

■ PESTICIDE CONTROL ACT

TERMS:

Licensing and Certification of Applicators —

Private Agricultural Applicators — No farm operator or other private applicator may use restricted pesticides in agricultural operations without first being certified by the state. Among other requirements, certification requires passing a test to demonstrate basic knowledge of pesticide product labeling and ability to use and handle pesticides safely.

Commercial Applicators and Operators — It is unlawful for anyone to engage in the business of applying pesticides to someone else's land without a commercial pesticide applicator license issued by the state. Likewise, employees of commercial applicators must be licensed as pesticide operators. Licensing in both categories requires completion of an examination to demonstrate competence to perform the respective pesticide use functions safely.

Insurance and Bonding — The state may not grant a commercial pesticide applicator license until the applicant has provided proof of a liability insurance policy or a surety bond protecting persons who may suffer legal damages as a result of the licensee's operations. Current regulations require minimum liability coverage of \$50,000 for bodily injury and property damage (\$100,000 for aerial pesticide applicators) or a surety bond of \$100,000.

Inspection of Equipment — Equipment used for commercial application of pesticides must be inspected each year by the state, and any piece of equipment which fails inspection may not be used until it has passed re-inspection.

Storage and Disposal of Pesticides — Pesticides and used pesticide containers must be stored and disposed of in a way that will not result in injury to humans, vegetation, crops, livestock, wildlife or beneficial insects, or the pollution of any waterway.

Prohibited Practices — Among other acts defined as violations of the Pesticide Control Act and which constitute grounds for denial, suspension or revocation of a license or permit are these:

- (1) Operating faulty or unsafe equipment.
- (2) Operating in a faulty, careless or negligent manner.
- (3) Refusing or failing to keep required records or to make required reports.
- (4) Applying pesticides without the proper certification or license.

ENFORCEMENT: *Pesticide Compliance, New Mexico Department of Agriculture, Las Cruces, New Mexico 88003 (575-646-2733).* A worker who is injured or suffers any other loss involving pesticides should file a report with the Department as soon as possible, but in no case later than 60 days from the time the loss or damage becomes known to the worker.