

## U.S.

### ■ FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

#### TERMS:

**Pesticide Labeling** — Every pesticide product made, sold or used in the United States must be labeled in accordance with standards prescribed in the Act. Among other required information, the label must contain a statement of ingredients, a statement indicating if the product is for general or restricted use, and the name and address of the manufacturer. If the product contains any highly toxic substance, the label must also display the skull-and-crossbones symbol, the word "Poison" in red letters, and a statement of practical treatment in case of poisoning.

**Certification of Applicators** — Anyone who uses or supervises the use of a restricted pesticide must be certified to do so, either by the U.S. Environmental Protection Agency or by a state agency designated for that purpose under a federally approved plan for applicator certification. As described in brief below, each applicant for certification must demonstrate competency in the use and handling of pesticides.

**Commercial Applicators** — Among other requirements, commercial pesticide applicators (which may include those who use or supervise the use of restricted pesticides in the production of agricultural commodities) must be tested on their knowledge of pesticide labels, pesticide hazards, precautions and first-aid procedures, pesticide equipment, application techniques, and pesticide laws and regulations. Commercial agricultural pest control applicators must, in addition, demonstrate practical knowledge of crops and the particular pests commonly associated with each crop, soil and water problems, pre-harvest application intervals, re-entry intervals, and the potential for environmental contamination, non-target injury, and community problems resulting from the use of pesticides in agricultural areas.

**Private Applicators** — Private pesticide applicators (which may include farm owners and operators who use or supervise the use of restricted agricultural pesticides on their own or someone else's property) must, among other things, be able to (1) read and understand pesticide labeling information, (2) apply pesticides in accordance with label instructions and warnings, (3) recognize poisoning symptoms and take appropriate action in case of a pesticide accident, (4) know how to avoid contamination of ground and surface water, and (5) understand pre-harvest and restricted-entry intervals.

**Recordkeeping** — Every certified applicator is required to keep accurate records of each use of restricted pesticides, including (1) the name and address of the person for whom the pesticide was applied, (2) the location of the pesticide application, (3) the target pest, (4) the specific crop and location where the product was applied, (5) the date and time of application, (6) the name and EPA registration number of the pesticide applied, (7) the dosage used, and (8) the amount of product disposed of, method of disposal, date of disposal, and location of the disposal site.

**Prohibited Acts** — Among other offenses defined in the law, pesticide applicators are forbidden from using any registered pesticide contrary to instructions on the product's label, failing or refusing to keep required records, making false records or reports, failing to observe any restrictions shown on their certificate, or violating any provision of the Act or the associated regulations.

**ENFORCEMENT:** Any state that has adopted adequate pesticide use laws and regulations, has adequate procedures for their enforcement, and agrees to keep required records and make required reports, may enter into an agreement with the federal government for the enforcement of pesticide use restrictions. Under such an agreement, the state has primary responsibility for enforcing the provisions described above.

**All states except Wyoming currently have such authority.** For agency information, see the first entry under "*Pesticides & Agricultural Chemicals*" for the state of interest.

In Wyoming and in any other state where the cooperating state agency fails to take appropriate action to assure compliance, the Act is enforced directly by the *Office of Pesticide Programs, Office of Chemical Safety and Pollution Prevention, U.S. Environmental Protection Agency, Washington, D.C. 20460 (703-305-7090)*.

## Alabama

### ■ ALABAMA PESTICIDE ACT

#### TERMS:

**Licensing** — No one may apply pesticides, for pay or profit, on someone else's land without obtaining a pesticide applicator's license from the state. Before such a license can be issued, the applicant must pass a written examination on the proper application of pesticides and the dangers involved and precautions to be taken in connection with their use. Applicants for a license must also post a bond or have insurance covering any damages caused by the applicator's use of pesticides.

**Pesticide Operations** — As a general rule, it is unlawful for anyone to apply pesticides from an aircraft or on the ground under conditions that would result in injury or damage to plants or animals outside the area targeted for treatment, or to apply pesticides contrary to instructions or restrictions on the product's label. Licensed applicators must keep all pesticides in a clean, well-ventilated, well-lighted area which can be locked to prevent unauthorized entry. With some exceptions, applicators are also required to keep a detailed record of each pesticide application.

**ENFORCEMENT:** *Pesticide Management Section, Alabama Department of Agriculture and Industries, Montgomery, Alabama 36107 (334-240-7242).*

## Alaska

### ■ STATE ENVIRONMENTAL CONSERVATION LAWS (*PESTICIDE CONTROL*)

TERMS: No person may use a restricted pesticide unless the person is certified as a commercial or private applicator, or is under the direct supervision of such an applicator. To qualify for commercial certification, the applicant must attend an approved training program or pass a state-administered examination covering such topics as pesticide labeling, pesticide hazards and safety, pesticide application equipment and techniques, and pesticide-related laws and regulations. Applicants for certification as a private applicator must pass a similar test, or must successfully complete an approved training course.

No one may engage in the commercial or contract spraying or application of pesticides without having liability insurance, in an amount not less than \$500,000 per individual for injuries and not less than \$300,000 per incident for property damage.

These laws also require pesticide applicators to comply with detailed restrictions on how pesticides are applied, stored and disposed of, and to keep detailed records of each application of restricted-use pesticides.

ENFORCEMENT: *Pesticide Control Program, Division of Environmental Health, Department of Environmental Conservation, Wasilla, Alaska 99654 (800-478-2577).*

## Arizona

### ■ ARIZONA PESTICIDE CONTROL LAW

#### TERMS:

**Agricultural Permits** — Commercial growers of agricultural crops in Arizona who apply pesticides or who hire anyone to apply pesticides on their crops, must obtain a valid permit issued by the state to do so.

**Applicator Licensing** — No one may apply pesticides for hire without being licensed by the state. Among other conditions, issuance of a license requires successful completion of an examination on the laws and rules relating to the use of pesticides, pesticide safety, adjustment of equipment, and actual use of application equipment. Pesticide application businesses must have prescribed insurance.

**Applicator Certification** — Apart from testing and insurance requirements, every applicator for hire must also be certified as a commercial applicator (or have someone employed who is a certified commercial applicator), which involves an examination on such matters as pesticide labeling, pesticide safety, protective equipment and clothing, poisoning symptoms, and first aid. Likewise, agricultural producers who intend to apply restricted pesticides to their crops must pass a similar examination and meet other requirements for certification as private applicators.

**Licensing of Equipment** — Equipment used in the commercial application of pesticides must be licensed before it is used for that purpose. The license must be displayed in plain sight on the equipment and must be removed any time the license of the applicator in control of the equipment is suspended, revoked or not renewed.

**Use Restrictions** — No one may dump, store or leave unattended any pesticide or pesticide container, at any place or under any condition, where it presents a hazard to persons, animals or property. Likewise, it is illegal for anyone to use or apply a pesticide contrary to instructions and warnings on the product's label. Growers are generally forbidden to allow any worker not wearing protective clothing required by a pesticide label, to enter any field treated with the product until the safe re-entry period prescribed for the product has passed. Before applying pesticides, growers must ensure that all persons and livestock under their supervision or control have been removed from the area to be treated.

ENFORCEMENT: *Environmental Services Division, Arizona Department of Agriculture, Phoenix, Arizona 85007 (602-542-3578).*

No sooner than 60 days after first filing a complaint with the Department of Agriculture, anyone who is negatively affected by a violation of the pesticide control law may file a lawsuit against the violator in civil court, using a private attorney or a public legal service program.

## Arkansas

### ■ ARKANSAS PESTICIDE USE AND APPLICATION ACT

#### TERMS:

**Applicator Licensing** — It is unlawful for anyone to engage in the business of applying pesticides on someone else's property without having a valid commercial applicator's license issued by the state. Among other conditions, a commercial license may not be issued until the applicant passes an examination demonstrating knowledge of pesticides and pesticide application practices, and furnishes proof of liability insurance or other acceptable financial responsibility, in an amount not less than \$100,000.

Similarly, farm operators may not apply any restricted pesticide to their own crops without being licensed as private applicators and being certified as competent to use restricted pesticide products safely.

Individuals or firms that intend to apply pesticides from an aircraft must obtain an aerial applicator license from the state. The license application must include the pilot's FAA commercial or private pilot's certificate number.

**Inspection and Licensing of Equipment** — Equipment used in the commercial application of pesticides must be identified in the applicator's license application. At the time the application is approved, the licensing agency must issue a decal for each such piece of equipment, and the decal must be attached to the equipment before the equipment may be used.

**Pesticide Storage and Disposal** — No one may store or dispose of any pesticide or pesticide container in a way that would cause injury to humans, crops, livestock or wildlife.

ENFORCEMENT: *Pesticide Division, Arkansas State Plant Board, Little Rock, Arkansas 72205 (501-225-1598)*. A person claiming damages from a pesticide application may file a written statement with the state agency within 45 days after the damages occurred.

## California

### ■ STATE PEST CONTROL LAWS

#### TERMS:

**Applicator Licensing** — It is illegal for anyone to apply agricultural pesticides for hire without an agricultural pest control license issued by the state. Likewise, every such pest control business must have at least one person in a supervisory position who holds a qualified applicator license. Neither a pest control business license nor an applicator's license may be issued until the applicant passes examinations covering pesticide use laws and regulations and related safety precautions. Every pest control business must also be registered with the county agricultural commissioner.

**Financial Responsibility** — Agricultural pest control businesses are required to prove the ability to pay damages for any illness, injury or property damage resulting from their work. This requirement may be in the form of liability insurance covering bodily injury up to \$100,000 per person and \$300,000 per occurrence, and property damage up to \$100,000.

**Application Restrictions** — With few exceptions, restricted pesticides may be purchased and used only by or under the supervision of a certified private or commercial applicator. Furthermore, before any restricted pesticide may be used for agricultural purposes, the owner or operator of the land involved must obtain a special use permit from the county agricultural commissioner. Among many other requirements, each person who performs pest control operations must use equipment which is in good repair and safe to operate, apply pesticides only when weather conditions are suitable to assure safe and proper application, and exercise reasonable care to avoid contamination of humans, animals, property and the environment. A copy of the registered label for the product being used must be available at each treatment site.

