

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Rules as Proposed for Adoption

In Final Form

Pesticide Control

Chapter 15

3 MCAR 1.0338

This rule (3 MCAR 1.0338) for Minnesota Pesticide Control Law of 1976 hereby repeals previous rules and regulations AGR 329-336 (Economic Poisons and Devices); AGR 348-357 (Custom Spraying and Dusting); and AGR 233-243 (Structural Pest Control). The need for this change was brought about by the passage of the Minnesota Pesticide Control Law of 1976.

3 MCAR 1.0338 Pesticide Control.

A. General.

1. Authority. The rules contained herein ~~are~~ is prescribed pursuant to Minn. Stat. 1976, Secs. 18A.21 to 18A.48, by the Commissioner of Agriculture to implement provisions to protect the immediate and future health, welfare, and economic status of the people of this state through the control of the use of various pesticides including, but not limited to herbicides, insecticides, rodenticides, and fungicides. The provisions specified in ~~these~~ this rules ~~are~~ is in addition to those set forth in the Act itself.

2. Definitions. As used in 3 MCAR 1.0338, the following definitions and those definitions in Minn. Stat., Chap. 18A, shall apply:

a. "Master Structural Pest Control Applicator" means a person who has the necessary qualifications to properly plan, determine, and supervise the selection and application of pesticides in structural pest control, who is thoroughly familiar with the toxic effects of pesticides on man and on other living things, ~~and~~ who is familiar with the laws, rules, and regulations governing the same, and is so licensed by the Commissioner, provided he/she shall not be permitted to engage in the planning and supervision of the selection and application of fumigants unless qualified as a fumigator.

b. "Journeyman Structural Pest Control Applicator" means a person who has the necessary qualifications in the practical selection and application of pesticides with knowledge of their toxic effect on man and other living things, ~~and~~ who is engaged as an employee of or is working under the direction of a Master Structural Pest Control Applicator and is so licensed by the Commissioner.

c. "Structural Pest Control Applicator's Apprentice, Trainee, or Assistant" ~~is~~ means a person, other than a Master or Journeyman Structural Pest Control Applicator, who is engaged as an employee of a Master Structural Pest Control Applicator, or working under the immediate and personal supervision of either a Master or Journeyman Structural Pest Control Applicator for not ~~to exceed~~ more than 120 days of employment, in learning and assisting in the selection and application of pesticide and has been registered with the Commissioner to so engage in structural pest control activities.

d. "Fumigator" means a person who has the necessary qualifications in the practical selection and application of fumigants with knowledge of their toxic effect on man and other living things and ~~who~~ is so licensed by the Commissioner.

e. "Commercial Pesticide Applicator" means a person who is licensed under the Act, other than structural pest control applicators or fumigators, to use or supervise the use of pesticides for hire.

f. "Non-Commercial Pesticide Applicator" means a person, including government officials, other than commercial applicator, structural pest control applicator or private applicator who uses or supervises the use of restricted use pesticides on lands.

g. "Pest" means, for the purposes of structural pest control, (1) any insect, rodent, nematode, fungus, weed, or (2) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other micro-organisms on or in living man or other

living animals) or any other form of animal or plant life which has been declared by the commissioner to be a pest and which is found in, on, under, or within six (6) feet of any structure.

3. Incidents.

a. Persons involved in, or responsible for, an incident involving a pesticide such as flood, fire, tornado, motor vehicle accident, poisoning, exposure, spills or leaking container(s) likely to cause damage to humans or the environment shall immediately report such incident to the Minnesota Department of Agriculture, and provide ~~such~~ information as may be requested by the Commissioner. Notification of such incidents to the Department of Agriculture shall consitute compliance with Minn. Stat. Sec. 115.061. The Department shall be responsible for immediately notifying the Minnesota Pollution Control Agency of incidents which may cause pollution of waters of the state.

4. Records.

a. In addition to those record keeping requirements set forth in Minn. Stat. Sec. 18A.28, Subds. 2 and 3, licensed Commercial Applicators and licensed or registered Structural Pest Control Applicators shall keep a record of and report to the commissioner the locations of all treatments.

b. All Non-commercial Pesticide Applicators as defined in the Act shall submit to and on forms provided by the commissioner annually, but in no case later than January 30 following the year of license, a report which shall include true and accurate routine operational information on kinds, amounts, uses, dates and places of application of restricted use pesticides; and shall keep and maintain such records necessary to produce such reports. Records shall be maintained for two years.

B. Special Local Needs.

1. "Special Local Need" shall mean a pest problem presently existing or likely to occur within the state which cannot be effectively controlled because:

a. There is no pesticide registered by EPA for such use~~;~~: or

b. There is no EPA registered product which, under the conditions of use within the state, would be as safe and/or as efficacious for such use

within the terms and conditions of EPA registration; or,

c. An appropriate EPA registered pesticide product is not available.

2. Any person may make application for a special local need registration. Application shall be made in writing to the Commissioner and shall include all information required in Minn. Stat. 1976, Sec. 18A.22, Subd. 2 (a-d) and meet the requirements set forth in Minn. Stat. 1976, Sec. 18A.23 and 40 CFR 162.150-162.158, Subpart B.

3. If the Commissioner, based upon information in the application, deems it in the public interest, and deems that the information in the application indicates that the pesticide does not have the potential for unreasonable adverse environmental effects, he may issue a special local need registration in accordance with Minn. Stat. 1976, Secs. 18A.22, Subd. 2 (a-d), 18A.23, and 40 CFR 162.150-162.158, Subpart B.

4. The Commissioner shall, within 20 days of issuance of a special local need registration:

a. Publish a notice of the special local need registration in the State Register and the EQB Monitor.

b. Issue a news release with information stating that a special local need registration has been issued and citizen's right to petition for a hearing to all legal newspapers of general circulation in the affected area and any other newspaper the Commissioner deems appropriate.

5. A federal or state agency, a local unit of government, or any person or group of persons filing with the Commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age, shall have 30 days from publication of notice in the State Register to file written objections with the Commissioner regarding the issuance of the special local need registration. Upon receipt of said written objections, and when it is deemed in the best interest of the environment or the health, welfare, and safety of the public, the Commissioner shall

order a hearing pursuant to Minn. Stat. 1976, Chap. 15, for the purpose of revoking, amending, or upholding said registration.

6. The Commissioner shall revoke, suspend, or amend a special local need registration upon the determination after notice and hearing that, under the terms of the registration granted, the pesticide may cause unreasonable adverse effects on the environment, or the health, welfare, and safety of the public, or that the special local need no longer exists.

7. A special local need registration shall be valid for one calendar year or portion thereof unless revoked or suspended and may be revewed annually by application in writing to the Commissioner. ~~No special local need registration shall be valid for more than one day less than five years.~~

C. Certification and/or Recertification Requirement; Commercial, Non-Commercial, and Structural Pest Control Applicators.

1. Certification Requirement.

All Minnesota Commercial, Non-Commercial, and Structural Pest Control Applicators shall be required to take and pass a proctored written examination or examinations related to the category classification selected by the applicant prior to certification and licensing. Upon passage of such an examination or examinations, the applicator will be certified for a period up to five years. Such examinations shall meet or exceed the requirements in FIFRA ~~Law~~ and Regulations 40 CFR 171.4 (b) and (c) and 40 CFR 171.6. Such examinations will be prepared and administered by the Commissioner or his designee.

2. Recertification Requirement.

a. Commercial and Non-Commercial Applicators certified in accordance with ~~(~~Section C. 1.~~)~~ may be recertified by:

1. Satisfactorily completing an approved training program during the certification period~~,~~; or

2. Re-examination in accordance with procedures set forth in Section C. 1. 3. Participation at such a training program or re-examination will extend the applicator's certification for a period up to five years from the date of attendance or examination.

b. Structural Pest Control Applicators may be recertified by participating in an approved training program or passing a written, proctored examination annually for relicensing and recertification.

3. Re-examination Procedures.

If any applicant fails to achieve a passing score on any examination, he/she shall be eligible to retake the examination after 15 days from the date of notification of ~~examination~~ failure of the first examination. If any applicant fails to achieve a passing score ~~on any examination~~ upon retaking ~~it~~ an examination, he/she shall be eligible to retake the examination after 30 days from the date of notification of examination failure. A failing applicant may retake an examination no more than three (3) times in one year. Upon submission to the Commissioner in writing of specific reasons within 30 days from the date of notification of failure of ~~second~~ third retaken examination, an appeal of the score may be made.

4. Certification Alternatives.

a. Upon written application, the Commissioner may grant to an individual an alternative for the certification requirement and procedures set forth in this rule, provided that:

~~a.~~ 1. there is good cause why the individual cannot comply with the provision of this rule;

~~b.~~ 2. the requirements and procedures provided for in the alternative ~~is~~ are equivalent to those set forth in this rule;

~~c.~~ 3. when an examination is involved, the subject matter and difficulty of the examination is equivalent to the examination for which the

alternative is granted;

~~d.~~ 4. the spirit and intent of the act ~~in~~ and this rule are not violated; and,

~~e.~~ 5. the environment or the public will not be adversely affected by the alternative requirements or procedures.

b. Under no circumstance shall certification be waived.

D. Private Applicator.

1. A private Applicator shall be deemed certified when he/she ~~purchases a restricted use pesticide from a licensed dealer and signs a sales register attesting that he/she read the label of the pesticide and will follow the directions for use and the precautions to protect the user and the environment. He/She shall also attest that~~ has, within the past three years, ~~he/she has~~ completed one or more of the following state approved certification programs:

a. A ~~S~~state approved home study; ~~or~~

b. A state approved ~~P~~ pesticide training session; ~~or~~

c. A personal interview by the Commissioner~~.~~; or,

d. A ~~W~~written or oral examination~~.~~; and,

He/She reads the Label and follows all label directions for use and the precautions to protect the user and the environment for all restricted use pesticides he/she uses.

2. A Private Applicator or his/her agent shall sign a sales register when purchasing a restricted use pesticide from a licensed dealer attesting that the user will read the label of the pesticide and will follow the directions for the use and the precautions to protect the user and the environment and that the user has completed one or more of the state approved certification programs set forth in section D.1. within the past three years.

E. License.

1. An applicant for a "Master Structural Pest Control Applicators License"

shall take and pass a writt[redacted] proctored examination prepare[redacted]nd administered by the Commissioner. Such examination shall determine whether the applicant has adequate training, experience, and technical knowledge to properly plan, determine, and supervise the selection and application of pesticides in structural pest control.

2. An applicant for a "Journeyman Structural Pest Control Applicator License" shall take and pass a written proctored examination prepared and administered by the Commissioner. Such examination shall determine whether the applicant has adequate training, experience, and workable~~ing~~ knowledge in the practical selection and application of pesticides in structural pest control and familiarity with toxic effect of pesticides on man and other living things.

3. An applicant for ~~qualification as~~ a "Structural Pest Control Fumigator" shall, in addition to securing a Master or Journeyman license, take and pass a written proctored examination prepared and administered by the Commissioner. Such examination shall determine whether the applicant has adequate training, experience, and working knowledge in the practical selection and application of fumigants and familiarity with the toxic effect of fumigants on man and other living things.

4. An applicant for a "Restricted Use Dealer License" shall take and pass a written proctored examination prepared and administered by the Commissioner. Such examination shall determine whether the applicant has adequate training, experience, and working knowledge of pesticide types and characteristics, proper pesticide storage and disposal techniques, pesticide safety, and label and labeling comprehension.

5. Upon written application, the Commissioner may grant to an individual an alternative for the licensing requirement and procedures set forth in this rule, provided that:

a. there is good cause why the individual cannot comply with the provision of this rule;

b. the requirements and procedures provided for in the alternative ~~is~~ are equivalent to those set forth in this rule;

c. when an examination is involved, the subject matter and difficulty of the examination is equivalent to the examination for which the alternative is granted;

d. the spirit and intent of the act ~~in~~ and this rule are not violated; and,

e. the environment or the public will not be adversely affected by the alternative requirements or procedures.

F. License Renewal; Structural, Commercial, and Non-Commercial.

1. Every person licensed as a master or journeyman in structural pest control shall be required to attend annually at least one program of continuing education in the use of pesticides in structural pest control approved by the Commissioner as a condition for renewal of the license under the Act. Failure to attend such programs as required may be grounds for revocation, termination, suspension, or refusal to renew said license.

2. Licensed Commerical and Non-Commercial Applicators must renew their license on ~~an~~ annually ~~basis~~. Qualification for license renewal can be accomplished by annual attendance at an approved continuing education program in the use of presticides held prior to the expiration date of the present license or by successful completion of an examination prepared and administered by the ~~Department of Agriculture~~ Commissioner.

3. Failure to renew said license prior to the expiration date will require the applicant to revert to the status of a new applicant.

4. Upon written application, the Commissioner may grant to an individual an alternative for the license renewal requirement and procedures set forth in this rule, provided that:

a. there is good cause why the individual cannot comply with the provision of this rule;

b. the requirements and procedures provided for in the alternative ~~is~~ are equivalent to those set forth in this rule;

c. when an examination is involved, the subject matter and difficulty of the examination is equivalent to the examination for which the alternative is granted;

d. the spirit and intent of the act ~~in~~ and this rule are not violated; and,

e. the environment or the public will not be adversely affected by the alternative requirements or procedures.

G. Restricted Use Pesticides.

1. Restricted use pesticides shall be those so classified by the Administrator of the EPA.

~~1.~~ 2. ~~In addition to all pesticide uses classified by EPA as restricted use,~~ and Additionally, all pesticide uses classified as restricted use by any other federal or state agency statutorily authorized to do said classification, ~~the following uses and procedures are prescribed:~~ as well as the pesticides listed in Section G.(3) of this rule, shall, for the purposes of the administration of this rule, be classified as restricted use pesticides.

3. The following uses and procedures shall also be prescribed:

a. the following inorganic arsenical compounds: Sodium arsenite, ~~Calcium arsenite, Lead Arsenate,~~ Sodium arsenate, Arsenic trioxide, Arsenic acid, and Arsenic Pentoxide shall ~~have no uses~~ not be used for weed control.

b. Sodium Fluoroacetate, "Compound 1080", fluoroacetamide ("1081"), and phosphorus paste, including ~~shall mean sodium fluoroacetamide or~~ any mixture, formulation, dilution, or combination thereof, shall be restricted as follows:

(1) All ~~"1080"~~ the above listed pesticides shall be kept in the custody and used under the direct supervision of a Master Structural Pest Control Applicator and when held in storage shall be kept in a locked cabinet or vault. Containers and other equipment for weighing, measuring, or mixing ~~"1080"~~ of such pesticides shall be labeled "POISON" and kept in a locked cabinet or vault.

(2) The use of soft drink bottles or other food-type containers for storing products containing ~~"1080"~~ the pesticides listed above is prohibited.

(3) The use of ~~"1080"~~ the above listed pesticides in dwellings is prohibited. Under certain conditions of rodent infestations, the Commissioner may grant a special use permit for this compound for a stated date and dwelling location upon written application and finding that:

(a) the applicant has shown good cause why an exception would be reasonable, practical, and should be granted;

(b) the environment and the public will not be adversely affected;

(c) precaution will be taken to protect the environment and the public; and,

(d) the spirit and intent of the act ~~in~~ and this rule are not violated.

(4) The use of ~~"1080"-is~~ the above listed pesticides shall be prohibited, except upon special written authorization from the Commissioner~~;~~. a~~A~~ follow-up report ~~is~~ shall be required in all instances.

4. No person shall use Lindane in any pest control activity except as follows:

Pest	Crop	Dosage	Remarks, Limitations
Soil Insects	Corn, beans, small grains, sugar beets, sunflowers	1 oz. per bu.	Seed treatment only
Stored-food pests		Follow Label Directions	For use by structural pest control operators
Mange mites (Sarcoptic) & lice	Swine	0.06% as spray or dip 1.0% dust	Do not treat before animals are 3 months old or sows within 2 weeks of farrowing; must be 30 days before slaughter, dips 60 days. If growth rates approach 200 lbs. in 150 days, another chemical should be used.
Centipedes, symphylids		Follow Label Directions	For commercial greenhouse and floriculture use only.
Thrips, fungus gnats, mealy bugs, sowbugs (pillbugs), spittle bugs		Follow Label Directions	For commercial greenhouse and floriculture use only.

2-5. 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 ~~under~~ by a sign or placard bearing the following statement in capital letters not less than two inches high: "RESTRICTED USE PESTICIDES -- USER ~~PUR-CHASER~~ MUST BE CERTIFIED."

H. Storage, Handling, and Use of Pesticides.

1. No person shall use, store, display, or handle any pesticide or container thereof in any manner inconsistent with labeling or so as to endanger humans, damage agricultural products, food, livestock, wildlife, pollenating insects, or pollute the environment.

2. All persons storing liquid pesticides in containers of a rated capacity of 500 gallons or more shall provide a means of containment of the amount of the rated storage in the event a leak or break should occur in the original storage unit in accordance with MPCA rule WPC 4. Storage must be provided with suitable lock up when unattended.

3. All persons shall maintain all equipment in proper working order and shall use only that equipment capable of performing all functions necessary to insure proper application of pesticides.

4. All persons shall use necessary safe pesticide handling procedures and personal protective equipment, respirators, protective clothing, and medical monitoring procedures as appropriate to each situation to protect himself/herself and his/her employees.

5. All persons shall use only measuring equipment which is accurately calibrated to the smallest unit in which the pesticide is to be weighed and measured for application.

6. All persons shall maintain a uniform mixture of pesticide in equipment during application.

7. All persons shall make all applications of pesticides in good workmanlike manner utilizing a pattern that will give uniform distribution of pesticides without creating hazard to non-target areas.

8. All persons shall clean equipment used for pesticides so that no injurious residues from prior usage may cause injury to humans, agricultural crops, livestock, or the environment.

9. All persons shall label all mixing and transportation pesticide containers, other than the actual applicative equipment, with the name of each active ingredient and use reasonable care to protect from obliteration the labels on all original pesticide containers until disposed of pursuant to the requirements of ~~these~~ this rules and MPCA rules.

10. All persons using aircraft in the application of pesticides shall use and operate only aircraft that has equipment which will give uniform coverage to the area to which the pesticide is applied. All such aircraft shall also be equipped with a positive shut-off which shall prevent the leaking or dissemination of said pesticide on any non-target areas over which flight is made.

11. The license or registration certificate issued by the Commissioner to a pesticide applicator company shall be prominently displayed to the public in their place of business.

12. All individuals licensed by the Commissioner shall have such license, card, or document as issued by the Commissioner to present upon demand as a means of identification when engaged in pesticide application activities.

I. Enforcement.

1. The Commissioner, after notice and hearing may deny, suspend, revoke, or refuse to renew a registration, license, or certificate when a person is in violation of Minn. Stat. 1976 ~~as amended~~, Secs. 18A.21 to 18A.48 as amended, or rules promulgated thereunder.

2. No person shall knowingly falsify all or any part of an application for registration, an application for license, any records required to be maintained, any reports filed or any other information submitted to the Commissioner pursuant to Minn. Stat. 1976, Secs. 18A.21 to 18A.48 as amended, or rules promulgated thereunder.

J. Financial Responsibility.

1. "Commercial Pesticide Applicators, and Structural Pest Control Applicators." Applicants for Commercial Pesticide Applicator or Structural Pest Control Applicator licenses or renewals shall furnish evidence of financial responsibility acceptable to the ~~Minnesota Department of Agriculture~~ Commissioner prior to the issuance of such license. This requirement may be satisfied by:

a. A ~~c~~certificate of a net asset statement issued by a financial institution authorized to do business in the state by the Minnesota Department of Commerce, showing net ~~sufficient~~ assets available to satisfy judgments equal to or greater than $50,000; ~~functioning equivalent to the provisions of Section J, 2,~~

b. A ~~b~~bond issued by a bondsman authorized to do business in the state by the Minnesota Department of Commerce, or ~~c.~~ l~~L~~iability insurance issued by a company authorized to do business in the state by the Minnesota Department of Commerce, for a minimum set forth in sections 2 and 3; or,

c. A combination of a. and b.

2. Commercial Pesticide Applicators. ~~All applicants for a Commercial Applicator's license or renewal thereof shall furnish proof of financial responsibility of a minimum of fifty thousand dollars ($50,000) in either net assets or in the form of a performance bond or insurance in the above below, or a combination thereof.~~

a. Limits of liability:

~~a.~~ (1) Fifty-thousand dollars ($50,000) for bodily injury or death, each person

~~b.~~ (2) Fifty-thousand dollars ($50,000) for bodily injury or death, each occurrence.

~~c.~~ (3) Twenty-five thousand dollars ($25,000) for property damage, each occurrence.

b. The Commissioner may accept a liability insurance policy or

surety bond in the proper sum which has a deductible clause in an amount not exceeding five-hundred dollars ($500) for aerial and ground commercial applicators.

c. The Commissioner may, when deemed in the public interest and the spirit and intent of the act, require limits of liability ~~proof of financial responsibility~~ in an amount in excess of those set forth in 2.a. ~~fifty-thousand dollars ($50,000)~~ for an individual applicant reasonably commensurate with the applicant's possible liability exposure.

~~3. The Commissioner may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding five-hundred dollars ($500) for aerial and ground commercial applicators.~~

3. ~~4.~~ "Structural Pest Control Applicators." ~~Applicants for a Structural Pest Control license shall furnish evidence of financial responsibility acceptable to the Minnesota Department of Agriculture prior to the issuance of such license. This requirement shall be satisfied by liability insurance issued by a company authorized to do business in the state by the Minnesota Department of Commerce.~~

~~Minimum coverage requirements shall be as follows:~~

a. Limits of liability:

~~a.~~ (1) One-hundred thousand dollars ($100,000) for bodily injury

~~b.~~ (2) Two-hundred thousand dollars ($200,000) for bodily injury or death of two or more, each occurence.

~~c.~~ (3) Ten-thousand dollars ($10,000) for property damage, each occurence.

b. The Commissioner may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding five-hundred dollars ($500).

c. The Commissioner may, when deemed in the public interest and the spirit and intent of the act, require limits of liability in an amount in excess of those set forth in 3.a. for an individual applicant reasonably commensurate with the applicant's possible liability exposure.

4.5~~.~~ Such financial responsibility shall be clearly conditioned to cover liability resulting from the handling, storage, disposal, application, use or misuse of any pesticide.

K. Reciprocal Agreement.

1. Reciprocal agreements shall apply to all non-residents licensed and certified to apply pesticides ~~for restricted use as Commercial Applicators and Private Applicators~~ so long as such license and certification has not been cancelled or suspended for cause by the jurisdiction issuing the license and certification on which issuance of the reciprocal license and certification is based.

2. In all cases, when a license and certification has been suspended or revoked by either jurisdiction in the Agreement, the appropriate official of the reciprocating jurisdiction shall be notified detailing the reasons for such suspension or revocation.

3. The Commissioner is authorized to enter into ~~an informal~~ reciprocal Agreements approved by the attorney general for form and legality with any other state which has a similar state plan for certification of Pesticide Applicators. Under such Agreement, the designated person of the state party to the reciprocal Agreement is granted full authority, including reciprocal recognition of licensing and recertification standards, training and testing procedures, and related matters in all states participating in such Agreements.

4. The Commissioner reserves the right to test any applicant from another state who is seeking certification in Minnesota.

AGR-7[illegible]005-HK

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF AGRICULTURE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE DEPARTMENT OF AGRICULTURE GOVERNING PESTICIDE CONTROL AND OTHER MATTERS.

SUPPLEMENTAL REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, in April, 1978, the Department of Agriculture submitted the above-entitled rules to the Chief Hearing Examiner for review pursuant to Minn. Stat. § 15.052, Subd. 4, and Rule HE 107; and

WHEREAS, on April 6, 1978, the Chief Hearing Examiner issued his report finding that the rules as proposed to be adopted were not substantially different from those proposed at the public hearing and that the Department of Agriculture had met all requirements of Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the Department of Agriculture subsequently submitted the rules and the record of the proceedings to the Attorney General for his review as to form and legality pursuant to Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the Attorney General recommended to the Department of Agriculture that certain of the rules be amended; and

WHEREAS, the Department of Agriculture has now resubmitted the rules to the Chief Hearing Examiner for his review; and

WHEREAS, the Chief Hearing Examiner finds that the changes made in the rules do not make the rules substantially different from those proposed at the public hearing.

NOW, THEREFORE, upon receipt of this report, the Department of Agriculture has the responsibility of resubmitting the complete hearing record and the rules as adopted by the Department to the Attorney General and to publish in the State Register, all pursuant to Minn. Stat. § 15.0412, Subd. 4.

Dated this 15th day of June, 1978.

DUANE R. HARVES
Chief Hearing Examiner

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE DEPARTMENT OF AGRICULTURE GOVERNING THE CERTIFICATION AND LICENSING OF PESTICIDE APPLICATORS, PERMISSIBLE METHODS OF PESTICIDE APPLICATIONS, REGISTRATION OF PESTICIDES FOR SALE, FINANCIAL RESPONSIBILITY, AND SPECIAL LOCAL NEED REGISTRATIONS	ORDER FOR HEARING

IT IS HEREBY ORDERED that a public hearing on the above-captioned rules be held at the City Electric Plant, Small Hall, 130 Second Avenue N.W., Sleepy Eye, Minnesota on January 31, 1978, commencing at 1:00 p.m., or as soon thereafter as possible; the City Hall, Council Chamber, 720 Lake Street, Detroit Lakes, Minnesota on February 1, 1978, commencing at 1:00 p.m., or as soon thereafter as possible; and, the State Office Building, Room 57, Wabasha Street between Aurora and Fuller Streets, Saint Paul, Minnesota on February 3, 1978, commencing at 10:00 a.m., or as soon thereafter as possible and continuing until all persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that a Notice of Hearing be mailed to all persons, representatives of associations, and other interested groups who have registered their names with the Secretary of State for that purpose.

IT IS FURTHER ORDERED that the Notice of Hearing be published in the State Register.

STATE OF MINNESOTA

Bill Walker

Commissioner of Agriculture

Date: December 9, 1977

Rules as Proposed For Adoption

In Final Form

Pesticide Control

Chapter 15

3 MCAR 1.0338

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2. Definitions. As used in 3 MCAR 1.0338, the following definitions and those definitions in Minn. Stat., Ch. 18A, shall apply:

a. "Master Structural Pest Control Applicator" means a person who has the necessary qualifications to properly plan, determine, and supervise the selection and application of pesticides in structural pest control, who is thoroughly familiar with the toxic effects of pesticides on man and on other living things, who is familiar with the laws, rules, and regulations governing the same, and is so licensed by the Commissioner, provided he/she shall not be permitted to engage in the planning and supervision of the selection and application of fumigants unless qualified as a fumigator.

b. "Journeyman Structural Pest Control Applicator" means a person who has the necessary qualifications in the practical selection and application of pesticides with knowledge of their toxic effect on man and other living things, who is engaged as an employee of or is working under the direction of a Master Structural Pest Control Applicator and is so licensed by the Commissioner.

c. "Structural Pest Control Applicator's Apprentice, Trainee, or Assistant" means a person, other than a Master or Journeyman Structural Pest Control Applicator, who is engaged as an employee of a Master Structural Pest Control Applicator, or working under the immediate and personal supervision of either a Master or Journeyman Structural Pest Control Applicator for not more than 120 days of employment, in learning and assisting in the selection and application of pesticide and has been registered with the Commissioner to so engage in structural pest control activities.

d. "Fumigator" means a person who has the necessary qualifications in the practical selection and application of fumigants with knowledge of their toxic effect on man and other living things and is so licensed by the Commissioner.

e. "Commercial Pesticide Applicator" means a person who is licensed under the Act, other than structural pest control applicators or fumigators, to use or supervise the use of pesticides for hire.

f. "Non-Commercial Pesticide Applicator" means a person, including government officials, other than commercial applicator, structural pest control applicator or private applicator who uses or supervises the use of restricted use pesticides on lands.

g. "Pest" means, for the purposes of structural pest control, (1) any insect, rodent, nematode, fungus, weed, or (2) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other micro-organisms on or in living man or other living animals) or any other form of animal or plant life which has been declared by the commissioner to be a pest and which is found in, on, under, or within six (6) feet

of any structure; including all animals of the order Rodentia, starlings, sparrows, grackles, common piegons, shrews, moles, bats and all noxious weeds.

3. Incidents.

a. Persons involved in, or responsible for, an incident involving a pesticide such as flood, fire, tornado, motor vehicle accident, poisoning, exposure, spills or leaking container(s) likely to cause damage to humans or the environment shall immediately report such incident to the Minnesota Department of Agriculture, and provide information as may be requested by the Commissioner. Notification of such incidents to the Department of Agriculture shall consitute compliance with Minn. Stat. Sec. 115.061. The Department shall be responsible for immediately notifying the Minnesota Pollution Control Agency of incidents which may cause pollution of waters of the state.

4. Records.

a. In addition to those record keeping requirements set forth in Minn. Stat. Sec. 18A.28, Subds. 2 and 3, licensed Commercial Applicators and licensed or registered Structural Pest Control Applicators shall keep a record of and report to the Commissioner the locations of all treatments.

b. All Non-commercial Pesticide Applicators as defined in the Act shall submit to, and on forms provided by, the Commissioner annually, but in no case later than January 30 following the year of license, a report which shall include true and accurate routine operational information on kinds, amounts, uses, dates and places of application of restricted use pesticides; and shall keep and maintain such records necessary to produce such reports. Records shall be maintained for two years.

B. Special Local Needs.

1. "Special Local Need" shall mean a pest problem presently existing or likely to occur within the state which cannot be effectively controlled because:

a. There is no pesticide registered by EPA for such use: or

b. There is no EPA registered product which, under the conditions of use within the state, would be as safe and/or as efficacious for such use

within the terms and conditions of EPA registration; or,

c. An appropriate EPA registered pesticide product is not available.

2. Any person may make application for a special local need registration. Application shall be made in writing to the Commissioner and shall include all information required in Minn. Stat. 1976, Sec. 18A.23 and 40 CFR 162.150-162.158, Subpart B.

3. If the Commissioner, based upon information in the application, deems it in the public interest, and deems that the information in the application indicates that the pesticide does not have the potential for unreasonable adverse environmental effects, he may issue a special local need registration in accordance with Minn. Stat. 1976, Secs. 18A.22, Subd. 2 (a-d), 18A.23, and 40 CFR 162.150-162.158, Subpart B.

4. The Commissioner shall, within 20 days of issuance of a special local need registration:

a. Publish a notice of the special local need registration in the State Register and the EQB Monitor.

b. Issue a news release with information stating that a special local need registration has been issued and stating the citizen's right to petition for a hearing to all legal newspapers of general circulation in the affected area and any other newspaper the Commissioner deems appropriate.

5. A federal or state agency, a local unit of government, or any person or group of persons filing with the Commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age, shall have 30 days from publication of notice in the State Register to file written objections with the Commissioner regarding the issuance of the special local need registration. Upon receipt of said written objections, and when it is deemed in the best interest of the environment or the health, welfare, and safety of the public, the Commissioner shall

order a hearing pursuant to Minn. Stat. 1976, Ch. 15, for the purpose of revoking, amending, or upholding said registration.

6. The Commissioner shall revoke, suspend, or amend a special local need registration upon the determination after notice and hearing that, under the terms of the registration granted, the pesticide may cause unreasonable adverse effects on the environment, or the health, welfare, and safety of the public, or that the special local need no longer exists.

7. A special local need registration shall be valid for one calendar year or portion thereof unless revoked or suspended and may be reviewed annually by application in writing to the Commissioner.

C. Certification and/or Recertification Requirements; Commercial, Non-Commercial, and Structural Pest Control Applicators.

