

Pesticide Statute and Administrative Rule Housekeeping Changes

Description of Change	Statute/Rule
Update references to Code of Federal Regulations	
Registration and labeling	4.10.702(3)
Worker Protection Standards (WPS) and labeling	4.10.1009(1)
Penalties	4.10.1004(1)(n)
Remove administrative rules that repeat and summarize statute	
Pesticide registration	4.10.701
Registration requirements	4.10.702
Repeal Pirimor 50-DF - no longer registered in Montana and not likely to be in the future	4.10.709
Remove 'commercial' from dealer application process language -- is the same process for a pesticide dealer license regardless of type of dealer	4.10.501(1)
Change 'salaried employee' to 'employee'; salaried has no special meaning	4.10201(1)
Update source of sampling and analysis methodology	80-8-302(2)
Change field men and salesmen to the gender neutral field and sales employees	4.10.501(6)
Change verb form from 'must not be' to 'are not' license and license fees transferability	4.10.503(8)
Change term 'farm applicator' to 'private applicator'	80-8-102(15) 80-8-201, 207 & 209 80-8-306, 313 & 315 4.10.401, 403 & 404 4.10.503(9) 4.10.1005(1), (2) & (4)(f) 4.10.1204(1) & (5)(c) 4.10.1404(2) & (4)(c) 4.10.1501(22), (29), (41) & (73) 4.10.1806(5) & (5)(a)
Update Model School Integrated Pest and Pesticide Management Safety language to remove development of program by 1994	80-8-404(1 & 2)

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Description of Change	Statute/Rule
Remove dated competency standard language (b), eliminate (a) and modify (3) to say minimum passing score for pesticide core and category specific examination is 80%; does not change what the section says, makes the section more concise	4.10.203(3)(a) & (b)
Correct Consumer Information Sheets form - should be plural (CISs), not possessive (CIS's)	4.10.205(1)(h)
Correct aquatic herbicide record reference code	4.10.315(1)(b)
Remove statement that copies of the CFR are available from the department; redirect reader to website for CFR, hardcopies of CFR are not available from MDA	4.10.1009(1)
Update enforcement term 'disciplinary' to 'enforcement'	4.10.1004(1)
Update contact number for Disaster and Emergency Services (DES)	4.10.1102(1)(a)
Remove outdated reference for mixing and loading containment facility guidelines	4.10.1102
Modify outdated permanent storage facility (PSF) compliance requirements	4.10.1103
1080 Livestock collars	
Update availability information for 1080 Livestock Collar	4.10.1201(1)
Technical Bulletin and its effective date updated	4.10.1201(7)
Update terms related to pesticide licensed and certified	throughout
M-44	
Change date for M-44 Use Restriction Bulletin from February 1996 to March 2012	4.10.1404(7)
Language clean up related to qualification for license or permit	4.10.1404(1) & (2)
Revise available from statement	4.10.1404(7)
Repeal Disposal and Recycling Purpose statement, purpose statements are appropriate in statute but not administrative rule	4.10.1801(2)
Modify container recycling operation to eliminate application process since we do not require an application to participate	4.10.1804(6)
Modify language related to exchangeable pesticides, including adding 'if unreturnable' under qualifications, add basic record keeping requirement (for MDA) and eliminate fee	4.10.1806(4)

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Description of Change	Statute/Rule
Update name of state agency from DHES to DEQ and amending approval to include county in which burning or incineration occurs	4.10.807(1)
Reorganize rules on waste pesticide disposal, container recycling and exchangeable pesticides such that each becomes a distinct section of rule modify waste pesticide site selection so it matches process being used (joint selection between contractor and department)	4.10.1803 - 1807

Other Pesticide Statute and Administrative Rule Changes

Description of Change	Statute/Rule
Change the definition of retail sale products to 'home, yard, lawn and garden'	80-8-102(9) & (35)
Clarify that pesticide products 'held/hold/holding in storage' must be registered	80-8-201(1)
Change term 'shall' to 'may' related to Experimental Use and Special Local Need registrations	80-8-201(8)(a)
Clarify language related to subcontractors and subcontracting, new rule related to statute	80-8-203(1)
Review/reconsider veterinarians and pharmacist registration requirements with State Veterinarian and with Veterinarian and Pharmacy Assns.; is it needed, if yes, address compliance, if no, repeal or modify language requirements.	80-8-203(3)
Dealer Examinations: clarify that individuals rather than businesses are licensed, department has not implemented examination requirements for employees of the dealer as specified, specify manuals, training and examination content, and define which dealer employees requirement applies to. ** need to consider including operators working under a commercial license	80-8-208
Farm Applicator Certification: schedule update and removal of staggered qualification period; propose posting schedule to department website	4.10.401(1)(a)
Clarify farm applicator term 'vicinity'; possibly change statute and then repeal rule (Cort)	4.10.404(3)