**Pesticide Storage and Disposal** — Pesticides, pesticide containers, and equipment that has held pesticides may not be stored, emptied, disposed of or left unattended in any way or at any place where they could present a hazard to people, animals, food, feed, crops or property. In no case may a pesticide be placed or kept in any container commonly used for food, beverages or household products. Areas where pesticides are stored must be plainly posted with prescribed warning signs.

**Prohibited Acts** — Among other prohibited acts, it is illegal for pesticide users and applicators to operate in a faulty or careless manner, to fail to keep required records or make required reports, or to fail to comply fully with the state pest control laws and the associated regulations.

**ENFORCEMENT:** *California Department of Pesticide Regulation, Sacramento, California 95814 (916-324-4100).* These provisions are also enforced by county agricultural commissioners, who are immediately responsible for investigating pesticide-related complaints and reports of injury or damage. Anyone who has suffered injury or damage from an application of pesticides should file a report with the agricultural commissioner in the county where the incident occurred, within 30 days from the time of injury or damage.

## Colorado

### ■ PESTICIDE APPLICATORS' ACT

#### TERMS:

**Licensing and Certification** — In general, it is unlawful for anyone (other than a farm operator on his or her own farm, or the employee of such a person) to use hazardous agricultural pesticides without being licensed or certified by the state. To qualify for a license or certification, an applicant must pass a written general examination, as well as a written examination for the specific type of license or certification involved.

**Insurance** — Commercial pesticide applicators are also required to have liability insurance covering injuries and property damage resulting from the use or misuse of a pesticide product.

**Prohibited Acts** — Among other acts, it is illegal for a commercial pesticide applicator to store, use or supervise the use of a pesticide contrary to directions on the label, or in a fraudulent, faulty, unsafe or negligent manner. Disposal of empty pesticide containers or unused materials negligently or unsafely is similarly prohibited.

ENFORCEMENT: *Pesticides Programs Section, Colorado Department of Agriculture, Broomfield, Colorado 80021 (303-869-9056).*

## Connecticut

### ■ CONNECTICUT PESTICIDE CONTROL ACT

#### TERMS:

**Prohibited Acts** — Among other illegal acts defined in the Pesticide Control Act, it is unlawful for anyone (1) to sell, receive or use any pesticide that is not registered with the state, (2) to use any registered pesticide contrary to state restrictions or to instructions and warnings on the product's label, or (3) to detach, tamper with or destroy any federally required pesticide labeling.

**Registration of Pesticide Application Businesses** — No one may operate a pesticide application business without first obtaining a certificate of registration from the state.

**Certification of Applicators** — No one may use a restricted pesticide without first obtaining a private or commercial applicator certificate, unless the use is under the direct supervision of a certified applicator. Before an applicator's certificate can be issued, each applicant must pass an examination demonstrating knowledge concerning the proper use of pesticides, the dangers involved, and the precautions to be taken in connection with their application.

**Disposal of Pesticides and Pesticide Containers** — It is illegal for anyone to dispose of a pesticide or pesticide container in such a manner as to endanger plant or animal life or the public health and safety. Pesticides may not be dumped into any public sewage disposal system.

**ENFORCEMENT:** *Pesticide Management Program, Bureau of Materials Management and Compliance Assurance, Department of Energy and Environmental Protection, Hartford, Connecticut 06106 (860-424-3369).*



## Delaware

### ■ PESTICIDE LAW

#### TERMS:

**Licensing** — No one may engage in the business of applying pesticides on someone else's land without being licensed to do so and passing an examination demonstrating the ability to use pesticides safely and effectively. Similarly, farm operators who intend to apply restricted pesticides to their own crops must be certified by the state as competent to use such products safely.

**Financial Responsibility** — In general, the state agency may not certify any commercial agricultural pesticide applicator, or license any commercial pesticide application business, until the applicant has obtained a liability insurance policy in the amount of \$300,000 for injury or death, and \$100,000 for property damage, resulting from the use or misuse of pesticides.

**Pesticide Labels** — At each place where they apply pesticides, commercial applicators are required to have a copy of the pesticide label available, and to provide information from the product label to any interested person at or near the site.

**Prohibited Acts** — Among other prohibited acts, it is illegal for anyone to apply a restricted pesticide without a certified applicator in direct supervision, or to transport, store or dispose of any pesticide or pesticide container in such a manner as to cause injury to humans, vegetation, crops, livestock or wildlife.

**ENFORCEMENT:** *Pesticides Management Section, Delaware Department of Agriculture, Dover, Delaware 19901 (302-698-4571).* A person claiming injury or damage from a pesticide application should file a written report within 60 days of the alleged incident with the Department, which is obligated to investigate the complaint.

## Florida

### ■ FLORIDA PESTICIDE LAW

#### TERMS:

**Licensing and Certification** — With few exceptions, it is unlawful for anyone to apply restricted pesticides to agricultural crops without having a certified applicator's license issued by the state or without direct supervision by a certified applicator. Certification requires successful completion of an examination to demonstrate adequate knowledge of the proper use of pesticides. Licenses must be renewed and applicators re-certified every 4 years.

**Prohibited Acts** — Among other grounds for disciplinary action, licensed pesticide applicators are prohibited from:

- (1) Applying pesticides in a manner contrary to instructions on the product label.
- (2) Operating faulty or unsafe equipment.
- (3) Operating in a faulty, careless or negligent manner so as to cause damage to people or property.
- (4) Applying any pesticide that is harmful to human beings to fields where individuals are working.
- (5) Failing to give the farm operator, at the time pesticides are applied to a crop, full information about potentially harmful effects on humans or animals and safe minimum re-entry times for workers or animals.
- (6) Refusing or neglecting to keep and maintain records, or to make reports as required.
- (7) Failing to report any known damage to property, or illness or injury to people, caused by the application of pesticides.
- (8) Failing to maintain a current liability insurance policy or surety bond.

**Reporting Damage or Injuries** — A pesticide applicator who fails to report any known injury or damage caused by an application of pesticides, or who does not have liability insurance or a bond covering such accidents, is in violation of this law.

**ENFORCEMENT:** *Bureau of Licensing and Enforcement, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services, Tallahassee, Florida 32399 (850-617-7997).* A worker who suffers injury or property damage as a result of a pesticide application should file a written report with the Department.

## Georgia

### ■ GEORGIA PESTICIDE USE AND APPLICATION ACT OF 1976

#### TERMS:

**Licensing** — No one may purchase, use or supervise the use of any pesticide as a private or commercial applicator unless the individual is licensed by the state to do so, or is acting under the direct supervision of a licensed applicator. Private applicators must attend training or pass a written examination before they can be certified, and commercial applicators must demonstrate competency to apply pesticides safely, effectively and without damage to the environment.

Likewise, pesticide application businesses must also be licensed, which requires (among other conditions) that they be bonded or insured or post a cash deposit to cover liability for damages that may result from their pesticide operations.

*Exception* — The pesticide applicator licensing provisions do not apply to farmers applying non-restricted pesticides on their own land, or on neighboring land at the request of a neighboring farm operator.

**Prohibited Acts** — No one may transport, store or dispose of a pesticide or pesticide container in such a way as to cause injury to humans, vegetation, crops, livestock or wildlife. Operating faulty or unsafe equipment, operating in a faulty, careless or negligent manner, or refusing or neglecting to keep required records or to make required reports is also unlawful.

ENFORCEMENT: *Pesticide Program, Plant Industry Division, Georgia Department of Agriculture, Atlanta, Georgia 30334 (404-656-4958)*. Anyone who has been injured or has suffered damages from a pesticide application may file a report of the incident with the Department, no later than 60 days after the injury or damage occurs.

## Hawaii

### ■ HAWAII PESTICIDES LAW

#### TERMS:

**Prohibited Acts** — Among other violations, it is unlawful for anyone in Hawaii (1) to use any licensed pesticide contrary to instructions on the product label, (2) to use, store, transport or dispose of a pesticide or pesticide container in any way that could harm the environment, and (3) to use or apply restricted pesticides unless the user is a certified pesticide applicator or under the direct supervision of a certified pesticide applicator, with a valid certificate issued by the state.

**Certification of Applicators** — No one may apply any restricted pesticide in Hawaii without being certified by the state as a commercial or private pesticide applicator, or without direct supervision by a certified applicator. Commercial certification requires, in part, that the applicant pass a written examination demonstrating knowledge of pesticide product labeling, pesticide hazards, effective measures for preventing overexposure and injury, pesticide application equipment, application techniques, state and federal pesticide laws and regulations, and other subject matter.

Similarly, private agricultural applicators must demonstrate an understanding of product labeling, agricultural pests, application equipment and methods, safety precautions, pesticide poisoning symptoms, and pesticide disposal methods.

**Pesticide Storage** — No pesticide may be stored where food or feed is likely to become contaminated.

ENFORCEMENT: *Pesticides Branch, Plant Industry Division, Hawaii Department of Agriculture, Honolulu, Hawaii 96814 (808-973-9401).*

## Idaho

### ■ STATE PESTICIDE LAWS

#### TERMS:

**Licensing** — No one may apply any pesticide in Idaho for hire without being licensed by the state as a commercial applicator, and agricultural producers using restricted pesticides on their own crops must be licensed as private applicators. Among other conditions on issuance of a license, commercial pesticide applicators are required to pass an examination to demonstrate knowledge of proper handling and application of pesticides, and to provide a bond, cash deposit or proof of insurance covering damages resulting from handling or use of pesticides. Private agricultural applicators must successfully complete an examination also before a license is issued.

**Prohibited Acts** — Among other unlawful acts, it is illegal for a person to use a pesticide product in a manner contrary to instructions on the label, to operate faulty or unsafe pesticide spraying equipment, to apply pesticides in a faulty or careless manner, or to fail or refuse to maintain required records or make required reports.

**ENFORCEMENT:** *Enforcement Program, Division of Agricultural Resources, Idaho State Department of Agriculture, Boise, Idaho 83712 (208-332-8613).* Anyone who suffers injury or damage from someone else's use of a pesticide should report the incident to the Department within 60 days after it occurs. The agency may investigate the complaint to determine the nature and extent of the injury or damage, and the agency must prepare a written report of its investigation.