1. Certification Requirements.

All Minnesota Commercial, Non-Commercial, and Structural Pest Control Applicators shall be required to take and pass a proctored written examination or examinations related to the category classification selected by the applicant prior to certification and licensing. Upon passage of such an examination or examinations, the applicator will be certified for a period up to five years. Such examinations shall meet or exceed the requirements in FIFRA and Regulations 40 CFR 171.4 (b) and (c) and 40 CFR 171.6. Such examinations will be prepared and administered by the Commissioner or his designee.

2. Recertification Requirements.

a. Commercial and Non-Commercial Applicators certified in accordance with SEction C. 1. may be recertified by:

1. Satisfactorily completing an approved training program during the certification period; or

2. Re-examination in accordance with procedures set forth in Section C. 1. 3. Participation at such a training program or re-examination will extend the applicator's certification for a period up to five years from the date of attendance or examination.

b. Sturctural Pest Control Applicators may be recertified by participating in an approved training program or passing a written proctored examination annually for relicensing and recertification.

3. Re-examination Procedures.

If any applicant fails to achieve a passing score on any examination, he/she shall be eligible to retake the examination after 15 days from the date of notification of failure of the first examination. If any applicant fails to achieve a passing score upon retaking an examination, he/she shall be eligible to retake the examination after 30 days from the date of notification of examination failure. A failing applicant may retake an examination no more than three (3) times in one year. Upon submission to the Commissioner in writing of specific reasons within 30 days from the date of notification of failure of third re-taken examination, an appeal of the score may be made.

4. Certification Alternatives.

a. Upon written application, the Commissioner may grant to an individual an alternative for the certification requirement and procedures set forth in this rule, provided that:

1. there is good cause why the individual cannot comply with the provision of this rule;

2. the requirements and procedures provided for in the alternative are equivalent to those set forth in this rule;

3. when an examination is involved, the subject matter and difficulty of the examination is equivalent to the examination for which the

alternative is granted;

4. the intent of the act and this rule is not violated; and,

5. the environment or the public will not be adversely affected by the alternative requirements or procedures.

b. Under no circumstance shall certification be waived.

D. Private Applicator.

1. A private Applicator shall be deemed certified when he/she has, within the past three years, completed one or more of the following state approved certification programs:

a. A state approved home study;

b. A state approved pesticide training session;

c. A personal interview by the Commissioner; or,

d. A written or oral examination; and,

He/She reads the Label and follows all label directions for use and the precautions to protect the user and the environment from all restricted use pesticides he/she uses.

2. A Private Applicator or his/her agent shall sign a sales register when purchasing a restricted use pesticide from a licensed dealer attesting that the use and the precautions to protect the user and the environment and that the user has completed one or more of the state approved certification programs set forth in section D. 1. within the past three years.

E. License.

1. An applicant for a "Master Structural Pest Control Applicators License"

shall take and pass a written proctored examination prepared and administered by the Commissioner. Such examination shall determine whether the applicant has adequate training, experience, and technical knowledge to properly plan, determine, and supervise the selection and application of pesticides in structural pest control.

2. An applicant for a "Journeyman Sturctural Pest Control Applicator License" shall take and pass a written proctored examination prepared and administered by the Commissioner. Such examination shall determine whether the applicant has adequate training, experience, and working knowledge in the practical selection and application of pesticides in structural pest control and familiarity with toxic effect of pesticides on man and other living things.

3. An applicant for a "Structural Pest Control Fumigator" shall, in addition to securing a Master or Journeyman license, take and pass a written proctored examination prepared and administered by the Commissioner. Such examination shall determine whether the applicant has adequate training, experience, and working knowledge in the practical selection and application of fumigants and familiarity with the toxic effect of fumigants on man and other living things.

4. An applicant for a "Restricted Use Dealer License" shall take and pass a written proctored examination prepared and administered by the Commissioner. Such examination shall determine whether the applicant has adequate training, experience, and working knowledge of pesticide types and characteristics, proper pesticide storage and disposal techniques, pesticide safety, and label and lebeling comprehension.

5. Upon written application, the Commissioner may grant to an individual an alternative for the licensing requirement and procedures set forth in this rule, provided that:

a. there is good cause why the individual cannot comply with the provision of this rule;

b. the requirements and procedures provided for in the alternative are equivalent to those set forth in this rule;

c. when an examination is involved, the subject matter and difficulty of the examination is equivalent to the examination for which the alternative is granted;

d. the intent of the act and this rule is not violated; and,

e. the environment or the public will not be adversely affected by the alternative requirements or procedures.

F. License Renewal; Structural, Commercial, and Non-Commercial.

1. Every person licensed as a master or journeyman in structural pest control shall be required to attend annually at least one program of continuing education in the use of pesticides in structural pest control approved by the Commissioner as a condition for renewal of the license under the Act. Failure to attend such programs as required may be grounds for revocation, termination, suspension, or refusal to renew said license.

2. Licensed Commercial and Non-Commercial Applicators must renew their license annually. Qualification for license renewal can be accomplished by annual attendance at an approved continuing education program in the use of pesticides held prior to the expiration date of the present license or by successful completion of an examination prepared and administered by the Commissioner.

3. Failure to renew said license prior to the expiration date will require the applicant to revert to the status of a new applicant.

4. Upon written application, the Commissioner may grant to an individual an alternative for the license renewal requirement and procedures set forth in this rule, provided that:

a. there is good cause why the individual cannot comply with the provision of this rule;

b. the requirements and procedures provided for in the alternative are equivalent to those set forth in this rule;

c. when an examination is involved, the subject matter and difficulty of the examination is equivalent to the examination for which the alternative is granted;

d. the intent of the act and this rule is not violated; and,

e. the environment or the public will not be adversely affected by the alternative requirements or procedures.

G. Restricted Use Pesticides.

1. Restricted use pesticides shall be those so classified by the Administrator of the EPA.

2. Additionally, all pesticide uses classified as restricted use by any other federal or state agency statutorily authorized to do said classification, as well as the pesticides listed in Sections G. 3. and 4. of this rule, shall, for the purposes of the administration of this rule, be classified as restricted use pesticides.

3. The following uses and procedures shall also be prescribed:

a. the following inorganic arsenical compounds: Sodium arsenite, Sodium arsenate, Arsenic trioxide, Arsenic acid, and Arsenic pentoxide shall not be used for weed control.

b. Sodium Fluoroacetate, "Compound 1080", fluoroacetamide ("1081"), and phosphorus paste, including any mixture, formulation, dilution, or combination thereof shall be restricted as follows:

(1) All the above listed pesticides shall be kept in the custody and used under the direct supervision of a Master Structural Pest Control Applicator and when held in storage shall be kept in a locked cabinet or vault. Containers and other equipment for weighing, measuring, or mixing of such pesticides shall be labeled "POISON" and kept in a locked cabinet or vault.

(2) The use of soft drink bottles or other food-type containers for storing products containing the pesticides listed above is prohibited.

(3) The use of the above listed pesticides in dwellings is prohibited. Under certain conditions of rodent infestations, the Commissioner may grant a special use permit for this compound for a stated date and dwelling location upon written application and finding that:

(a) the applicant has shown good cause why an exception would be reasonable. practical, and should be granted;

(b) the environment and the public will not be adversely affected;

(c) precaution will be taken to protect the environment and the public; and,

(d) the intent of the act and this rule is not violated.

(4) The use of the above listed pesticides shall be prohibited, except upon special written authorization from the Commissioner. A follow-up report shall be required in all instances.

4. No person shall use Lindane in any pest control activity except as follows:

Pest	Crop	Dosage	Remarks, Limitations
Soil Insects	Corn, Beans, small grains, sugar beets, sunflowers,	1 oz. per bu.	Seed treatment only
Stored-food pests		Follow Label Directions	For use by structural pest control operators
Mange mites	Swine	0.06% as spray or dip 1.0% dust	Do not treat before animals are 3 months old or sows within 2 weeks of farrowing; must be 30 days before slaughter, dips 60 days. If growth rates approach 200 lbs. in 150 days, another chemical should be used.
Centipedes, symphylids		Follow Label Directions	For commercial greenhouse and floriculture use only.
Thrips, fungus gnats, mealy bugs, sowbugs (pillbugs), spittle bugs		Follow Label Directions	For commercial greenhouse and floriculture use only.

5. 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."

H. Storage, Handling, and Use of Pesticides.

1. No person shall use, store, display, or handle any pesticide or container thereof in any manner inconsistent with labeling or so as to endanger humans, damage agricultural products, food, livestock, wildlife, pollinating insects, or pollute the environment.

2. All persons storing liquid pesticides in containers of a rated capacity of 500 gallons or more shall provide a means of containment of the amount of the rated storage in the event a leak or break should occur in the original storage unit in accordance with MPCA rule WPC 4. Storage must be provided with suitable lock up when unattended.

3. All persons shall maintain all equipment in proper working order and shall use only that equipment capable of performing all functions necessary to insure proper application of pesticides.

4. All persons shall use necessary safe pesticide handling procedures and personal protective equipment, respirators, protective clothing, and medical monitoring procedures as appropriate to each situation to protect himself/herself and his/her employees.

5. All persons shall use only measuring equipment which is accurately calibrated to the smallest unit in which the pesticide is to be weighed and measured for application.

6. All persons shall maintain a uniform mixture of pesticide in equipment during application.

7. All persons shall make all applications of pesticides in good workmanlike manner utilizing a pattern that will give uniform distribution of pesticides without creating hazard to non-target areas.

8. All persons shall clean equipment used for pesticides so that no injurious residues from prior usage may cause injury to humans, agricultural crops, livestock, or the environment.

9. All persons shall label all mixing and transportation pesticide containers, other than the actual applicative equipment, with the name of each active ingredient and use reasonable care to protect from obliteration the labels on all original pesticide containers until disposed of pursuant to the requirements of this rule and MPCA rules.

10. All persons using aircraft in the application of pesticides shall use and operate only aircraft that has equipment which will give uniform coverage to the area to which the pesticide is applied. All such aircraft shall also be equipped with a positive shut-off which shall prevent the leaking or dissemination of said pesticide on any non-target areas over which flight is made.

11. The license or registration certificate issued by the Commissioner to a pesticide applicator company shall be prominently displayed to the public in their place of business.

12. All individuals licensed by the Commissioner shall have such license, card, or document as issued by the Commissioner to present upon demand as a means of identification when engaged in pesticide application activities.

I. Enforcement.

1. The Commissioner, after notice and hearing may deny, suspend, revoke, or refuse to renew a registration, license, or certificate when a person is in violation of Minn. Stat. 1976, Secs. 18A.21 to 18A.48 as amended, or rules promulgated thereunder.

2. No person shall knowingly falsify all or any part of an application for registration, an application for license, any records required to be maintained, any reports filed or any other information submitted to the Commissioner pursuant to Minn. Stat. 1976, Secs. 18A.21 to 18A.48 as amended, or rules promulgated thereunder.

J. Financial Responsibility.

1. "Commercial Pesticide Applicators and Structural Pest Control Applicators." Applicants for Commercial Pesticide Applicator or Structural Pest Control Applicator licenses or renewals shall furnish evidence of financial responsibility acceptable to the Commissioner prior to the issuance of such license. This requirement may be satisfied by:

a. A certificate of net asset statement issued by a financial institution authorized to do business in the state by the Minnesota Department of Commerce, showing net assets available to satisfy judgments equal to or greater than $50,000;

b. A bond issued by a bondsman authorized to do business in the state by the Minnesota Department of Commerce or liability insurance issued by a company authorized to do business in the state by the Minnesota Department of Commerce for a minimum set forth in sections 2 and 3; or,

c. A combination of a. and b.

2. Commercial Pesticide Applicators.

a. Limits of liability:

(1) Fifty-thousand dollars ($50,000) for bodily injury or death, each person

(2) Fifty-thousand dollars ($50,000) for bodily injury or death, each occurrence.

(3) Twenty-five thousand dollars (25,000) for property damage, each occurrence.

b. The Commissioner may accept a liability insurance policy or

surety bond in the proper sum which as a deductible clause in an amount not exceeding five-hundred dollars ($500) for aerial and ground commercial applicators.

c. The Commissioner may, when deemed in the public interest and the intent of the act, require limits of liability in an amount in excess of those set forth in 2.a. for an individual applicant reasonably commensurate with the applicant's possible liability exposure.

3. "Structural Pest Control Applicators."

a. Limits of liability:

(1) One-hundred thousand dollars ($100,000) for bodily injury

(2) Two-hundred thousand dollars ($200,000) for bodily injury or death of two or more, each occurence.

(3) Ten-thousand dollars ($10,000) for property damage, each occurence.

b. The Commissioner may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding five-hundred dollars ($500).

c. The Commissioner may, when deemed in the public interest and intent of the act, require limits of liability in an amount in excess of those set forth in 3.a. for an individual applicant reasonably commensurate with the applicant's possible liability exposure.

4. Such financial responsibility shall be clearly conditioned to cover liability resulting from the handling, storage, disposal, application, use or misuse of any pesticide.

K. Reciprocal Agreement.

1. Reciprocal agreements shall apply to all non-residents licensed and certified to apply pesticides so long as such license and certification has not been cancelled or suspended for cause by the jurisdiction issuing the license and certification on which issuance of the reciprocal license and certification is based.

2. In all cases, when a license and certification has been suspended or revoked by either jurisdiction in the Agreement, the appropriate official of the reciprocating jurisdiction shall be notified detailing the reasons for such suspension or revocation.

3. The Commissioner is authorized to enter into reciprocal Agreements approved by the attorney general for form and legality with any other state which has a similar state plan for certification of Pesticide Applicators. Under such Agreement, the designated person of the state party to the reciprocal Agreement is granted full authority, including reciprocal recognition of licensing and recertification standards, training and testing procedures, and related matters in all states participating in such Agreements.

4. The Commissioner reserves the right to test any applicant from another state who is seeking certification in Minnesota.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN 26 1978
Joan Anderson Growe
Secretary of State
10:15 AM

APPROVED AS TO FORM AND LEGALITY
JUN 23 1978 19
WARREN SPANNAUS, ATTORNEY GENERAL
BY /s/ Michael B. Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

The hearing officer is:

William Seltzer
Office of Hearing Examiners
Room 300
1745 University Avenue
St. Paul, Minnesota 55104
(612) 296-8105

In addition to appearing at and submitting statements at the hearing, any person may submit written comments by mail to the hearing officer within 20 days after the close of the hearing.

By Sandra S. Gardebring
Executive Director
MN Pollution Control
Agency

Note: The previous notices regarding this hearing cited above were also published in the "EQB Monitor", VOL. II, Issue 12 (September 26, 1977) and Issue 20 (November 21, 1977).

Pesticides

Minnesota Department of Agriculture

Notice of Hearing

In the Matter of the
Proposed Adoption of
Rules of the Department
of Agriculture Governing
the Certification and
Licensing of Pesticide
Applications, Registration of Pesticide Applicators,
Permissible Methods of
Pesticide Applications,
Registration of Pesticides
for Sale, Financial
Responsibility, and
Special Local Need
Registrations

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held in the City Electric Plant, Small Hall, 130 Second Avenue N.W., Sleepy Eye, Minnesota on January 31, 1978, commencing at 1:00 p.m., or as soon thereafter as possible; the City Hall, Council Chamber, 720 Lake Street, Detroit Lakes, Minnesota on February 1, 1978, commencing at 1:00 p.m., or as soon thereafter as possible; and, the State Office Building, Room 57, Wabasha Street between Aurora and Fuller Streets, Saint Paul, Minnesota on February 3, 1978, commencing at 10:00 a.m., or as soon thereafter as possible and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Howard L. Kaibel, Jr., Office of Hearing Examiners, 1745 University Avenue, Room 300, Saint Paul, Minnesota 55104, phone (612) 296-8107 either before the hearing or after the hearing until the record is closed. The record will remain open for five working days after the public hearings end or for a longer period not to exceed 20 days if ordered by the Hearing Examiner.

The proposed rules, if adopted, would establish rules governing the certification and licensing of perticide applicators, permissible methods of pesticide applications, registration of pesticides for sale, financial responsibility, and special local need registrations. Copies of the proposed rules are now available and one free copy may be obtained by writing to the Minnesota Department of Agriculture, 420 State Office Building, Saint Paul, Minnesota 55155. Additional copies will be available at the door on the date of the hearing. The department's authority to promulgate the proposed rules is contained in Minn. Stat. 1976, Sec. 18A.43. A "statement of need" explaining why the department feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will be introducing, will be filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that Minnesota Statutes; Chapter 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally an individual who spends more than $250.00 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250.00 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155 phone (612) 296-5615.

Date: 12/9/77

By: Bill Walker
Commissioner
Department of
Agriculture

PROPOSED RULE

Pesticide Control
Chapter 15

3 MCAR 1.0338

This rule (3 MCAR 1.0338) for Minnesota Pesticide Control Law of 1976 hereby repeals previous rules and regulations AGR 329-336 (Economic Poisons and Devices); AGR 348-357 (Custom Spraying and Dusting); and AGR 233-243 (Structural Pest Control). The need for this change was brought about by the passage of the Minnesota Pesticide Control Law of 1976.

3 MCAR 1.0338 Pesticide Control.

A. General.

1. Authority. The rules contained herein are prescribed pursuant to Minn. Stat. 1976, Secs. 18A.21 to 18A.48, by the Commissioner of Agriculture to implement provisions to protect the immediate and future health, welfare, and economic status of the people of this state through the control of the use of various pesticides. The provisions specified in these rules are in addition to those set forth in the Act itself.

2. Definitions. As used in 3 MCAR 1.0338, the following definitions and those definitions in Minn. Stat., Chap. 18A, shall apply:

a. "Master Structural Pest Control Applicator" means a person who has the necessary qualification to properly plan, determine, and supervise the selection and application of pesticides in structural pest control, who is thoroughly familiar with the toxic effects of pesticides on man and on other living things, and who is familiar with the laws, rules, and regulations governing the same and is so licensed by the Commissioner, provided he/she shall not be permitted to engage in the planning and supervision of the selection and application of fumigants unless qualified as a fumigator.

b. "Journeyman Structural Pest Control Applicator" means a person who has the necessary qualifications in the practical selection and application of pesticides with knowledge of their toxic effect on man and other living things, and

who is engaged as an employee of or is working under the direction of a Master Structural Pest Control Applicator and is so licensed by the Commissioner.

c. "Structural Pest Control Applicator's Apprentice, Trainee, or Assistant" is a person, other than a Master or Journeyman Structural Pest Control Applicator, who is engaged as an employee of a Master Structural Pest Control Applicator, or working under the immediate and personal supervision of either a Master or Journeyman Structural Pest Control Applicator for not to exceed 120 days of employment, in learning and assisting in the selection and application of pesticide and has been registered with the Commissioner to so engage in structural pest control activities.

d. "Fumigator" means a person who has the necessary qualifications in the practical selection and application of fumigants with knowledge of their toxic effect on man and other living things and who is so licensed by the Commissioner.

3. Incidents.

a. Persons involved in, or responsible for, an incident involving a pesticide such as flood, fire, tornado, motor vehicle accident, poisoning, exposure, or leaking container shall report such incident to the Minnesota Department of Agriculture and provide such information as may be requested by the Commissioner.

B. Special Local Needs.

1. "Special Local Need" shall mean a pest problem presently existing or likely to occur within the state which cannot be effectively controlled because:

a. There is no pesticide registered by EPA for such use, or

b. There is no EPA registered product which, under the conditions of use within the state, would be as safe and/or as efficacious for such use within the terms and conditions of EPA registration, or

c. An appropriate EPA registered pesticide product is not available.

2. Any person may make application for a special local need registration. Application shall be made in writing to the Commissioner and shall include all information required in Minn. Stat. 1976, Sec. 18A.22, Subd. 2 (a-d) and meet the requirements set forth in Minn. Stat. 1976, Sec. 18A.23 and 40 CFR 162.150-162.158, Subpart B.

3. If the Commissioner, based upon information in the application, deems it in the public interest, and deems that the information in the application indicates that the pesticide does not have the potential for unreasonable adverse environmental effects, he may issue a special local need registration in accordance with Minn. Stat. 1976, Secs. 18A.22, Subd. 2 (a-d), 18A.23, and 40 CFR 162.50-162.158, Subpart B.

4. The Commissioner shall, within 20 days of issuance of a special local need registration:

a. Publish a notice of the special local need registration in the State Register and the EQB Monitor.

b. Issue a news release with information stating that a special local need registration has been issued and citizen's right to petition for a hearing to all legal newspapers of general circulation in the affected area and any other newspaper the Commissioner deems appropriate.

5. A federal or state agency, a local unit of government, or any person or group of persons filing with the Commissioner a petition that contains the signatures and addresses of 500 or more individuals, shall have 30 days from publication notice in the State Register to file written objections with the Commissioner regarding the issuance of the special local need registration. Upon receipt of said written objections, and when it is deemed in the best interest of the environment or the health, welfare, and safety of the public, the Commissioner shall order a hearing pursuant to Minn. Stat. 1976, Chap. 15, for the purpose of revoking, amending, or upholding said registration.

6. The Commissioner shall revoke, suspend, or amend a special local need registration upon the determination after notice and hearing that, under the terms

of the registration granted, the pesticide may cause unreasonable adverse effects on the environment, or that the special local need no longer exists.

7. A special local need registration shall be valid for one calendar year or portion thereof unless revoked or suspended and may be renewed annually by application in writing to the Commissioner. No special local need registration shall be valid for more than one day less than five years.

C. Certification and/or Recertification Requirement; Commercial, Non-Commercial, and Structural Pest Control Applicators.

1. Certification Requirement.

All Minnesota Commercial, Non-Commercial, and Structural Pest Control Applicators shall be required to take and pass a proctored written examination or examinations related to the category classification selected by the applicant prior to certification and licensing. Upon passage of such an examination or examinations, the applicator will be certified for a period up to five years. Such examinations shall meet or exceed the requirements in FIFRA Law and Regulations 40 CFR 171.4 (b) and (c) and 40 CFR 171.6. Such examinations will be prepared and administered by the Commissioner or his designee.

2. Recertification Requirement.

a. Commercial and Non-Commercial Applicators certified in accordance with (Section C. 1.) may be recertified by:

1. Satisfactorily completing an approved training program during the certification period, or

2. Re-examination in accordance with procedures set forth in Section C. 1. 3. Participation at such a training program or re-examination will extend the applicator's certification for a period up to five years from the date of attendance or examination.

b. Structural Pest Control Applicators may be recertified by participating in an approved training program or passing a written, proctored examination annually for relicensing and recertification.

3. Re-examination Procedures.

If any applicant fails to achieve a passing score on any examination, he/she shall be eligible to retake the examination after 15 days from the date of notification of examination failure. If any applicant fails to achieve a passing score on any examination upon retaking it, he/she shall be eligible to retake the examination after 30 days from the date of notification of examination failure. Upon submission to the Commissioner in writing of specific reasons within 30 days from the date of notification of failure of second examination, an appeal of the score may be made.

4. Certification Alternatives.

Upon written application, the Commissioner may grant to an individual an alternative for the certification requirement and procedures set forth in this rule provided that:

a. there is good cause why the individual cannot comply with the provision of this rule;

b. the requirements and procedures provided for in the alternative is equivalent to those set forth in this rule;

c. when an examination is involved, the subject matter and difficulty of the examination is equivalent to the examination for which the alternative is granted;

d. the spirit and intent of the act in this rule are not violated; and,

e. the environment or the public will not be adversely affected by the alternative requirements or procedures.

D. Private Applicator.

A Private Applicator shall be deemed certified when he/she purchases a restricted use pesticide from a licensed dealer and signs a sales register attes-

ting that he/she read the label of the pesticide and will follow the directions for use and the precautions to protect the user and the environment. He/She shall also attest that, within the past three years, he/she has completed one or more of the following state approved certification programs:

a. State approved home study; or

b. Pesticide training session; or

c. A personal interview by the Commissioner.

d. Written or oral examination.

E. License.

1. An applicant for a "Master Structural Pest Control Applicators License" shall take and pass a written examination prepared and administered by the Commissioner. Such examination shall determine whether the applicant has adequate training, experience, and technical knowledge to properly plan, determine, and supervise the selection and application of pesticides in structural pest control.

2. An applicant for a "Journeyman Structural Pest Control Applicator License" shall take and pass a written examination prepared and administered by the Commissioner. Such examination shall determine whether the applicant has adequate training, experience, and workable knowledge in the practical selection and application of pesticides in structural pest control and familiarity with toxic effect of pesticides on man and other living things.

3. An applicant for qualification as a "Structural Pest Control Fumigator" shall in addition to securing a Master or Journeyman license, take and pass a written examination prepared and administered by the Commissioner. Such examination shall determine whether the applicant has adequate training, experience, and working knowledge in the practical selection and application of fumigants and familiarity with the toxic effect of fumigant on man and other living things.

4. An applicant for a "Restricted Use Dealer License" shall take and pass a written examination prepared and administered by the Commissioner which shall

determine whether the applicant has adequate training, experience, and working knowledge of pesticide types and characteristics, proper pesticide storage and disposal techniques, pesticide safety and label and labeling comprehension.

5. Upon written application, the Commissioner may grant to an individual an alternative for the licensing requirement and procedures set forth in this rule provided that:

a. there is good cause why the individual cannot comply with the provision of this rule;

b. the requirements and procedures provided for in the alternative is equivalent to those set forth in this rule;

c. when an examination is involved, the subject matter and difficulty of the examination is equivalent to the examination for which the alternative is granted;

d. the spirit and intent of the act in this rule are not violated; and,

e. the environment or the public will not be adversely affected by the alternative requirements or procedures.

F. License Renewal; Structural, Commercial, and Non-Commercial.

1. Every person licensed as a master or journeyman in structural pest control shall be required to attend annually at least one program of continuing education in the use of pesticides in structural pest control approved by the Commissioner as a condition for renewal of the license under the Act. Failure to attend such programs as required may be grounds for revocation, termination, suspension, or refusal to renew said license.

2. Licensed Commercial and Non-Commercial Applicators must renew their license on an annual basis. Qualification for license renewal can be accomplished by annual attendance at an approved continuing education program in the use of

pesticides held prior to the expiration date of the present license or by successful completion of an examination prepared and administered by the Department of Agriculture.

3. Failure to renew said license prior to the expiration date will require the applicant to revert to the status of a new applicant.

4. Upon written application, the Commissioner may grant to an individual an alternative for the license renewal requirement and procedures set forth in this rule provided that:

a. there is good cause why the individual cannot comply with the provision of this rule;

b. the requirements and procedures provided for in the alternative is equivalent to those set forth in this rule;

c. when an examination is involved, the subject matter and difficulty of the examination is equivalent to the examination for which the alternative is granted;

d. the spirit and intent of the act in this rule are not violated; and,

e. the environment or the public will not be adversely affected by the alternative requirements or procedures.

G. Restricted Pesticides.

1. In addition to all pesticide uses classified by EPA as restricted use, and all pesticide uses classified as restricted use by any other federal or state agency statutorily authorized to do said classification, the following uses and procedures are prescribed:

a. The following inorganic arsenical compounds: Sodium arsenite, Calcium arsenite, Lead arsenate, Sodium arsenate, Arsenic trioxide, Arsenic acid, and Arsenic Pentoxide shall have no uses for weed control.

b. Sodium Floroacetate, "Compound 1080" shall mean sodium floroacetate or any mixture, formulation, dilution, or combination thereof.

(1) All "1080" shall be kept in the custody and used under the direct supervision of a Master Structural Pest Control Applicator and when held in storage shall be kept in a locked cabinet or vault. Containers and other equipment for weighing, measuring, or mixing "1080" shall be labeled "POISON" and kept in a locked cabinet or vault.

(2) The use of soft drink bottles or other food-type containers for storing products containing "1080" is prohibited.

(3) The use of "1080" in dwellings is prohibited. Under certain conditions of rodent infestations, the Commissioner may grant a special use permit for this compound for a stated date and dwelling location upon written application and finding that:

(a) the applicant has shown good cause why an exception would be reasonable, practical, and should be granted;

(b) the environment and the public will not be adversely affected;

(c) precaution will be taken to protect the environment and the public; and,

(d) the spirit and intent of the act in this rule are not violated.

(4) The use of "1080" is prohibited, except upon special written authorization from the Commissioner; a follow-up report is required in all instances.

2. No person shall display any restricted use pesticides in any public area of a store or other place to which the general public has access unless displayed under a sign or placard bearing the following statement in capital letters not less than two inches high: "RESTRICTED USE PESTICIDES -- PURCHASER MUST BE CERTIFIED."

H. Storage, Handling, and Use of Pesticides.

1. No person shall use, store, display, or handle any pesticide or container thereof in any manner inconsistent with labeling or so as to endanger humans, damage agricultural products, food, livestock, wildlife, pollenating insects, or pollute the environment.

2. All persons storing liquid pesticides in containers of a rated capacity of 500 gallons or more shall provide a means of containment of the amount of the rated storage in the event a leak or break should occur in the original storage unit. Storage must be provided with suitable lock up when unattended.

3. All persons shall maintain all equipment in proper working order and shall use only that equipment capable of performing all functions necessary to insure proper application of pesticides.

4. All persons shall use necessary safe pesticide handling procedures and personal protective equipment, respirators, protective clothing, and medical monitoring procedures as appropriate to each situation to protect himself/herself and his/her employees.

5. All persons shall use only measuring equipment which is accurately calibrated to the smallest unit in which the pesticide is to be weighed and measured for application.

6. All persons shall maintain a uniform mixture of pesticide in equipment during application.

7. All persons shall make all applications of pesticides in good workmanlike manner utilizing a pattern that will give uniform distribution of pesticides without creating hazard to non-target areas.

8. All persons shall clean equipment used for pesticides so that no injurious residues from prior usage may cause injury to agricultural crops, livestock, or the environment.

9. All persons shall label all mixing and transportation pesticide containers, other than the actual applicative equipment, with the name of each active ingredient and use reasonable care to protect from obliteration the labels on all original pesticide containers until disposed of pursuant to the requirements of these rules.

10. All persons using aircraft in the application of pesticides shall use and operate only aircraft that has equipment which will give uniform coverage to the area to which the pesticide is applied. All such aircraft shall also be equipped with a positive shut-off which shall prevent the leaking or dissemination of said pesticide on any non-target areas over which flight is made.

11. The license or registration certificate issued by the Commissioner to a pesticide applicator company shall be prominently displayed to the public in their place of business.

12. All individuals licensed by the Commissioner shall have such license, card, or document as issued by the Commissioner to present upon demand as a means of identification when engaged in pesticide application activities.

I. Enforcement.

1. The Commissioner, after notice and hearing may deny, suspend, revoke, or refuse to renew a registration, license, or certificate when a person is in violation of Minn. Stat. 1976 as amended, Secs. 18A.21 to 18A.48 or rules promulgated thereunder.

2. No person shall knowingly falsify all or any part of application for registration, application for license, any records required to be maintained, any reports filed or any other information submitted to the Commissioner pursuant to Minn. Stat. 1976, Secs. 18A.21 to 18A.48 rules promulgated thereunder.

J. Financial Responsibility.

1. "Commercial Pesticide Applicators." Applicants for Commercial Pesticide Applicator licenses shall furnish evidence of financial responsibility acceptable to

the Minnesota Department of Agriculture prior to the issuance of such license. This requirement may be satisfied by:

a. Certificate of a net asset statement issued by a financial institution authorized to do business in the state by the Minnesota Department of Commerce, showing sufficient assets available to satisfy judgments functioning equivalent to the provisions of Section J, 2.

b. Bond issued by a bondsman authorized to do business in the state by the Minnesota Department of Commerce.

c. Liability insurance issued by a company authorized to do business in the state by the Minnesota Department of Commerce.

