide Application Act"<br>[Wash. Rev. Code, s 17.21.010 to 17.21.931 (1962)]   |
| West Virginia | "Pesticide Act of 1961" (Economic Poison Law)<br>[W. Va. Code Ann., s 19-16A(1-13) (1966)]   |  |

| STATE          | REGISTRATION  | USE AND APPLICATION <u>1/</u>  |
|----------------|---|--|
| Wisconsin      | Wisconsin Pesticide Law (Economic Poison Law)<br>[Wis. Stat., s 94.67 to 94.71 (1967)]      | Pesticide Review Board<br>[Wis. Stat., s 15.195 (1967)]  |
| Wyoming        | Wyoming Pesticide Law (Economic Poison Law)<br>[Wyo. Stat. Ann., s 35-254 to 35-262 (1957)] | Aerial Spraying<br>[Wyo. Stat. Ann., s 10-4 to 10-9 (1957)]  |
| Puerto Rico    | "Economic Poison Act"<br>[P.R. Laws Ann., tit. 5, s 1001 to 1013 (1963)]                    | "An Act to regulate the commercial application of<br>insecticides and/or economic poisons in Puerto<br>Rico" (1966)<br>[P.R. Laws Ann., tit. 10, s 976 to 976(n) (1963)]<br><br>Herbicide Use and Application Law<br>[P.R. Laws Ann., tit. 5, s 1014 to 1016 (1963)] |
| Virgin Islands |   |  |
| American Samoa | Economic Poisons<br>[Code Amer. Samoa, tit. xx, s 20.0801 <u>et seq.</u> ]                  |  |
| Guam           | Economic Poison Law   |  |

1/ The term "use and application" is used in a broad sense to include laws, or sections of laws, which may relate only to aerial application of pesticides, application of herbicides only, use of pesticides in structures, laws which require a permit as distinguished from those which require examination and licensing of custom applicators, and more recently, acts which control "restricted use pesticides" but not all pesticides. Recent legislation in some states has incorporated both "registration" and "use and application" features into one statute (e.g., North Carolina). Some states have "Structural Pest Control" acts generally administered by a professional examining board, similar to medical, legal, engineering, nursing and other professional licensing boards, while other states incorporate control over structural pest operators into their regular use and application laws. There are trends to incorporate pesticide control into one statute.