## Illinois

### ■ ILLINOIS PESTICIDE ACT

TERMS: The Illinois Pesticide Act regulates the labeling, distribution, use and application of pesticides in the state.

#### **Certification and Licensing —**

**Commercial Applicators** — No one who owns or manages a pesticide application business may purchase, use or supervise the use of any pesticide without a commercial applicator license issued by the state. Among other licensing requirements, a commercial applicator must be certified as having successfully demonstrated competence and knowledge regarding pesticide use; recertification for competence is required at least once every 3 years. Commercial applicator license applicants must also present evidence of financial responsibility, protecting persons who may suffer injury or property damage as a result of the applicant's pesticide operations, by posting a \$50,000 surety bond or purchasing a prescribed liability insurance policy, with limits of at least \$100,000 for bodily injury and property damage.

**Licensed Operators** — No one employed to apply pesticides under the direction of a licensed commercial applicator may use any pesticide without a pesticide operator license. Among other conditions, a license may not be granted unless the operator is certified as to competence and knowledge regarding the use and application of pesticides.

**Private Applicators** — Farm operators may not apply or supervise the application of any restricted pesticide on their own crops without being certified as private applicators. Like commercial applicators, private applicators must demonstrate knowledge and competence concerning the use of the pesticides they will be applying and must meet other certification requirements prescribed by state regulation.

**Unlawful Acts** — Among many others, the following practices are violations of the Act:

- (1) Application of pesticides in a faulty, careless or negligent manner.
- (2) Use of a pesticide in a manner contrary to the product label.
- (3) Failure to keep required records or file required reports.
- (4) Handling, storing, using or disposing of pesticides or used pesticide containers in a way that would endanger human life, the environment, or food, feed or other products.

ENFORCEMENT: *Pesticide Regulation Division, Illinois Department of Agriculture, Springfield, Illinois 62794 (217-785-8312).*

## Indiana

### ■ PESTICIDE USE AND APPLICATION LAW

#### TERMS:

**Pesticide Business Licenses** — Anyone who owns, operates or manages a business engaged in using any pesticide for hire must obtain a license to do so. Among other requirements, licensed pesticide businesses generally must post a bond or have liability insurance with a coverage limit of at least \$300,000 for bodily injury and property damage, to protect persons who may suffer legal damages as a result of their pesticide operations.

**Commercial Applicator Licenses** — No one may apply pesticides to another person's property for hire without a commercial pesticide applicator license issued by the state. Among other conditions for receipt of a license, the applicant must demonstrate knowledge of the use and effects of the kinds of pesticides the applicant intends to apply.

**Private Applicator Permits** — The law requires agricultural producers and their employees who wish to apply certain hazardous pesticides on the producer's own farm to obtain a private applicator's permit and to be certified as qualified to do so.

**Prohibited Practices** — The state may deny, suspend or cancel a pesticide license or permit if the applicant, licensee or permit-holder has used pesticides contrary to the product label, operated unsafe equipment, operated carelessly, failed to keep required records or make required reports, or committed other prohibited acts. It is illegal to transport, store or dispose of a pesticide or pesticide container in such a way as to cause injury to humans, vegetation, livestock or beneficial insects.

ENFORCEMENT: *Pesticide Section, Office of Indiana State Chemist, Purdue University, Lafayette, Indiana 47907 (765-494-1492).*

## Iowa

### ■ PESTICIDE ACT OF IOWA

TERMS: No one may apply any pesticide for pay or profit without first passing a formal state-administered examination and being certified by the state as competent to do so. Likewise, agricultural producers who use restricted pesticides on their own crops must be certified as private applicators and must be tested prior to certification.

Aside from certification requirements, commercial pesticide applicators must be licensed by the state before conducting business. Issuance of a license requires payment of a license fee and completion of an examination to demonstrate knowledge of application techniques and the nature and effect of the pesticides the applicant intends to use. The state agency will not issue a commercial applicator's license until the applicant has furnished evidence of financial responsibility, in the form of a surety bond or liability insurance policy covering damages resulting from the applicant's pesticide operations.

ENFORCEMENT: *Pesticide Bureau, Iowa Department of Agriculture and Land Stewardship, Des Moines, Iowa 50319 (515-281-8591)*. Anyone who has been injured or suffered damages from someone else's application of a pesticide should file a report with the Department no later than 60 days after the date the injury or damages occurred.



## Kansas

### ■ KANSAS PESTICIDE LAW

#### TERMS:

**Pesticide Application Businesses** — In general, no firm or individual may, for compensation, engage in the business of applying pesticides on the property of another without being licensed as a pesticide business. Among other prerequisites, licensing requires payment of an application or renewal fee and proof of financial responsibility, in the form of a surety bond or liability insurance covering potential damages from pesticide accidents.

**Commercial Applicators** — It is generally unlawful to use any restricted pesticide without a commercial applicator's certificate, unless working under the supervision of a certified applicator. Applicants for such a certificate must, among other requirements, pass a written examination demonstrating adequate knowledge concerning the proper use of restricted pesticides.

**Private Applicators** — Agricultural producers who intend to use restricted pesticides on their own crops must apply for a private applicator's certificate, which may be issued only if the applicant passes an open-book examination indicating knowledge of pesticide problems, proper storage, handling and disposal procedures, pesticide labeling, and pesticide safety, among other matters.

**Unlawful Acts** — It is illegal for anyone to use pesticides in a manner contrary to instructions on the product's label, or to store or dispose of any pesticide or pesticide container in a manner which would cause injury to humans, vegetation, crops, livestock or wildlife. It is also illegal, among other offenses, for anyone required to be licensed or certified under the law to knowingly operate faulty or unsafe equipment, to fail or neglect to keep required records or to make required reports, or to use any method or material without considering the health, safety or welfare of the public.

**ENFORCEMENT:** *Pesticide and Fertilizer Program, Kansas Department of Agriculture, Manhattan, Kansas 66502 (785-564-6688).* A person who is injured or who suffers damages from someone else's use of pesticides may file a report of the incident with this agency within 60 days after it occurs.

## Kentucky

### ■ KENTUCKY FERTILIZER AND PESTICIDE STORAGE, USE AND APPLICATION ACT OF 1996

TERMS: No one may apply pesticides to someone else's property, for hire, without first obtaining a license from the state. Issuance of an applicator's license requires the applicant (1) to pay an annual license fee, plus an inspection fee for each aircraft and each piece of ground equipment to be licensed, and (2) to pass an examination demonstrating knowledge of the proper use of pesticide equipment, the hazards involved in applying pesticides, how to calculate pesticide concentrations, identification of pests, protective clothing and equipment, pesticide disposal and decontamination, and state and federal pesticide laws and regulations. Employees of pesticide applicators who intend to apply pesticides by hand, or as operators in charge of any pesticide equipment, must also be licensed.

Among other offenses defined in the law, it is illegal for a licensed applicator to fail to keep required records or make required reports, to operate unlicensed or unsafe equipment, or to operate in a faulty or careless manner. Furthermore, it is a crime for anyone, licensed or unlicensed, to (1) use any registered pesticide contrary to instructions and warnings on the product's label, (2) purchase, use or supervise the use of a restricted pesticide without being properly licensed, or (3) store or dispose of a pesticide or pesticide container in a way that could cause injury to humans, vegetation, crops, livestock, wildlife or pollinating insects.

ENFORCEMENT: *Agriculture Branch, Division of Environmental Services, Office of Consumer and Environmental Protection, Kentucky Department of Agriculture, Frankfort, Kentucky 40601 (502-782-9240).*

SPECIAL NOTE: Anyone who has been injured or has suffered damages due to an application of pesticides should report the matter to the Department no later than 60 days after the injury or damages occurred. *Call toll-free 866-289-0001 and tell the staff that you would like to file a complaint.*

## Louisiana

### ■ LOUISIANA PESTICIDE LAW

#### TERMS:

**Private Applicator Certification** — It is illegal for an agricultural producer to apply restricted pesticides on the farmer's own crops without being certified by the state as a private applicator. Certification may be issued only after the applicant satisfactorily demonstrates knowledge of the laws, regulations and safety practices applicable to restricted pesticides. In addition to their own use of such products, certified private applicators are authorized to supervise the application of restricted pesticides by competent uncertified individuals.

**Commercial Applicator Certification** — It is unlawful for anyone, for pay or profit, to apply any restricted pesticide on someone else's land unless the individual is certified as a commercial applicator. Among other requirements, commercial applicators must pass an examination demonstrating knowledge and competency in the safe use and application of restricted products. Certified commercial applicators may supervise the ground application of restricted pesticides by competent uncertified individuals but may not supervise the application of any pesticide from the air by any uncertified person.

**Owner-Operator Licensing** — Apart from certification requirements, anyone who owns or operates a commercial pesticide application business must obtain a license. Prior to obtaining a license, each owner-operator must post a bond or obtain liability insurance in an amount ranging from \$25,000 to \$50,000, depending on the nature of the operation.

**Prohibited Acts** — Among numerous other offenses specified in the law, it is illegal for anyone involved in the application or use of pesticides in Louisiana (1) to knowingly operate faulty or unsafe equipment, (2) to operate in a faulty or careless manner, (3) to fail to keep required records, (4) to apply a restricted pesticide without the proper certification or without required supervision, (5) to allow the application of a restricted pesticide by an uncertified person without the presence of a certified applicator, when such presence is required, and (6) to apply any pesticide in a manner contrary to instructions on the product's label.

**ENFORCEMENT:** *Pesticide and Environmental Programs Division, Louisiana Department of Agriculture and Forestry, Baton Rouge, Louisiana 70806 (225-922-1234; toll-free 866-927-2476).* A person who has suffered damages as a result of a pesticide application may file a damage complaint with the Department, within 15 days of the alleged occurrence or the discovery of the damage, whichever occurs later.

As an alternative, a person who suffers damages caused by a pesticide business may sue on the owner-operator's bond or insurance, using a private attorney or public legal services program.

## Maine

### ■ BOARD OF PESTICIDES CONTROL LAW

#### TERMS:

**Certification of Applicators** — In general, no commercial pesticide applicator or spray contracting firm may use any pesticide without being certified by the state. Similarly, agricultural producers are forbidden from using or supervising the use of any limited or restricted pesticide without first being certified as a private applicator, unless working under the direct supervision of a certified applicator. In both cases, certification requires demonstration of an appropriate level of knowledge regarding pesticide use, related hazards and necessary precautions.