2. All applicants for a Commercial Applicator's license or renewal thereof shall furnish proof of financial responsibility of a minimum of fifty-thousand dollars ($50,000) in either net assets or in the form of a performance bond or insurance in the above below, or a combination thereof.

a. Fifty-thousand dollars ($50,000) for bodily injury or death, each person.

b. Fifty-thousand dollars ($50,000) for bodily injury or death, each occurrence.

c. Twenty-five thousand dollars ($25,000) for property damage, each occurrence.

The Commissioner may, when deemed in the public interest and the spirit and intent of the act, require proof of financial responsibility in an amount in excess of fifty-thousand dollars ($50,000) for an individual applicant reasonably commensurate with the applicant's possible liability exposure.

3. The Commissioner may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding five-hundred dollars ($500) for aerial and ground commercial applicators.

4. "Structural Pest Control Applicators." Applicants for a Structural Pest Control license shall furnish evidence of financial responsibility acceptable to the Minnesota Department of Agriculture prior to the issuance of such license. This requirement shall be satisfied by liability insurance issued by a company authorized to do business in the state by the Minnesota Department of Commerce.

Minimum coverage requirements shall be as follows:

a. One-hundred thousand dollars ($100,000) for bodily injury or death, each person.

b. Two-hundred thousand dollars ($200,000) for bodily injury or death of two or more, each occurrence.

c. Ten-thousand dollars ($10,000) for property damage, each occurrence.

5. Such financial responsibility shall be clearly conditioned to cover liability resulting from the handling, storage, disposal, application, use or misuse of any pesticide.

K. Reciprocal Agreement.

1. Reciprocal agreements shall apply to all non-residents licensed and certified to apply pesticides for restricted use as Commercial Applicators and Private Applicators so long as such license and certification has not been cancelled or suspended for cause by the jurisdiction issuing the license and certification on which issuance of the reciprocal license and certification is based.

2. In all cases, when a license and certification has been suspended or revoked by either jurisdiction in the Agreement, the appropriate official of the reciprocating jurisdiction shall be notified detailing the reasons for such suspension or revocation.

3. The Commissioner is authorized to enter into an informal reciprocal Agreement with any other state which has a similar state plan for certification of Pesticide Applicators. Under such Agreement, the designated person of the

state party to the reciprocal Agreement is granted full authority, including reciprocal recognition of licensing and certification standards, training and testing procedures, and related matters in all states participating in such Agreements.

4. The Commissioner reserves the right to test any applicant from another state who is seeking certification in Minnesota.

STATE OF MINNESOTA
DEPARTMENT OF AGRICULTURE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE DEPARTMENT OF AGRICULTURE GOVERNING THE CERTIFICATION AND LICENSING OF PESTICIDE APPLICATORS, PERMISSIBLE METHODS OF PESTICIDE APPLICATIONS, REGISTRATION OF PESTICIDES FOR SALE, FINANCIAL RESPONSIBILITY, AND SPECIAL LOCAL NEED REGISTRATIONS

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held in the City Electric Plant, Small Hall, 130 Second Avenue N.W., Sleepy Eye, Minnesota on January 31, 1978, commencing at 1:00 p.m., or as soon thereafter as possible; the City Hall, Council Chamber, 720 Lake Street, Detroit Lakes, Minnesota on February 1, 1978, commencing at 1:00 p.m., or as soon thereafter as possible; and the State Office Building, Room 57, Wabasha Street between Aurora and Fuller Streets, Saint Paul, Minnesota on February 3, 1978, commencing at 10:00 a.m., or as soon thereafter as possible and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Howard L. Kaibel, Jr., Office of Hearing Examiners, 1745 University Avenue, Room 300, Saint Paul, Minnesota 55104, phone (612) 296-8107 either before the hearing or after the hearing until the record is closed. The record will remain open for five working days after the public hearings end or for a longer period not to exceed 20 days if ordered by the Hearing Examiner.

The proposed rules, if adopted, would establish rules governing the certification and licensing of pesticide applicators, permissible methods of pesticide applications, registration of pesticides for sale, financial responsibility, and special local need registrations. Copies of the proposed rules are now available and one free copy may be obtained by writing to the Minnesota Department of Agriculture, 420 State Office Building, Saint Paul, Minnesota 55155. Additional copies will be available at the door on the date of the hearing. The department's authority to promulgate the proposed rules is contained in Minn. Stat. 1976, Sec. 18A.43. A "statement of need" explaining why the department feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will be introducing, will be filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that Minnesota Statutes; Chapter 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally an individual who spends more than $250.00 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250.00 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone (612) 296-5615.

STATE OF MINNESOTA

Bill Walker
Commissioner

Date: December 9, 1977

AGR-78-005-HK

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF AGRICULTURE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE DEPARTMENT OF AGRICULTURE GOVERNING PESTICIDE CONTROL AND OTHER MATTERS.

REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, hearings were held on January 31, 1978, February 1, 1978, and February 3, 1978, before Howard L. Kaibel, Jr., a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter in compliance with Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the Report of Hearing Examiner made pursuant to Minn. Stat. § 15.052, Subd. 3, was issued to the Department of Agriculture on March 22, 1978; and

WHEREAS, the Department of Agriculture has now determined to adopt rules pursuant to Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the Department of Agriculture has submitted said rules to the Chief Hearing Examiner for review pursuant to Minn. Stat. § 15.052, Subd. 4, and Rule HE 107; and

WHEREAS, the Chief Hearing Examiner finds that the final proposed rules are not substantially different from those proposed at the public hearings and that the Department of Agriculture has met all requirements of Minn. Stat. § 15.0412, Subd. 4.

NOW, THEREFORE, upon receipt of this Report, the Department of Agriculture has the responsibility of submitting the complete hearing record and the rules as adopted by the Department to the Attorney General and to publish in the State Register, all pursuant to Minn. Stat. § 15.0412, Subd. 4.

Dated this 6th day
of April, 1978.

DUANE R. HARVES
Chief Hearing Examiner

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE MINNESOTA DEPARTMENT OF AGRICULTURE

IN THE MATTER OF THE PROPOSED) RULES OF THE MINNESOTA DEPART-) MENT OF AGRICULTURE RELATING) TO PESTICIDE CONTROL)	REPORT OF THE CHIEF HEARING EXAMINER RELATING TO INCORPORATION BY REFERENCE

Pursuant to Minnesota Statutes, 1976, Section 15.0412, as amended by Laws of Minnesota, Chapter 443, Section 2, the Minnesota Department of Agriculture, on January 6, 1978, requested prior approval of the Chief Hearing Examiner to be allowed to incorporate by reference certain sections of the Code of Federal Regulations.

The two sections are 40 CFR 162.150 - 162.158 and 40 CFR 171.1 - 171.6. Copies of the two sections were submitted to the Chief Hearing Examiner for his review.

The Chief Hearing Examiner, having reviewed the above-cited references to the Code of Federal Regulations, has found that they exceed 3,000 words in length and would exceed five printed pages in the Minnesota State Register. Additionally, the Chief Hearing Examiner finds that the above-cited sections are readily available in law libraries and that copies may be obtained from the Superintendent of Documents, Washington, D. C., and are otherwise readily available and accessible to the public.

NOW, THEREFORE, the Chief Hearing Examiner herewith gives approval to the Minnesota Department of Agriculture for the incorporation by reference of the above-cited sections of the Code of Federal Regulations in their proposed rules relating to pesticide control, provided, however, that the Minnesota Department of Agriculture shall keep a copy of the cited sections of the Code of Federal Regulations available at its office for review by the public.

Dated this 13th day
of January, 1978.

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE DEPARTMENT OF AGRICULTURE GOVERNING PESTICIDE CONTROL AND OTHER MATTERS

PROPOSED CHANGES IN RULES AS PROPOSED

The department proposes to make the following changes to the above captioned Rules as Proposed. None of these changes are substantive in nature or materially change the original meaning or intent of the Rules as Proposed.

A. General.

1. Authority. The rules contained herein ~~are~~ is prescribed pursuant to Minn. Stat. 1976, Secs. 18A.21 to 18A.48, by the Commissioner of Agriculture to implement provisions to protect the immediate and future health, welfare, and economic status of the people of this state through the control of the use of various pesticides. The provisions specified in ~~these~~ this rules are in addition to those set forth in the Act itself.

2. Definitions. As used in 3 MCAR 1.0338, the following definitions and those definitions in Minn. Stat., Chap. 18A, shall apply:

a. "Master Structural Pest Control Applicator" means a person who has the necessary qualifications to properly plan, determine, and supervise the selection and application of pesticides in structural pest control, who is thoroughly familiar with the toxic effects of pesticides on man and on other living things, ~~and~~ who is familiar with the laws, rules, and regulations governing the same, and is so licensed by the Commissioner, provided he/she shall not be permitted to engage in the planning and supervision of the selection and application of fumigants unless qualified as a fumigator.

b. "Journeyman Structural Pest Control Applicator" means a person who has the necessary qualifications in the practical selection and application of pesticides with knowledge of their toxic effect on man and other living things, ~~and~~ who is engaged as an employee of or is working under the direction of a Master Structural Pest Control Applicator and is so licensed by the Commissioner.

c. "Structural Pest Control Applicator's Apprentice, Trainee, or Assistant" ~~is~~ means a person, other than a Master or Journeyman Structural Pest Control Applicator, who is engaged as an employee of a Master Structural Pest Control Applicator, or working under the immediate and personal supervision of either a Master or Journeyman Structural Pest Control Applicator for not ~~to exceed~~ more than 120 days of employment, in learning and assisting in the selection and application of pesticide and has been registered with the Commissioner to so engage in structural pest control activities.

e. "Commercial Pesticide Applicator" means a person who is licensed under the Act, other than structural pest control applicators or fumigators, to use or supervise the use of pesticides for hire.

4. All noncommercial applicators as defined in the Act shall be subject to the same record keeping requirements as are licensed commercial applicators as set forth in Minn. Stat. 1976, Sec. 18A.29, Subd. 2.

B. Special Local Needs.

1. a. There is no pesticide registered by EPA for such use~~,~~; or

b. There is no EPA registered product which, under the conditions of use within the state, would be as safe and/or as efficacious for such use within the terms and conditions of EPA registration~~,~~; or,

3. If the Commissioner, based upon information in the application, deems it in the public interest, and deems that the information in the application indicates that the pesticide does not have the potential for unreasonable adverse environmental effects, he may issue a special local need registration in accordance with Minn. Stat. 1976, Secs. 18A.22, Subd. 2 (a-d), 18A.23, and 40 CFR 162.150-162.158, Subpart B.

5. A federal or state agency, a local unit of government, or any person or group of persons filing with the Commissioner a petition that contains the signatures and addresses of 500 or more individuals, shall have 30 days from publication notice in the State Register to file written objections with the Commissioner regarding the issuance of the special local need registration. Upon receipt of said written objections, and when it is deemed in the best interest of the environment or the health, welfare, and safety of the public, the Commissioner shall order a hearing pursuant to Minn. Stat. 1976, Chap. 15, for the purpose of revoking, amending, or upholding said registration.

6. The Commissioner shall revoke, suspend, or amend a special local need registration upon the determination after notice and hearing that, under the terms of the registration granted, the pesticide may cause unreasonable adverse effects on the environment, or the health, welfare, and safety of the public, or that the special local need no longer exists.

C. Certification and/or Recertification Requirement; Commercial, Non-Commercial, and Structural Pest Control Applicators.

2. a. 1. Satisfactorily completing an approved training program during the certification period~~,~~; or

4. a. Upon written application, the Commissioner may grant to an individual an alternative for the certification requirement and procedures set forth in this rule, provided that:

~~a.~~ 1. there is good cause why the individual cannot comply with the provision of this rule;

~~b.~~ 2. the requirements and procedures provided for in the alternative is equivalent to those set forth in this rule;

~~c.~~ 3. when an examination is involved, the subject matter and difficulty of the examination is equivalent to the examination for which the alternative is granted;

~~d.~~ 4. the spirit and intent of the act ~~in~~ and this rule are not violated;

~~e.~~ 5. the environment or the public will not be adversely affected by the alternative requirements or procedures.

b. Under no circumstance shall certification be waived.

D. Private Applicator

A Private Applicator shall be deemed certified when he/she purchases a restricted use pesticide from a licensed dealer and signs a sales register attesting that he/she read the label of the pesticide and will follow the directions for use and the precautions to protect the user and the environment. He/She shall also attest that, within the past three years, he/she has completed one or more of the following state approved certification programs meeting the requirements of 40 CFR 171.5 and 171.6:

a. A Sstate approved home study; ~~or~~

b. A Ppesticide training session; ~~or~~

c. A personal interview by the Commissioner~~,~~; or,

d. A Wwritten or oral examination.

E. License.

1. An applicant for a "Master Structural Pest Control Applicators License" shall take and pass a written proctored examination prepared and administered by the Commissioner. Such examination shall determine whether the applicant has adequate training, experience, and technical knowledge to properly plan, determine, and supervise the selection and application of pesticides in structural pest control.

2. An applicant for a "Journeyman Structural Pest Control Applicator License" shall take and pass a written proctored examination prepared and administered by the Commissioner. Such examination shall determine whether the applicant has adequate training, experience, and workable knowledge in the practical selection and application of pesticides in structural pest control and familiarity with toxic effect of pesticides on man and other living things.

3. An applicant for qualification as a "Structural Pest Control Fumigator" shall in addition to securing a Master of Journeyman license, take and pass a written proctored examination prepared and administered by the Commissioner. Such examination shall determine whether the applicant has adequate training, experience, and working knowledge in the practical selection and application of fumigants and familiarity with the toxic effect of fumigants on man and other living things.

4. An applicant for a "Restricted Use Dealer License" shall take and pass a written proctored examination prepared and administered by the Commissioner. Such examination shall determine whether the applicant has adequate training, experience, and working knowledge of pesticide types and characteristics, proper pesticide storage and disposal techniques, pesticide safety, and label and labeling comprehension.

5. Upon written application, the Commissioner may grant to an individual an alternative for the licensing requirement and procedures set forth in this rule, provided that:

d. the spirit and intent of the act ~~in~~ and this rule are not violated;

F. License Renewal; Structural, Commercial, and Non-Commercial.

2. Licensed Commercial and Non-Commercial Applicators must renew their license on an annual basis. Qualification for license renewal can be accomplished by annual attendance at an approved continuing education program in the use of

pesticides held prior to the expiration date of the present license or by successful completion of an examination prepared and administered by the ~~Department of Agriculture~~ Commissioner.

4. Upon written application, the Commissioner may grant to an individual an alternative for the license renewal requirement and procedures set forth in this rule, provided that:

d. the spirit and intent of the act ~~in~~ and this rule are not violated; and,

G. Restricted Use Pesticides.

1. Restricted use pesticides shall be those so classified by the Administrator of the EPA.

2. ~~In addition to all pesticide uses classified by EPA as restricted use, and~~ Additionally, all pesticide uses classified as restricted use by any other federal or state agency statutorily authorized to do said classification, ~~the following uses and procedures are prescribed:~~ shall, for the purposes of the administration of this rule, be classified as restricted use pesticides.

3. The following uses and procedures shall also be prescribed:

b. (3) (d) the spirit and intent of the act ~~in~~ and this rule are not violated.

(4) The use of "1080" is prohibited, except upon special written authorization from the Commissioner~~:~~. aA follow-up report ~~is~~ shall be required in all instances.

~~2~~4. No person shall display any restricted use pesticides in any public area of a store or other place to which the general public has access unless displayed under a sign or placard bearing the following statement in capital letters not less than two inches high: "RESTRICTED USE PESTICIDES -- PURCHASER MUST BE CERTIFIED."

H. Storage, Handling, and Use of Pesticides.

8. All persons shall clean equipment used for pesticides so that no injurious residues from prior usage may cause injury to humans, agricultural crops, livestock, or the environment.

9. All persons shall label all mixing and transportation pesticide containers, other than the actual applicative equipment, with the name of each active ingredient and use reasonable care to protect from obliteration the labels on all original pesticide containers until disposed of pursuant to the requirements of ~~these~~ this rules.

I. Enforcement.

1. The Commissioner, after notice and hearing may deny, suspend, revoke, or refuse to renew a registration, license, or certificate when a person is in violation of Minn. Stat. 1976 ~~as amended~~, Secs. 18A.21 to 18A.48 as amended, or rules promulgated thereunder.

2. No person shall knowingly falsify all or any part of an application for registration, an application for license, any records required to be maintained, any reports filed or any other information submitted to the Commissioner pursuant to Minn. Stat. 1976, Secs. 18A.21 to 18A.48 as amended, or rules promulgated thereunder.

J. Financial Responsibility.

1. "Commercial Pesticide Applicators." Applicants for Commercial Pesticide Applicator licenses shall furnish evidence of financial responsibility acceptable to the ~~Minnesota Department of Agriculture~~ Commissioner prior to the issuance of such license. This requirement may be satisfied by:

a. A ~~c~~certificate of a net asset statement issued by a financial institution authorized to do business in the state by the Minnesota Department of Commerce, showing sufficient assets available to satisfy judgments functionally equivalent to the provisions of Section J, 2~~.~~;

b. A ~~B~~bond issued by a bondsman authorized to do business in the State by the Minnesota Department of Commerce~~.~~; or,

2. All applicants for a Commercial Applicator's license or renewal thereof shall furnish proof of financial responsibility of a minimum of fifty-thousand dollars ($50,000) in either net assets or in the form of a performance bond or insurance in the ~~above~~ amount below, or a combination thereof.

4. "Structural Pest Control Applicators." Applicants for a Structural Pest Control license shall furnish evidence of financial responsibility acceptable to the ~~Minnesota Department of Agriculture~~ Commissioner prior to the issuance of such license. This requirement shall be satisfied by liability insurance issued by a company authorized to do business in the state by the Minnesota Department of Commerce.

a. One-hundred thousand dollars ($100,000) for bodily injury or death, each person~~.~~;

b. Two-hundred thousand dollars ($200,000) for bodily injury or death of two or more, each occurrence~~.~~; or,

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE DEPARTMENT OF AGRICULTURE GOVERNING PESTICIDE CONTROL AND OTHER MATTERS

PROPOSED CHANGES IN RULES AS PROPOSED

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A. General.

1. Authority. The rules contained herein ~~are~~ is prescribed pursuant to Minn. Stat. 1976, Secs. 18A.21 to 18A.48, by the Commissioner of Agriculture to implement provisions to protect the immediate and future health, welfare, and economic status of the people of this state through the control of the use of various pesticides. The provisions specified in ~~these~~ this rules are in addition to those set forth in the Act itself.

2. Definitions. As used in 3 MCAR 1.0338, the following definitions and those definitions in Minn. Stat., Chap. 18A, shall apply:

a. "Master Structural Pest Control Applicator" means a person who has the necessary qualifications to properly plan, determine, and supervise the selection and application of pesticides in structural pest control, who is thoroughly familiar with the toxic effects of pesticides on man and on other living things, ~~and~~ who is familiar with the laws, rules, and regulations governing the same, and is so licensed by the Commissioner, provided he/she shall not be permitted to engage in the planning and supervision of the selection and application of fumigants unless qualified as a fumigator.

b. "Journeyman Structural Pest Control Applicator" means a person who has the necessary qualifications in the practical selection and application of pesticides with knowledge of their toxic effect on man and other living things, ~~and~~ who is engaged as an employee of or is working under the direction of a Master Structural Pest Control Applicator and is so licensed by the Commissioner.

c. "Structural Pest Control Applicator's Apprentice, Trainee, or Assistant" ~~is~~ means a person, other than a Master or Journeyman Structural Pest Control Applicator, who is engaged as an employee of a Master Structural Pest Control Applicator, or working under the immediate and personal supervision of either a Master or Journeyman Structural Pest Control Applicator for not ~~to exceed~~ more than 120 days of employment, in learning and assisting in the selection and application of pesticide and has been registered with the Commissioner to so engage in structural pest control activities.

e. "Commercial Pesticide Applicator" means a person who is licensed under the Act, other than structural pest control applicators or fumigators, to use or supervise the use of pesticides for hire.

4. All noncommercial applicators as defined in the Act shall be subject to the same record keeping requirements as are licensed commercial applicators as set forth in Minn. Stat. 1976, Sec. 18A.28, Subd. 2.

B. Special Local Needs.

1. a. There is no pesticide registered by EPA for such use~~,~~; or

b. There is no EPA registered product which, under the conditions of use within the state, would be as safe and/or as efficacious for such use within the terms and conditions of EPA registration~~,~~; or,

3. If the Commissioner, based upon information in the application, deems it in the public interest, and deems that the information in the application indicates that the pesticide does not have the potential for unreasonable adverse environmental effects, he may issue a special local need registration in accordance with Minn. Stat. 1976, Secs. 18A.22, Subd. 2 (a-d), 18A.23, and 40 CFR 162.150-162.158, Subpart B.

5. A federal or state agency, a local unit of government, or any person or group of persons filing with the Commissioner a petition that contains the signatures and addresses of 500 or more individuals, shall have 30 days from publication notice in the State Register to file written objections with the Commissioner regarding the issuance of the special local need registration. Upon receipt of said written objections, and when it is deemed in the best interest of the environment or the health, welfare, and safety of the public, the Commissioner shall order a hearing pursuant to Minn. Stat. 1976, Chap. 15, for the purpose of revoking, amending, or upholding said registration.

6. The Commissioner shall revoke, suspend, or amend a special local need registration upon the determination after notice and hearing that, under the terms of the registration granted, the pesticide may cause unreasonable adverse effects on the environment, or the health, welfare, and safety of the public, or that the special local need no longer exists.

C. Certification and/or Recertification Requirement; Commercial, Non-Commercial, and Structural Pest Control Applicators.

2. a. 1. Satisfactorily completing an approved training program during the certification period~~,~~; or

4. a. Upon written application, the Commissioner may grant to an individual an alternative for the certification requirement and procedures set forth in this rule, provided that:

~~a.~~ 1. there is good cause why the individual cannot comply with the provision of this rule;

~~b.~~ 2. the requirements and procedures provided for in the alternative is equivalent to those set forth in this rule;

~~c.~~ 3. when an examination is involved, the subject matter and difficulty of the examination is equivalent to the examination for which the alternative is granted;

~~d.~~ 4. the spirit and intent of the act ~~in~~ and this rule are not violated;

~~e.~~ 5. the environment or the public will not be adversely affected by the alternative requirements or procedures.

b. Under no circumstance shall certification be waived.

D. Private Applicator

A Private Applicator shall be deemed certified when he/she purchases a restricted use pesticide from a licensed dealer and signs a sales register attesting that he/she read the label of the pesticide and will follow the directions for use and the precautions to protect the user and the environment. He/She shall also attest that, within the past three years, he/she has completed one or more of the following state approved certification programs meeting the requirements of 40 CFR 171.5 and 171.6:

a. A Sstate approved home study; ~~or~~

b. A Ppesticide training session; ~~or~~

c. A personal interview by the Commissioner~~,~~; or,

d. A Wwritten or oral examination.

E. License.

1. An applicant for a "Master Structural Pest Control Applicators License" shall take and pass a written proctored examination prepared and administered by the Commissioner. Such examination shall determine whether the applicant has adequate training, experience, and technical knowledge to properly plan, determine, and supervise the selection and application of pesticides in structural pest control.

2. An applicant for a "Journeyman Structural Pest Control Applicator License" shall take and pass a written proctored examination prepared and administered by the Commissioner. Such examination shall determine whether the applicant has adequate training, experience, and workable knowledge in the practical selection and application of pesticides in structural pest control and familiarity with toxic effect of pesticides on man and other living things.

3. An applicant for qualification as a "Structural Pest Control Fumigator" shall in addition to securing a Master of Journeyman license, take and pass a written proctored examination prepared and administered by the Commissioner. Such examination shall determine whether the applicant has adequate training, experience, and working knowledge in the practical selection and application of fumigants and familiarity with the toxic effect of fumigants on man and other living things.

4. An applicant for a "Restricted Use Dealer License" shall take and pass a written proctored examination prepared and administered by the Commissioner. Such examination shall determine whether the applicant has adequate training, experience, and working knowledge of pesticide types and characteristics, proper pesticide storage and disposal techniques, pesticide safety, and label and labeling comprehension.

5. Upon written application, the Commissioner may grant to an individual an alternative for the licensing requirement and procedures set forth in this rule, provided that:

d. the spirit and intent of the act ~~in~~ and this rule are not violated;

F. License Renewal; Structural, Commercial, and Non-Commercial.

2. Licensed Commercial and Non-Commercial Applicators must renew their license on an annual basis. Qualification for license renewal can be accomplished by annual attendance at an approved continuing education program in the use of

pesticides held prior to the expiration date of the present license or by successful completion of an examination prepared and administered by the ~~Department of Agriculture~~ Commissioner.

4. Upon written application, the Commissioner may grant to an individual an alternative for the license renewal requirement and procedures set forth in this rule, provided that:

d. the spirit and intent of the act ~~is~~ and this rule are not violated; and,

G. Restricted Use Pesticides.

1. Restricted use pesticides shall be those so classified by the Administrator of the EPA.

2. ~~In addition to all pesticide uses classified by EPA as restricted use, and~~ Additionally, all pesticide uses classified as restricted use by any other federal or state agency statutorily authorized to do said classification, ~~the following uses and procedures are prescribed:~~ shall, for the purposes of the administration of this rule, be classified as restricted use pesticides.

3. The following uses and procedures shall also be prescribed:

b. (3) (d) the spirit and intent of the act ~~is~~ and this rule are not violated.

(4) The use of "1080" is prohibited, except upon special written authorization from the Commissioner~~:~~. aA follow-up report ~~is~~ shall be required in all instances.

~~2~~4. No person shall display any restricted use pesticides in any public area of a store or other place to which the general public has access unless displayed under a sign or placard bearing the following statement in capital letters not less than two inches high: "RESTRICTED USE PESTICIDES -- PURCHASER MUST BE CERTIFIED."

H. Storage, Handling, and Use of Pesticides.

8. All persons shall clean equipment used for pesticides so that no injurious residues from prior usage may cause injury to humans, agricultural crops, livestock, or the environment.

9. All persons shall label all mixing and transportation pesticide containers, other than the actual applicative equipment, with the name of each active ingredient and use reasonable care to protect from obliteration the labels on all original pesticide containers until disposed of pursuant to the requirements of ~~these~~ this rules.

I. Enforcement.

1. The Commissioner, after notice and hearing may deny, suspend, revoke, or refuse to renew a registration, license, or certificate when a person is in violation of Minn. Stat. 1976 ~~as amended~~, Secs. 18A.21 to 18A.48 as amended, or rules promulgated thereunder.

2. No person shall knowingly falsify all or any part of an application for registration, an application for license, any records required to be maintained, any reports filed or any other information submitted to the Commissioner pursuant to Minn. Stat. 1976, Secs. 18A.21 to 18A.48 as amended, or rules promulgated thereunder.

J. Financial Responsibility.

1. "Commercial Pesticide Applicators." Applicants for Commercial Pesticide Applicator licenses shall furnish evidence of financial responsibility acceptable to the ~~Minnesota Department of Agriculture~~ Commissioner prior to the issuance of such license. This requirement may be satisfied by:

a. A ~~C~~certificate of a net asset statement issued by a financial institution authorized to do business in the state by the Minnesota Department of Commerce, showing sufficient assets available to satisfy judgments functionally equivalent to the provisions of Section J, 2~~.~~;

b. A ~~B~~bond issued by a bondsman authorized to do business in the State by the Minnesota Department of Commerce~~.~~; or,

2. All applicants for a Commercial Applicator's license or renewal thereof shall furnish proof of financial responsibility of a minimum of fifty-thousand dollars ($50,000) in either net assets or in the form of a performance bond or insurance in the ~~above~~ amount below, or a combination thereof.

4. "Structural Pest Control Applicators." Applicants for a Structural Pest Control license shall furnish evidence of financial responsibility acceptable to the ~~Minnesota Department of Agriculture~~ Commissioner prior to the issuance of such license. This requirement shall be satisfied by liability insurance issued by a company authorized to do business in the state by the Minnesota Department of Commerce.

a. One-hundred thousand dollars ($100,000) for bodily injury or death, each person~~.~~;

b. Two-hundred thousand dollars ($200,000) for bodily injury or death of two or more, each occurrence~~.~~; or,

STATE OF MINNESOTA
DEPARTMENT OF AGRICULTURE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE DEPARTMENT OF AGRICULTURE GOVERNING PESTICIDE CONTROL AND OTHER MATTERS

ADDITIONAL CHANGES TO RULES AS PROPOSED

The Agency has had an opportunity to review and consider comments entered into the record at the public hearings held January 31, 1978 at Sleepy Eye and February 1, 1978 at Detroit Lakes, Minnesota. As a result of public testimony and the Agency's desire to further clarify the intent of the rules, the following changes to the Rules as Proposed are being offered into the record. The Agency feels that these changes do not substantially change the Rules as Proposed in nature or substance.

3 MCAR 1.0338 Pesticide Control.

A. General.

1. Authority. The rules contained herein are prescribed pursuant to Minn. Stat. 1976, Secs. 18A.21 to 18A.48, by the Commissioner of Agriculture to implement provisions to protect the immediate and future health, welfare, and economic status of the people of this state through the control of the use of various pesticides including, but not limited to herbicides, insecticides, rodenticides, and fungicides. The provisions specified in these rules are in addition to those set forth in the Act itself.

2. Definitions.

f. "Non-Commercial Pesticide Applicator" means a person, including government officials, other than commercial applicator, structural pest control applicator or private applicator who uses or supervises the use of restricted use pesticides on lands.

g. "Pest" means (1) any insect, rodent, nematode, fungus, weed, or (2) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism which the Administrator of EPA declares to be a pest, except viruses, bacteria, or other micro-organisms on or in living man or other living aminals.

4. Records.

a. In addition to those record keeping requirements set forth in Minn. Stat. sec. 18A.28, subds. 2 and 3, licensed Commercial Applicators and licensed or registered Structural Pest Control Applicators shall keep and report to the commissioner the locations of all treatments.

4. b. All Neon-commercial Pesticide Aapplicators as defined in the Act shall submit to and on forms produced by the commissioner annually, but in no case later than January 30, a report which shall include, but not be limited to, true and accurate routine operational information on kinds, amounts, uses, dates and places of application of restricted use pesticides; and shall keep and maintain such records necessary to produce such reports. Records shall be

maintained for two years. ~~be subject to the same record keeping requirements as are licensed Commercial Applicators as set forth in Minn. Stat. sec. 18A.23, subd. 2.~~

C. Certification and/or Recertification Requirements; Commercial, Non-Commercial and Structural Pest Control Applicators.

3. Re-examination Procedures.

If any applicant fails to achieve a passing score on any examination, he/she shall be eligible to retake the examination after 15 days from the date of notification of examination failure of the first examination. If any applicant fails to achieve a passing score ~~on any examination~~ upon retaking ~~it~~ an examination, he/she shall be eligible to retake the examination after 30 days from the date of notification of examination failure. A failing applicant may retake an examination no more than three(3) times in one year. Upon submission to the Commissioner in writing of specific reasons within 30 days from the date of notification of failure of second examination, an appeal of the score may be made.

D. Private Applicator.

1. A Private Applicator shall be deemed certified when he/she ~~purchases a restricted use pesticide from a licensed dealer and signs a sales register attesting that he/she read the label of the pesticide and will follow the directions for use and the precautions to protect the user and the environment. He/She shall also attest that~~ has, within the past three years, ~~he/she has~~ completed one or more of the following state approved certification programs:

a. A ~~S~~state approved home study; ~~or~~

b. A ~~P~~pesticide training session; ~~or~~

c. A personal interview by the Commissioner~~,~~; or,

d. A ~~W~~written or oral examination~~,~~; and,

he/she reads the label and follows all label directions ofr use and the precautions to protect the user and the environment for all restricted use pesticides he/she uses.

