

■ 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.