**Worker Safety** — Certified pesticide applicators (including private agricultural producers) must familiarize their employees and those working under their direction with the hazards involved in handling the products used and must instruct them in the proper steps to be taken to avoid those hazards. Applicators must provide their employees with any necessary safety equipment prescribed on the pesticide label.

**Pesticide Storage and Disposal** — Whether in sealed or open containers, unused pesticides must be kept in a secure place and maintained so as to prevent unauthorized use or mishandling.

**Pesticide Application with Power Equipment** — Before and during pesticide spray activities that use power-driven equipment, applicators must monitor the equipment used, weather conditions, the boundaries of the area to be treated, surrounding property, and other factors. The occupants of certain sensitive areas (including housing) within 500 feet of a pesticide target area may request prior notification of applications involving power equipment. Under no circumstances may pesticides be applied when wind speed in the area exceeds 15 miles per hour.

**Prohibited Acts** — The state enforcement agency may suspend, revoke or refuse to renew certification if the applicator has, among other acts, used or supervised the use of pesticides applied in a careless, negligent or faulty manner, or in a manner potentially harmful to the environment or to the public health, safety or welfare.

ENFORCEMENT: *Board of Pesticides Control, Maine Department of Agriculture, Conservation and Forestry, Augusta, Maine 04333 (207-287-2731).*

## Maryland

### ■ PESTICIDE APPLICATOR'S LAW

#### TERMS:

**Certification of Applicators** — Individuals who are in the business of applying pesticides to other people's property for hire, as well as private agricultural producers who apply restricted pesticides to their own crops, must have a certificate issued by the state, affirming their competence to use and apply such products safely. Applicants for any commercial-class certificate must demonstrate competence by passing a written examination, while private applicators have the option of enrolling in a state-approved training course.

**Insurance** — Each business performing pest control work must provide the state agency with proof of financial responsibility by obtaining and maintaining liability insurance. The policy must provide bodily injury coverage of at least \$100,000 per person and \$300,000 per occurrence, and property damage coverage of at least \$15,000 per occurrence and \$30,000 annual aggregate.

**Employee Training** — Within 30 days after they are hired, employees of licensed pesticide applicators who perform pest control operations must successfully complete state-approved training and must be registered by the state enforcement agency.

**Pesticide Application Practices** — All commercial applications of any pesticide must be under the supervision of a certified applicator, and private agricultural application of restricted pesticides must be performed by or under the supervision of a certified private applicator. It is illegal for anyone to use or apply any pesticide contrary to the instructions and warnings on the product's label.

ENFORCEMENT: *Pesticide Regulation Section, Maryland Department of Agriculture, Annapolis, Maryland 21401 (410-841-2766).*

A person who has suffered injury from a pesticide application has a right to sue the applicator for damages, using a private attorney or a public legal services program.

## Massachusetts

### ■ MASSACHUSETTS PESTICIDE CONTROL ACT

#### TERMS:

**Licensing and Certification** — No individual may apply non-restricted pesticides for hire unless the individual is properly licensed or certified by the state. Likewise, no one may use any restricted pesticide unless he or she is certified as a commercial or private applicator, or is a licensed applicator working under the direct supervision of a properly certified commercial or private applicator. Each applicant for certification or licensing must file an annual application, pay an application fee, demonstrate competence with respect to the use and handling of pesticides, continue to attend state-approved educational courses, and maintain required levels of liability insurance covering injuries and damages caused by their pesticide operations.

**Prior Notice of Pesticide Applications** — No pesticide with the signal word "Danger" on the label may be applied to an agricultural crop within 50 feet of a public right-of-way unless notice of the application is given beforehand. Between 2 and 24 hours before the application, signs must be posted at least every 200 feet around the area to be treated, and at every main entrance to the area, facing the public way. The signs must be at least 14 inches by 16 inches in size and contain the words "Danger," "Pesticides," and "Keep Out" — in English and Spanish, and in letters at least one inch high. The signs must be removed no earlier than 48 hours after the application, and no sooner or later than the expiration of the restricted-entry period specified on the pesticide label.

**Prohibited Acts** — Among other unlawful activities defined in this law, no one may use a registered pesticide contrary to the product's label instructions or contrary to other restrictions imposed by the state enforcement agency. It is also illegal for any person licensed or certified as a pesticide applicator to violate any condition or restriction on the applicator's license or certification.

ENFORCEMENT: *Pesticide Enforcement, Division of Crop and Pest Services, Massachusetts Department of Agricultural Resources, Boston, Massachusetts 02114 (617-626-1781).*

## Michigan

### ■ NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (*PESTICIDE CONTROL*)

#### TERMS:

**Certification** — In general, no one may apply pesticides for compensation or profit without being certified by the state as competent to do so safely. Certification of commercial applicators requires the applicant to complete a written examination designed to test the applicant's knowledge of pesticide hazards and safe handling and application practices. Commercial applicators also must have either (1) a bachelors degree in an area of study relevant to pest control and at least one season of service as an employee of a commercial applicator, or (2) at least 2 seasons of experience as an employee of a commercial applicator.

Similarly, farm operators intending to use any restricted pesticides on their own crops must obtain a certificate, which may be issued only after they complete either a self-directed study course and an examination, or classroom training and an examination, or an oral fact-finding interview conducted by the state enforcement agency.

**Insurance** — Licensed commercial applicators are required to purchase liability insurance for bodily injury and property damage arising from pesticide applications. The insurance policy generally must include minimum coverage of \$100,000 for bodily injury and \$25,000 for property damage.

**Pesticide Use** — Among many other requirements, (1) no pesticide may be used in a manner inconsistent with its label, (2) applications must be made in a manner that prevents off-target spray, (3) application equipment must be in sound mechanical condition, properly adjusted and equipped with shut-off valves, and (4) applications must not occur when weather conditions would result in off-target drift.

**Personal Protective Equipment** — Commercial applicators must follow pesticide label directions regarding use of personal protective equipment, and must follow state-prescribed requirements for the use of protective clothing, footwear and gloves.

ENFORCEMENT: *Pesticide and Plant Pest Management Division, Michigan Department of Agriculture and Rural Development, Lansing, Michigan 48909 (517-284-5639; toll-free 800-292-3939).*

## Minnesota

### ■ PESTICIDE CONTROL LAWS

#### TERMS:

**Licensing and Certification** — No one may use or supervise the use of any pesticide for hire without a commercial applicator's license issued by the state. Issuance of a commercial license generally requires, among other things, that the applicant pass an examination demonstrating the ability to use pesticides safely and effectively. Likewise, farm operators who use restricted pesticides on their own crops must be certified as private applicators, which generally requires training to assure their ability to use restricted pesticides properly.

**Financial Responsibility** — Before a commercial applicator's license is issued or renewed, the applicant must post a bond or purchase liability insurance amounting to at least \$50,000, covering damages that may result from the applicant's pesticide operations.

**Prohibited Use of Pesticides** — No one may use, store, handle or dispose of a pesticide, pesticide container, or pesticide application equipment in a manner contrary to instructions on the pesticide label, or in any way that could endanger humans or animals or damage crops or the environment. It is illegal to damage nearby non-targeted property as a result of a pesticide application, or to directly spray pesticides on a human or expose a worker in a nearby open field.

**Safeguards at Application Sites** — A person may not allow a pesticide or unrinsed pesticide container to be stored or to remain at any location without adequate safeguards to prevent the movement or escape of the material from the location.

**Posting** — If a pesticide label prescribes a specific period of hours or days before it is safe for people to re-enter an area following treatment with the product, the person applying the pesticide must post warning signs in the field or other areas where the product has been applied, in accordance with label instructions and state regulations.

**ENFORCEMENT:** *Regulation, Inspection and Enforcement Division, Minnesota Department of Agriculture, St. Paul, Minnesota 55155 (651-201-6333).*



## Mississippi

### ■ MISSISSIPPI PESTICIDE APPLICATION LAW OF 1975

TERMS: Except for aerial applicators, whose activities are regulated under another law, it is illegal for anyone to use restricted pesticides in Mississippi without having been certified or licensed under the Pesticide Application Law. As a condition for certification, commercial and private applicators must pass examinations demonstrating their ability to apply such products safely and effectively.

Among other practices, it is unlawful for any pesticide applicator to operate in a faulty or negligent manner, to operate faulty or unsafe equipment in such a manner as to cause damage to persons or property, or to refuse or neglect to keep required records or make required reports.

ENFORCEMENT: *Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce, Mississippi State, Mississippi 39762 (662-325-3390).*

## Missouri

### ■ MISSOURI PESTICIDE USE ACT

#### TERMS:

**Commercial Applicators** — Anyone who charges a fee to apply or supervise the use of any pesticide must be licensed by the state as a certified commercial applicator. Among other requirements, applicants for such a license must pass examinations demonstrating competence to apply pesticides safely and effectively, and they must post a bond or obtain liability insurance amounting to at least \$50,000, protecting persons who may suffer damages as a result of the applicator's operations.

**Private Applicators** — Farm operators who use or supervise the use of restricted pesticides for agricultural purposes on their own land must be licensed and certified as private applicators, which requires that they attend a state-administered or online course of instruction covering the use, handling, storage and application of restricted pesticides.

**Non-Commercial Applicators** — Other individuals who are not classified as private applicators but use restricted products without pay or profit on their own or their employer's land, are required to be licensed as certified non-commercial applicators. A license of this type requires, in part, completion of examinations to demonstrate competence in the proper use of pesticides and knowledge of related regulations.

**Prohibited Acts** — Among many other violations specified in this law, it is illegal for anyone to transport, store or dispose of any pesticide or pesticide container in such a manner as to cause injury to humans, vegetation, crops, livestock, wildlife or beneficial insects.

**ENFORCEMENT:** *Bureau of Pesticide Control, Missouri Department of Agriculture, Jefferson City, Missouri 65102 (573-751-5504).* Anyone who is injured or who suffers damage because of someone else's use of a pesticide may request an investigation by the Department, provided the agency is notified within 30 days after the injury or damage occurred.