2. A Private Applicator or his/her agent shall sign a sales register when purchasing a restricted use pesticide from a licensed dealer attesting that the user will read the label of the pesticide and will follow the directions for the use and the precautions to protect the user and the environment and that the user has completed one or more of the state approved certification programs set forth in section D.1. within the past three years.

G. Restricted Pesticides.

1. a. The following inorganic arsenical compounds: Sodium arsenite, Calcium arsenite, Lead Arsenate, Sodium arsenate, Arsenic trioxide, Arsenic acid, and Arsenic Pentoxide shall ~~have no uses~~ not be used for weed control.

2. 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 ~~under~~ by a sign or placard bearing the following statement in capital letters not less than two inches high: "RESTRICTED USE PESTICIDES -- USER ~~PURCHASER~~ MUST BE CERTIFIED."

J. Financial Responsibility.

1. "Commercial Pesticide Applicators, and Structural Pest Control Applicators. Applicants for Commercial Pesticide Applicator or Structural Pest Control Applicator licenses or renewals shall furnish evidence of financial responsibility acceptable to the Commissioner prior to the issuance of such license. This requirement may be staisfied by:

a. A ~~C~~certificate of a net asset statement issued by a financial institution authorized to do business in the state by the Minnesota Department of Commerce, showing net ~~sufficient~~ assets available to satisfy judgments equal to or greater than $50,000; ~~functioning equivalent of the provisions of Section J, 2.~~

b. A ~~B~~bond issued by a bondsman authorized to do business in the state by the Minnesota Department of Commerce, or ~~e.~~ l~~L~~iability insurance issued by a company authorized to do business in the state by the Minnesota Department of Commerce, for a minimum set forth in sections 2 and 3; or,

c. A combination of a. and b.

2. Commercial Pesticide Applicators. ~~All applicants for a Commercial Applicator's license or renewal thereof shall furnish proof of financial responsibility of a minimum of fifty thousand dollars ($50,000) in either net assets or in the form of a performance bond or insurance in the above below, or a combination thereof.~~

a. Limits of Liability:

~~a.~~ (1) Fifty-thousand dollars ($50,000) for bodily injury or death, each person.

~~b.~~ (2) Fifty-thousand dollars ($50,000) for bodily injury or death, each occurrence.

~~c.~~ (3) Twenty-five thousand dollars ($25,000) for property damage, each occurrence.

b. The Commissioner may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding five-hundred dollars ($500) for aerial and ground commercial applicators.

c. The Commissioner may, when deemed in the public interest and the spirit and intent of the act, require limits of liability ~~proof of financial responsibility~~ in an amount in excess of those set forth in 2.a. ~~fifty thousand dollars ($50,000)~~ for an individual applicant reasonably commensurate with the applicant's possible liability exposure.

~~3. The Commissioner may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding five hundred dollars ($500) for aerial and ground commercial applicators.~~

3.4. "Structural Pest Control Applicators." ~~Applicants for a Structural Pest Control license shall furnish evidence of financial responsibility acceptable to the Minnesota Department of Agriculture prior to the issuance of such license. This requirement shall be satisfied by liability insurance issued by a company authorized to do business in the state by the Minnesota Department of Commerce.~~

~~Minimum coverage requirements shall be as follows:~~

a. Limits of liability:

~~a.~~ (1) One-hundred thousand dollars ($100,000) for bodily injury or death, each person.

~~b.~~ (2) Two-hundred thousand dollars ($200,000) for bodily injury or death of two or more, each occurence.

~~c.~~ (3) Ten-thousand dollars ($10,000) for property damage, each occurence.

b. The Commissioner may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding five-hundred dollars ($500).

c. The Commissioner may, when deemed in the public interest and the spirit and intent of the act, require limits of liability in an amount in excess of those set forth in 3.a. for an individual applicant reasonably commensurate with the applicant's possible liability exposure.

4.~~5.~~ Such financial responsibility shall be clearly conditioned to cover liability resulting from the handling, storage, disposal, application, use or misuse of any pesticide.

K. Reciprocal Agreement.

3. The Commissioner is authorized to enter into ~~an informal~~ reciprocal Agreements approved by the attorney general for form and legality with any other state which has a similar state plan for certification of Pesticide Applicators. Under such Agreement, the designated person of the state party to the reciprocal Agreement is granted full authority, including reciprocal recognition of licensing and recertification standards, training and testing procedures, and related matters in all states participating in such Agreements.

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

AGR-78-005-HK

HOWARD L. KAIBEL, JR., being first duly sworn, hereby deposes and says:

That at the City of Saint Paul, county and state aforementioned, on the 22nd day of March, 1978, he served the attached Report of Hearing Examiner,

by depositing in the United States Mail at said City of Saint Paul, a true and correct copy thereof, properly enveloped, with firstclass postage prepaid, and addressed to:

Mr. Randall D. Young
Director of Planning
Department of Agriculture
Room 563, State Office Building
Saint Paul, Minnesota 55155

Howard L. Kaibel

Subscribed and sworn to before me this 22nd day of March, 1978.

Sandra A. Haven

SANDRA A. HAVEN
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires July 29, 1983

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS
ROOM 300 — 1745 UNIVERSITY AVENUE
ST. PAUL, MINNESOTA 55104
(612) 296-6910

March 22, 1978

Mr. Randall D. Young
Director of Planning
Department of Agriculture
Room 563, State Office Building
Saint Paul, Minnesota 55155

Re: In the Matter of the Proposed Adoption of Rules of the Department of Agriculture Governing Pesticide Control and Other Matters. Docket No. AGR-78-005-HK

Dear Mr. Young:

Enclosed and served upon you by United States Mail, please find my Report in the above-entitled matter.

The official record is being forwarded to you through Interoffice Mail.

Sincerely,

HOWARD L. KAIBEL, JR.
Hearing Examiner

HLK:sw
Enc.

AN EQUAL OPPORTUNITY EMPLOYER

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF AGRICULTURE

In the Matter of the Proposed Adoption of Rules of the Department of Agriculture Governing Pesticide Control and Other Matters.	)))))	REPORT OF HEARING EXAMINER

The above-entitled matter came on for hearing before Howard L. Kaibel, Jr., duly appointed Hearing Examiner, on January 31, 1978, in the Sleepy Eye City Electric Plant in Sleepy Eye, Minnesota. Additional hearings were conducted in Detroit Lakes on February 1, 1978, and in Saint Paul on February 3, 1978, all in the State of Minnesota.

Members of the Department of Agriculture (hereinafter "Department") panel included: Randall D. Young, Director of Planning; John S. Halvorson, Director of Agronomy Services; Leo Lehn, Supervisor, Pesticides and Fertilizers; and Peder Hong, and William Marshall, Special Assistant Attorneys General. The hearings continued until all persons or representatives of interested persons or organizations desiring to be heard were heard and heard fully.

Pursuant to Minn. Stat. § 15.0412, subd. 4, this Report shall be available for review to all affected individuals upon request for at least five days.

The Department shall, if it proposes to adopt the rules as originally proposed or amended, submit the complete hearing record, including its Findings and Order, to the Chief Hearing Examiner no earlier than five days subsequent to the receipt of this Report. This submission shall clearly indicate any changes made to the rules as originally proposed, preferably in the format that will be submitted to the State Register for publication. The Chief Hearing Examiner shall complete his review and submit his report to the Department on the issues of

substantial changes in the rule and compliance with Minn. Stat. § 15.0412 within ten calendar days. Thereafter, the Department shall be responsible for filing the rules with the Attorney General and for notifying persons who have indicated that they wish to be notified of such filing.

Based upon all the records and proceedings herein, the Examiner makes the following:

FINDINGS OF FACT

1. On December 1, 1977, the Department filed the following documents with the Chief Hearing Examiner:

(a) A copy of the proposed rules;
(b) A proposed Order for Hearing;
(c) A proposed Notice of Hearing; and
(d) A Statement of the estimated length and number of people attending the hearing.

2. On December 26, 1977, a Notice of Hearing and a copy of the proposed rules were published at 2 State Register 1246.

3. On December 23, 1977, the Department mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such notice.

4. On January 6, 1978, the Department filed the following documents:

(a) The Order for Hearing;
(b) The Notice of Hearing as mailed;
(c) The Affidavit of Receipt of the Secretary of State's list;
(d) The Affidavit of Mailing;
(e) The Secretary of State's Certificate and list;
(f) The Statement of Need;
(g) The Statement of Evidence, including the names of witnesses to be called; and
(h) The names of Department personnel who will represent the agency.

The documents were available for inspection at the Office of Hearing Examiners from the date of filing to the date of the hearing.

5. The record remained open through February 17, 1978 for the receipt of written comments and statements. The statutory deadline for preparation of this Report was duly extended to March 22, 1978, upon the joint request of the Department and the Hearing Examiner.

6. The statutory authority for the adoption of these proposed rules is contained in Minn. Stat. § 18A.43.

7. A section-by-section analysis of these proposed rules and the need for and reasonableness of each of the provisions is unnecessary on this record. Such an analysis is contained in the 15-page Statement of Need and Evidence which was distributed to all hearing participants and no useful purpose would be served by repeating most of that language in this Report. Except as hereinafter specifically noted with regard to specific provisions, the proposed rule is specifically found to be needed and reasonable. The Department has adequately documented this by an affirmative presentation of facts and it has further demonstrated that the rule is statutorily authorized. Most of the provisions and sections were not opposed, and this Report is generally limited to those that were. All of the concerns discussed on the record and in written comments have been carefully considered in the preparation of this Report. Specific reference to many, if not most, of them is omitted because they relate to matters that are not properly the subject of this Report because they concern proposed rules which are merely a continuation of existing previously adopted rules. The objection of the Minnesota Agricultural Aircraft Association to the requirement of labeling transportation containers with active ingredients is one example. This requirement is already part of State law and is contained in Minn. Rule AGR 354. Because these provisions simply continue existing rules, the Department is under no obligation to document by an affirmative presentation of facts either the need for or the reasonableness of their retention. Specific reference to many, if not most, of the other objections to new provisions is omitted because the Department has recognized their validity and agreed to rectify them in its final written comments and in the revisions presented at the Saint Paul hearing entitled, "Additional Charges to Rules as Proposed" (Ex. 6).

8. The proposed repeal of the portion of rule AGR 351,

designating Lindane as a restricted use pesticide, cannot be found either needed or reasonable on this record. In its final written comment, Department Staff indicates that the state restrictions related to this chemical are more restrictive than the federal regulations, and therefore, in order to repeal the rule an affirmative presentation of facts must be made documenting the need for and reasonableness of weakening the existing restrictions. No such facts have been presented, except the fact that the federal EPA has not yet chosen to add this chemical to its list of restricted use pesticides. No explanation of this federal inaction has been provided. At the time these hearings were conducted, there was no EPA list at all although it was supposed to have been completed more than a year earlier. It may be that the EPA studies have simply not been completed and therefore, this fact is not substantial evidence that weakening existing restrictions is in order. The Staff report to the U. S. Senate Committee on the Judiciary supplied in written comments from Mrs. Vertnik further suggests that EPA inaction may well be simply negligence. The EPA has suspended use of this chemical in vaporizers (Ex. 9), and limited the amount of residue that may be contained in agricultural products. Industry testimony indicated that hand mixing was dangerous and that a $200 machine should be purchased by consumers, while others indicated that farmers commonly do hand mix this chemical with a stick. If a factual case can be made for repeal of this restricted use designation, it will have to be done at a new or additional hearing.

9. The proposed repeal of the specific list of pests contained in rule AGR 240 ("Rodentia, starlings, sparrows, grackles, common pigeons, shrews, moles, bats and all noxious weeds") is neither reasonable nor necessary as proposed herein. When the lack of evidence to support repeal of these designations was called to the attention of Department Staff, they indicated that they felt the statutory definition of "pest"obviated the need for specific designations, as follows:

Subd. 24. "Pest" means any insect, rodent, nematode, fungus, weed, terrestrial or aquatic plant, animal life, virus, bacteria, or other organism which the commissioner by rule declares to be a pest except virus, bacteria, or other micro-organism on or in living man or other living animals.

The Staff indicated that their interpretation of this statute was that the "commissioner by rule declares" language modifies only the "other organism" language and that the statute otherwise defines pests adequately. When it was pointed out that this interpretation would mean that all "animal life" are defined as pests, they agreed that some other action would be necessary. They consequently proposed in their additional changes submitted at the final hearing to include the following definition of pest:

g. "Pest" means (1) any insect, rodent, nematode, fungus, weed, or (2) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism which the Administrator of EPA declares to be a pest, except viruses, bacteria, or other micro-organisms on or in living man or other living animals.

No testimony was subsequently submitted by way of facts or expert opinions to support this proposed defintiion. Without such evidence, this proposed rule cannot be found needed and reasonable. The affect of adopting this language and repealing the existing rule is to remove common pigeons and the other birds and animals listed from the list of pests at least until such time as the Administrator of the EPA declares them to be pests throughout the country. There is not a scintilla of evidence in this record to support removal of pigeons and the other birds and animals from the pest list. The proposed rule further appears to involve an invalid delegation of the Commissioner's authority to the Director of the EPA. The validity of that delegation is properly a matter to be determined by the Attorney General in his final review of proposed rules as to form and legality. Legality aside, there has also been no endeavor to support the need for or the reasonableness of such a delegation. There is no indication that the EPA Director has the staff capability to assume the Commissioner's responsibilities

or that he has any intention of acting on a nationwide basis. A further problem of legality with this provision is that it would leave an open rule, subject to future modification at any time without the notice and hearing provisions provided in the State's Administrative Procedures Act.

10. Section A(3) relating to reporting of incidents was the focus of considerable comment. With the additional qualifying language contained in the Department's final written comments, this subsection is specifically found to be needed and reasonable. The language would specifically add "spills" and further indicate that the rules only concern is those incidents "likely to cause damage to humans or the environment". On final adoption, the Department's attention is also called to PCA Director Gardebring's suggestion that notice be inserted of the potential of PCA reporting requirements, and that the telephone numbers of both agencies be inserted for convenience.

11. The provisions of section B(4), (5) and (6) establishing a procedure for notice and hearing on "special local needs" decisions was objected to by both sides as being either too hard or too easy to utilize. Undoubtedly, the Commissioner possesses authority without any rule to conduct public hearings on his lawful decisions at the request of citizens and it is specifically found to be reasonable and necessary to spell-out the procedures involved in this rule as is proposed. Under the proposed subsection, action is still discretionary to ensure that frivolous and obstructive proceedings will not be initiated. The suggestion of the National Agricultural Chemicals Association and others that EPA review is adequate is contradicted by substantial evidence in this record. That suggestion is a concession that some review of these decisions may at sometime be appropriate. It is neither reasonable nor necessary to force Minnesota citizens to pursue such review solely at a federal level. The only hard evidence of the efficacy of this public hearing process was provided by participants in the recent 2,4-D hearings. That evidence is that the review process is efficacious.

There is no evidence of the predicted landslide of hearing requests. In fact, Staff reported that as yet, there have been no requests for review of any of these decisions. If the procedure does generate a large number of proceedings and administration proves burdensome, the rule can be amended based on this experience to increase the number of petition signatories or shift the costs or otherwise remedy the administrative difficulties. The rule should be amended explicitly to state the implied requirement that petition signers be of legal voting age.

12. The following language in subsection B(7) is at best comprehensible only to those who have an advance understanding of what it intends to say: "No special local need registration shall be valid for more than one day less than five years." Explanatory revision or additions are necessary before it can be found to be reasonable. Perhaps it could specify that the maximum period for such registration is four years plus 364 days, except in leap year when it is four years plus 365 days. (If that is what it is intended to mean.)

13. Section G defining restricted use pesticides is the heart of these rules. The provisions were generally not objected to and with the addition of chemicals 1081 and Phosphorus Paste together with some rewriting, they are specifically found to be needed and reasonable. The renumbering in the "proposed changes" submitted at all of the hearings (abandoned in the "additional changes" presented at the Saint Paul hearing, apparently inadvertently) highlights an ambiguity found in the original language. If the renumbering is pursued, it must be made clear that the chemicals listed in subsection G(3) are "restricted use" pesticides as that term is defined in Minn. Stat. § 18A.21, subd. 30, because they require "additional restriction as to the rates, areas, times and conditions of use to protect the environment". Certainty of this designation is important because much of the remainder of the law and regulations are determined by it, including dealer registration,

display restrictions, licensing "noncommercial applicators", certification of private applicators, record and reporting provisions. It could be clarified in subsection (2) by adding the following language between the words "classification" and "shall": "(including the pesticides listed in section G(3) of this rule)". When the rule is finally published in the State Code of Rules, a preliminary face sheet should be added which can easily be revised without formal rules amendment giving notice similar to the following: "At the time these rules were promulgated, the EPA list of restricted use pesticides referred to in section G(1) could be found in the Federal Register, Volume 43, Number 28, Thursday, February 9, 1978, Pages 5790-5791."

14. Section H involving handling and storage of pesticides is needed and reasonable as proposed. Notice that PCA regulations may be involved should be incorporated into subsections 2 and 9 as suggested in PCA written comments. The suggestion by Mr. Deer that this or some other section of the rule should be revised to require that structural applicators provide all customers with information on the types of chemicals used, appears to be a substantial change as that term is defined in Uniform Rule HE 108. Several comments at and after the hearing argue strongly that it is substantial. It goes to a new subject matter not contained in the initial notice of hearing and was not presented at two of the three hearings in such a way as to invite reaction. No affirmative presentation of facts was made to document that it was needed and reasonable.

15. After careful reconsideration and thorough discussion at all of the hearings, it is clear that proposed section J relating to financial responsibility, as revised, is needed and reasonable. No objections to the amounts of protection involved were voiced by any applicator or potential applicator. The provisions received strong support from persons potentially protected by its provisions. The provisions involve flexibility for requiring greater protection based on the extent of exposure.

The minimum proposed should be retained despite industry comment that it was insufficient, to avoid putting small operators out-of-business and to increase the likelihood that they will seek to comply with the licensing and training provisions.

16. Section K should be revised as suggested by Cenex and agreed to in final Staff comments. Striking "for restricted use as commerical applicators and private applicators" would accomplish the intended purpose of extending potential reciprocity to all applicators and pesticides. The change is needed, reasonable and insubstantial.

CONCLUSIONS

1. That the Department of Agriculture duly acquired and now has jurisdiction over the within proceeding.

2. That all relevant, legal and procedural requirements of statute and rule have been complied with.

3. That the Department has documented its statutory authority to adopt the proposed rules.

4. That the Department has deomonstrated the need for and reasonableness of its proposed rules as hereinafter recommended for adoption with an affirmative presentation of facts.

RECOMMENDATION

It is hereby recommended that the proposed rules of the Department of Agriculture be promulgated, approved and adopted after attention to the modifications suggested by the Findings.

Dated: March 22, 1978.

HOWARD L. KAIBEL, SR.
Hearing Examiner

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE DEPARTMENT OF AGRICULTURE GOVERNING PESTICIDE CONTROL AND OTHER MATTERS	STATEMENT OF NEED AND EVIDENCE

The above captioned rules are amendments to existing rules of the Department of Agriculture. These rules will repeal all existing rules of the Department of Agriculture dealing with pesticides and repromulgates some of the rules in these proposed rules.

The need to adopt these rules arises from Minn. Stat. sec. 18A.21 to 18A.45, relating to pesticide control. The Act establishes jurisdiction and authority with the Minnesota Commissioner of Agriculture over pesticide control for the benefit and protection of farmers, producers, and the public, requiring financial responsibility, licensing, certification and inspection in pesticide control.

The Department will call no outside witness to testify.

The Department will be represented by the following staff: John S. Halvorson, Director of Agronomy Services; Randall Young, Director of Planning; Peder Hong, Special Assistant Attorney General; Leo Lehn, Supervisor, Pesticides and Fertilizers; and Mike Fresvik, Pesticide Control Specialist.

The Department intends to introduce the Minnesota State Pesticide Applicator Certification Program plan, the Minnesota Pesticide Control Law of 1976 (sec. 18A.21 - 18A.45), FIFRA as amended, 40 CFR 162.150 - 162.158 and 40 CFR 171.1 - 171.6.

INTRODUCTION

The Minnesota Pesticide Control Law of 1976 requires the Commissioner of Agriculture to promulgate rules to carry out the provisions of the act.

It is the purpose of these rules to interpret the Minnesota Pesticide Control Law of 1976 consistent with the legislative intent behind the passage of the act. In doing so, every attempt has been made to create a mechanism that is equitable, reasonable, and predictable to all affected parties. It should be kept in mind that these rules must be read and interpreted in conjunction with Minn. Stat. sec. 18A.21 - 18A.45 and with FIFRA as amended (Federal Insecticide, Fungicide, and Rodenticide Act as amended by Public Law 94-140, Nov. 28, 1975).

RULES JUSTIFICATION

The format used in preparing this statement of need and evidence is to first state each rule, followed by an explanation of the intent of the rule, the need for the rule, and the reasonableness of the rule.

This rule (3 MCAR 1.0338) for Minnesota Pesticide Control Law of 1976 hereby repeals previous rules and regulations AGR 329-336 (Economic Poisons and Devices); AGR 348-357 (Custom Spraying and Dusting); and AGR 233-243 (Structural Pest Control). The need for this change was brought about by the passage of the Minnesota Pesticide Control Law of 1976.

... In 1972, Congress passed the Federal Environmental Pesticide Control Act of 1972 (FIFRA), Public Law 92-156. In 1975, Congress amended FIFRA (Public Law 94-140). The changes in the law, along with the new Pesticide Control Law passed by the Minnesota Legislature in 1976, necessitates revisions in the Department's rules governing pesticides. These include Agr. 329-336 (Economic Poisons and Devices), Agr 348-357 (Custom Spraying and Dusting), and Agr 233-243 (Structural Pest Control). Rather than amend the existing rules through adding and deleting, the Department has opted to repeal all of the existing rules and include the relevant portions in the new proposed rules.

It is the basic intent of the Minnesota Pesticide Control Law of 1976 (sec. 18A.21-18A.45) and proposed rule 3 MCAR 1.0038 to combine and replace the three previous sets of rules relating to pesticides. This conforms with FIFRA as amended and provides administration guidelines to the Commissioner in policy relating to pesticide usage. The following rules are proposed for repeal:

AGR 329 - Words in Singular Form.
Not applicable.

AGR 330 - Terms Defined and Construed.
These definitions have been refined and expanded upon in Minn. Stat. sec. 18.21, subd. 1-37 and 3 MCAR 1.0338, sec. A. 2.

AGR 331 - Language to be Used.
This is covered by CFR 162.10 and defined in Minn. Stat. sec. 18A.21, subd. 17 and 18.

AGR 332 - Names of Ingredients.
Label definitions are defined in Minn. Stat. sec. 18.21, subd. 17 and 18. Further requirements are clarified in Minn. Stat. sec. 18A.22. These conform with FIFRA (Federal Insecticide and Rodenticide Act as amended), Public Law 94-140, November 28, 1975.

AGR 333 - Economic Poisons Highly Toxic to Man.
This is replaced by 3 MCAR 1.0338 sec. G. (Restricted Pesticides). This is further backed up by FIFRA, as amended; in specifically, sec. 3, Registration of Pesticides.

AGR 334 - Procedure for Registration.
This has been expanded upon in Minn. Stat. sec. 18A.22, Registration, Sales, Fee.

AGR 335 - Coloration and Discoloration.
This is now covered in CFR 162.155 (h).

AGR 336 - Examination of Samples.
Inspection, Enforcement, Judicial Action has been covered in Minn. Stat. sec. 18A.32. It has been further expanded upon in 3 MCAR 1.0338 sec. I.

AGR 348 - Statement of Public Policy.
The Minnesota Pesticide Control Law of 1976 and the proposed rule 3 MCAR 1.0338 replace this policy statement.

AGR 349 - Definition.
This rule has been replaced and expanded by the passage of Minn. Stat. sec. 18A.21.

AGR 350 - Restricted Use Pesticides.
FIFRA, as amended, gives the power to classify restricted use pesticides. This is further defined by Minn. Stat. sec. 18A.21, subd. 30 and additional restriction are listed in 3 MCAR 1.0338, sec. G (Restricted Pesticides).

AGR 351 - Restrictions and Precautions in the Use of Restricted Use Pesticides.
These restrictions are covered in FIFRA, as amended. They have been defined in Minn. Stat. sec. 18A.21, subd. 30 and amplified in 3 MCAR 1.0338, sec. G (Restricted Pesticides). Permits for the use of restricted use pesticides is covered in Minn. Stat. sec. 18A.23 (Special Local Need) and further clarified in 3 MCAR 1.0338, sec. B (Special Local Need).

AGR 352 - Public Display of Restricted Use Pesticides.
This has been covered in Minn. Stat. sec. 18A.31 and further clarified in 3 MCAR 1.0338, sec. G. 2.

AGR 353 - Licenses.
This has been replaced by Minn. Stat. secs. 18A.26, 18A.27, and 18A.23. This has been further clarified in 3 MCAR 1.0338, sec. C,E,F,I, and J. These all conform with FIFRA, as amended.

AGR 354 - Requirements for Application of Pesticides.
This has been replaced by Minn. Stat. sec. 18A.31 and expanded upon by 3 MCAR 1.0338, sec. H, items 1-12.

AGR 355 - Records, Reports.
This has been replaced by Minn. Stat. sec. 18A.28, subd. 1-6.

AGR 356 - Storage, Handling, and Disposal of Pesticides and Containers.
This has been covered in Minn. Stat. sec. 18A.31. It has been further clarified in 3 MCAR 1.0338, sec. G. 2. and several of the items under sec. H.

AGR 357 - Investigation of Alleged Damage Claims.
This has been expanded upon by Minn. Stat. secs. 18A.30, and 18A.32, subd. 1-3. It is further mentioned in 3 MCAR 1.0338, sec. A. 3.

AGR 233 - Statement of Public Policy.
The intent of the entire Minnesota Pesticide Control Law of 1976 and 3 MCAR 1.0338 cover this previous rule.

AGR 234 - Definitions.
Definitions are included in Minn. Stat. sec. 18A.21. Definitions relating to structural pest control operators are further defined in 3 MCAR 1.0338 sec. A. 2.

AGR 235 - License and Registration Procedures.
This has been replaced by Minn. Stat. secs. 18A.25, 18A.26, subd. 3, and 18A.27, subd. 3. It is further clarified by 3 MCAR 1.0338, sec. C, E, and F.

AGR 236 - Financial Responsibility.
This has been replaced by Minn. Stat. sec. 18A.36 and further clarified by 3 MCAR 1.0338, sec. J., 4 and 5.

AGR 237 - Licensing and Inspections by Approved Agencies.
This has been replaced by Minn. Stat. secs. 18A.26 and 18A.32. It is also included in 3 MCAR 1.0338, sec. I.

AGR 238 - Restricted Use Pesticides.
This has been covered by FIFRA as amended. It has been further defined by Minn. Stat. sec. 18A.21, subd. 30 and additionally restricted by 3 MCAR 1.0338, sec. G.

AGR 239 - Economic Poisons Labeling Requirements.
This has been covered by FIFRA, as amended. It is further defined in Minn. Stat. sec. 18A.21, subd. 17 and 18.

AGR 240 - Pests.
This is defined in Minn. Stat. sec. 18A.21, subd. 24.

AGR 241 - Records, Requirements.
This replaced by Minn. Stat. sec. 18A.28, subd. 3.

AGR 242 - Storage, Handling and Disposal of Economic Poisons and Containers.
This has been replaced by Minn. Stat. sec. 18A.31 and further clarified by 3 MCAR 1.0338, secs. G. 2. and H. 1-12.

AGR 243 - Additional Restrictions and Precautions in the Use of Economic Poisons and Devices.
The entire Minnesota Pesticide Control Law of 1976 and proposed rule 3 MCAR 1.0338 are intended to adequately replace this rule.

3 MCAR 1.0338 Pesticide Control

A. General.

1. Authority. The rules contained herein are prescribed pursuant to Minn. Stat. 1976, secs. 18A.21 to 18A.48, by the Commissioner of Agriculture to implement provisions to protect the immediate and future health, welfare, and economic status of the people of this state through the control of the use of various pesticides. The provisions specified in these rules are in addition to those set forth in the Act itself.

2. Definitions. As used in 3 MCAR 1.0338, the following definitions and those definitions in Minn. Stat. Chap. 18A, shall apply:

a. "Master Structural Pest Control Applicator" means a person who has the necessary qualification to properly plan, determine, and supervise the selection and application of pesticides in structural pest control, who is thoroughly familiar with the toxic effects of pesticides on man and on other living things, and who is familiar with the laws, rules and regulations governing the same and is so licensed by the Commissioner, provided he/she shall not be permitted to engage in the planning and supervision of the selection and application of fumigants unless qualified as a fumigator.

b. "Journeyman Structural Pest Control Applicator" means a person who has the necessary qualifications in the practical selection and application of pesticides with knowledge of their toxic effect on man and other living things, and who is engaged as an employee of or is working under the direction of a Master Structural Pest Control Applicator and is so licensed by the Commissioner.

c. "Structural Pest Control Applicator's Apprentice, Trainee, or Assistant" is a person, other than a Master or Journeyman Structural Pest Control Applicator, who is engaged as an employee of a Master Structural Pest Control Applicator, or working under the immediate and personal supervision of either a Master of Journeyman Structural Pest Control Applicator for not to exceed 120 days of employment, in learning assisting in the selection and application of pesticide and has been registered with the Commissioner to so engage in structural pest control activities.

d. "Fumigator" means a person who has the necessary qualifications in the practical selection and application of fumigants with knowledge of their toxic effect on man and other living things and who is so licensed by the Commissioner.

... Minn. Stat. sec. 18A.21, subd. 34 sets forth the definition of Structural Pest Control Applicator. This rule elaborates on the different types of structural pest control applicators and further defines qualifications necessary to engage in this occupation. These are basically the same definitions used in the old rules (AGR 234).

3. Incidents.

a. Persons involved in, or responsible for, and incident involving a pesticide such as flood, fire, tornado, motor vehicle accident, poisoning, exposure, or leaking container shall report such incident to the Minnesota Department of Agriculture and provide such information as may be requested by the Commissioner.

... The reporting of incidents is required by Minn. Stat. sec. 18A.37. It is set forth in the rule to emphasize the importance of reporting any incident involving a pesticide misuse or accident to the Department. It further enumerates the types of accidents which shall be reported.

B. Special Local Needs.

1. "Special Local Need" shall mean a pest problem presently existing or likely to occur within the state which cannot be effectively controlled because:

a. There is no pesticide registered by EPA for such use, or

b. There is no EPA registered product which, under the conditions of use within the state, would be as safe and/or as efficacious for such use within the terms and conditions of EPA registration, or

c. An appropriate EPA registered pesticide product is not available.

... In accordance with Minn. Stat. sec. 18A.23, this section of the rule sets forth what shall constitute a special local need, and the standards which must be met in order for a pesticide use to qualify for applying for a special local need registration. Such standards are necessary in order to give the public guidelines for making application and also make

the process predictable. These standards are reasonable in order to protect the environment from authorizing the improper use of pesticides and yet giving enough flexibility in the registration of pesticide use process to allow special local needs to be met.

2. Any person may make application for a special local need registration. Application shall be made in writing to the Commissioner and shall include all information required in Minn. Stat. 1976, sec. 18A.22, subd. 2 (a-d) and meet the requirements set forth in Minn. Stat. 1976, sec. 18A.23 and 40 CFR 162.150 - 162.158, Subpart B.

... With the authority to issue special local need registration, this section clarifies the method in which application is to be made and cites the requirements set forth by state and federal governments.

3. If the Commissioner, based upon information in the application, deems it in the public interest, and deems that the information in the application indicates that the pesticide does not have the potential for unreasonable adverse environmental effects, he may issue a special local need registration in accordance with Minn. Stat. 1976, secs. 18A.22, subd. 2 (a-d), 18A.23, and 40 CFR 162.50 - 162.158, subpart B.

