



625 Robert Street North
Saint Paul, MN 55155-2538

August 8, 2024

NOTICE OF FUTURE RULEMAKING

Dear Pesticide Dealer,

The Environmental Protection Agency (EPA) requires states that wish to issue pesticide dealer license have an approved certification plan from the EPA. In 2023, the EPA approved the Minnesota Department of Agriculture's (MDA) revised certification plan with the understanding MDA would make required changes to their certification plan; therefore, MDA must make these changes or be in violation of the federal rule (Code of Federal Regulations, title 40, part 171). The revised federal certification plan allows MDA to issue pesticide dealer licenses to the applicants in the state.

The MDA would like to make you aware of the proposed changes and answer any questions you may have concerning the changes. The following **underline** changes are the proposed amendments:

MN Administrative Rule 1505.1100

RESTRICTED USE PESTICIDE DISPLAY; SALES AND DISTRIBUTION; RECORD KEEPING.

Subpart 1. Display for sale.

No person shall display for sale any restricted use pesticides in any public area of a store or other place to which the general public has access unless displayed by a sign or placard bearing the following statement in capital letters not less than two inches high:

"RESTRICTED USE PESTICIDES -- USER MUST BE CERTIFIED."(licensed)

Subp. 2. Sale and distribution to unlicensed or uncertified persons.

A pesticide dealer licensed under Minnesota Statutes, section [18B.31](#), may offer for sale, sell, and as provided in subpart 3 make restricted use pesticides available to an unlicensed or uncertified person for application by a person licensed or certified under Minnesota Statutes, sections [18B.29](#) to [18B.36](#).

Subp. 3. Making restricted use pesticides available; record keeping.

A. A restricted use pesticide is considered to be made available when it is picked up by or delivered to a person.

B. At the time a restricted use pesticide is made available to a person, the pesticide dealer or a person working under the supervision of the pesticide dealer must obtain:

(1) the date that the restricted use pesticide is made available;

(2) the name and address of the person to whom the restricted use pesticide is made available if the person is not licensed or certified under Minnesota Statutes, sections [18B.29](#) to [18B.36](#);

(3) the name, the address, and the license or certification number of the applicator who will be applying the restricted use pesticide, the expiration date of the applicator's license or

certification, use categories listed on the applicator's license, and the original or a facsimile copy of the applicator license or certification card if the applicator is licensed or certified by a state other than Minnesota or certified by a Tribe or federal agency; and
(4) the pesticide product brand name, EPA registration number, Minnesota special local need registration number, if applicable; Minnesota emergency exemption registration number, if applicable; and amount of restricted use pesticide being made available.

C. All information required under item B must be recorded, either manually or on a computer, by the end of the business day in which a restricted use pesticide is made available to a person. All records must be kept on forms provided by the commissioner. Records may be kept by computer if all information required item B is included in the computer record.

As part of the formal rulemaking process, MDA will publish these amendments to MN Administrative Rule 1505.1100 on our website and on the Office of Administrative Hearings website in the future.

Let us know if you have any comments on these amendments either at Jessie.Rahmeyer@state.mn.us or 651.201.6188.

Respectfully,

Gurinderbir (G) S. Chahal, Ph.D.

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