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Description of Change	Statute/Rule
Establish a certification validation period as one year from date of successfully passing exam	4.10.201(9)
Revise licensing type differences; e.g. regulatory government 'weed' and commercial 'right of way' become 'weed'	4.10.205
Clarify language related to the use of restricted use pesticides by noncommercial applicators	4.10.201(6)(c)
Amend aerial applicator category as it relates to other categories, e.g., wood treatment, and adding language about drones	4.10.202(3)(n)
Change School IPM as a sub-classification under Industrial, Institutional, Structural and Health (IISH) category to an endorsement under ISSH, Ornamental and Turf and Right of Way and consider broadening the scope to other vulnerable populations such as nursing homes and daycares	4.10.202(g)(i)
Retailer Education Program - talk with industry about an effective approach	80-8-212
Amend requalification period and training, changing 'training' to 'continuing education' (CE), specifying that a credit hour is based on 50 minutes of CE, providing that one-half of credits may be on-line based CEs, adopting on-line training verification method and if EPA C & T changes are adopted, changing requalification period to three years rather than four	4.10.203(5)(a)
Update language related to training (to CE), changing first use of the word 'petition' to 'submit' and second 'petition' to proposed CE course, eliminating projected attendance and adding biography or qualifications of speakers.	4.10.203(6)
Provide additional detail for the Vertebrate Pest Competence Standard	4.10.205(1)(a)(iii)
Modify pesticide application records so that only diluents other than water need to be recorded	4.10.207(1)(e)
Modify pesticide application records to focus on crop or site being treated	4.10.207(1)(h)
Department authority to request pesticide applicator records modified to include all pesticides, not just restricted use	4.10.207(7) & others
Eliminate fifth year reporting to the department, modify statement to list information records must contain and for how long they must be kept, remove exemption for private applicators	4.10.207(8) & (9)
Modify restricted use application notifications by applicator	4.10.209
Modify how civil penalties may be assessed; each day of violation may be a separate offense (similar to that found in Quarantine) and penalties may be assessed on a per day, field, or event basis	4.10.1002 - 1005

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Description of Change	Statute/Rule
1080 Livestock Collar	
Require 80% pass score on examination	4.10.1204(3)
Change 'sheep and goats' to 'livestock'	4.10.1201(1)
Change 'future' to 'current' in the statement '...applicators using the collar, shall be subject to future labeling restrictions...'	4.10.1201(2)
required practical demonstration on how to use collars	4.10.1204(3)
M-44	
Re-establish Department of Livestock as licensed M-44 Dealer, eliminated MDA as Dealer	4.10.1403(1)
Change 'and' to 'or' in '...that depredate livestock and or poultry.'	4.10.1404(1)
Adding 'storage' to 'Training in the safe use and handling of...'	4.10.1404(1)(a)
Required practical demonstration on how to use M-44 devices	4.10.1404(2)
Require 80% pass score on exams for all applicators	4.10.1404(2)
Eliminate requirement that only courses offered during last half of 3rd licensing period and 4th licensing period of qualification period will be reviewed for approval	4.10.1404(3)
Eliminate financial responsibility instruments (CDs, Insurance, bonds) requirements but retaining language specifying that applicators are financial responsible for applications and letting industry craft suitable language that works for and protects the industry	4.10.101 - 108 4.10.1404(5)

Pesticide Statute and Administrative Rule Changes related to EPA Certification & Training Proposal

Description of Change	Statute/Rule
Written, proctored examinations, private applicators	80-8-209(3)
Non-reader requirement	New
Private applicator competencies for new categories	New
Fumigation and non-soil fumigation categories	4.10.202 & 205

Pesticide Statute and Administrative Rule Changes related to EPA Certification & Training Proposal

Description of Change	Statute/Rule
Exam and training security for commercial and government applicators	4.10.203
Exam and training security for private applicators: modify statute and/or add new rule	80-8-209; new rule
Operator required annual training and training records	4.10.205 & 206(5)(c)
Qualifications for training providers	4.10.206(5) & (6)
Supervising applicators	4.10.206, 403 or new rule
Establish minimum age of 18 for RUP use	80-8-203, 205, 206, 207 & 209
Three year certification period for all applicators	80-8-209(1) 4.10.203(5)(a) & 401
Continuing education credit requirements	4.10.203 & 401
Civil and Criminal penalty authority	80-8-306(5)(c)(ii)
Commercial applicator and operator RUP recordkeeping requirements	4.10.207
RUP Dealer recordkeeping	4.10.504
Review and potential update of definitions in statute and rule	Statute and rule