... This section's necessity lies in standards set forth. It establishes the items which the Commissioner must consider and base his decision upon when issuing a special local need registration. These standards are reasonable in that they require that the environment be protected and yet allow for reasonable exceptions to restricted use pesticide uses without placing an undue burden of proof on the applicant.

4. The Commissioner shall, within 20 days of issuance of a special local need registration:

a. Publish a notice of the special local need registration in the State Register and the EQB Monitor.

b. Issue a news release with information stating that a special local need registration has been issued and citizen's right to petition for a hearing to all legal newspapers of general circulation in the affected area and any other newspaper the Commissioner deems appropriate.

5. A federal or state agency, a local unit of government, or any person or groups of persons filing with the Commissioner a petition that contains the signatures and addresses of 500 or more individuals, shall have 30 days from publication notice in the State Register to file written objections with the Commissioner regarding the issuance of the special local need registration. Upon receipt of said written objections, and when it is deemed in the best interest of the environment or the health, welfare, and safety of the public, the Commissioner shall order a hearing pursuant to Minn. Stat. 1976, ch. 15, for the purpose of revoking, amending, or upholding said registration.

... It is the intent of these two sections to establish the process for public participation in special local need registration considerations. It is the Department's position that, in compliance with Minn. Stat. ch. 15 and the Legislature's intent for broad public input on important issues, that it is

necessary and reasonable to require the publication of notice to inform the public that the commissioner has issued a special local need registration and provide them, along with other units of government, with an avenue to challenge the registration if they believe it is not in the best interest of the public or the environment.

The process is reasonable in that it does not delay the issue of a special local need registration in situations where time is important, and yet it gives the public notice and an opportunity to be heard. The petition process is patterned after the petition process for environmental review established by the Environmental Quality Board.

6. The Commissioner shall revoke, suspend, or amend a special local need registration upon the determination after notice and hearing that, under the terms of the registration granted, the pesticide may cause unreasonable adverse effects on the environment, or that the special local need no longer exists.

... This section provides the authority and the guidelines for revoking, suspending, and amending registration, whether or not public objectives are raised. Such power is necessary to meet changing conditions and circumstances in order to protect the environment.

7. A special local need registration shall be valid for one calendar year or portion thereof unless revoked or suspended and may be renewed annually by application in writing to the Commissioner. No special local need registration shall be valid for more than one day less than five years.

... It is not the intent of the Legislature or Congress that a special local need registration be a permanent registration. This section clarifies the manner and timing for which a special local need registration is granted.

C. Certification and/or Recertification Requirement; Commercial, Non-Commercial, and Structural Pest Control Applicators.

1. Certification Requirement.

All Minnesota Commercial, Non-Commercial, and Structural Pest Control Applicators shall be required to take and pass a proctored written examination or examinations related to the category classification selected by the applicant prior to certification and licensing. Upon passage of such an examination or examinations, the applicator will be certified for a period up to tive years. Such examinations shall meet or exceed the requirements in FIFRA Law and Regulations 40 CFR 171.4 (b) and (c) and 40 CFR 171.6. Such examinations will be prepared and administered by the Commissioner.

... Minn. Stat. sec. 18A.25 provides that no person shall use or supervise the use of any restricted use pesticide without first complying with the certification requirements. This section sets forth who needs the certification and how that certification is to be accomplished.

2. Recertification Requirement.

a. Commercial and Non-Commercial Applicators certified in accordance with (sec. C. 1.) may be recertified by:

1. Satisfactorily complete an approved training program during the certification period, or

2. Re-examination in accordance with procedures set forth in

sec. C. 1. 3. Participation at such a training program or re-examination will extend the applicator's certification for a period up to five years from the date of attendance or examination.

b. Structural Pest Control Applicators may be recertified by participating in an approved training program or passing a written, proctored examination annually for relicensing and recertification.

3. Re-examination Procedures.

If any applicant fails to achieve a passing score on any examination, he/she shall be eligible to retake the examination after 15 days from the date of notification of examination failure. If any applicant fails to achieve a passing score on any examination upon retaking it, he/she shall be eligible to retake the examination after 30 days from the date of notification of examination failure. Upon submission to the Commissioner in writing of specific reasons within 30 days from the date of notification of failure of second examination, an appeal of the score may be made.

... The law does not allow for certification to be perpetual. This section establishes recertification requirements and identifies who needs recertification and how re-certification is to be accomplished. These requirements are reasonable in that they necessitate that the applicators keep themselves current on pesticides and their uses without creating unnecessary "red tape" and burdens on the applicator.

4. Certification Alternatives.

Upon written application, the Commissioner may grant to an individual an alternative for the certification requirement and procedures set forth in this rule provided that:

a. there is good cause why the individual cannot comply with the provision of this rule;

b. the requirements and procedures provided for in the alternative is equivalent to those set forth in this rule;

c. when an examination is involved, the subject matter and difficulty of the examination is equivalent to the examination for which the alternative is granted;

d. the spirit and intent of the act in this rule are not violated; and;

e. the environment or the public will not be adversely affected by the alternative requirements or procedures.

... The livelihood of an individual may, in certain cases, depend upon certification. This section allows for alternative procedures for individuals who, for good cause such as illness, handicaps, etc., cannot comply with the usual testing procedure. It also assures that an alternative procedure is fair, equivalent, and in the best interest of not only the individual, but also the public and the environment.

D. Private Applicator.

A Private Applicator shall be deemed certified when he/she purchases a restricted use pesticide from a licensed dealer and signs a sales register attesting that he/she read the label of the pesticide and will follow the directions for use and the precautions to protect the user and the environment. He/She shall also attest that, within the past three years, he/she has completed one or more of the following state approved certification programs:

a. State approved home study; or

b. Pesticide training session; or

c. A personal interview by the Commissioner.

d. Written or oral examination.

... Minn. Stat. sec. 18A.29 states that no private applicator shall use or supervise a restricted use pesticide without first being deemed competent to use such pesticide. This section spells this out and indicated how certification of a private applicator shall be achieved. This certification program has been developed in cooperation with the University of Minnesota Agricultural Extension Service. They have the facilities and resources to conduct this extensive educational program. The broad range of means for meeting the certification requirements makes it reasonable for the applicator while meeting the intent of the law by assuming applicators have a high degree of knowledge and by assuming that the environment is protected from pesticide misuse.

E. License.

1. An applicant for a "Master Structural Pest Control Applicators License" shall take and pass a written examination prepared and administered by the Commissioner. Such examination shall determine whether the applicant has adequate training, experience, and technical knowledge to properly plan, determine, and supervise the selection and application of pesticides in structural pest control.

2. An applicant for a "Journeyman Structural Pest Control Applicator License" shall take and pass a written examination prepared and administered by the Commissioner. Such examination shall determine whether the applicant has adequate training, experience, and workable knowledge in the practical selection and application of pesticides in structural pest control and familiarity with toxic effect of pesticides on man and other living things.

3. An applicant for qualification as a "Structural Pest Control Fumigator" shall in addition to securing a Master or Journeyman license, take and pass a written examination prepared and administered by the Commissioner. Such examination shall determine whether the applicant has adequate training, experience, and working knowledge in the practical selection and application of fumigants and familiarity with the toxic effect of fumigant on man and other living things.

... Minn. Stat. sec. 18A.27 provides that the Commissioner may classify or sub-classify certifications or licenses as necessary for the administration and enforcement of the law. This section further expands on the classification and identifies Structural Pest Control Applicators and Fumigators defining how they receive a license and the amount of training needed for each sub-classification.

4. An applicant for a "Restricted Use Dealer License" shall take and pass a written examination prepared and administered by the Commissioner which shall determine whether the applicant has adequate training, experience, and working knowledge of pesticide types and characteristics, proper pesticide storage and disposal techniques, pesticide safety and label and labeling comprehension.

... Minn. Stat. sec. 18A.26 requires that any dealer selling restricted use pesticides must have a license. This section elaborates on how these dealers will acquire the license to sell restricted use pesticides.

5. Upon written application, the Commissioner may grant to an individual an alternative for the licensing requirement and procedures set forth in this rule provided that:

a. there is good cause why the individual cannot comply with the provision of this rule;

b. the requirements and procedured provided for in the alternative is equivalent to those set forth in this rule;

c. when an examination is involved, the subject matter and difficulty of the examination is equivalent to the examination for which the alternative is granted;

d. the spirit and intent of the act in this rule are not violated; and,

e. the environment or the public will not be adversely affected by the alternative requirements or procedures.

... See the justification for 3 MCAR 1.0338, ch. 4.

F. License Renewal; Structural, Commercial, and Non-Commercial.

1. Every person licensed as a master or journeyman in structural pest control shall be required to attend annually at least one program of continuing education in the use of pesticides in structural pest control approved by the Commissioner as a condition for renewal of the license under the Act. Failure to attend such programs as required may be grounds for revocation, termination, suspension, or refusal to renew said license.

2. Licensed Commercial and Non-Commercial Applicators must renew their license on an annual basis. Qualification for license renewal can be accomplished by annual attendance at an approved continuing education program in the use of pesticides held prior to the expiration date of the present license or by successful completion of an examination prepared and administered by the Department of Agriculture.

... All licenses are issued for a specific period of time. Secs. 1 and 2 provide guidelines for license renewal of structural pest control applicators and commercial and non-commercial applicators.

3. Failure to renew said license prior to the expiration date will require the applicant to revert to the status of a new applicant.

... This item clarifies what happens when a said license expires. It also clarifies how the applicant can re-apply for said license.

4. Upon written application, the Commissioner may grant to an individual an alternative for the license renewal requirement and procedures set forth in this rule provided that:

a. there is good cause why the individual cannot comply with the provision of this rule;

b. the requirements and procedures provided for in the alternative is equivalent to those set forth in this rule;

c. when an examination is involved, the subject matter and difficulty of the examination is equivalent to the examination for which the alternative is granted;

d. the spirit and intent of the act in this rule are not violated; and,

e. the environment or the public will not be adversely affected by the alternative requirements or procedures.

... See the justification for 3 MCAR 1.0338 C. 4.

G. Restricted Pesticides.

1. In addition to all pesticide uses classified by EPA as restricted use, and all pesticide uses classified as restricted use by any other federal or state agency statutorily authorized to do said classification, the following uses and procedures are prescribed:

a. The following inorganic arsenical compounds: Sodium arsenite, Calcium arsenite, Lead arsenate, Sodium arsenate, Arsenic trioxide, Arsenic acid, and Arsenic Pentoxide shall have no uses for weed control.

b. Sodium Floroacetate, "Compound 1080" shall mean sodium floroacetate or any mixture, formulation, dilution, or combination thereof.

(1) All "1080" shall be kept in the custody and used under the direct supervision of a Master Structural Pest Control Applicator and when held in storage shall be kept in a locked cabinet or vault. Containers and other equipment for weighing, measuring, or mixing "1080" shall be labeled "POISONS" and kept in a locked cabinet or vault.

(2) The use of soft drink bottles or other food-type containers for storing products containing "1080" is prohibited.

(3) The use of "1080" in dwellings is prohibited. Under certain conditions of rodent infestations, the Commissioner may grant a special use permit for this compound for a stated date and dwelling location upon written application and finding that:

(a) the applicant has shown good cause why an exception would be reasonable, practical, and should be granted;

(b) the environment and the public will not be adversely affected;

(c) precautions will be taken to protect the environment and the public; and,

(d) the spirit and intent of the Act in this rule are not violated.

(4) The use of "1080" is prohibited, except upon special written authorization from the Commissioner; a follow-up report is required in all instances.

... This proposed section requires that pesticide uses classified as restricted by other federal and state agencies would also be restricted by the Department. It is reasonable and necessary to provide for uniformity of regulations and requirements thus making it less confusing to the public.

2. No person shall display any restricted use pesticides in any public area of a store or other place to which the general public has access unless displayed under a sign or placard bearing the following statement in capital letters not less than two inches high: "RESTRICTED USE PESTICIDES --PURCHASER MUST BE CERTIFIED."

... Minn. Stat. sec. 18A.31, subd. 1 states that no person shall store any pesticides or pesticide container in a manner which is likely to endanger humans, damage agricultural products, damage food and livestock, damage wildlife, damage beneficial insects or pollute the environment. It is deemed in the best interest of the general public that restricted use pesticides be displayed in an area that is identified as restricted use pesticides.

H. Storage, Handling, and Use of Pesticides.

1. No person shall use, store, display, or handle any pesticide or container thereof in any manner inconsistent with labeling or so as to endanger humans, damage agricultural products, food, livestock, wildlife, pollenating insects, or pollute the environment.

2. All persons storing liquid pesticides in containers of a rated capacity of 500 gallons or more shall provide a means of containment of the amount of the rated storage in the event a leak or break should occur in the original storage unit. Storage must be provided with suitable lock up when unattended.

3. All persons shall maintain all equipment in proper working order and shall use only that equipment capable of performing all functions necessary to insure proper application of pesticides.

4. All persons shall use necessary safe pesticide handling procedures and personal protective equipment, respirators, protective clothing, and medical monitoring procedures as appropriate to each situation to protect himself/herself and his/her employees.

5. All persons shall use only measuring equipment which is accurately calibrated to the smallest unit in which the pesticide is to be weighed and measured for application.

6. All persons shall maintain a uniform mixture of pesticide in equipment during application.

7. All persons shall make all applications of pesticides in good workmanlike manner utilizing a pattern that will give uniform distribution or pesticides without creating hazards to non-target areas.

8. All persons clean equipment used for pesticides so that no injurious residues from prior usage may cause injury to agricultural crops, livestock, or the environment.

9. All persons shall label all mixing and transportation pesticide containers, other than the actual applicative equipment, with the name of each active ingredient and use reasonable care to protect from obliteration the labels on all original pesticide containers until disposed of pursuant to the requirements of these rules.

10. All persons using aircraft in the application of pesticides shall use and operate only aircraft that has equipment which will give uniform coverage to the area to which the pesticide is applied. All such aircraft shall also be equipped with a positive shut-off which shall prevent the leaking or dissemination of said pesticide on any non-target areas over which flight is made.

11. The license or registration certificate issued by the Commissioner to a pesticide applicator company shall be prominently displayed to the public in their place of business.

12. All individuals licensed by the Commissioner shall have such license, card, or document as issued by the Commissioner to present upon demand as a means of identification when engaged in pesticide application activities.

... In sec. H, paragraph 1 is found in existing rules Agr 342 and 356, paragraphs 3,4,5,6,7,8,9, and 10 are found in existing rule Agr 354, paragraphs 11 and 12 are found in existing rule Agr 354.

Paragraph 2 is a new provision. The storage of liquid pesticides in large containers is a relatively new concept. This paragraph provides a reasonable standard for storing large amoungs of pesticide. Because of the great amount of pesticides stored in one location, an accident has the potential of causing substantial adverse environmental impacts. This being the case, it is felt that this paragraph is justified.

Paragraph 12, although taken from existing rule Agr 235, has changed the requirement for carrying the license on the person. Because of the nature of the work, carrying the license on the person has lead to lost, soiled, and damaged licenses. For this reason, the Department feels that it is reasonable to only require that the applicator be able to present the license, or other identification supplied by the Commissioner, upon demand. This will allow the applicator to keep the identification in his vehicle.

I. Enforcement.

1. The Commissioner, after notice and hearing may deny, suspend, revoke, or refuse to renew a registration, license, or certificate when a person is in violation of Minn. Stat. 1976 as amended, secs. 18A.21 to 18A.48 or rules promulgated thereunder.

2. No person shall knowingly falsify all or any part of application for registration, application for license, any records required to be maintained, any reports filed or any other information submitted to the Commissioner pursuant to Minn. Stat. 1976, secs. 18A.21 to 18A.48 rules promulgated thereunder.

... Minn. Stat. sec. 18A.32, subd. 2 provides for enforcement of the act and regulations. Secs. 1 and 2 in this section provide guidelines and further clarify how this enforcement can be brought about.

J. Financial Responsibility

1. "Commercial Pesticide Applicators." Applicants for Commercial Pesticide Applicator licenses shall furnish evidence of financial responsibility acceptable to the Minnesota Department of Agriculture prior to the issuance of such license. This requirement may be satisfied by:

a. Certificate of a net asset statement issued by a financial institution authorized to do business in the state by the Minnesota Department of Commerce, showing sufficient assets available to satisfy judgments functioning equivalent to the provisions of sec. J. 2.

b. Bond issued by a bondsman authorized to do business in the state by the Minnesota Department of Commerce.

c. Liability insurance issued by a company authorized to do business in the state by the Minnesota Department of Commerce.

2. All applicants for a Commercial Applicator's license or renewal thereof shall furnish proof of financial responsibility of a minimum of fifty-thousand dollars ($50,000) in either net assets or in the form of a performance bond or insurance in the above below, or a combination thereof.

a. Fifty-thousand dollars ($50,000) for bodily injury or death, each person.

b. Fifty-thousand dollars ($50,000) for bodily injury or death, each occurrence.

c. Twenty-five thousand dollars ($25,000) for property damage, each occurrence.

The Commissioner may, when deemed in the public interest and the spirit and intent of the act, require proof of financial responsibility in an amount in excess of fifty-thousand dollars ($50,000) for an individual applicant reasonably commensurate with the applicant's possible liability exposure.

3. The Commissioner may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding five-hundred dollars ($500) for aerial and ground commercial applicators.

4. "Structural Pest Control Applicators." Applicants for a Structural Pest Control license shall furnish evidence of financial responsibility acceptable to the Minnesota Department of Agriculture prior to the issuance of such license. This requirement shall be satisfied by liability insurance issued by a company authorized to do business in the state by the Minnesota Department of Commerce. Minimum coverage requirements shall be as follows:

a. One-hundred thousand dollars ($100,000) for bodily injury or death, each person.

b. Two-hundred thousand dollars ($200,000) for bodily injury or death of two or more, each occurrence.

c. Ten-thousand dollars ($10,000) for property damage, each occurrence.

5. Such financial responsibility shall be clearly conditioned to cover liability resulting from the handling, storage, disposal, application, use or misuse of any pesticide.

... The Act, in broad terms, sets minimum limits of financial responsibility for commercial applicators. This section of the rule sets forth standards for meeting this limit. It reasonably allows enough glexibility so that a net asset statement, a bond, or a combination of the two will meet the required limits. Also, it allows for lesser limits if the standards set up in the rule are met.

K. Reciprocal Agreement.

1. Reciprocal agreements shall apply to all non-residents licensed and certified to apply pesticides for restricted use as Commercial Applicators and Private Applicators so long as such license and certification has not been cancelled or suspended for cause by the jurisdiction issuing the license and certification on which issuance of the reciprocal license and certification is based.

2. In all cases, when a license and certification has been suspended or revoked by either jurisdiction in the Agreement, the appropriate official of the reciprocating jurisdiction shall be notified detailing the reasons for such suspension or revocation.

3. The Commissioner is authorized to enter into an informal reciprocal Agreement with any other state which has a similar state plan for certification of Pesticide Applicators. Under such Agreement, the designated person of the state party to the reciprocal Agreement is granted full authority, including reciprocal recognition of licensing and certification standards, training and testing procedures, and related matters in all states participating in such Agreements.

4. The Commissioner reserves the right to test any applicant from another state who is seeking certification in Minnesota.

... Minn. Stat. sec. 18A.40 allows for a reciprocal Agreement with any other jurisdiction which has substantially the same requirements dealing with pesticide control. This Sec., items 1 through 4, clarify this statute.

MINNESOTA DEPARTMENT OF AGRICULTURE

Bill Walker
Commissioner

Dated: 7/6/78

Rules as Proposed For Adoption

In Final Form

Pesticide Control

Chapter 15

3 MCAR 1.0338

This rule (3 MCAR 1.0338) for Minnesota Pesticide Control Law of 1976 hereby repeals previous rules and regulations AGR 329-336 (Economic Poisons and Devices); AGR 348-357 (Custom Spraying and Dusting); and AGR 233-243 (Structural Pest Control). The need for this change was brought about by the passage of the Minnesota Pesticide Control Law of 1976.

3 MCAR 1.0338 Pesticide Control.

A. General.

1. Authority. The rule contained herein is prescribed pursuant to Minn. Stat. 1976, Secs. 18A.21 to 18A.48, by the Commissioner of Agriculture to implement provisions to protect the immediate and future health, welfare, and economic status of the people of this state through the control of the use of various pesticides including, but not limited to herbicides, insecticides, rodenticides, and fungicides. The provisions specified in this rule is in addition to those set forth in the Act itself.

2. Definitions. As used in 3 MCAR 1.0338, the following definitions and those definitions in Minn. Stat., Ch. 18A, shall apply:

a. "Master Structural Pest Control Applicator" means a person who has the necessary qualifications to properly plan, determine, and supervise the selection and application of pesticides in structural pest control, who is thoroughly familiar with the toxic effects of pesticides on man and on other living things, who is familiar with the laws, rules, and regulations governing the same, and is so licensed by the Commissioner, provided he/she shall not be permitted to engage in the planning and supervision of the selection and application of fumigants unless qualified as a fumigator.

b. "Journeyman Structural Pest Control Applicator" means a person who has the necessary qualifications in the practical selection and application of pesticides with knowledge of their toxic effect on man and other living things, who is engaged as an employee of or is working under the direction of a Master Structural Pest Control Applicator and is so licensed by the Commissioner.

c. "Structural Pest Control Applicator's Apprentice, Trainee, or Assistant" means a person, other than a Master or Journeyman Structural Pest Control Applicator, who is engaged as an employee of a Master Structural Pest Control Applicator, or working under the immediate and personal supervision of either a Master or Journeyman Structural Pest Control Applicator for not more than 120 days of employment, in learning and assisting in the selection and application of pesticide and has been registered with the Commissioner to so engage in structural pest control activities.

d. "Fumigator" means a person who has the necessary qualifications in the practical selection and application of fumigants with knowledge of their toxic effect on man and other living things and is so licensed by the Commissioner.

e. "Commercial Pesticide Applicator" means a person who is licensed under the Act, other than structural pest control applicators or fumigators, to use or supervise the use of pesticides for hire.

f. "Non-Commercial Pesticide Applicator" means a person, including government officials, other than commercial applicator, structural pest control applicator or private applicator who uses or supervises the use of restricted use pesticides on lands.

g. "Pest" means, for the purposes of structural pest control, (1) any insect, rodent, nematode, fungus, weed, or (2) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other micro-organisms on or in living man or other

living animals) or any other form of animal or plant life which has been declared by the commissioner to be a pest and which is found in, on, under, or within six (6) feet of any structure.

3. Incidents.

a. Persons involved in, or responsible for, an incident involving a pesticide such as flood, fire, tornado, motor vehicle accident, poisoning, exposure, spills or leaking container(s) likely to cause damage to humans or the environment shall immediately report such incident to the Minnesota Department of Agriculture, and provide information as may be requested by the Commissioner. Notification of such incidents to the Department of Agriculture shall consitute compliance with Minn. Stat. Sec. 115.061. The Department shall be responsible for immediately notifying the Minnesota Pollution Control Agency of incidents which may cause pollution of waters of the state.

4. Records.

a. In addition to those record keeping requirements set forth in Minn. Stat. Sec. 18A.28, Subds. 2 and 3, licensed Commercial Applicators and licensed or registered Structural Pest Control Applicators shall keep a record of and report to the commissioner the locations of all treatments.

b. All Non-commercial Pesticide Applicators as defined in the Act shall submit to and on forms provided by the commissioner annually, but in no case later than January 30 following the year of license, a report which shall include true and accurate routine operational information on kinds, amounts, uses, dates and places of application of restricted use pesticides; and shall keep and maintain such records necessary to produce such reports. Records shall be maintained for two years.

B. Special Local Needs.

1. "Special Local Need" shall mean a pest problem presently existing or likely to occur within the state which cannot be effectively controlled because:

a. There is no pesticide registered by EPA for such use: or

b. There is no EPA registered product which, under the conditions of use within the state, would be as safe and/or as efficacious for such use

within the terms and conditions of EPA registration; or,

c. An appropriate EPA registered pesticide product is not available.

2. Any person may make application for a special local need registration. Application shall be made in writing to the Commissioner and shall include all information required in Minn. Stat. 1976, Sec. 18A.22, Subd. 2 (a-d) and meet the requirements set forth in Minn. Stat. 1976, Sec. 18A.23 and 40 CFR 162.150-162.158, Subpart B.

3. If the Commissioner, based upon information in the application, deems it in the public interest, and deems that the information in the application indicates that the pesticide does not have the potential for unreasonable adverse environmental effects, he may issue a special local need registration in accordance with Minn. Stat. 1976, Secs. 18A.22, Subd. 2 (a-d), 18A.23, and 40 CFR 162.150-162.158, Subpart B.

4. The Commissioner shall, within 20 days of issuance of a special local need registration:

a. Publish a notice of the special local need registration in the State Register and the EQB Monitor.

b. Issue a news release with information stating that a special local need registration has been issued and citizen's right to petition for a hearing to all legal newspapers of general circulation in the affected area and any other newspaper the Commissioner deems appropriate.

5. A federal or state agency, a local unit of government, or any person or group of persons filing with the Commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age, shall have 30 days from publication of notice in the State Register to file written objections with the Commissioner regarding the issuance of the special local need registration. Upon receipt of said written objections, and when it is deemed in the best interest of the environment or the health, welfare, and safety of the public, the Commissioner shall

order a hearing pursuant to Minn. Stat. 1976, Ch. 15, for the purpose of revoking, amending, or upholding said registration.

6. The Commissioner shall revoke, suspend, or amend a special local need registration upon the determination after notice and hearing that, under the terms of the registration granted, the pesticide may cause unreasonable adverse effects on the environment, or the health, welfare, and safety of the public, or that the special local need no longer exists.

7. A special local need registration shall be valid for one calendar year or portion thereof unless revoked or suspended and may be revewed annually by application in writing to the Commissioner.

C. Certification and/or Recertification Requirement; Commercial, Non-Commercial, and Structural Pest Control Applicators.

1. Certification Requirement.

All Minnesota Commercial, Non-Commercial, and Structural Pest Control Applicators shall be required to take and pass a proctored written examination or examinations related to the category classification selected by the applicant prior to certification and licensing. Upon passage of such an examination or examinations, the applicator will be certified for a period up to five years. Such examinations shall meet or exceed the requirements in FIFRA and Regulations 40 CFR 171.4 (b) and (c) and 40 CFR 171.6. Such examinations will be prepared and administered by the Commissioner or his designee.

2. Recertification Requirement.

a. Commercial and Non-Commercial Applicators certified in accordance with Section C. 1. may be recertified by:

1. Satisfactorily completing an approved training program during the certification period; or

2. Re-examination in accordance with procedures set forth in Section C. 1. 3. Participation at such a training program or re-examination will extend the applicator's certification for a period up to five years from the date of attendance or examination.

b. Sturctural Pest Control Applicators may be recertified by participating in an approved training program or passing a written proctored examination annually for relicensing and recertification.

3. Re-examination Procedures.

If any applicant fails to achieve a passing score on any examination, he/she shall be eligible to retake the examination after 15 days from the date of notification of failure of the first examination. If any applicant fails to achieve a passing score upon retaking an examination, he/she shall be eligible to retake the examination after 30 days from the date of notification of examination failure. A failing applicant may retake an examination no more than three (3) times in one year. Upon submission to the Commissioner in writing of specific reasons within 30 days from the date of notification of failure of third re-taken examination, an appeal of the score may be made.

4. Certification Alternatives.

a. Upon written application, the Commissioner may grant to an individual an alternative for the certification requirement and procedures set forth in this rule, provided that:

1. there is good cause why the individual cannot comply with the provision of this rule;

2. the requirements and procedures provided for in the alternative are equivalent to those set forth in this rule;

3. when an examination is involved, the subject matter and difficulty of the examination is equivalent to the examination for which the

alternative is granted;

4. the spirit and intent of the act and this rule are not violated; and,

5. the environment or the public will not be adversely affected by the alternative requirements or procedures.

b. Under no circumstance shall certification be waived.

D. Private Applicator.

1. A private Applicator shall be deemed certified when he/she has, within the past three years, completed one or more of the following state approved certification programs:

a. A state approved home study;

b. A state approved pesticide training session;

c. A personal interview by the Commissioner; or,

d. A written or oral examination; and,

He/She reads the Label and follows all label directions for use and the precautions to protect the user and the environment for all restricted use pesticides he/she uses.

2. A Private Applicator or his/her agent shall sign a sales register when purchasing a restricted use pesticide from a licensed dealer attesting that the user will read the label of the pesticide and will follow the directions for the use and the precautions to protect the user and the environment and that the user has completed one or more of the state approved certification programs set forth in section D.1. within the past three years.

E. License.

1. An applicant for a "Master Structural Pest Control Applicators License"

shall take and pass a written proctored examination prepared and administered by the Commissioner. Such examination shall determine whether the applicant has adequate training, experience, and technical knowledge to properly plan, determine, and supervise the selection and application of pesticides in structural pest control.

2. An applicant for a "Journeyman Sturctural Pest Control Applicator License" shall take and pass a written proctored examination prepared and administered by the Commissioner. Such examination shall determine whether the applicant has adequate training, experience, and working knowledge in the practical selection and application of pesticides in structural pest control and familiarity with toxic effect of pesticides on man and other living things.

3. An applicant for a "Structural Pest Control Fumigator" shall, in addition to securing a Master or Journeyman license, take and pass a written proctored examination prepared and administered by the Commissioner. Such examination shall determine whether the applicant has adequate training, experience, and working knowledge in the practical selection and application of fumigants and familiarity with the toxic effect of fumigants on man and other living things.

4. An applicant for a "Restricted Use Dealer License" shall take and pass a written proctored examination prepared and administered by the Commissioner. Such examination shall determine whether the applicant has adequate training, experience, and working knowledge of pesticide types and characteristics, proper pesticide storage and disposal techniques, pesticide safety, and label and lebeling comprehension.

5. Upon written application, the Commissioner may grant to an individual an alternative for the licensing requirement and procedures set forth in this rule, provided that:

a. there is good cause why the individual cannot comply with the provision of this rule;

b. the requirements and procedures provided for in the alternative are equivalent to those set forth in this rule;

c. when an examination is involved, the subject matter and difficulty of the examination is equivalent to the examination for which the alternative is granted;

d. the spirit and intent of the act and this rule are not violated; and,

e. the environment or the public will not be adversely affected by the alternative requirements or procedures.

F. License Renewal; Structural, Commercial, and Non-Commercial.

1. Every person licensed as a master or journeyman in structural pest control shall be required to attend annually at least one program of continuing education in the use of pesticides in structural pest control approved by the Commissioner as a condition for renewal of the license under the Act. Failure to attend such programs as required may be grounds for revocation, termination, suspension, or refusal to renew said license.

2. Licensed Commercial and Non-Commercial Applicators must renew their license annually. Qualification for license renewal can be accomplished by annual attendance at an approved continuing education program in the use of pesticides held prior to the expiration date of the present license or by successful completion of an examination prepared and administered by the Commissioner.

3. Failure to renew said license prior to the expiration date will require the applicant to revert to the status of a new applicant.

4. Upon written application, the Commissioner may grant to an individual an alternative for the license renewal requirement and procedures set forth in this rule, provided that:

a. there is good cause why the individual cannot comply with the provision of this rule;

b. the requirements and procedures provided for in the alternative are equivalent to those set forth in this rule;

c. when an examination is involved, the subject matter and difficulty of the examination is equivalent to the examination for which the alternative is granted;

d. the spirit and intent of the act and this rule are not violated; and,

e. the environment or the public will not be adversely affected by the alternative requirements or procedures.