## Montana

### ■ MONTANA PESTICIDES ACT

#### TERMS:

**Agricultural Special-Use Permits** — Farm operators who apply pesticides to their own crops must obtain a special-use permit before purchasing and using any restricted pesticide. To qualify for an initial five-year permit, farm applicators must either pass a written examination or attend a state-approved training course, to assure the applicant's practical knowledge of agricultural pests, pesticide product labeling, application procedures, the environment, pesticide poisoning symptoms, and accident procedures. Farm applicators must re-qualify for renewal of the permit by attending a 6-hour refresher course.

**Commercial Applicator Licensing** — It is illegal for anyone to apply pesticides for hire without first obtaining a commercial applicator's license from the state. Before such a license is issued, the applicant generally must pass a written examination to assure the person's competency to use pesticides safely and effectively, must obtain liability insurance covering potential damages caused by their pesticide application activities, and must meet other licensing requirements.

**Prohibited Acts** — The state enforcement agency may revoke or refuse to renew the license of any applicator who has, among other offenses, operated in a faulty or careless manner, operated faulty or unsafe equipment, refused or neglected to keep required records or make required reports, or used a pesticide in a manner contrary to instructions on the product's label. In addition, it is unlawful for anyone to handle, store or dispose of pesticides or pesticide containers in such a way as to endanger people, animals, food, other products or the environment, or to apply a pesticide contrary to label instructions.

ENFORCEMENT: *Agricultural Services Bureau, Montana Department of Agriculture, Helena, Montana 59601 (406-444-5400).*

## Nebraska

### ■ PESTICIDE ACT

TERMS: No one may use a restricted-use pesticide in Nebraska unless the person is licensed as a commercial applicator, non-commercial applicator or private applicator, and is authorized by the license to use the product for the proposed use. As a condition for a license, applicants must pass an examination specific to the activity they will engage in and covering subjects including (1) pesticide labeling, (2) pesticide hazards, symptoms, and precautions, (3) environmental risk, (4) pest identification, (5) equipment, (6) application techniques, (7) equipment calibration, and (8) pesticide application laws and regulations. Depending on the license category involved, applicators may also be required to undergo performance testing, to demonstrate competency in their respective category.

Among other violations, it is unlawful for anyone (1) to use a pesticide contrary to the Pesticide Act or to the product label, (2) to store or dispose of a pesticide or pesticide container in a way that is likely to cause injury to humans, the environment, vegetation, crops, livestock, wildlife or pollinating insects, or (3) to fail to make and preserve required records.

ENFORCEMENT: *Pesticide Program, Animal and Plant Health Protection, Nebraska Department of Agriculture, Lincoln, Nebraska 68509 (402-471-2351; toll-free 877-800-4080)*. Inspectors from this agency may conduct routine inspections of pesticide dealers and applicators and may also investigate reports of pesticide misuse. A formal complaint can be submitted to the Department by telephone or in writing.

## Nevada

### ■ CUSTOM PESTICIDE APPLICATION LAW

#### TERMS:

**Licensing** — In general, no one may engage in pest control activities without a license issued by the state. Among other qualifications, an applicant for a pest control license must have at least 2 years' practical pest control experience, or an acceptable combination of education and experience. The applicant must present proof of bonding or insurance in an amount not less than \$50,000. In addition, an applicant may have to obtain drift insurance whenever he or she intends or expects to use pesticides that are hazardous to humans, livestock, crops or wildlife.

**Certification** — Aside from the licensing requirement, anyone who intends to use or supervise the use of any restricted pesticide must first obtain a certificate from the state authorizing such activity. Certification requires that the applicant, among other conditions, demonstrate adequate knowledge of the proper use of such materials, and of the hazards involved and precautions to be taken in connection with their use.

**Prohibited Acts** — It is unlawful for licensed and certified pesticide applicators in the state to operate faulty or unsafe equipment, to apply pesticides in a faulty or careless manner, to continue to operate when the required insurance or bonding has expired or been canceled, to fail to keep required records or make required reports, to apply a pesticide product contrary to instructions on the product's label or contrary to other restrictions imposed by the state agency, or to violate any other provision of the pesticide laws and regulations.

**ENFORCEMENT:** *Plant Industry Division, Nevada Department of Agriculture, Sparks, Nevada 89431 (775-353-3729).* Anyone with a complaint involving the application or use of pesticides should report the matter to the Department within 60 days after the cause for the complaint occurred.

## New Hampshire

### ■ PESTICIDE CONTROL LAW

#### TERMS:

**Registration Certificates** — No one may engage in the commercial application of pesticides, or in the private application of restricted pesticides, without a valid certificate of registration issued by the state. Every person who applies for a registration certificate is required to demonstrate competence in the safe and effective use of pesticides, and certain commercial applicators must provide proof of insurance covering potential damages from their pest control operations.

**Permits** — In general, no one other than a commercial applicator may apply pesticides in New Hampshire without first obtaining a written permit from the state. Issuance of a permit requires the applicant to demonstrate the ability to use pesticides safely.

**Damage to Non-Target Areas** — It is illegal for anyone to apply pesticides in a way that causes or could cause contamination of areas not targeted for treatment. Pesticides may not be applied by power equipment whenever wind conditions could cause contamination of a non-target area.

**Pesticide Disposal** — Unusable pesticides generally must be disposed of in an authorized solid waste or hazardous waste treatment storage disposal facility. Empty pesticide containers must be disposed of in accordance with prescribed procedures. Pesticide containers may not be used for any purpose not described on the product label and may not be used to store water, food, animal feed, cooking utensils, dishes or clothing.

ENFORCEMENT: *Division of Pesticide Control, New Hampshire Department of Agriculture, Markets and Food, Concord, New Hampshire 03301 (603-271-3550).*

## New Jersey

### ■ PESTICIDE CONTROL ACT OF 1971

#### TERMS:

**Pesticide Applicator Businesses** — No one may engage in the business of applying pesticides for pay without first licensing the business with the state. Among other requirements, a pesticide application business must have liability insurance of at least \$300,000 covering bodily injury and property damage, or obtain a bond of from \$100,000 to \$300,000. For each category of pesticide application it performs, the business must employ at least one commercial pesticide applicator who is certified and registered in that category.

**Commercial Pesticide Applicators** — In general, no one (other than a private applicator, discussed below) may use or supervise the use of any pesticide in any category of use for which he or she has not been certified and licensed by the state. In order to become certified, an applicant is required to pass both a general examination and an examination specific to the type of pesticide services the applicant will perform. Within 12 months after certification, a commercial applicator must apply for a license, which is renewable annually.

**Private Pesticide Applicators** — Agricultural producers who apply or supervise the application of restricted-use pesticides to their own crops, as well as the employees of such producers who apply restricted-use pesticides to their employer's crops, must be certified and licensed as private pesticide applicators. Certification requires successful completion of two separate examinations, both designed to test the applicant's knowledge and understanding of pesticide safety, laws and regulations, pesticide labeling, crops and pests, pesticide poisoning symptoms, and related subjects. Within 12 months after certification, private applicators are required to apply for a license.

**Commercial Pesticide Operators** — Unless the person is certified and licensed as a commercial or private applicator or is working in the actual presence of such an applicator, no person may apply pesticides under the supervision of a commercial or private applicator unless he or she has received annual training and is licensed as a pesticide operator.

**Storage and Disposal of Pesticides** — Restricted-use pesticides and contaminated containers generally must be stored in a secure, locked enclosure, plainly marked with warnings. No one may dispose of pesticides, pesticide containers or pesticide equipment in any way which could harm people or the environment, or in a manner prohibited by state or federal law.

**Container Labeling** — It is illegal to store, transport or possess any pesticide if part or all of its labeling is missing or unreadable. Pesticides may not be placed or kept in any container commonly used for food, beverages or household products.

**Application and Safety Equipment** — Pesticide application equipment must be properly maintained and calibrated. Anyone having employees who handle or apply pesticides must make necessary or appropriate safety equipment available to the workers. Safety equipment must be in good working order, and the workers must be trained in its proper operation.

**Prior Notification of Pesticide Applications** — In general, applying pesticides to an area greater than 3 acres is illegal unless prior notice of the proposed treatment has been given to persons living in the vicinity of the target site. Notification must be given in at least 2 newspapers, no earlier than 30 days and no later than 7 days before the proposed date of treatment.

**Prohibited Acts** — Among many other unlawful acts, it is illegal for anyone (1) to use a pesticide in a manner contrary to the product's labeling or to state or federal restrictions, (2) to handle or apply pesticides in any way that causes or could cause harm to people, property or the environment, (3) to apply pesticides without taking reasonable care to minimize exposure and assure the safety of people, (4) to apply pesticides to a target site in a way or under conditions that could contaminate a non-targeted site due to drift, or (5) to apply pesticides to agricultural lands when persons other than those involved in the application are in the target area without protective clothing or equipment.

**ENFORCEMENT:** *Bureau of Pesticide Compliance and Enforcement, Division of Waste Enforcement, Pesticides and Release Prevention, New Jersey Department of Environmental Protection, Trenton, New Jersey 08625 (609-984-6568).*

## New Mexico

### ■ 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.



## New York

### ■ ENVIRONMENTAL CONSERVATION LAW (*PESTICIDES*)

#### TERMS:

**Permit to Purchase** — With few exceptions, a state permit is required for the purchase, possession or use of any restricted pesticide. The applicant for a permit has to justify the need for the quantity and type of pesticide requested and must demonstrate knowledge and experience concerning the proper handling, application and disposal of the product. A permit is valid only for the particular pesticide and quantity indicated on the permit and must be properly canceled by the seller at the time the product is purchased.

**Certification of Applicators** — No one may engage in the commercial application of any pesticide, or the private agricultural application of a restricted-use pesticide, without first being certified by the state. An applicant for certification must show adequate knowledge and experience in the proper application of pesticides and the use of pesticide equipment by completing an examination. Certification is not valid unless the certificate-holder also has a valid identification card issued by the state agency. Apart from certification requirements, any individual or firm that provides commercial application of pesticides for hire must register with the state and meet state-prescribed standards of competence in the use of pesticides and pesticide equipment.