G. Restricted Use Pesticides.

1. Restricted use pesticides shall be those so classified by the Administrator of the EPA.

2. Additionally, all pesticide uses classified as restricted use by any other federal or state agency statutorily authorized to do said classification, as well as the pesticides listed in Sections G. 3. and 4. of this rule, shall, for the purposes of the administration of this rule, be classified as restricted use pesticides.

3. The following uses and procedures shall also be prescribed:

a. the following inorganic arsenical compounds: Sodium arsenite, Socium arsenate, Arsenic trioxide, Arsenic acid, and Arsenic Pentoxide shall not be used for weed control.

b. Sodium Fluoroacetate, "Compound 1080", fluoroacetamide ("1081"), and phosphorus paste, including any mixture, formulation, dilution, or combination thereof shall be restricted as follows:

(1) All the above listed pesticides shall be kept in the custody and used under the direct supervision of a Master Structural Pest Control Applicator and when held in storage shall be kept in a locked cabinet or vault. Containers and other equipment for weighing, measuring, or mixing of such pesticides shall be labeled "POISON" and kept in a locked cabinet or vault.

(2) The use of soft drink bottles or other food-type containers for storing products containing the pesticides listed above is prohibited.

(3) The use of the above listed pesticides in dwellings is prohibited. Under certain conditions of rodent infestations, the Commissioner may grant a special use permit for this compound for a stated date and dwelling location upon written application and finding that:

(a) the applicant has shown good cause why an exception would be reasonable, practical, and should be granted;

(b) the environment and the public will not be adversely affected;

(c) precaution will be taken to protect the environment and the public; and,

(d) the spirit and intent of the act and this rule are not violated.

(4) The use of the above listed pesticides shall be prohibited, except upon special written authorization from the Commissioner. A follow-up report shall be required in all instances.

4. No person shall use Lindane in any pest control activity except as follows:

Pest	Crop	Dosage	Remarks, Limitations
Soil Insects	Corn, Beans, small grains, sugar beets, sunflowers,	1 oz. per bu.	Seed treatment only
Stored-food pests		Follow Label Directions	For use by structural pest control operators
Mange mites	Swine	0.06% as spray or dip 1.0% dust	Do not treat before animals are 3 months old or sows within 2 weeks of farrowing; must be 30 days before slaughter, dips 60 days. If growth rates approach 200 lbs. in 150 days, another chemical should be used.
Centipedes, symphylids		Follow Label Directions	For commercial greenhouse and floriculture use only.
Thrips, fungus gnats, mealy bugs, sowbugs (pillbugs), spittle bugs		Follow Label Directions	For commercial greenhouse and floriculture use only.

5. 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."

H. Storage, Handling, and Use of Pesticides.

1. No person shall use, store, display, or handle any pesticide or container thereof in any manner inconsistent with labeling or so as to endanger humans, damage agricultural products, food, livestock, wildlife, pollenating insects, or pollute the environment.

2. All persons storing liquid pesticides in containers of a rated capacity of 500 gallons or more shall provide a means of containment of the amount of the rated storage in the event a leak or break should occur in the original storage unit in accordance with MPCA rule WPC 4. Storage must be provided with suitable lock up when unattended.

3. All persons shall maintain all equipment in proper working order and shall use only that equipment capable of performing all functions necessary to insure proper application of pesticides.

4. All persons shall use necessary safe pesticide handling procedures and personal protective equipment, respirators, protective clothing, and medical monitoring procedures as appropriate to each situation to protect himself/herself and his/her employees.

5. All persons shall use only measuring equipment which is accurately calibrated to the smallest unit in which the pesticide is to be weighed and measured for application.

6. All persons shall maintain a uniform mixture of pesticide in equipment during application.

7. All persons shall make all applications of pesticides in good workmanlike manner utilizing a pattern that will give uniform distribution of pesticides without creating hazard to non-target areas.

8. All persons shall clean equipment used for pesticides so that no injurious residues from prior usage may cause injury to humans, agricultural crops, livestock, or the environment.

9. All persons shall label all mixing and transportation pesticide containers, other than the actual applicative equipment, with the name of each active ingredient and use reasonable care to protect from obliteration the labels on all original pesticide containers until disposed of pursuant to the requirements of this rule and MPCA rules.

10. All persons using aircraft in the application of pesticides shall use and operate only aircraft that has equipment which will give uniform coverage to the area to which the pesticide is applied. All such aircraft shall also be equipped with a positive shut-off which shall prevent the leaking or dissemination of said pesticide on any non-target areas over which flight is made.

11. The license or registration certificate issued by the Commissioner to a pesticide applicator company shall be prominently displayed to the public in their place of business.

12. All individuals licensed by the Commissioner shall have such license, card, or document as issued by the Commissioner to present upon demand as a means of identification when engaged in pesticide application activities.

I. Enforcement.

1. The Commissioner, after notice and hearing may deny, suspend, revoke, or refuse to renew a registration, license, or certificate when a person is in violation of Minn. Stat. 1976, Secs. 18A.21 to 18A.48 as amended, or rules promulgated thereunder.

2. No person shall knowingly falsify all or any part of an application for registration, an application for license, any records required to be maintained, any reports filed or any other information submitted to the Commissioner pursuant to Minn. Stat. 1976 Secs. 18A.21 to 18A.48 as amended, or rules promulgated thereunder.

J. Financial Responsibility.

1. "Commercial Pesticide Applicators and Structural Pest Control Applicators." Applicants for Commercial Pesticide Applicator or Structural Pest Control Applicator licenses or renewals shall furnish evidence of financial responsibility acceptable to the Commissioner prior to the issuance of such license. This requirement may be satisfied by:

a. A certificate of net asset statement issued by a financial institution authorized to do business in the state by the Minnesota Department of Commerce, showing net assets available to satisfy judgments equal to or greater than $50,000;

b. A bond issued by a bondsman authorized to do business in the state by the Minnesota Department of Commerce or liability insurance issued by a company authorized to do business in the state by the Minnesota Department of Commerce for a minimum set forth in sections 2 and 3; or,

c. A combination of a. and b.

2. Commercial Pesticide Applicators.

a. Limits of liability:

(1) Fifty-thousand dollars ($50,000) for bodily injury or death, each person

(2) Fifty-thousand dollars ($50,000) for bodily injury or death, each occurrence.

(3) Twenty-five thousand dollars (25,000) for property damage, each occurrence.

b. The Commissioner may accept a liability insurance policy or

surety bond in the proper sum which as a deductible clause in an amount not exceeding five-hundred dollars ($500) for aerial and ground commercial applicators.

c. The Commissioner may, when deemed in the public interest and the spirit and intent of the act, require limits of liability in an amount in excess of those set forth in 2.a. for an individual applicant reasonably commensurate with the applicant's possible liability exposure.

3. "Structural Pest Control Applicators."

a. Limits of liability:

(1) One-hundred thousand dollars ($100,000) for bodily injury

(2) Two-hundred thousand dollars ($200,000) for bodily injury or death of two or more, each occurence.

(3) Ten-thousand dollars ($10,000) for property damage, each occurence.

b. The Commissioner may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding five-hundred dollars ($500).

c. The Commissioner may, when deemed in the public interest and the spirit and intent of the act, require limits of liability in an amount in excess of those set forth in 3.a. for an individual applicant reasonably commensurate with the applicant's possible liability exposure.

4. Such financial responsibility shall be clearly conditioned to cover liability resulting from the handling, storage, disposal, application, use or misuse of any pesticide.

K. Reciprocal Agreement.

1. Reciprocal agreements shall apply to all non-residents licensed and certified to apply pesticides so long as such license and certification has not been cancelled or suspended for cause by the jurisdiction issuing the license and certification on which issuance of the reciprocal license and certification is based.

2. In all cases, when a license and certification has been suspended or revoked by either jurisdiction in the Agreement, the appropriate official of the reciprocating jurisdiction shall be notified detailing the reasons for such suspension or revocation.

3. The Commissioner is authorized to enter into reciprocal Agreements approved by the attorney general for form and legality with any other state which has a similar state plan for certification of Pesticide Applicators. Under such Agreement, the designated person of the state party to the reciprocal Agreement is granted full authority, including reciprocal recognition of licensing and recertification standards, training and testing procedures, and related matters in all states participating in such Agreements.

4. The Commissioner reserves the right to test any applicant from another state who is seeking certification in Minnesota.

STATE OF MINNESOTA
DEPARTMENT OF AGRICULTURE

In the Matter of the Proposed Adoption of Rules of the Department of Agriculture Governing Pesticide Control and Other Matters	STATEMENT OF COMPLIANCE WITH MANUAL OF RULE MAKING PROCEDURES

I, Specail Assistant Attorney General Peder Hong, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. Any exceptions are noted below.

Peder Hong
Special Assistant Attorney General

Dated: April 7, 1978

STATE OF MINNESOTA
DEPARTMENT OF AGRICULTURE

In the Matter of the Proposed Adoption of Rules of the Department of Agriculture Governing Pesticide Control and Other Matters.	ORDER ADOPTING REPORT OF HEARING EXAMINER

The above-entitled matter came on for hearing before Howard L. Kaibel, Jr., duly appointed Hearing Examiner of the Minnesota Office of Hearing Examiners on January 31, 1978, in Sleepy Eye City Electric Plant in Sleepy Eye, in Detroit Lakes on February 1, 1978, and in Saint Paul on February 3, 1978, all in the State of Minnesota, pursuant to an Order for Hearing of the Commissioner dated December 9, 1977.

The Report of Hearing Examiner in the above-entitled matter was issued by Howard L. Kaibel, Jr. on March 22, 1978, recommending that the proposed rules be promulgated, approved and adopted after attention to the modifications suggested by the Findings was given. Having reveiwed these Findings-of-Fact and having concurred with the essence of the recommendations of the Hearing Examiner;

NOW, THEREFORE IT IS ORDERED: That the aforementioned Report of Hearing Examiner is adopted this 5th day of April, 1978.

Bill Walker
Commissioner of Agriculture

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE DEPARTMENT OF AGRICULTURE GOVERNING PESTICIDE CONTROL AND OTHER MATTERS	ORDER ADOPTING RULES

The above-entitled matter came on for hearing before Howard L. Kaibel, Jr., Office of Hearing Examiners of the State of Minnesota on the 31st day of January, and the 1st and 3rd days of February, 1978, after proper notice required by Minn. Stat. Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose and notice was published in the State Register.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above captioned rule and the reasonableness thereof.

NOW, THEREFORE, IT IS ORDERED that this rule identified as 3 MCAR 1.0338 is adopted this 7th day of April, 1978, pursuant to authority vested in me by Minn. Stat Secs. 15.0412 and 18A.21 to 18A.48.

STATE OF MINNESOTA



Bill Walker

Commissioner of Agriculture

Rules as Proposed for Adoption

In Final Form

Pesticide Control

Chapter 15

3 MCAR 1.0338

This rule (3 MCAR 1.0338) for Minnesota Pesticide Control Law of 1976 hereby repeals previous rules and regulations AGR 329-336 (Economic Poisons and Devices); AGR 348-357 (Custom Spraying and Dusting); and AGR 233-243 (Structural Pest Control). The need for this change was brought about by the passage of the Minnesota Pesticide Control Law of 1976.

3 MCAR 1.0338 Pesticide Control.

A. General.

1. Authority. The rules contained herein are is prescribed pursuant to Minn. Stat. 1976, Secs. 18A.21 to 18A.48, by the Commissioner of Agriculture to implement provisions to protect the immediate and future health, welfare, and economic status of the people of this state through the control of the use of various pesticides including, but not limited to herbicides, insecticides, rodenticides, and fungicides. The provisions specified in these this rules are is in addition to those set forth in the Act itself.

2. Definitions. As used in 3 MCAR 1.0338, the following definitions and those definitions in Minn. Stat., Chap. 18A, shall apply:

a. "Master Structural Pest Control Applicator" means a person who has the necessary qualifications to properly plan, determine, and supervise the selection and application of pesticides in structural pest control, who is thoroughly familiar with the toxic effects of pesticides on man and on other living things, and who is familiar with the laws, rules, and regulations governing the same, and is so licensed by the Commissioner, provided he/she shall not be permitted to engage in the planning and supervision of the selection and application of fumigants unless qualified as a fumigator.

b. "Journeyman Structural Pest Control Applicator" means a person who has the necessary qualifications in the practical selection and application of pesticides with knowledge of their toxic effect on man and other living things, ~~and~~ who is engaged as an employee of or is working under the direction of a Master Structural Pest Control Applicator and is so licensed by the Commissioner.

c. "Structural Pest Control Applicator's Apprentice, Trainee, or Assistant" ~~is~~ means a person, other than a Master or Journeyman Structural Pest Control Applicator, who is engaged as an employee of a Master Structural Pest Control Applicator, or working under the immediate and personal supervision of either a Master or Journeyman Structural Pest Control Applicator for not ~~to exceed~~ more than 120 days of employment, in learning and assisting in the selection and application of pesticide and has been registered with the Commissioner to so engage in structural pest control activities.

d. "Fumigator" means a person who has the necessary qualifications in the practical selection and application of fumigants with knowledge of their toxic effect on man and other living things and ~~who~~ is so licensed by the Commissioner.

e. "Commercial Pesticide Applicator" means a person who is licensed under the Act, other than structural pest control applicators or fumigators, to use or supervise the use of pesticides for hire.

f. "Non-Commercial Pesticide Applicator" means a person, including government officials, other than commercial applicator, structural pest control applicator or private applicator who uses or supervises the use of restricted use pesticides on lands.

g. "Pest" means, for the purposes of structural pest control, (1) any insect, rodent, nematode, fungus, weed, or (2) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other micro-organisms on or in living man or other

living animals) or any other form of animal or plant life which has been declared by the commissioner to be a pest and which is found in, on, under, or within six (6) feet of any structure.

3. Incidents.

a. Persons involved in, or responsible for, an incident involving a pesticide such as flood, fire, tornado, motor vehicle accident, poisoning, exposure, spills or leaking container(s) likely to cause damage to humans or the environment shall immediately report such incident to the Minnesota Department of Agriculture, and provide ~~such~~ information as may be requested by the Commissioner. Notification of such incidents to the Department of Agriculture shall consitute compliance with Minn. Stat. Sec. 115.061. The Department shall be responsible for immediately notifying the Minnesota Pollution Control Agency of incidents which may cause pollution of waters of the state.

4. Records.

a. In addition to those record keeping requirements set forth in Minn. Stat. Sec. 18A.28, Subds. 2 and 3, licensed Commercial Applicators and licensed or registered Structural Pest Control Applicators shall keep a record of and report to the commissioner the locations of all treatments.

b. All Non-commercial Pesticide Applicators as defined in the Act shall submit to and on forms provided by the commissioner annually, but in no case later than January 30 following the year of license, a report which shall include true and accurate routine operational information on kinds, amounts, uses, dates and places of application of restricted use pesticides; and shall keep and maintain such records necessary to produce such reports. Records shall be maintained for two years.

B. Special Local Needs.

1. "Special Local Need" shall mean a pest problem presently existing or likely to occur within the state which cannot be effectively controlled because:

a. There is no pesticide registered by EPA for such use~~;~~: or

b. There is no EPA registered product which, under the conditions of use within the state, would be as safe and/or as efficacious for such use

within the terms and conditions of EPA registration; or,

c. An appropriate EPA registered pesticide product is not available.

2. Any person may make application for a special local need registration. Application shall be made in writing to the Commissioner and shall include all information required in Minn. Stat. 1976, Sec. 18A.22, Subd. 2 (a-d) and meet the requirements set forth in Minn. Stat. 1976, Sec. 18A.23 and 40 CFR 162.150-162.158, Subpart B.

3. If the Commissioner, based upon information in the application, deems it in the public interest, and deems that the information in the application indicates that the pesticide does not have the potential for unreasonable adverse environmental effects, he may issue a special local need registration in accordance with Minn. Stat. 1976, Secs. 18A.22, Subd. 2 (a-d), 18A.23, and 40 CFR 162.150-162.158, Subpart B.

4. The Commissioner shall, within 20 days of issuance of a special local need registration:

a. Publish a notice of the special local need registration in the State Register and the EQB Monitor.

b. Issue a news release with information stating that a special local need registration has been issued and citizen's right to petition for a hearing to all legal newspapers of general circulation in the affected area and any other newspaper the Commissioner deems appropriate.

5. A federal or state agency, a local unit of government, or any person or group of persons filing with the Commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age, shall have 30 days from publication of notice in the State Register to file written objections with the Commissioner regarding the issuance of the special local need registration. Upon receipt of said written objections, and when it is deemed in the best interest of the environment or the health, welfare, and safety of the public, the Commissioner shall

order a hearing pursuant to Minn. Stat. 1976, Chap. 15, for the purpose of revoking, amending, or upholding said registration.

6. The Commissioner shall revoke, suspend, or amend a special local need registration upon the determination after notice and hearing that, under the terms of the registration granted, the pesticide may cause unreasonable adverse effects on the environment, or the health, welfare, and safety of the public, or that the special local need no longer exists.

7. A special local need registration shall be valid for one calendar year or portion thereof unless revoked or suspended and may be revewed annually by application in writing to the Commissioner. ~~No special local need registration shall be valid for more than one day less than five years.~~

C. Certification and/or Recertification Requirement; Commercial, Non-Commercial, and Structural Pest Control Applicators.

1. Certification Requirement.

All Minnesota Commercial, Non-Commercial, and Structural Pest Control Applicators shall be required to take and pass a proctored written examination or examinations related to the category classification selected by the applicant prior to certification and licensing. Upon passage of such an examination or examinations, the applicator will be certified for a period up to five years. Such examinations shall meet or exceed the requirements in FIFRA ~~Law~~ and Regulations 40 CFR 171.4 (b) and (c) and 40 CFR 171.6. Such examinations will be prepared and administered by the Commissioner or his designee.

2. Recertification Requirement.

a. Commercial and Non-Commercial Applicators certified in accordance with ~~(~~Section C. 1.~~)~~ may be recertified by:

1. Satisfactorily completing an approved training program during the certification period~~,~~; or

2. Re-examination in accordance with procedures set forth in Section C. 1. 3. Participation at such a training program or re-examination will extend the applicator's certification for a period up to five years from the date of attendance or examination.

b. Structural Pest Control Applicators may be recertified by participating in an approved training program or passing a written, proctored examination annually for relicensing and recertification.

3. Re-examination Procedures.

If any applicant fails to achieve a passing score on any examination, he/she shall be eligible to retake the examination after 15 days from the date of notification of ~~examination~~ failure of the first examination. If any applicant fails to achieve a passing score ~~on any examination~~ upon retaking ~~it~~ an examination, he/she shall be eligible to retake the examination after 30 days from the date of notification of examination failure. A failing applicant may retake an examination no more than three (3) times in one year. Upon submission to the Commissioner in writing of specific reasons within 30 days from the date of notification of failure of ~~second~~ third retaken examination, an appeal of the score may be made.

4. Certification Alternatives.

a. Upon written application, the Commissioner may grant to an individual an alternative for the certification requirement and procedures set forth in this rule, provided that:

~~a.~~ 1. there is good cause why the individual cannot comply with the provision of this rule;

~~b.~~ 2. the requirements and procedures provided for in the alternative ~~is~~ are equivalent to those set forth in this rule;

~~c.~~ 3. when an examination is involved, the subject matter and difficulty of the examination is equivalent to the examination for which the

alternative is granted;

~~d.~~ 4. the spirit and intent of the act ~~in~~ and this rule are not violated; and,

~~e.~~ 5. the environment or the public will not be adversely affected by the alternative requirements or procedures.

b. Under no circumstance shall certification be waived.

D. Private Applicator.

1. A private Applicator shall be deemed certified when he/she ~~purchases a restricted use pesticide from a licensed dealer and signs a sales register attesting that he/she read the label of the pesticide and will follow the directions for use and the precautions to protect the user and the environment. He/She shall also attest that~~ has, within the past three years, ~~he/she has~~ completed one or more of the following state approved certification programs:

a. A ~~S~~state approved home study; ~~or~~

b. A state approved P pesticide training session; ~~or~~

c. A personal interview by the Commissioner~~.~~; or,

d. A ~~W~~written or oral examination~~,~~; and,

He/She reads the Label and follows all label directions for use and the precautions to protect the user and the environment for all restricted use pesticides he/she uses.

2. A Private Applicator or his/her agent shall sign a sales register when purchasing a restricted use pesticide from a licensed dealer attesting that the user will read the label of the pesticide and will follow the directions for the use and the precautions to protect the user and the environment and that the user has completed one or more of the state approved certification programs set forth in section D.1. within the past three years.

E. License.

1. An applicant for a "Master Structural Pest Control Applicators License"

shall take and pass a writ[redacted] proctored examination prepare[redacted]nd administered by the Commissioner. Such examination shall determine whether the applicant has adequate training, experience, and technical knowledge to properly plan, determine, and supervise the selection and application of pesticides in structural pest control.

2. An applicant for a "Journeyman Structural Pest Control Applicator License" shall take and pass a written proctored examination prepared and administered by the Commissioner. Such examination shall determine whether the applicant has adequate training, experience, and workable~~ing~~ knowledge in the practical selection and application of pesticides in structural pest control and familiarity with toxic effect of pesticides on man and other living things.

3. An applicant for ~~qualification as~~ a "Structural Pest Control Fumigator" shall, in addition to securing a Master or Journeyman license, take and pass a written proctored examination prepared and administered by the Commissioner. Such examination shall determine whether the applicant has adequate training, experience, and working knowledge in the practical selection and application of fumigants and familiarity with the toxic effect of fumigants on man and other living things.

4. An applicant for a "Restricted Use Dealer License" shall take and pass a written proctored examination prepared and administered by the Commissioner. Such examination shall determine whether the applicant has adequate training, experience, and working knowledge of pesticide types and characteristics, proper pesticide storage and disposal techniques, pesticide safety, and label and labeling comprehension.

5. Upon written application, the Commissioner may grant to an individual an alternative for the licensing requirement and procedures set forth in this rule, provided that:

a. there is good cause why the individual cannot comply with the provision of this rule;

b. the requirements and procedures provided for in the alternative ~~is~~ are equivalent to those set forth in this rule;

c. when an examination is involved, the subject matter and difficulty of the examination is equivalent to the examination for which the alternative is granted;

d. the spirit and intent of the act ~~in~~ and this rule are not violated; and,

e. the environment or the public will not be adversely affected by the alternative requirements or procedures.

F. License Renewal; Structural, Commercial, and Non-Commercial.

1. Every person licensed as a master or journeyman in structural pest control shall be required to attend annually at least one program of continuing education in the use of pesticides in structural pest control approved by the Commissioner as a condition for renewal of the license under the Act. Failure to attend such programs as required may be grounds for revocation, termination, suspension, or refusal to renew said license.

2. Licensed Commerical and Non-Commercial Applicators must renew their license ~~on an~~ annually ~~basis~~. Qualification for license renewal can be accomplished by annual attendance at an approved continuing education program in the use of presticides held prior to the expiration date of the present license or by successful completion of an examination prepared and administered by the ~~Department of Agriculture~~ Commissioner.

3. Failure to renew said license prior to the expiration date will require the applicant to revert to the status of a new applicant.

4. Upon written application, the Commissioner may grant to an individual an alternative for the license renewal requirement and procedures set forth in this rule, provided that:

a. there is good cause why the individual cannot comply with the provision of this rule;

b. the requirements and procedures provided for in the alternative ~~is~~ are equivalent to those set forth in this rule;

c. when an examination is involved, the subject matter and difficulty of the examination is equivalent to the examination for which the alternative is granted;

d. the spirit and intent of the act ~~in~~ and this rule are not violated; and,

e. the environment or the public will not be adversely affected by the alternative requirements or procedures.

G. Restricted Use Pesticides.

1. Restricted use pesticides shall be those so classified by the Administrator of the EPA.

~~1.~~ 2. ~~In addition to all pesticide uses classified by EPA as restricted use,~~ and Additionally, all pesticide uses classified as restricted use by any other federal or state agency statutorily authorized to do said classification, ~~the following uses and procedures are prescribed:~~ as well as the pesticides listed in Sections G. 3. and 4. of this rule, shall, for the purposes of the administration of this rule, be classified as restricted use pesticides.

3. The following uses and procedures shall also be prescribed:

a. the following inorganic arsenical compounds: Sodium arsenite, ~~Calcium arsenite, Lead Arsenate,~~ Sodium arsenate, Arsenic trioxide, Arsenic acid, and Arsenic Pentoxide shall ~~have no uses~~ not be used for weed control.

b. Sodium Fluoroacetate, "Compound 1080", fluoroacetamide ("1081"), and phosphorus paste, including ~~shall mean sodium fluoroacetamide or~~ any mixture, formulation, dilution, or combination thereof, shall be restricted as follows:

(1) All ~~"1080"~~ the above listed pesticides shall be kept in the custody and used under the direct supervision of a Master Structural Pest Control Applicator and when held in storage shall be kept in a locked cabinet or vault. Containers and other equipment for weighing, measuring, or mixing ~~"1080"~~ of such pesticides shall be labeled "POISON" and kept in a locked cabinet or vault.

(2) The use of soft drink bottles or other food-type containers for storing products containing ~~"1080"~~ the pesticides listed above is prohibited.

(3) The use of ~~"1080"~~ the above listed pesticides in dwellings is prohibited. Under certain conditions of rodent infestations, the Commissioner may grant a special use permit for this compound for a stated date and dwelling location upon written application and finding that:

(a) the applicant has shown good cause why an exception would be reasonable, practical, and should be granted;

(b) the environment and the public will not be adversely affected;

(c) precaution will be taken to protect the environment and the public; and,

(d) the spirit and intent of the act ~~in~~ and this rule are not violated.

(4) The use of ~~"1080"~~ ~~is~~ the above listed pesticides shall be prohibited, except upon special written authorization from the Commissioner~~;~~. a~~A~~ follow-up report ~~is~~ shall be required in all instances.

4. No person shall use Lindane in any pest control activity except as follows:

Pest	Crop	Dosage	Remarks, Limitations
Soil Insects	Corn, beans, small grains, sugar beets, sunflowers	1 oz. per bu.	Seed treatment only
Stored-food pests		Follow Label Directions	For use by structural pest control operators
Mange mites (Sarcoptic) & lice	Swine	0.06% as spray or dip 1.0% dust	Do not treat before animals are 3 months old or sows within 2 weeks of farrowing; must be 30 days before slaughter, dips 60 days. If growth rates approach 200 lbs. in 150 days, another chemical should be used.
Centipedes, symphylids		Follow Label Directions	For commercial greenhouse and floriculture use only.
Thrips, fungus gnats, mealy bugs, sowbugs (pillbugs), spittle bugs		Follow Label Directions	For commercial greenhouse and floriculture use only.

2~~.~~5. 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 ~~under~~ by a sign or placard bearing the following statement in capital letters not less than two inches high: "RESTRICTED USE PESTICIDES -- USER ~~PUR-~~ ~~CHASER~~ MUST BE CERTIFIED."

H. Storage, Handling, and Use of Pesticides.

1. No person shall use, store, display, or handle any pesticide or container thereof in any manner inconsistent with labeling or so as to endanger humans, damage agricultural products, food, livestock, wildlife, pollenating insects, or pollute the environment.

2. All persons storing liquid pesticides in containers of a rated capacity of 500 gallons or more shall provide a means of containment of the amount of the rated storage in the event a leak or break should occur in the original storage unit in accordance with MPCA rule WPC 4. Storage must be provided with suitable lock up when unattended.

3. All persons shall maintain all equipment in proper working order and shall use only that equipment capable of performing all functions necessary to insure proper application of pesticides.

4. All persons shall use necessary safe pesticide handling procedures and personal protective equipment, respirators, protective clothing, and medical monitoring procedures as appropriate to each situation to protect himself/herself and his/her employees.

5. All persons shall use only measuring equipment which is accurately calibrated to the smallest unit in which the pesticide is to be weighed and measured for application.

6. All persons shall maintain a uniform mixture of pesticide in equipment during application.

7. All persons shall make all applications of pesticides in good workmanlike manner utilizing a pattern that will give uniform distribution of pesticides without creating hazard to non-target areas.

8. All persons shall clean equipment used for pesticides so that no injurious residues from prior usage may cause injury to humans, agricultural crops, livestock, or the environment.

9. All persons shall label all mixing and transportation pesticide containers, other than the actual applicative equipment, with the name of each active ingredient and use reasonable care to protect from obliteration the labels on all original pesticide containers until disposed of pursuant to the requirements of ~~these~~ this rules and MPCA rules.

10. All persons using aircraft in the application of pesticides shall use and operate only aircraft that has equipment which will give uniform coverage to the area to which the pesticide is applied. All such aircraft shall also be equipped with a positive shut-off which shall prevent the leaking or dissemination of said pesticide on any non-target areas over which flight is made.

11. The license or registration certificate issued by the Commissioner to a pesticide applicator company shall be prominently displayed to the public in their place of business.

12. All individuals licensed by the Commissioner shall have such license, card, or document as issued by the Commissioner to present upon demand as a means of identification when engaged in pesticide application activities.

I. Enforcement.

1. The Commissioner, after notice and hearing may deny, suspend, revoke, or refuse to renew a registration, license, or certificate when a person is in violation of Minn. Stat. 1976 ~~as-amended~~, Secs. 18A.21 to 18A.48 as amended, or rules promulgated thereunder.

2. No person shall knowingly falsify all or any part of an application for registration, an application for license, any records required to be maintained, any reports filed or any other information submitted to the Commissioner pursuant to Minn. Stat. 1976, Secs. 18A.21 to 18A.48 as amended, or rules promulgated thereunder.

J. Financial Responsibility.

1. "Commercial Pesticide Applicators~~,~~ and Structural Pest Control Applicators." Applicants for Commercial Pesticide Applicator or Structural Pest Control Applicator licenses or renewals shall furnish evidence of financial responsibility acceptable to the ~~Minnesota Department of Agriculture~~ Commissioner prior to the issuance of such license. This requirement may be satisfied by:

a. A ~~c~~certificate of a net asset statement issued by a financial institution authorized to do business in the state by the Minnesota Department of Commerce, showing net ~~sufficient~~ assets available to satisfy judgments equal to or greater than $50,000; ~~functioning equivalent to the provisions of Section J, 2.~~

b. A ~~b~~bond issued by a bondsman authorized to do business in the state by the Minnesota Department of Commerce~~,~~ or ~~c.~~ l~~L~~iability insurance issued by a company authorized to do business in the state by the Minnesota Department of Commerce~~,~~ for a minimum set forth in sections 2 and 3; or,

c. A combination of a. and b.

2. Commercial Pesticide Applicators. ~~All applicants for a Commercial Applicator's license or renewal thereof shall furnish proof of financial responsibility of a minimum of fifty thousand dollars ($50,000) in either net assets or in the form of a performance bond or insurance in the above below, or a combination thereof.~~

a. Limits of liability:

~~a.~~ (1) Fifty-thousand dollars ($50,000) for bodily injury or death, each person

~~b.~~ (2) Fifty-thousand dollars ($50,000) for bodily injury or death, each occurrence.

~~c.~~ (3) Twenty-five thousand dollars ($25,000) for property damage, each occurrence.

b. The Commissioner may accept a liability insurance policy or

surety bond in the proper sum which has a deductible clause in an amount not exceeding five-hundred dollars ($500) for aerial and ground commercial applicators.

c. The Commissioner may, when deemed in the public interest and the spirit and intent of the act, require limits of liability ~~proof of financial responsibility~~ in an amount in excess of those set forth in 2.a. ~~fifty-thousand dollars ($50,000)~~ for an individual applicant reasonably commensurate with the applicant's possible liability exposure.

~~3. The Commissioner may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding five-hundred dollars ($500) for aerial and ground commercial applicators.~~

3. ~~4.~~ "Structural Pest Control Applicators." ~~Applicants for a Structural Pest Control license shall furnish evidence of financial responsibility acceptable to the Minnesota Department of Agriculture prior to the issuance of such license. This requirement shall be satisfied by liability insurance issued by a company authorized to do business in the state by the Minnesota Department of Commerce.~~

~~Minimum coverage requirements shall be as follows:~~

a. Limits of liability:

~~a.~~ (1) One-hundred thousand dollars ($100,000) for bodily injury

~~b.~~ (2) Two-hundred thousand dollars ($200,000) for bodily injury or death of two or more, each occurence.

~~c.~~ (3) Ten-thousand dollars ($10,000) for property damage, each occurence.

b. The Commissioner may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding five-hundred dollars ($500).

c. The Commissioner may, when deemed in the public interest and the spirit and intent of the act, require limits of liability in an amount in excess of those set forth in 3.a. for an individual applicant reasonably commensurate with the applicant's possible liability exposure.

4.~~5.~~ Such financial responsibility shall be clearly conditioned to cover liability resulting from the handling, storage, disposal, application, use or misuse of any pesticide.

K. Reciprocal Agreement.

1. Reciprocal agreements shall apply to all non-residents licensed and certified to apply pesticides ~~for restricted use as Commercial Applicators and Private Applicators~~ so long as such license and certification has not been cancelled or suspended for cause by the jurisdiction issuing the license and certification on which issuance of the reciprocal license and certification is based.

2. In all cases, when a license and certification has been suspended or revoked by either jurisdiction in the Agreement, the appropriate official of the reciprocating jurisdiction shall be notified detailing the reasons for such suspension or revocation.

3. The Commissioner is authorized to enter into ~~an informal~~ reciprocal Agreements approved by the attorney general for form and legality with any other state which has a similar state plan for certification of Pesticide Applicators. Under such Agreement, the designated person of the state party to the reciprocal Agreement is granted full authority, including reciprocal recognition of licensing and recertification standards, training and testing procedures, and related matters in all states participating in such Agreements.

4. The Commissioner reserves the right to test any applicant from another state who is seeking certification in Minnesota.

The Following Names on the General Mailing List
can be sent through Interoffice Mail

Anti-Trust Div., Attorney General, 160 State Office Bldg.

Brubacher, Richard, Comm. Adm., 208 Adm. Bldg.

Christiansen, Fredrik, Rm 505, Capitol Square Bldg.

Coleman, Nicholas, 208 State Capitol

Consumer Services Dept. Comm., 5th Floor, Metro Square Bldg.

Develop Disabilities Programs, State Plan, 101 Capitol Square Bldg.

Dispatch Pioneer Press, Press Rm, State Capitol

Ethics Comm., Rm 410, State Office Bldg.

Farseth, Paul, Welfare Dept., 690 N Robert Street, St. Paul

Giel, David, Rm B-28, State Capitol

House Appropriations Comm., Rm 109 State Capitol

Human Rights, 200 Capitol Square Bldg.

Human Services 414 Lafayette Rd., 5th Floor

Leg. Ref. Lib-Z. Dewitt, Rm 111, State Capitol

Levey, Jess, Met. State Univ., Metro Square Bldg., Rm 121

McLellan, Larkin, 215 Adm. Bldg. St. Capitol

Malone, E.I., Comm. Labor & Industry, 444 Lafayette Rd., 5th Floor

Met. Waste Control Comm., 350 Metro Square Bldg.

Metropolitan Council Library, 300 Metro Square

Miller, Michael, Admin. Agencies Div., G19K State Admin. Bldg

Minn Comm for Handicapped, Metro Square

Minn Pollution Control Agency, 1935 W Co Rd B2, Roseville

Minn State Retirement System, 529 Jackson St

Minn Water Resources Bd, Rm 206, 555 Wabasha St.

Mpls Star Press Room, State Capitol

Office of the Governor, 130 State Capitol

St. Paul Bur Hlth Dr P Cox, 555 Cedar St.

Schmidt, H.W. Teachers Retirement, 302 Capitol Square Bldg.

Schutz, Linda, Rm 328 Capitol Bldg.

Senate Coun. Office, Room 480, State Office Bldg.

Senate Finance Comm., 121 State Capitol

Senate Gov. Op. Comm. Rm 303, State Capitol

Senator Robert J. Tennessen, 309 State Capitol

Vandervoort, T.J., Met. Waste, 350 Metro Square Bldg.

Whitlock, Marshall, Rm. 3, State Capitol

ADDITIONAL NAMES FOR THE GENERAL LIST

Farseth, Paul, Food Stamps Program, Welfare Dept., 690 N Robert, St Paul
Walz, Sam, Cty Administration, Anoka Cty Courthouse, Anoka, MN 55303
Murphy, Patrick, SSR, Inc., PO Box 986, Courthouse Station, Arlington,VA 22

AGRICULTURE

American Fish & Seafood, Inc., 107 North 7th Street, Mpls 55403

Anderson, B.G., Burlington Northern, Engineering Div., 176 E 5th St, St.Paul 55

Anderson, Lynn, Route 2, Moorhead

Anderson Produce Co., T.F. Anderson, Moose Lake (Eggs Only)

Beckstead, S.W., Am.Potash & Chemical Corp., PO Box 25861, Oklahoma City, OK 73

Bruner, Richard C., Sunkist Growers, Inc., 720 E. Sunkist St., Ontario, CA

Carlson, Dr. Lauren, Chokio 56221

Claremont Creamery Assn., J.R. Payne, Mgr., Claremont

Coca-Cola Company, Attn: R.F. Atwood, PO Drawer 1734, Atlanta, Georgia 30301

Dairy Processors, Inc., 2239 Carter Ave., St Paul 55108

Day, Paul M., Senior High School, Faribault 55021

Dept. of Health, Attn: Dir. Cleon LeMont, 111 4th Avenue South St Cloud 56301

Epley, Dr. Richard J., 129 Peters Hall, UM, St Paul 55101

Everfresh Food Corp., 501 Huron St SE, Mpls 55414

Garrity, Cahill, Gunhus et al, 1st Nat'l Bank Bldg, Moorhead 56560 (Grading On

Guy, D.L. Parkers, Prairie

Harrington, J.K., P.O. Box 33221, St Paul 55133

International Dairy Queen Inc., 5701 Green Valley Drive, Mpls 55437

Koppers, Mgr., Prod. Reg. & Labeling, Koppers Bldg., Pittsburgh, PA 15219

Krengel, Alex A., Peavey Co., 11 Peavey Road, Chaska 55318

Land O'Lakes Creameries Inc., Attn: H.H. Ebert, 2215 NE Kennedy, Mpls 55413

Mallinckrodt Chemical Works, 2nd & Mallinckrodt St., St Louis MO 63160

Mandeville Company, Inc., 605 North 4th St, Mpls 55401 (Meat & Food Only)

Minnesota Farm Bur. Federation, Legislative Div., 3100 Wooddale Dr PO Box 3370
St Paul 55165

Minnesota State Pharmaceutical Assn., 2388 University Avenue St Paul 55104

O.M. Scott & Sons, Marysville, Ohio 43040

Olson Fish Company, Attn: R.N. Juhl, 813-821 North 5th St, Mpls 55401

Patrick, Peter 2772 Egandale Blvd., St Paul 55121

Peterson - Biddick Co., Wadena

Roberts, John O., 631 Leffingwell Avenue, Kickwood, MO 63122

Sartell, Charles J., Totino's, 7350 Commerce Lane, Mpls 55432

Schulze, Karl F., c/o Bridgemen Creameries Div., Land O'Lakes, Box 177, Duluth 55801

Shannon, Mattew A., General Foods Corp. 250 North St, White Plains NY 10602

Sheridan, Fred F., 400 Ardmore Drive, Mpls 55422

Steven, W.R., Box 26, Sartell

Twin City Exterminating Co., 1953 University Avenue West, St Paul

Waconia Sorghum Co., P.O. Box 1227, Cedar Rapids, Iowa 52406 Attn: L.S. Wessal

Watkins, Products, Inc., Attn: N.A. Barth, Legal Dept., Winona 55987

Wheeler, Edwin M., 1015 18th St. NW, Washington D.C. 20036 (Fertilizers Only)

N/A

SLAUGHTER HOUSE LICENSE ONLY

Betlach, Edward, Blooming Prairie

Jenkins, LeRoy, Staples

Mehring, M.J., Paynesville

Nelson, Howard, Lindstrom

South St Paul Chamber of Commerce, South St Paul 55075

Stacker, Ralph, 938 Minnesota Building, St Paul

Minnesota Farm Bureau Federation
Legislative Division
3100 Wooddale Dr.
P.O. Box 3370
St. Paul, MN 55165

Minnesota State Pharmaceutical Assn.
2388 University Avenue
St. Paul, MN 55104

O. M. Scott, Sons
Marysville, Ohio 43040

Olson Fish Company
Attn: R. N. Juhl
813-821 North 5th St.
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FINLEY JAMES F
920 MINN BLDG
ST PAUL MN
55101