**Prohibited Acts** — Among numerous other prohibited activities, it is illegal for anyone (1) to detach or deface any part of the label on a pesticide product, (2) to store or dispose of a pesticide or pesticide container in a manner contrary to state regulations, (3) to buy, possess or use a restricted pesticide without a purchase permit or a certified applicator identification card, (4) to apply pesticides commercially without a certified applicator identification card, unless working under the direct supervision of a certified applicator, or (5) to engage in the pesticide application business without being registered.

ENFORCEMENT: *Bureau of Pest Management, Division of Materials Management, New York State Department of Environmental Conservation, Albany, New York 12233-7250 (518-402-8652).*

## North Carolina

### ■ NORTH CAROLINA PESTICIDE LAW OF 1971

#### TERMS:

**Commercial Applicator Licensing** — No one may apply pesticides as a business without first obtaining a commercial applicator license from the state to do so. Issuance of a license requires the applicant to demonstrate his or her technical qualifications to conduct such operations, as well as knowledge of the laws and regulations governing use and application of pesticides.

**Private Applicator Licensing** — Farm operators who use or supervise the use of restricted pesticides on their own crops, and who are not licensed as commercial applicators, must be certified by the state as private applicators. Certification generally requires, among other conditions, that the applicant participate in a state-approved classroom training program dealing with pest control and pesticide safety.

**Pesticide Storage and Disposal** — No pesticide may be stored in an unlabeled container, nor may such substances be stored in any food, feed, beverage or medicine container. Pesticides may not be stored in a manner that could lead to contamination of foods, feeds, beverages, eating utensils, or tobacco products, or that could result in accidental swallowing of the substance by humans or domestic animals. At the same time, it is unlawful to dispose of pesticides or pesticide containers in any way which could cause or allow such items to be dumped in the open, burned in the open, or dumped in the ocean or in some other body of water.

**Prohibited Acts** — Among numerous other restrictions and offenses mentioned in the law, it is unlawful for anyone to (1) transport, store or handle pesticides in such a manner as to endanger human life, the environment, food, feed or other products, (2) detach or destroy all or any part of the labeling on a pesticide product, or (3) use a pesticide in a manner contrary to the instructions on the product's label.

ENFORCEMENT: *Pesticide Section, Structural Pest Control and Pesticide Division, North Carolina Department of Agriculture and Consumer Services, Raleigh, North Carolina 27699 (919-733-3556).*

## North Dakota

### ■ NORTH DAKOTA PESTICIDE ACT OF 1975

#### TERMS:

**Applicator Certification** — In general, no one may purchase, use or supervise the use of any restricted pesticide for commercial purposes without obtaining a commercial pesticide applicator's license and complying with state certification standards. Similarly, agricultural producers who intend to use restricted pesticides on their own property, or without pay on agricultural lands belonging to another producer, must be certified by the state as private applicators before buying, using or supervising the use of any such product. Among other violations for which a license or certification may be denied, suspended or revoked are the following:

- (1) Applying a pesticide in a manner contrary to the product label.
- (2) Operating faulty or unsafe equipment.
- (3) Refusing or neglecting to keep required records or make required reports.
- (4) Operating unlicensed equipment.
- (5) Purchasing, using or supervising the use of a restricted pesticide without complying with certification requirements.

**Financial Responsibility** — Applicants for commercial applicator certification must submit proof of their ability to pay for damage or injury caused by their pesticide application activity. This requirement may be met by obtaining bonding or liability insurance in the amount of at least \$100,000.

**Pesticide Storage and Disposal** — It is illegal for anyone to store or dispose of pesticides or empty pesticide containers in a manner that would endanger humans, the environment, food, feed or other products.

ENFORCEMENT: *Pesticide Enforcement Program, North Dakota Department of Agriculture, Bismarck, North Dakota 58505 (701-328-4922).*

A person who has suffered damages from a violation of the Pesticide Act may take legal action against the applicator involved, using a private attorney or public legal service provider. In general, a person's action for damages cannot go forward unless the person has notified the applicator within 28 days from the date the person knew the loss had occurred.

## Ohio

### ■ PESTICIDE LAW

#### TERMS:

##### **Licensing —**

***Pesticide Businesses*** — No one may own or operate a business whose purpose it is to apply pesticides to someone else's property for hire without first obtaining a pesticide business license from the state. Among other requirements for obtaining a business license, the applicant must have liability insurance in the minimum amount of \$300,000 covering potential damage caused by the application of pesticides.

***Commercial Applicators*** — No one (other than a private applicator, discussed next) may apply a restricted pesticide without having a commercial applicator license issued by the state. As a condition for receiving such a license, applicants must pass examinations testing their competence to apply pesticides safely and effectively.

***Private Applicators*** — A private applicator's license is required for any non-commercial applicator who intends to apply a restricted pesticide to agricultural crops on the applicator's own land, or on someone else's property when no fee is charged for such services. Applicants for a private applicator license must demonstrate adequate knowledge and competence to apply the types of pesticides they will be applying.

***Storage and Disposal*** — Pesticides and pesticide containers must not be stored or disposed of in such a way as to harm the environment, contaminate animal feed or commercial fertilizers, or result in injury to crops, livestock or the general public. Pesticide handlers and applicators must observe detailed procedural rules spelled out in the state regulations.

***Unlawful Acts*** — Among many other offenses defined in the pesticide law and associated regulations, it is illegal for anyone (1) to use or apply a pesticide contrary to the product's labeling or state regulations, (2) to use or supervise the use of a restricted pesticide without being licensed or certified to do so, or unless directly supervised by a certified applicator, (3) to fail or refuse to keep required records or make required reports, or (4) to operate in a faulty, careless or negligent manner, or operate faulty or unsafe equipment.

**ENFORCEMENT:** *Enforcement Division, Ohio Department of Agriculture, Reynoldsburg, Ohio 43068 (614-728-6270).*

## Oklahoma

### ■ OKLAHOMA COMBINED PESTICIDE LAW

#### TERMS:

**Licensing and Certification** — It is unlawful for any person to do business as a commercial, non-commercial or private pesticide applicator unless the person has obtained a valid applicator's license from the state for the type of pesticide application the person intends to perform. There must be a certified applicator identified on each license issued, and certification requires the applicator to prove competence in the particular use of pesticides for which the license is issued.

**Liability Insurance** — No commercial applicator's license may be granted until the applicant furnishes evidence of insurance covering liability for damages that may occur as a result of the applicator's operations.

**Prohibited Acts** — Among other grounds for denial, suspension, revocation or non-renewal of licensing, a pesticide applicator is forbidden from (1) using a pesticide in a manner contrary to instructions on the product's labeling, (2) failing or refusing to keep required records, and (3) applying a pesticide without having the proper category of license permitting such use.

**Complaints** — The state agriculture department is required to receive and attempt to resolve written complaints involving the use or alleged misuse of pesticides.

**ENFORCEMENT:** *Pesticide Section, Consumer Protection Services Division, Oklahoma Department of Agriculture, Food, and Forestry, Oklahoma City, Oklahoma 73152 (405-522-6347).*

## Oregon

### ■ STATE PESTICIDE CONTROL ACT

#### TERMS:

**Licensing of Pesticide Businesses** — Any business involved in applying pesticides on someone else's property must have a pesticide operator's license issued by the state. A license may not be issued until the applicant has, in addition to meeting other requirements, furnished proof of liability insurance or similar security covering injuries and property damage resulting from the applicant's pesticide operations. Individual pesticide applicators who are employed by such businesses must also be licensed.

**Private Agricultural Applicators** — Farm operators and their employees who apply restricted pesticides to crops on their own land must secure a private applicator's certificate from the state. Among other certification requirements, private agricultural applicators must pass an examination demonstrating adequate knowledge of such subjects as pesticides, application practices, safety precautions, and pesticide laws and regulations.

**Prohibited Acts** — Among other violations described in the Act, it is illegal for anyone to operate any faulty or unsafe pesticide application equipment, to apply pesticides in a faulty or careless manner, to fail to keep required records or make required reports, to use pesticides without proper licensing or certification, or to use any pesticide contrary to instructions on the product's label.

**ENFORCEMENT:** *Pesticides Program, Oregon Department of Agriculture, Salem, Oregon 97301 (503-986-4635).* No legal action may be taken against a pesticide application business for injury or damage from the use of a pesticide unless the person injured or damaged files a report of the matter with the Department within 60 days from the date the loss occurred or was discovered.

## Pennsylvania

### ■ PENNSYLVANIA PESTICIDE CONTROL ACT OF 1973

#### TERMS:

**Licensing of Businesses** — Every individual or company that engages in the business of applying pesticides for hire must have a license issued by the state. Among other licensing conditions, the applicant must post a bond or have liability insurance or similar financial security to cover possible damages caused by the use of pesticides. Likewise, each pesticide application business must employ at least one certified applicator, an individual who has been examined by the state agency and found competent to apply pesticides safely and effectively.

**Registration of Technicians** — Non-certified employees of a business involved in applying pesticides to someone else's property may apply pesticides only under the direct supervision of a certified applicator. Such employees must be registered as application technicians if they use pesticides where a certified applicator is not physically present on the site. Each year, application technicians must attend training in pest identification, proper use of pesticides, use and maintenance of equipment, use of protective gear, pesticide transportation and disposal, and state and federal pesticide regulations.

**Certification of Private Applicators** — Farm operators and others who use restricted pesticides non-commercially on their own property must be certified by the state as private applicators. Certification requires, among other conditions, passing a written examination covering product labeling, safety and health, environmental protection, pests, pesticides, equipment, application techniques, pesticide laws, and related subjects.

**Prior Notifications** — Commercial applicators planning to apply a restricted pesticide for an agricultural purpose generally must either (1) publish a notice of the proposed application in two newspapers in the affected area, (2) individually notify people living next to the treatment area, at least 18 hours before the application, or (3) post signs at entry points and along property borders, at least 18 hours prior to the application. Signs must remain posted until the expiration of any restricted-entry period specified on the pesticide label.

**ENFORCEMENT:** *Division of Health and Safety, Bureau of Plant Industry, Pennsylvania Department of Agriculture, Harrisburg, Pennsylvania 17110 (717-772-5214).*

## Puerto Rico

### ■ PESTICIDE ACT OF PUERTO RICO

#### TERMS:

**Licensing** — Any person or establishment that is in the business of applying pesticides commercially must have a license issued by the government of Puerto Rico to do so. Among other requirements, applicants for a license must post bond in an amount ranging from \$50,000 to \$100,000, to guarantee payment of any loss or damage caused by the business's pesticide operations.

#### **Applicator Certification** —

**Private Agricultural Applicators** — Anyone who uses restricted pesticides for farming must be certified as a private agricultural applicator. As conditions for certification, private applicators must (1) pass a test demonstrating practical knowledge of agricultural pests and pest control methods, and (2) show they can read and understand pesticide labeling information, apply pesticides in accordance with label instructions and warnings, recognize application problems that could cause environmental contamination, and recognize symptoms of pesticide poisoning and take effective measures in case of an accident.

**Commercial Applicators** — Persons who apply restricted-use pesticides for hire are required to be certified as commercial applicators. Among other requirements, commercial applicators must demonstrate general knowledge about pesticides and their hazards, and must pass a written exam covering such topics as plant pests, pesticide products and labeling, toxicity, application techniques, pesticide storage and disposal, protective equipment, environmental protection, accident prevention, and emergency treatment.

**Accident Reporting** — Every applicator must immediately report to the enforcement agency any accident where a restricted-use pesticide under the applicator's responsibility is involved.

**Worker Protection** — Agricultural employers must comply with the worker protection standards established by the U.S. Environmental Protection Agency, which require that workers be provided with certain information about the pesticides to which they are exposed in the fields and with personal protective equipment to help prevent pesticide-related injury or illness (*see entry, U.S. — Pesticides & Agricultural Chemicals — Field Worker Safety Standards*).

**Prohibited Acts** — It is unlawful for anyone to use or apply any pesticide in a manner that does not comply with instructions on the product label. Among other grounds for denial, suspension or revocation of applicator certification, an applicator may not perform pesticide applications for which he or she is not certified, violate any provision of the Puerto Rico or U.S. pesticide laws, or fail to keep required records.

ENFORCEMENT: *Agrology and Agricultural Materials Laboratory, Puerto Rico Department of Agriculture, Dorado, Puerto Rico 00646 (787-796-1735).*



## Rhode Island

### ■ PESTICIDE CONTROL ACT

#### TERMS:

**Licensing** — Except for agricultural producers classified as private applicators, no one may apply pesticides on someone else's land unless the application is performed by or under the supervision of a person licensed by the state. Furthermore, in order to legally obtain, apply or supervise the application of certain restricted pesticides, a person generally must be certified, which requires passing a written test to demonstrate knowledge of pesticides and competence to handle such products safely and effectively.

**Financial Responsibility** — As a condition for certification, commercial applicators must obtain a bond in the amount of \$50,000 per job, or purchase an insurance policy covering bodily injury (\$50,000 each occurrence, \$100,000 aggregate) and property damage (\$50,000).

**Private Applicator Certification** — Farm operators who apply restricted pesticides to their own crops, and farmworkers who are required to apply pesticides to the crops of their employers, must be certified by the state as private applicators. Private applicators must pass a test demonstrating knowledge and competency to handle and use pesticides in their normal operations or for any special uses.

**Prohibited Acts** — Among many others, the following acts are both illegal and grounds for denying, suspending or revoking a pesticide applicator's license or certification:

- (1) Using a pesticide in a manner contrary to label instructions.
- (2) Operating faulty or unsafe equipment.
- (3) Operating in a faulty or careless manner.
- (4) Failing to keep required records or make required reports.
- (5) Using pesticides without being licensed or certified for such use, or without direct supervision by a properly licensed or certified applicator.
- (6) Detaching or tampering with any part of a pesticide label.
- (7) Storing or disposing of a pesticide or pesticide container in such a way as to injure humans, crops, livestock or wildlife.

**ENFORCEMENT:** *Division of Agriculture, Rhode Island Department of Environmental Management, Providence, Rhode Island 02908 (401-222-2781).*

## South Carolina

### ■ SOUTH CAROLINA PESTICIDE CONTROL ACT

#### TERMS:

**Licensing and Certification** — It is illegal for anyone to use or supervise the use of any restricted pesticide without a private, commercial or non-commercial applicator license issued by the state. To qualify for a license, commercial applicators and most farm operators must also be certified, which requires that the applicant pass a test to demonstrate his or her ability to use such products safely. Licensing and certification are required prior to purchase or use of restricted pesticides.

**Financial Responsibility** — Before a commercial applicator license may be granted, the applicant must obtain a bond, purchase liability insurance, or have comparable security ranging from \$50,000 to \$100,000, protecting persons who may suffer legal damages as a result of the applicant's operations.

**Prohibited Practices** — It is a violation of law and grounds for suspension or cancellation of a license and certification for a person to operate unsafe equipment, to apply pesticides carelessly, to fail or refuse to keep required records, or to apply pesticides without the proper type of license or certification.

ENFORCEMENT: *Department of Pesticide Regulation, Regulatory Services Division, Clemson University, Pendleton, South Carolina 29670 (864-646-2164).*

## South Dakota

### ■ AGRICULTURAL PESTICIDE APPLICATION LAW

#### TERMS:

**Licensing** — In general, no one may engage in the business of applying pesticides to someone else's property without an applicator's license issued by the state, and no one employed by a licensed applicator may apply or supervise the application of pesticides without obtaining an operator's license.

**Certification** — It is against the law for anyone to use a restricted pesticide unless the person has been certified by the state as competent to do so.

**Storage and Disposal of Pesticides** — It is unlawful for anyone to store or dispose of a pesticide or pesticide container in any way which could lead to open dumping or burning of such products or containers, or to water dumping. Pesticides may not be stored next to food or feed.

**Prohibited Acts** — It is a misdemeanor criminal offense for anyone to apply pesticides to someone else's land without the required class of applicator's or operator's license. Generally, too, it is a violation of the law for a person to transport, store or dispose of a pesticide or pesticide container in such a manner as to cause injury to humans, vegetation, crops, livestock, wildlife or beneficial insects. Among other grounds for denial, suspension, revocation or modification of an applicator's license or certification are these:

- (1) Operating faulty or unsafe equipment.
- (2) Operating in a faulty, careless or negligent manner.
- (3) Refusing or neglecting to keep required records or make required reports.
- (4) Refusing or neglecting to comply with the pesticide laws and regulations, or with a lawful order by the enforcement agency.

**ENFORCEMENT:** *Office of Agronomy Services, Division of Agricultural Services, South Dakota Department of Agriculture, Pierre, South Dakota 57501 (605-773-4432).* A person claiming damages from a pesticide application generally must file a written claim with the Department within 30 days after the damages occurred.

## Tennessee

### ■ TENNESSEE INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

#### TERMS:

**Licensing** — Anyone who buys or uses a restricted pesticide must be certified as a private or commercial applicator, unless licensed as a commercial pest control operator.

**Certification** — Restricted-use pesticide applicators are required to pass an examination specific to the type of pesticide application services they will perform. The agricultural pest control certification exam covers the various crops and pests targeted by pesticides, soil and water issues, pre-harvest and re-entry intervals, the potential for environmental contamination and non-target injury, and community issues relevant to the use of restricted pesticides in agricultural areas. Every 3 years, a commercial pesticide applicator must obtain at least 18 units of approved continuing education credits to qualify for recertification.

**Recordkeeping** — All commercial pest control operators and commercial applicators must keep accurate records documenting each use of pesticides. Among other information, the record must include (1) the applicator's name and state-assigned ID number, (2) the name of the pesticide used, (3) the pest and crop targeted by the treatment, (4) the location of the application, (5) the application rate and amount of product used, (6) the name of the person who requested the application, and (7) the date of the treatment.

**ENFORCEMENT:** *Pesticide Section, Consumer and Industry Services Division, Tennessee Department of Agriculture, Nashville, Tennessee 37220 (615-837-5148).*

## Texas

### ■ AGRICULTURE CODE (*PESTICIDE AND HERBICIDE REGULATION*)

#### TERMS:

**Applicator Certification and Licensing** — Unless working under the direct supervision of a certified applicator, no one may use a restricted pesticide without being licensed as a certified commercial or non-commercial applicator and authorized by the license to use the pesticide in such a manner. Before a license may be issued, the applicant must be tested to demonstrate competence to safely and effectively use and supervise the use of pesticides.

**Financial Responsibility** — Applicants for a commercial applicator license must provide the state licensing agency with proof of a bond or liability insurance protecting persons who may suffer damages as a result of the applicant's operations. The amount of the bond or insurance coverage must be no less than \$100,000 for bodily injury, or combined coverage of \$200,000 for each occurrence.

**Registration and Inspection of Equipment** — Application equipment used by commercial applicators must be registered with the state, and a decal issued by the state agency must be attached in plain sight to each such device. Equipment must be maintained in a condition that will permit safe and proper pesticide application and may be inspected by state officers at any time.

**Storage and Disposal of Pesticides** — No one may store or dispose of a pesticide or pesticide container in a manner that could result in injury to humans, vegetation, crops, livestock, wildlife or pollinating insects, or pollution of any water supply.

**Label Instructions** — It is illegal for anyone to use a pesticide in a manner contrary to instructions on the product's label.

ENFORCEMENT: *Pesticide Programs, Agricultural and Consumer Protection Division, Texas Department of Agriculture, Austin, Texas 78711 (512-475-1620; toll-free 800-835-5832)*. A worker or other person with cause to believe that a violation has occurred, or who has experienced adverse effects from a pesticide application, may file a complaint with the Department.

## Utah

### ■ UTAH PESTICIDE CONTROL ACT

#### TERMS:

**Commercial Applicator Licensing** — It is illegal for anyone to apply pesticides for hire without becoming certified and obtaining a commercial applicator's license from the state. Before a commercial license can be issued, the applicant is required to pass both a general examination and a more specific test, both designed to demonstrate knowledge and ability to apply pesticides safely and effectively.

**Private Applicator Licensing** — An agricultural producer who applies restricted pesticides on his or her own land must be certified and licensed as a private applicator. Private applicator certification generally requires that the applicant demonstrate the ability to read and understand pesticide label directions, demonstrate competency in safely mixing and applying pesticides, and pass a related written examination.

**Prohibited Acts** — No one may store or dispose of any pesticide or pesticide container in a way that would cause injury to humans, vegetation, crops, livestock, wildlife, or beneficial insects, or pollute any waterway. It is unlawful for anyone (1) to apply a pesticide in a manner contrary to instructions and warnings on the product's label or in violation of state or federal restrictions, (2) to operate in a faulty or careless manner, or (3) to use pesticides without having the proper licensing or certification required for such use.

ENFORCEMENT: *Pesticide Program, Plant Industry and Conservation Division, Utah Department of Agriculture and Food, Salt Lake City, Utah 84114 (801-538-7183).*

## Vermont

### ■ PESTICIDE CONTROL LAW

TERMS: Agricultural producers who use or supervise the use of restricted pesticides on their crops are required to obtain a private applicator certificate from the state. Such a certificate may not be issued unless the applicant passes written examinations demonstrating competency in the safe handling of restricted pesticide products. Similarly, anyone who charges a fee to apply any type of pesticide must have a commercial applicator certificate, which requires passing written examinations specific to the category of operation he or she will engage in.

Among other requirements and restrictions, pesticide storage areas must not be accessible to unauthorized users or to wildlife. Excess pesticides and pesticide containers must be disposed of in accordance with instructions on the product label.

ENFORCEMENT: *Pesticide Management Section, Vermont Agency of Agriculture, Food and Markets, Montpelier, Vermont 05620 (802-828-2431).*

## Virginia

### ■ VIRGINIA PESTICIDE CONTROL ACT

#### TERMS:

**Applicator Certification** — All commercial pesticide applicators, as well as private agricultural users of restricted pesticides, must be certified as competent to use pesticides safely and effectively. As conditions for certification, commercial applicators are required to meet certain minimum education or experience qualifications, complete a state-approved training course, and pass a written examination.

Within 90 days after applying for certification, private applicators must take an examination for each type of pesticide application they plan to perform.

**Financial Responsibility** — Licensed pesticide application businesses (which may include individual pesticide applicators) must obtain a surety bond or liability insurance protecting persons who may suffer damage or injury as a result of the misapplication of pesticides. At a minimum, the bond or insurance must provide at least \$100,000 coverage for property damage, \$100,000 for personal injury to or death of one person, and \$300,000 per occurrence.

**Prohibited Acts** — Each of the following acts, among others, is unlawful and is grounds for denial, suspension or revocation of licensing and certification:

- (1) Use or disposal of a pesticide contrary to instructions or restrictions on the product label.
- (2) Application of pesticides in a careless manner.
- (3) Refusal or failure to keep required records or make required reports.
- (4) Use of a restricted pesticide without certification or direct supervision by a certified applicator.

**ENFORCEMENT:** *Office of Pesticide Services, Virginia Department of Agriculture and Consumer Services, Richmond, Virginia 23218 (804-786-3798; 804-371-6560).* Anyone claiming damages from the use or application of a restricted pesticide may file a written report of the incident with the Department.



## Washington

### ■ WASHINGTON PESTICIDE APPLICATION ACT

#### TERMS:

**Licensing and Certification** — Individuals who (1) apply pesticides to someone else's property for hire, (2) apply pesticides by hand or using licensed equipment while employed by a pesticide application business, or (3) use or supervise the use of restricted pesticides in the production of agricultural crops, must be licensed by the state to do so. In each case, applicants for a license must be certified as to their knowledge of the nature and effects of pesticides and their ability to apply pesticides safely and effectively.

*Exception* — The commercial pesticide applicator licensing requirements do not apply to any farmer who owns ground application equipment and applies pesticides only on his or her own crops, or on the crops of other farmers only occasionally and not as a principal or regular occupation.

**Bonding or Insurance** — The state may not issue a commercial pesticide applicator's license until the applicant has furnished proof of a surety bond or liability insurance policy protecting persons who may suffer legal damages as a result of the applicant's operations. The amount of the bond or insurance must be at least \$50,000 each for property damage and public liability coverage, or \$100,000 combined coverage.

**Unlawful Acts** — Among other violations, it is illegal for anyone to (1) handle or apply pesticides in a faulty, careless or negligent manner, (2) fail or refuse to keep required pesticide-related records, (3) apply pesticides without having obtained the appropriate class of license for that activity, or (4) fail to maintain the liability insurance required for the class of pesticide license held or required to be held.

**ENFORCEMENT:** *Compliance Section, Pesticide Management Division, Washington State Department of Agriculture, Olympia, Washington 98504 (360-902-2036; toll-free 877-301-4555).*

## West Virginia

### ■ WEST VIRGINIA PESTICIDE CONTROL ACT OF 1990

#### TERMS:

**Licensing and Certification** — With some exceptions, no one may engage in the business of applying pesticides to anyone else's property without being licensed by the state as a pesticide application business, and individuals who use or supervise the use of restricted pesticides for hire or in their own agricultural operations must be certified as commercial or private applicators. In most cases, a license or certification may not be issued unless the applicant passes an examination demonstrating knowledge and ability to conduct the pesticide activities safely and effectively.

**Financial Responsibility** — As a condition for receiving a pesticide application business license, the applicant must present proof of a surety bond or liability insurance policy, in an amount not less than \$300,000 for bodily injury or death and \$100,000 for property damage.

**Prohibited Acts** — Among others, the following practices are violations of the Act and grounds for denial, suspension or cancellation of an applicator's license and certification:

- (1) Operating faulty or unsafe equipment.
- (2) Operating in a faulty, careless or negligent manner.
- (3) Refusing or neglecting to keep required records or make required reports.
- (4) Applying pesticides without the required classification of license, permit or certification, or without supervision by a properly licensed or certified applicator.
- (5) Applying pesticides contrary to label instructions, or contrary to state or federal use restrictions.
- (6) Failing to comply with any provision of the Act or the associated regulations.

**Damage Reports** — A person claiming damages from a pesticide application may file a report of the incident with the state enforcement agency within 60 days after the alleged damages occurred.

ENFORCEMENT: *Pesticide Regulatory Unit, Regulatory and Environmental Affairs Division, West Virginia Department of Agriculture, Charleston, West Virginia 25305 (304-558-2209).*

## Wisconsin

### ■ PESTICIDE LAWS

#### TERMS:

**Certification and Licensing** — In general, no one may apply any pesticide for hire without being licensed and certified as a commercial applicator by the state. Likewise, farm operators may not apply or supervise the application of restricted pesticides in connection with agricultural production on their farms without being certified as private applicators. Certification requires, in part, that the applicant demonstrate competence to apply pesticides safely and effectively. For commercial applicators, competence is determined on the basis of written examination, while private agricultural pesticide users normally may be certified either through training or by examination.

**Pesticide Storage** — Pesticides must be stored according to label instructions and in such a way that labels are not damaged or destroyed. Storage areas generally must be secure against entry by children or the general public.

**Pesticide Disposal** — No one may dispose of pesticides or pesticide containers in a manner contrary to the directions on the product's label, or in a way that could create a hazard to humans, property, fish or wildlife. Except in connection with professional recycling, it is illegal to re-use pesticide containers for any purpose.

**Pesticide Drift** — No one may use a pesticide in a way that results in pesticide over-spray or drift.

**Pre-Harvest Intervals** — It is illegal for a farm operator to harvest a crop from the site of a pesticide application during the pre-harvest interval specified for that crop on the pesticide label.

**Application Equipment** — Use of pesticide application equipment that is clogged, unclean or in disrepair, or that cannot be properly calibrated, is prohibited.

**Warning Signs** — In a situation where (1) an agricultural pesticide label requires both posted and oral warnings before the product is applied, and (2) the application site is within 300 feet of a migrant labor camp, residence, school, playground or similar facility where people are likely to be present during the restricted-entry interval specified on the pesticide label, either the pesticide applicator or the owner or operator of the property targeted by the application must post warning signs that meet the requirements prescribed in the regulations.

**Prohibited Acts** — Among many other violations of the state pesticide laws, it is unlawful for anyone to:

- (1) Detach, alter, deface or destroy any part of a pesticide label, or alter the contents of a pesticide container.
- (2) Use any restricted pesticide contrary to label directions or other federal or state restrictions.
- (3) Use or supervise the use of pesticides without required certification, licensing or supervision.
- (4) Fail to maintain required records or make required reports.

**ENFORCEMENT:** *Bureau of Agrichemical Management, Division of Agricultural Resource Management, Wisconsin Department of Agriculture, Trade and Consumer Protection, Madison, Wisconsin 53708 (608-224-4545).*

## Wyoming

### ■ WYOMING ENVIRONMENTAL PESTICIDE CONTROL ACT OF 1973

#### TERMS:

**Certification of Applicators** — In general, farm operators and their employees are prohibited from applying restricted pesticides to agricultural crops unless they are certified as private applicators. Among other conditions, certification requires each applicant to demonstrate competence in the use and handling of restricted pesticides, by passing a training course, completing an instruction workbook, or passing a written or oral examination.

Similarly, anyone who intends to engage in the business of applying pesticides on the property of another for hire must be certified as a commercial applicator, which requires passing an examination and meeting other qualifications.

**Notifications** — Before applying any restricted pesticide, certified commercial applicators must inform the customer of the name of the product to be used, the potential hazards of the product, any restricted entry period that applies to the product, and any waiting periods prior to harvest.

**Prohibited Acts** — It is unlawful for anyone to engage in any of the following practices, among others:

- (1) Detaching, altering, defacing or destroying any part of a pesticide product label prior to disposal of the container.
- (2) Using any registered pesticide in a manner inconsistent with its labeling.
- (3) Failing or refusing to keep required records.
- (4) Using any restricted pesticide unless properly certified to do so, or unless under the direct supervision of a certified applicator.
- (5) Using restricted pesticides in a manner contrary to the applicator's license or certification classification.

**ENFORCEMENT:** *Pesticide Section, Technical Services Division, Wyoming Department of Agriculture, Cheyenne, Wyoming 82002 (307-777-7321; toll-free 800-877-9975).*