FITZPATRICK LEO
8138 HENSLOWE AVE S
COTTAGE GROVE MN
55016

FLEMING FREDERICK A
1860 HIGHLAND PARKWAY
ST PAUL MN
55116

FORSBERG AGR SERV
518 SUMMIT AVE
NEW ULM MN
56073

FOX W.E. LINDQUIST & VENNUM
4200 IDSCTR 80 S.8TH ST
MINNEAPOLIS MN
55402

FREDLUND MRS PHYLLIS
RR 4 BOX 37
CANBY MN
56220

FREDRIKSON BYRON ET AL
47TH FLR IDS CENTER M
PLS MN
55402

GALVIN M J JR
W2162 1ST NATL BK BLDG
ST PAUL MN
55101

GEO A HORMEL & CO LAW DEPT
PO BOX 800
AUSTIN MN
55912

GIEL DAVID
RM B-28 STATE CAPITOL
ST PAUL MN
55155

GODIN RALPH J
3824 47TH AVE SO
MPLS MN
55406

GOLDBERG PROF MELVIN
WM MITCHELL COL OF LAW
ST PAUL MN
55105

GRANATH MARVIN -HONEYWELL
2701 4TH AVE SO
MPLS MN
55408

GREATER MET AREA HOSPITALITY
5152 CEDAR AVE S
MPLS MN
55417

GREEN JANET
9773 N SHORE DR
DULUTH MN
55804

GRUMMERT REV DONALD
1435 ADAMS ST
MPLS MN
55413

H B FULLER CO
2400 KASOTA AVE
ST PAUL MN
55108

HANFT PHILIP M
1200 ALWORTH BLDG
DULUTH MN
55802

HAUN DR J W GEN MILLS
PO BOX 1113
MPLS MN
55440

HAYES, THOMAS W
700 SELLWOOD BLG
DULUTH MN
55812

HAVEN ROBT TWIN TN TREATMENT
1706 UNIV AVE
ST PAUL MN
55104

HEAD & TRUHN
1007 SOO LINE BLDG
MPLS MN
55402

H B FULLER CO
2400 KASOTA AVE
ST PAUL MN
55108

HANFT PHILIP M
1200 ALWORTH BLDG
DULUTH MN
55802

HAUN DR J W GEN MILLS
PO BOX 1113
MPLS MN
55440

HAYES,THOMAS W
700 SELLWOOD BLG
DULUTH MN
55812

HAVEN ROBT TWIN TN TREATMENT
1706 UNIV AVE
ST PAUL MN
55104

HEAD & TRUHN
1007 SOO LINE BLDG
MPLS MN
55402

HEANEY BILL
30 W SUPERIOR ST
DULUTH MN
55802

HEARING EX.OFF. M GREENBERG
1745 UNIV AVE
ST PAUL MN
55104

HELTZER JAMES DAYTON HUDSON
777 NICOLLET MALL
MPLS MN
55402

HENDRICKSON A WM
100 FREEMAN DRIVE
ST PETER MN
56082

HOLEY GEORGE
1509 SW SIXTH STREET
FARIBAULT MN
55021

HOLMES EUSTIS ET AL
4610 IDS CENTER
MPLS MN
55402

HOLT JOHN
517 4TH ST NW
FARIBUALT MN
55021

HOULE MELVIN
881 W HWY 96
SHOREVIEW MN
55112

HUMAN RIGHTS
200 CAPITOL SQ BLDG
ST PAUL MN
55101

HUMAN SERVICES
414 LAFFAYETTE RD 5THFL
ST PAUL MN
55101

HYLAND DEAN
1501 W 50TH ST
MPLS MN
55419

INGVALSON VERN MN.FARM BU
1976 WOODDALE BOX 43370
ST PAUL MN
55164

INS FED OF MINN
902 SOO LINE BLDG
MPLS MN
55402

IVERSON DR JOS DEPT ED
ST OLAF COLLEGE
NORTHFIELD MN
55057

IZAAK WALTON MN DIV
111 E FRANKLIN RM-210
MPLS MN
55404

JENOS INC
525 LAKE AVE SO
DULUTH MN
55801

JENSEN ARTHUR,CITY CLK
2215 W OLD SHAKOPEE RD
BLOOMINGTON MN
55431

JOHANSEN BUS SERV INC
19 DAYTON RD
CHAMPLIN MN

JOHNSON & SANDERSON
ST MARYS HOSPITAL
ROCHESTER MN

JOHANSEN BUS SERV IN
19 DAYTON RD
CHAMPLIN MN
55316

JOHNSON & SA ERSON
ST MARYS HOSPITAL
ROCHESTER MN
55901

JOHNSON LEROY
9939 BLUEBIRD ST NW
COON RAPIDS MN
55433

JOHNSON M.D. FRUNDT & FRUNDT

BLUE EARTH MN
56013

KABLE RICHARD W

BETHEL MN
55006

KEENAN RICHARD J
4444 IDS BLDG
MPLS MN
55402

KJERVIK DIANE
4302 POWEL HALL U OF M
MPLS MN

KNOPP TIMOTHY
COLLEGE FORESTRY U OF M
ST PAUL MN
55108

KNUTSON DR KEITH, BIOLOGY DPT
ST CLOUD STATE
ST CLOUD MN
56301

KOPP MRS VERNON
2050 65TH ST E
INVER GR HGHT MN
55075

KRAMER ERNEST W
717 DELAWARE ST SE
MPLS MN
55440

KROON H CLIFTON
210 E WALNUT
MANKATO MN
56001

KUHL CARL
4421 4TH ST NE
COL HEIGHTS MN
55421

LABELLE JUANITA MRS
5816 AQUILA AVE NO
NEW HOPE MN
55428

LAKE SUPERIOR INDUSTRIAL BUR
828 FIRST AM. BK. BLDG.
DULUTH MN
55802

LAPP LAZAR LAURIE ET AL
1200 BUILDERS EXCHANGE
MINNEAPOLIS MN
55402

LARSON C L
3800 MINNEHAHA AVE SO
MPLS MN
55406

LEAGUE WOMEN VOTERS OF MINN
555 WABASHA
ST PAUL MN
55102

LEG.REF.LIB-Z. DEWITT
RM 111 STATE CAPITOL
ST PAUL MN
55155

LEWIS DR.G.M JR.
ABBOTT 110 E 18TH ST
MPLS MN
55403

LIBBEY LEONARD
BOX 17011 NOKOMIS STA
MPLS MN
55417

LOWE DOUG
2701 N LEXINGTON AVE
ROSEVILLE MN
55113

LUTH SOC SERVICE OF MN
2414 PARK AVE
MPLS MN
55404

MADSON HUGH
AETNA 212 S 6TH ST
MPLS MN
55402

MALONE E I COMM LABOR & INDU
444 LAFAYETTE RD 5TH FL
ST PAUL MN
55101

MANKATO STAT STUDENT SENATE
CENTENNIAL STUDENT UN
MANKATO MN
56001

444 LAFAYETTE RD STA E
ST PAUL MN
55101

MANKATO MN
56001

MARRINAN MARGARET M
1117 COMMERCE BLDG
ST PAUL MN
55101

MASTOR & MATTSON LTD
315 PEAVEY BLDG
MPLS MN
55402

MCCLURG EUNICE
1061 109TH AVE NE
BLAINE MN
55434

MCDONALD PHILIP M
2077 SELBY AVE
ST PAUL MN
55104

MCLELLAN LARKIN
215 ADM BLDG ST CAPITOL
ST PAUL MN
55101

MCNEILLY GREG MNDSVIEW ED AS
41 SHERBURNE AVE
ST PAUL MN
55103

MET TFR MEN ASSN A ROSENTHAL
1821 UNIV AVE
ST PAUL MN
55104

METROPOLITAN COUNCIL LIBRARY
300 METRO SQUARE
ST PAUL MN
55155

MILLER M ADMIN AGENCIES DIV
G19K STATE ADM BLDG
ST PAUL MN
55155

MILLER PAUL J PHARMACY SERV
ST MARYS HOSP
ROCHESTER MN
55901

MINN APT ASSN
GRIGGS-MIDWAY BLDG
ST PAUL MN
55104

MINN ASPHALT PAVEMENT ASSN
555 WABASHA RM 209
ST PAUL MN
55102

MINN. ASSN. PET RETAILERS
1115 2ND AVE. SO.
MINNEAPOLIS MN
55403

MINN ASSN VOL SOC SERVICE
1821 UNIV SUITE 389
ST PAUL MN
55114

MINN COMM FOR HANDICAPPED
METRO SQ 492 7TH & ROBT
ST PAUL MN
55101

MINN COMMUNITY DEVELOP SERV
512 ROSSMOR BLDG
ST PAUL MN
55101

MINN FOOD RETAILERS ASSN
555 WABASHA
ST PAUL MN
55101

MINN GOV ENG COUNCIL
2400 SHERWOOD HILL RD
MINNETONKA MN
55343

MINN HOUSING INST N T CARTER
1573 SELBY AVE APT 101
ST PAUL MN
55104

MINN HWYS MANAGEMENT SERVICE
407 HWY BLDG
ST PAUL MN
55101

MINNE MINE CREDIT UNION
3000 HUDSON PK S 100
ST PAUL MN
55119

MINN. MTR. TRANSP. . J. N. DENN
1821 UNIV.
ST. PAUL MN
55104

MINN POULTRY & HATCHERY ASSN
BOX 158
MADELIA MN
56062

MN REP STATE CENTRAL COMM
555 WABASHA AVE
ST PAUL MN
55102

MINN RETAIL HARDWARE ASSN
3033 EXCELSIOR BLVD 313
MPLS MN
55416

MINN STATE EMP UNION COUNC 6

MINN STATE MEDICAL ASSOC

55104

55101

MINNE MINE CREDIT UNION
3000 HUDSON PK S 100
ST PAUL MN
55119

MINN.MTR.TRANSP. • J.N.DENN
1821 UNIV.
ST.PAUL MN
55104

MINN POULTRY & HATCHERY ASSN
BOX 158
MADELIA MN
56062

MN REP STATE CENTRAL COMM
555 WABASHA AVE
ST PAUL MN
55102

MINN RETAIL HARDWARE ASSN
3033 EXCELSIOR BLVD 313
MPLS MN
55416

MINN STATE EMP UNION COUNC 6
236 E PLATO BLVD
ST PAUL MN
55107

MINN STATE MEDICAL ASSOC
STE 900 AM NATL BK BLDG
STPAUL MN
55101

MINN TBR PRODUCERS ASSN
200 CHRISTIE BLDG
DULUTH MN
55802

MINN.TURKEY GROWERS ASSN
2383 UNIV AVE
ST PAUL MN
55114

MINN-WISC BOUNDARY AREA COMM
600 2ND ST
HUDSON WI
54016

MN AUTOMOBILE DEALERS ASSN
277 UNIV AVE
ST PAUL MN
55103

MN.BD OF NURSING
717 DELAWARE ST SE
MPLS MN
55414

MN ELECTRICAL ASSN
3100 HUMBOLT SO
MPLS MN
55408

MN ST PHARMACEUTICAL ASSN
2469 UNIVERSITY AVE
ST PAUL MN
55114

MN STATE SER BLIND-K NATARDY
1745 UNIVERSITY AVE
ST PAUL MN
55104

MOOD R BLOOMINGTON HLTH DEPT
10200 PENN SO
BLOOMINGTON MN
55431

MORTON BUILDINGS INC
R #1
FOLEY MN
56329

MPIRG
BOX 45 ST MARYS COLLEGE
WINONA MN
55987

MPLS ASSN RETARDED CITIZENS
3100 W LAKE ST
MPLS MN
55416

MPLS TRIBUNE CITY DESK
425 PORTLAND AVE
MPLS MN
55415

MT OLIVET ROLLING ACRES
R 1 BOX 576
EXCELSIOR MN
55331

NASS GEO V HENN CO GEN HOSP
5TH AND PORTLAND AVE
MPLS MN
55415

NATL FAMILY INS CO
2147 UNIV AVE
ST PAUL MN
55114

NCEC INC C/O DR DAHLBERG
CONCORDIA COLLEGE
MOORHEAD MN
56560

NEUMAN RALPH W
RT 2 BOX 125

NATL FAMILY INS CO
2147 UNIV AVE
ST PAUL MN
55114

NCEC INC C/O DR DAHLBERG
CONCORDIA COLLEGE
MOORHEAD MN
56560

NEUMAN RALPH W
RT 2 BOX 125
EMBARRASS MN
55732

NURSING HOME ADMRS BD EXAMRS
RM 340 717 DELAWARE SE
MPLS MN
55414

NURSING HOME RES ADV CO.
111 E FRANKLIN S210
MPLS MN
55404

NW COUNTRY ELEVATOR ASSN
802 GRAIN EXCH BLDG
MPLS MN
55415

NW REG. DEV. COMM
425 WOODLAND AVE
CROOKSTON MN
56716

O'BRIEN J.DENNIS
1100 1ST NATL. BANK BLDG
MINNEAPOLIS MN
55402

O'CONNELL RAY
MN GAS CO 733 MARQ AVE
MPLS MN
55402

OLSON KATHLEEN
192 SEYMOUR AVE SE
MPLS MN
55414

OTTER TAIL POWER CO.
215 S. CASCADE ST.
FERGUS FALLS MN
56537

PAYNE CCL ALVIN

DEGRAFF MN
56233

PAYNE WM B
2400 FIRST NATL BK BLDG
MPLS MN
55402

PHAR MFGRS ASSN WM D PATTON
1155 15TH ST NW
WASHINGTON DC DC
20005

PHILLIPS LEGISLATIVE SERVICE
459 RICE ST
ST PAUL MN
55103

PORTER CAVID
3002 27 AVE S
MPLS MN
55406

PORTER LYLE O

TRACY MN
56175

POYZER ROBT
BOX 675
FERGUS FALLS MN
56357

PRAUSE JOS.C.
2220 105TH AVE.N.W.
COON RAPIDS MN
55433

RAMSEY CO MEDICAL SOC
908 AM NATL BK BLDG
ST PAUL MN
55101

RAUENHORST CORP-C ANDERSON
7900 XERXES S. S-2200
MPLS MN
55431

REID DAVID H
6469 N GRAHAM RD
INDIANAPOLIS IN
46220

RED OWL STORES INC
215 E EXCELSIOR AVE
HOPKINS MN
55343

REINO O LAINE 3M COMPANY
3M CENTER
ST PAUL MN
55101

RENNER R.H. ST PAUL AREA CC
300 OSBORN BLDG.
ST PAUL MN
55102

REID DAVID H
6469 N GRAHAM RD
INDIANAPOLIS IN
46220

RED OWL STORES INC
215 E EXCELSIOR AVE
HOPKINS MN
55343

REINO O LAINE 3M COMPANY
3M CENTER
ST PAUL MN
55101

RENNER R.H. ST PAUL AREA CC
300 OSBORN BLDG.
ST PAUL MN
55102

RICHARDS MONTGOMERY ET AL
1430 RAND TOWER
MPLS MN
55402

RIEKE DAVID
PO BOX 9311
MPLS MN
55440

ROBERTS DR ALAN
BOX 297 MAYO U OF M
MPLS MN
55455

ROBERTS DAVID E
1260 NW NATL BK BLDG
ST PAUL MN
55101

ROWLEY STEPHEN
4305 15TH AVE S
MPLS MN
55407

SANFORD S M
7000 PORTLAND AVE
RICHFIELD MN
55423

SAX DOVE & STENSON
310 ENDICOTT BLDG
ST PAUL MN
55101

ST PAUL BUR HLTH DR P COX
555 CEDAR ST
ST PAUL MN
55101

ST PAUL FOOD RETAILERS ASSN
1220 ARCADE
ST PAUL MN
55106

SCHAEN ETHEL
1745 UNIVERSITY AVE
ST PAUL MN
55104

SCHLICHT REV ROBT
611 W MAIN ST
BELLE PLAINE MN
56011

SCHMIDT LARRY WCCO-TV NEWS
50 S 9TH ST
MPLS MN
55402

SCHMIDT WARREN WELLCOME MH5
GARDEN CITY
MN
56034

SCHWARTAU NEAL METH HOSP
201 W CENTER ST
ROCHESTER MN
55901

SCHWERMAN EARL JR
1535 8TH AVE SE
ROCHESTER MN
55901

SCHROEDER ALFRED H
2172 CARROLL AVE
ST PAUL MN
55104

SELECTVISION INC FR VALENTIN
1 DAG HAMMARSKJOLD PL
NEW YORK NY
10017

SENATE GOV OP COMM
RM 303 STATE CAPITOL
ST PAUL MN
55155

SHABATURA EUGENE H
2833 LAKE AVE SO
DULUTH MN
55811

SITE ENGINEER INC
12 OLD DEERFIELD RD
WELCH MN
55089

SIX EAST REG. DEV. COMM.
311 W 6TH ST
WILLMAR MN
56201

SMITH MICHAEL
128 PLEASANT STREET SE
MPLS MN
55455

SNELL LYN
BOX 314
EDEN VALLEY MN
55329

SODERMAN ANTHONY
1414 FOSHAY TOWER
MPLS MN
55402

STANSFIELD ARLENE LAND OLKS
PO BOX 116
MPLS MN
55440

STEELWORKERS CREDIT UNION
BOX 250
BABBITT MN
55706

STOLPESTAD BROWN & SMITH
1550 NW BK BLDG
ST PAUL MN
55101

SULLIVAN JEANETTE
CDIC SW STATE UNIV
MARSHALL MN
56258

SUMMIT NATL BANK D L MORRILL
205 AURORA AVE
ST PAUL MN
55103

SWANSON DALE
P O BOX 339
FOREST LAKE MN
55025

SWANSON MORTIMER C
5824 FRANCE AVE S
EDINA MN
55410

TENNESSEN SEN ROBERT J
RM 309 STATE CAPITOL
ST PAUL MN
55165

THOMPSON CONRAD
1107 23RD ST NW
ROCHESTER MN
55901

TOUCHE ROSS & CO K H STOCKE
780 NORTHSTAR CNTR
MPLS MN
55402

TWIN CITIES PIPING IND ASSN
2829 UNIV SE SUITE 304
MPLS MN
55414

UTLEY JOHN
4610 IDS CENTER
MPLS MN
55402

VAN EVERA MUNDT ET AL
700 TORREY BLDG
DULUTH MN
55802

VERRILL JOHN E
DEPT SECONDARY ED UOF M
DULUTH MN
55812

VOSS REV GORDON O
11120 NE 7TH ST
BLAINE MN
55434

VOS LEROY
2137 BURNS AVE
ST PAUL MN
55119

WAMPLER LINUS DIR USW OF AM
609 PROVIDENCE BLDG
DULUTH MN

WANQUIST ALLEN
RM 252 FEDERAL BLDG
ST PAUL MN
55101

WELLINGTON R R SKELLY OIL
PO BOX 1650
TULSA OK
75102

WEST CENTRAL REG. DEV.
ADM BLDG,COMMUNITY COLL
FERGUS FALLS MN
56537

WHITLOCK MARSHALL
RM 3 CAPITOL BLDG
ST PAUL MN
55155

WHITING RALPH
7316 BAILEY ROAD
NEWPORT MN
55055

WILEY ENTERPRISES
101 5TH AVE SE
OSSEO MN
55369

WILSON R GARY PPG INDUSTR
1 GATEWAY CENTER
PITTSBURGH PA
15222

WOZNIAK C D
401 FIRST FED BLDG
ST PAUL MN
55101

WYANT CLINTON W ATTY
ATKIN MN
56431

WHITLOCK MARSHALL
RM 3 CAPITOL BLDG
ST PAUL MN
55155

WHITING RALPH
7316 BAILEY RO
NEWPORT MN
55055

WILEY ENTERPRISES
101 5TH AVE SE
OSSEO MN
55369

WILSON R GARY PPG INDUSTR
1 GATEWAY CENTER
PITTSBURGH PA
15222

WOZNIAK C D
401 FIRST FED BLDG
ST PAUL MN
55101

WYANT CLINTON W ATTY

ATKIN MN
56431

ZIMMERMAN & OFFERMAN
CAMBRIDGE STATE HOSP
CAMBRIDGE MN
55008

TEST PATTERN TEST PATTERN
ADDRESS TEST ADDRESS
CITY TESTCITY MN
55555

TEST PATTERN TEST PATTERN
ADDRESS TEST ADDRESS
CITY TESTCITY MN
55555

TEST PATTERN TEST PATTERN
ADDRESS TEST ADDRESS
CITY TESTCITY MN
55555

TEST PATTERN TEST PATTERN
ADDRESS TEST ADDRESS
CITY TESTCITY MN
55555

TEST PATTERN TEST PATTERN
ADDRESS TEST ADDRESS
CITY TESTCITY MN
55555

TEST PATTERN TEST PATTERN
ADDRESS TEST ADDRESS
CITY TESTCITY MN
55555

ALBERT,AA CALDER CORP
366 JACKSON ST
ST PAUL MN
55101

ALLIN M KARLS
2333 UNIV AVE SE
MPLS MN
55414

AMER CAMPING ASSN
3639-21/2 ST N.E.
MPLS MN
55418

AM INST PROF GEOLOGISTS
2201 PRINCETON AVE
ST PAUL MN
55105

ANDERSON HAROLD
BOX 3047
MANKATO MN
56001

ANDERSON JAMES
7703 NORMANDALE RD
MPLS MN
55435

ANTHONY DICK WDSM RADIO
230 E SUPR ST
DULUTH MN
55102

ANTI-TRUST DIV.ATTY GEN.
160 STATE OFF BLDG
ST PAUL MN
55155

ARROWHEAD REG. DEV COMM.
211 W 2ND ST
DULUTH MN
55802

ARROWHEAD REGIONAL DEV CO
200 ARROWHEAD PLACE
DULUTH MN
55802

ASSOCIATED GEN CONTROF MN
48 E 8TH STREET
ST PAUL MN
55101

ASSN OF MINN COUNTIES
55 SHERBURNE AVE #203
ST PAUL MN
55103

BABCOCK LOCHER NELSON ET AL
118 E MAIN ST
ANOKA MN
55303

BADALICH JOHN P
2025 THOMPSON AVE
SO ST PAUL MN
55075

BARTHOLOW HAROLD E FIRE CHF
2600 109 AVE N W
COON RAPIDS MN
55433

BECK PAT
953 HYACINTH AVE
ST PAUL MN
55106

BERGERUD ALF
300 ROANOKE BLDG
MPLS MN
55402

BERGSETH THOMAS
1011 NICOLLET MALL
MPLS MN
55403

BARTHOLOW HAROLD E FIRE CHF
2600 109 AVE N W
COON RAPIDS MN
55433

BECK PAT
953 HYACINTH AVE
ST PAUL MN
55106

BERGERUD ALF
300 ROANOKE BLDG
MPLS MN
55402

BERGSETH THOMAS
1011 NICOLLET MALL
MPLS MN
55403

BLADIN PAPER CO W J LICKE
115 1ST ST SW
GRAND RAPIDS MN
55744

BLOMQUIST BARRY L

NORTH BRANCH MN
55056

BOLTON MALCOLM
422 ALDRICH AVE NO
MPLS MN
55405

BOWMAN & BRUNS ATTN P MAS
1616 PIONEER BLDG
ST PAUL MN
55101

BRIGGS & MORGAN - B F FRIEL
2200 W 1ST NATL BK BLDG
ST PAUL MN
55101

BROEKER JOHN
2850METRO DR. SUITE 504
BLOOMINGTON MN
55420

BROWN H D
4961 KINGSBERRY LANE
MINNETONKA MN
55343

BRUBACHER RICHARD COMM AD
208 ADM BLDG
ST PAUL MN
55101

BUCHHOLTZ CHARLES
5044 BRENT AVE E
INV GRV HTS MN
55075

BURGER ALBERT
600 DEGREE OF HONOR BLD
ST PAUL MN
55101

CABLE COMM SYST-H SARRAZI
BOX 777
HECTOR MN
55342

CARLSON CARL L
7516 80TH ST S
COTTAGE GROVE MN
55016

CARLSON VERNE E
BOX 755 CITY HALL
WILLMAR MN
56201

CHAVARRIA ADAM
1325 W 251/2 ST APT 206
MPLS MN
55405

CHERCHES CHRIS CITY MGR
5005 MTKA BLVD
ST LOUIS PARK MN
55416

CHRISTIANSEN FREDRIK
RM 505 CAPITOL SQ BLDG
ST PAUL MN
55155

CHRYSALIS CENTER FOR WOME
2104 STEVENS AVE S
MPLS MN
55404

CITY OF ROBBINSDALE
C LARSON 4221 LAKE RD
ROBBINSDALE MN
55422

CLARKSON J.B.
2350 I.D.S. CENTER
MINNEAPOLIS MN
55402

COLEMAN NICHOLAS
208 STATE CAPITOL
ST PAUL MN
55155

COLLIN LAURENCE
RT 2
ISANTI MN
55040

CONSUMER SERVICES DEPT COMM
5TH FLR METRO SQ BLDG
ST PAUL MN

COUNTY ATTYS COUNCIL
95 SHERBURNE AVE S203
ST PAUL MN

COLEMAN NICHOLAS
208 STATE CAPITOL
ST PAUL MN
55155

COLLIN LAURENCE
RT 2
ISANTI MN
55040

CONSUMER SERVICES DEPT COMM
5TH FLR METRO SQ BLDG
ST PAUL MN
55101

COUNTY ATTYS COUNCIL
95 SHERBURNE AVE S203
ST PAUL MN
55103

CUSHMAN J S DAYTON HUDSON
700 NICOLLET MALL
MPLS MN
55402

DANKERS, KENNETH
1200 WEST FOURTH STREET
RED WING MN
55066

DANIELSON RODNEY L
418 AUDITORIUM
ST PAUL MN
55102

DICKINSON MRS JOANNE
BOX 1065
MARSHALL MN
56258

DIEHL JOHN
26 KENWOOD PKWY
ST PAUL MN
55105

DOUGLAS BELL ET AL
2212 AM.NATL BK BLDG
ST PAUL MN
55102

DOW CHEMICAL
47 BLDG
MIDLAND MI
48640

DZUGAN KEN ST PAUL PLANNING
421 WABASHA ST
ST PAUL MN
55102

EICHTEN DANIEL
3794 HAZEL
WHITE BEAR LK MN
55110

ELDER DR JAMES B
11140 WASHBURN AVE SO
BLOOMINGTON MN
55431

EMERICK RICHARD A
1908 IDS CENTER
MPLS MN
55402

ENNIS A F BOISE CASCADE
PO BOX 713
INTL FALLS MN
56649

ERNEST K LEHMANN & ASSOC.
1409 WILLOW ST.
MPLS MN
55403

ESSE KENNETH
4801 W 50TH ST
EDINA MN
55424

EWING MRS WM
42 ASTAR RD
BABBITT MN
55706

FARRELL FRANK BUR NOR
RM 1180 176 E 5TH ST
ST PAUL MN
55101

FELHABER R S
W 1ST NATL BANK BLDG
ST PAUL MN
55101

FINNEGAN J.R.
55 E. 4TH
ST.PAUL MN
55101

FITZGERALD DR BOB
3007 LYNDALE AVE SO
MPLS MN
55408

FLADLAND CLINT MN L&P BUR
795 RAYMOND AVE
ST PAUL MN
55114

FORBES GORDON MINN RRS AS
203 HANOVER 480 CEDAR
ST PAUL MN
55101

FINNEGAN J.R.
55 E. 4TH
ST.PAUL MN
55101

FITZGERALD DR BOB
3007 LYNDALE AVE SO
MPLS MN
55408

FLADLAND CLINT MN L&P BUR
795 RAYMOND AVE
ST PAUL MN
55114

FORBES GORDON MINN RRS AS
203 HANOVER 480 CEDAR
ST PAUL MN
55101

FRANKLIN ROBERT B MPLS TRIB
426 PORTLAND
MPLS MN
55415

FREDIN CONRAD M
811 FIRST NATL BK BLDG
DULUTH MN
55802

FRIESEN MILLER A
RAHR BD 624 13TH ST S
VIRIGINIA MN
55792

FRISON FRANK NECA
RM 305 200 SO ROBERT
ST PAUL MN
55107

GARDNER HDW - R A JOHNSON
515 WASHINGTON AVE N
MPLS MN
55401

GEBERT K L
220 GRAIN EXCH
MPLS MN
55415

GLEESON MICHAEL
909 SOC SC BLDG U OF M
MPLS MN
55455

GLEN. HILLS HOSP.R.VAN HA
3901 GOLDEN VALLEY RD.
MPLS. MN
55422

GOODMAN DF TEL CABLE TV
302 E SUPERIOR
DULUTH MN
55802

GRAHAM THOS H
854 MIDLAND BK BLDG
MPLS MN
55401

GREEN DEL CITY MGR
BLOOMINGTON CITY HALL
BLOOMINGTON MN
55431

GREEN GARY J
41 SHERBURNE AVE
ST PAUL MN
55102

GUSTAFSON DAN-LABOR TEMPLE
312 CENTRAL
MPLS MN
55414

GUSTAFSON WALLACE
BOX 567
WILLMAR MN
56201

HAFNER DR A J
BOX393 MAYO U OF M
MPLS MN
55455

HALLBERG LEE & MCCABE
4927 34TH AVE S
MPLS MN
55417

HAROLD J WESTIN CONSTRUCTORS
45 E 8TH ST
ST PAUL MN
55101

HARRY RICK
RT 1 BOX 138
KETTLE RIVER MN
55757

HART PATRICK V
112 E LIBERTY BOX 3271
MANKATO MN
56001

HARTFELDT WILL
434 HAMM BLDG
ST PAUL MN
55102

HEADWATERS REG DEV. COMM
BOX 584 MENTAL HEALTH
BEMIDJI MN
56601

HEALTH MANPOWER C LARSON
717 DELAWARE ST SE
MPLS MN
55440

HEIM PAUL M
3944 IDS CENTER 80 S 8
MPLS MN
55402

HEISENFELT WM
BOX 516
BEMIDJI MN
56601

HEADWATERS REG DEV. COMM
BOX 584 MENTAL HEALTH
BEMIDJI MN
56601

HEALTH MANPOWER C LARSON
717 DELAWARE ST SE
MPLS MN
55440

HEIM PAUL M
3944 IDS CENTER 80 S 8
MPLS MN
55402

HEISENFELT WM
BOX 516
BEMIDJI MN
56601

HENDRICKSON MRS VIRGINIA
3324 COUNTRY WOOD DR
BURNSVILLE MN
55337

HINRICHSEN PATRICK
MANKATO FREE PRESS
MANKATO MN
56001

HOPKINS WM.B. DIR.MISCCA
3915 GOLDEN VALLEY ROAD
GOLDEN VALLEY MN
55422

HORNER WALDORF - KAZIUKEW
PO BOX 3260
ST PAUL MN
55165

HOUSE APPROPRIATIONS COMM
RM 109 STATE CAPITOL
ST PAUL MN
55101

HULSTRAND ANDERSON & LARS
PO BOX 130
WILLMAR MN
56201

HUSEBYE, CRAIG J.
5036 FRANCE S.
EDINA MN
55410

HUTCHISON R.M. ANOKA CO.C
COURT HOUSE
ANOKA MN
55303

IMAGE
BOX 3215
ST PAUL MN
55165

INGEBRIGTSEN DR K H
23 SE 4TH ST
MPLS MN
55414

INTERSTATE POWER RW STEELE
1000 MAIN ST
DUBUQUE IA
52001

IUOE LOC 49 CHAS SWENSON
2580 UNIV AVE
ST PAUL MN
55101

JAIN NIRMAL ENIV PROCESS
1220 GLENWOOD AVE
MPLS MN
55405

JENSEN CARL A
127 E MAIN ST
SLEEPY EYE MN
56085

JENSEN MRS GAYNOLD
111 WEST 107TH ST
MPLS MN
55420

JOHNSON CLARENCE IBEW LU 292
3615 37TH AVE S
MPLS MN
55406

JOHNSON G ROBERT
4344 IDS CENTER
MPLS MN
55402

JOHNSON LANCE J
265 S LAFAYETTE RD
ST PAUL MN
55107

JONES C NORTHSIDE RES RED
1800 OLSON MEMORIAL HWY
MPLS MN
55411

KAVANEY RICHARD
1220 NORTHERN FED BLDG
ST PAUL MN
55102

KEABLE MIKE
909 6TH AVE N
ST CLOUD MN
56301

KLOSTER MARION PEAVEY CO
730 2ND AVE S
MPLS MN
55402

KLUZ STEVEN J
1910 1ST NATL BK BLDG
MPLS MN
55402

KLOSTER MARION PEAVEY CO
730 2ND AVE S
MPLS MN
55402

KLUZ STEVEN J
1910 1ST NATL BK BLDG
MPLS MN
55402

KNUTSON R N GRANNIS ETAL
F J SCHULT BLDG
ST ST PAUL MN
55075

KOLLER MR & MRS ERWIN A
1568 DULUTH ST
ST PAUL MN
55108

KROEGER CHARLES
122 NW 7TH STREET
FARIBAULT MN
55021

KRONLOKKEN J E
10048 NORD RD
BLOOMINGTON MN
55437

KVB ENGINEERING INC
600 S CO RD 18
MPLS MN
55426

LANAHAN E F - SIBLEY CO
184 E 6TH ST
ST PAUL MN
55101

LANGVIN DAVID
7500 80TH ST S
COTTAGE GROVE MN
55016

LARSON HANS P DIV HOSP SERV
717 DELAWARE ST SE
MPLS MN
55440

LEAGUE MN MUNIC
300 HANOVER 480 CEDAR
ST PAUL MN
55101

LEVEY JESS MET STATE UNIV
METRO SQ RM 121
ST PAUL MN
55101

LEAVEY THOS
829 22ND AVE SE
MPLS MN
55414

LINDALL & JONATHAN DEVELOP.
VILLAGE ONE CENTER
CHASKA MN
55318

LOCKNER GARY
R R 1 BOX 23
BAUDETTE MN
56623

LYNCH DONALD SIBLEY CO
184 E 6TH ST
ST PAUL MN
55102

MAHCF RICK CARTER
2850 METRO DR SUITE 431
BLOOMINGTON MN
55420

MALECKI JAMES
1 SO STATE ST
NEW ULM MN
56073

MANKATO STATE STUDENT ASSN
BOX 58 MANKATO COLLEGE
MANKATO MN
56001

MANTHEY T J PICKANDS MATH
1100 SUPERIOR AVE
CLEVELAND CH
44114

MAUL WARREN E
320 S 4TH ST
MPLS MN
55415

MAYO FOUNDATION G ORWOLL
200 FIRST AVE NW
ROCHESTER MN
55901

MCFADDEN G H DISPATCH-PRESS
55 E 4TH ST
ST PAUL MN
55101

MCKIBBON MRS SHIRLEY
11 EVERGREEN LN
BABBITT MN
55706

MET. WASTE CONTOL COMM.
350 METRO SQ BLG
ST PAUL MN
55101

MEIEROTTO, JOAN
1794 SO LEXINGTON
ST PAUL MN
55118

MET. WASTE CONTOL COMM.
350 METRO SQ BLG
ST PAUL MN
55101

MEIEROTTO, JOAN
1794 SO LEXINGTON
ST PAUL MN
55118

MEYER HERBERT
10824 ZENITH AVE S
BLOOMINGTON MN
55431

MIDLAND GLASS-HD SPURLING
PO BOX 69
SHAKOPEE MN
55379

MILLER RICHARD A
1020 PLYMOUTH BLDG
MPLS MN
55402

MILLER TOM
2311 PILLSBURY AVE S
MPLS MN
55404

MINN ASSN COOPERATIVES
55 SHERBURNE AVE
ST PAUL MN
55103

MINN ASSN ELEC COOPERATIV
4901 W 77TH ST
MPLS MN
55435

MINN ASSN WATERSHED DIST'S

ADA MN
56510

MINN CHAP ASSOC BLDRS-CON
7204 W 27TH ST
MPLS MN
55426

MINN DEPT HEALTH J C MCKASY
717 DELAWARE S E
MPLS MN
55440

MINNESOTA FARMERS UNION
1717 UNIVERSITY AVE
ST PAUL MN
55104

MINN HEREFORD-LJ SCHAFER

BUFFALO LAKE MN
55314

MINN. HOTEL & MTR. ASSN
2001 UNIVERSITY AVE
ST PAUL MN

MINN LAND USE COMMITTEE
4344 IDS CENTER
MPLS MN
55402

MINN LP GAS ASSN
7515 WAYZATA BLVD 106
MPLS MN
55426

MINN PETROLEUM COUNCIL
1020 NORTHERN FED BLDG
ST PAUL MN
55102

MINN POLLUTION CONTROL AG
1935 W CO RD B2
ROSEVILLE MN
55113

MINN RESTAURANT ASSN
2001 UNIVERSITY AVE.
ST PAUL MN
55104

MINN RETAIL FED INS
131 METRO SP
ST PAUL MN
55101

MINN STATE BAR ASSN
100 MINN FED BLDG
MPLS MN
55402

MINN STATE BD PHARMACY
717 DELAWARE ST SE #351
MPLS MN
55414

MINN STATE RETIREMENT SYSTEM
529 JACKSON ST
ST PAUL MN
55101

MINN TEAMSTERS CREDIT UNI
2021 HENN AVE E
MPLS MN
55413

MINN VETERANS MED ASSN
2175 W HWY 36
ROSEVILLE MN
55113

MINN WATER RESOURCES BD
RM 206 555 WABASHA ST
ST PAUL MN
55102

MN. ASN.C&IND H.D.PETERSON
480 CEDAR ST.
ST.PAUL MN
55101

MN AFL-CIO L.O. LASHOMB
175 AURORA
ST PAUL MN
55103

2175 W HWY 36
ROSEVILLE MN
55113

RM 206 555 WABASHA ST
ST PAUL MN
55102

MN. ASN.C&IND H.D.PETERSON
480 CEDAR ST.
ST.PAUL MN
55101

MN AFL-CIO L.O. LASHOMB
175 AURORA
ST PAUL MN
55103

MN PUB INT RESEARCH GROUP
3036 UNIV AVE SE
MPLS MN
55414

MN SOC SERV ASS J HOOD
614 PORTLAND
ST PAUL MN
55102

MIXA FRANK LK MNTKA CONS DIS
402 E LAKE ST
WAYZATA MN
55391

MOFFITT R C
RM 301 M MPLS CITYHALL
MPLS MN
55415

MOSS DR JEROME
125 PEIK 159 PILLSBURY
MPLS MN
55455

MOTOR VEHICLE MFRS ASSN
411 MAIN ST (215)
ST PAUL MN
55102

MPLS CITY ATTORNEY
325M CITY HALL
MPLS MN
55415

MPLS STAR PRESS ROOM
STATE CAPITOL
ST PAUL MN
55101

MURPHY DIANA E
4200 IDS-LINDQUIST VENN
MPLS MN
55402

MURPHY PATRICK DUFFY
1440 SUMMITT AVE
ST PAUL MN
55105

NATL CAR RENTAL ATT D MITZEL
5501 GREEN VALLEY DR
MPLS MN
55437

NATL COUNCIL JEWISH WOMEN
4330 CEDAR LK RD
MPLS MN
55416

NELSON JOHN
4809 180TH ST N
HUGO MN
55038

NEREN MADONNA
376 NEAL AVE S
AFTON MN
55001

NO SUB MONTESSORI-S SADDLER
2487 HELEN COURT
NO ST PAUL MN
55109

NORTH CENTRAL ELEC ASSN
PO BOX 202
BATTLE LAKE MN
56515

NUTTER JULIA
743 W MONTANA
ST PAUL MN
55117

NW BELL TEL CO LEGAL DEPT
224 S 5TH ST RM 2000
MPLS MN
55402

NYQUIST DEAN A
3707 53RD PL N
BROOKLYN CTR MN
55429

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
ST PAUL MN
55101

OLOFSON ARTHUR MBO & MAI
927 SOO LINE BLDG
MPLS MN
55402

PATTISON ORVIS
BOX 645
WILLMAR MN
56201

BOX 645
WILLMAR MN
56201

PETERSON GARY
854 MIDLAND BK BLDG
MPLS MN
55401

PFEIFER AND SHULTZ, INC
1433 UTICA AVE S
MPLS MN
55416

PINNETTI NICK M HALEY & ASS.
40 CENTRAL PARK S
NEW YORK NY
10019

POPOVICH PETER S
314 MINN BLDG
ST PAUL MN
55101

PORT AUTH CITY OF ST PAUL
330 MINNESOTA BLDG
ST PAUL MN
55101

POSS DONALD G
6301 SHINGLE CREEK PKWY
BROOKLYN CTR MN
55430

PROCTOR&GAMBLE L THEOHAROUS
IVORYDALE TECH CENTER
CINCINNATI OH
45217

PULSCHER RBT SPRINGSTED I
813 OSBORN BLDG
ST PAUL MN
55102

RADMAN RICHARD-LABOR TEMPLE
418 AUDITORIUM
ST PAUL MN
55102

RALPH BURKE ASSOCIATES
7710 COMPUTER #S101
MPLS MN
55435

REAGAN MICHAEL
% MINN LEARNING CTR
BRAINERD MN
56401

REARDON MRS HELEN
1125 S E 6TH ST
WILLMAR MN
56201

REGION FIVE REG. DEV. COMM.
102 6TH ST N
STAPLES MN
56479

REGION NINE DEV. COMM.
709 N FRONT ST
MANKATO MN
56001

RENQUIST ARTHUR NSP CO
414 NICOLLET MALL
MPLS MN
55401

RICHARDSON THOS
7851 METRO PKWY S 103
MPLS MN
55420

ROE DAVID
175 AURORA
ST PAUL MN
55103

ROBBIE JOSEPH
904 CARGILL BLDG NO CTR
MPLS MN
55402

ROSS ALFRED
6356 WARE RD
LINO LAKES MN
55014

ROSS ROY J
CLK TREAS
LITCHFIELD MN
55355

SAN SIMEON DEVELOP CORP
OLD 1ST STATE BK BLDG
PAYNESVILLE MN

SE MN REG DEV COMM
301 MARQ BK BLDG
ROCHESTER MN
55901

SPRAGUE CHARLOTTE B
AREA HOSPITAL BOX 339
WINDOM MN
56101

SW REGIONAL DEV COMM
2811 BDWY
SLAYTON MN
56172

SCARBOROUGH WILLIAM
DIV.ED. U.M.
MORRIS MN
56267

SW REGIONAL DEV COMM
2811 BDWY
SLAYTON MN
56172

SCARBOROUGH WILLIAM
DIV.ED. U.M.
MORRIS MN
56267

SCHMIDT D R MN ASSN REALTORS
6101 WAYZATA BLVD
MPLS MN
55416

SCHMIDT H W TCHRS RETIREM
302 CAPITOL SQ BLDG
ST PAUL MN
55101

SCHNEIDER MAHLON
GREEN GIANT
LESUEUR MN
56058

SCHUTZ LINDA
RM 328 CAPITOL BLDG
ST PAUL MN
55155

SCHWINN ROBT.P.
1400 SCO LINE BLDG.
MPLS. MN
55402

SCHNEIDER & NEESER
706 1ST ST SO PO BX 876
WILLMAR MN
56201

SENATE COUNSEL OFFICE
ROOM 480 STATE OFF BLDG
ST PAUL MN
55055

SENATE FINANCE COMMITTEE
ROOM 121 STATE CAPITOL
ST PAUL MN
55155

SHAW ROBERT M
616 MOBIL OIL BLDG
MPLS MN
55402

SILVERMAN JUDITH
8545 W 28TH ST
ST LOUIS PARK MN
55426

SIX W REG. DEV. COMM
128 W SORENSON
APPLETON MN
56208

SMERIKA WN.
BOISE CASCADE PAPERS
INTL FALLS MN
56649

SNYDER, R.W. U OF M
RM 248C CLASS OFF BLDG.
ST PAUL MN
55108

SODERBERG HAROLD J
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

STATE BD VETERINARY EXAMINER
C/O DR A C SPANNAUS DVM
WACONIA MN

STD AM LIFE & ANNUITY CO
3801 W 50TH ST
MPLS MN
55410

STUPKA & MOREM
MIDTOWN BLDG
AUSTIN MN
55912

SULLIVAN J KIRK
PO BOX 200
BOISE ID
83701

SUSSEL CO.ATTN:TED SCHWENKER
1850 COMO AVE.
ST PAUL MN
55108

SWANSON BURT E
W-2162 1ST NATL BK BLDG
ST PAUL MN
55101

TATE VERN 3M CO
3M CENTER 220/6W
ST PAUL MN
55101

THOMPSON HESSIAN ET AL
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

TIMESAVERS INC ATT R S VO
5270 HANSON COURT
MPLS MN
55422

UNION STOCK YARDS
ATTN PRES
SO ST PAUL MN

TATE VERN 3M CO
3M CENTER 220/6W
ST PAUL MN
55101

THOMPSON HESSIAN ET AL
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

TIMESAVERS INC ATT R S VO
5270 HANSON COURT
MPLS MN
55422

UNION STOCK YARDS
ATTN PRES
SO ST PAUL MN
55075

VANDERVOORT T J MET WASTE
350 METRO SQUARE BLDG
ST PAUL MN
55101

VAN DRAKE STEPHEN R
BOX 353
PELICAN RAPID MN
56572

VIITALA, W.C. HONEYWELL
HONEYWELL PLAZA
MPLS MN
55408

VILLAGE OF WOODBURY
2100 RADIO DRIVE
WOODBURY MN
55042

WALTERS THOS H
4510 W 77TH ST STE 235
MPLS MN
55435

WATERS, DONNA M.
110506 WINDMILL COURT
CHASKA MN
55318

WELK G V NORTHERN STATES
414 NICOLLET MALL
MPLS MN
55401

WESTIN CHAS W
220 MEDICAL ARTS BLDG
DULUTH MN
55802

WHITLOCK A G
ECON LAB OSBORN BLDG
ST PAUL MN
55102

WILCOX J PATRICK
1220 NORTHERN FED BLDG
ST PAUL MN
55102

WM.MITCHEL COLLEGE LAW LI
2100 SUMMIT AVE.
ST.PAUL MN
55105

WIS FEEDER PIG MARKET CO-OP

FRANCIS CREEK WI

WOLKERSTORTER THEODORE
676 17TH AVE NW
NEW BRIGHTON MN
55112

Every Representative and Senator received a copy of the Proposed Rules for Pesticide Control and an accompanying Notice of Hearing.

PHILLIPS LEGISLATIVE SERVICE, Inc.
459 RICE STREET • ST PAUL, MINN. 55103 • TELEPHONE 227-7771

February 17th, 1977

(CORRECTED)

SENATORS OFFICE NUMBERS AND TELEPHONES

(1977 Session)

SENATOR	OFFICE NO.	TELEPHONE NO.
Anderson, Jerald C.	303 State Capitol	296-4184
Ashbach, Robert O.	123B State Office Building	-4111
Bang, Otto T., Jr.	136 State Office Building	-4122
Benedict, Robert M.	306 State Capitol	-8868
Bernhagen, John	142 State Office Building	-4131
Borden, Winston, W.	208 State Capitol	-2607
Brataas, Nancy	139 State Office Building	-4848
Chenoweth, John C.	205 State Capitol	-4172
Chmielewski, Florian	325 State Capitol	-4182
Coleman, Nicholas D.	208 State Capitol	-4196
Davies, Jack	27 State Capitol	-4841
Dieterich, Neil	306 State Capitol	-8867
Dunn, Robert G.	131 State Office Building	-4117
Engler, Steve	116 State Office Building	-4103
Frederick, Mel	125 State Office Building	-4123
Gearty, Edward J.	235 State Capitol	-4174
Gunderson, Jerome O.	306 State Capitol	-8870
Hanson, Marvin B.	23B State Capitol	-4835
Hughes, Jerome M.	328 State Capitol	-4183
Humphrey, Hubert H. III	121 State Capitol	-4180
Jensen, Carl A.	121A State Office Building	-4112
Johnson, Douglas J.	203 State Capitol	-8881
Keefe, John B.	124 State Office Building	-4118
Keefe, Steve	301 State Capitol	-4190
Kirchner, William G.	129 State Office Building	-4115
Kleinbaum, Jack I.	326 State Capitol	-4173
Knoll, Franklin J.	304 State Capitol	-7196
Knutson, Howard A.	141 State Office Building	-4120
Laufenburger, Roger	235 State Capitol	-4181
Lessard, Bob	24B State Capitol	-4136

SENATOR	OFFICE NO.	TELEPHONE NO.
Lewis, B. Robert	121 State Capitol	296-4166
Luther, William P.	306 State Capitol	-8869
McCutcheon, Bill	29 State Capitol	-4129
Menning, Marion (Mike)	28 State Capitol	-4171
Merriam, Gene	27 State Capitol	-4154
Milton, John	235 State Capitol	-4168
Moe, Roger D.	121 State Capitol	-2577
Nelson, Tom	23E State Capitol	-4871
Nichols, Jim	23A State Capitol	-4474
Ogdahl, Harmon T.	122 State Office Building	-4109
Olhoft, Wayne	29 State Capitol	-4178
Olson, Howard D.	325 State Capitol	-4187
Penny, Timothy J.	323 State Capitol	-4165
Perpich, George F.	303 State Capitol	-4145
Peterson, Collin C.	24C State Capitol	-4135
Pillsbury, George S.	130 State Office Building	-4121
Purfeerst, Clarence M.	323 State Capitol	-4167
Renneke, Earl W.	140 State Office Building	-4125
Schaaf, David D.	205 State Capitol	-4179
Schmitz, Robert J.	328 State Capitol	-7157
Schrom, Ed	205 State Capitol	-4840
Setzepfandt, A. O. H.	23F State Capitol	-8086
Sieloff, Ron	128 State Office Building	-4310
Sikorski, Gerry	23D State Capitol	-4700
Sillers, Douglas H.	133 State Office Building	-4119
Solon, Sam George	303 State Capitol	-4188
Spear, Allan H.	309 State Capitol	-4191
Staples, Emily Anne	23G State Capitol	-4137
Stokowski, Eugene E.	235 State Capitol	-4192
Strand, Roger E.	24D State Capitol	-4104
Stumpf, Peter P.	328 State Capitol	-4193
Tennessen, Robert J.	309 State Capitol	-8885
Ueland, Arnulf, Jr.	114 State Office Building	-4105
Ulland, James	143 State Office Building	-4314
Vega, Conrad M.	24E State Capitol	-4101
Wegener, Myrton O.	328 State Capitol	-4156
Willet, Gerald L.	205 State Capitol	-4147

PHILLIPS LEGISLATIVE SERVICE, Inc.
459 RICE STREET • ST. PAUL, MINN. 55103 • TELEPHONE 227-7771

February 21st, 1977

(CORRECTED)
REPRESENTATIVES OFFICE NUMBERS AND TELEPHONES
(1977 Session)

REPRESENTATIVE	OFFICE NO.	TELEPHONE NO.
Abeln, Lyle G.	254 State Office Building	296-4365
Adams, Leo G.	289 State Office Building	-4345
Albrecht, Raymond J.	322 State Office Building	-4318
Anderson, Bruce	362 State Office Building	-2068
Anderson, Delbert F.	386 State Office Building	-3908
Anderson, Glen H.	291 State Office Building	-4228
Anderson, Irvin N.	273 State Office Building	-6251
Anderson, Robert A.	399A State Office Building	-4946
Arlandson, John R.	347 State Office Building	-4312
Battaglia, David P.	346 State Office Building	-2190
Beauchamp, David	352 State Office Building	-4321
Begich, Joseph R.	218 State Office Building	-5063
Berg, Thomas K.	368 State Office Building	-4266
Berglin, Linda L.	381 State Office Building	-4261
Berkelman, Thomas R.	354 State Office Building	-2228
Biersdorf, John S.	399C State Office Building	-4332
Birnstihl, Orville E.	179 State Office Building	-4217
Brandl, John E.	172 State Office Building	-4837
Braun, Arthur M.	162 State Office Building	-4258
Brinkman, Bernard J.	296 State Office Building	-4373
Byrne, Peggy	214 State Office Building	-4245
Carlson, Arne	319 State Office Building	-4328
Carlson, Douglas W.	318 State Office Building	-4308
Carlson, Lyndon R.	369 State Office Building	-4255
Casserly, James R.	238 State Office Building	-4221
Clark, Janet H.	344 State Office Building	-4354

REPRESENTATIVE	OFFICE NO.	TELEPHONE NO.
Clawson, John T.	227 State Office Building	296-4358
Cohen, Richard J.	365 State Office Building	-3641
Corbid, John R.	384 State Office Building	-4329
Cummiskey, David R.	293 State Office Building	-3656
Dahl, Harold J.	244 State Office Building	-4218
Dean, William D.	379 State Office Building	-4337
Eckstein, A. J.	243 State Office Building	-4265
Eken, Willis R.	335 State Office Building	-4256
Ellingson, Robert L.	329 State Office Building	-3709
Enebo, Stanley A.	222 State Office Building	-4274
Erickson, Wendell O.	387 State Office Building	-4336
Esau, Gilbert	317 State Office Building	-4348
Evans, Stephen J.	399 State Office Building	-4341
Ewald, Douglas R.	396 State Office Building	-4311
Faricy, Ray W.	240 State Office Building	-4267
Fjoslien, David O.	311 State Office Building	-4317
Forsythe, Mary M.	377 State Office Building	-4363
Friedrich, Donald L.	397 State Office Building	-4378
Fudro, Stanley J.	165 State Office Building	-4377
Fugina, Peter X.	336 State Office Building	-4374
George, Michael J.	292 State Office Building	-4238
Gunter, C. L.	349 State Office Building	-2585
Hanson, Walter R.	271 State Office Building	-4232
Haugerud, Neil S.	235 State Office Building	-4278
Heinitz, O. J.	389 State Office Building	-4320
Hokanson, Shirley A.	234 State Office Building	-4239
Jacobs, Joel	229 State Office Building	-4231
Jaros, Mike	232 State Office Building	-4246
Jensen, Robert C.	178 State Office Building	-4862
Johnson, Carl M.	340 State Office Building	-4270
Jude, Tad	383 State Office Building	-4248
Kahn, Phyllis	237 State Office Building	-4257
Kaley, John R.	398 State Office Building	-4359
Kalis, Henry J.	239 State Office Building	-4240
Kelly, Randy	328 State Office Building	-4277

REPRESENTATIVE	OFFICE NO.	TELEPHONE NO.
Kelly, William	297 State Office Building	296-4861
Kempe, Arnold E.	331 State Office Building	-3806
Kempe, Raymond J.	345 State Office Building	-4220
King, Dwayne A.	353 State Office Building	-3750
Knickerbocker, Gerald	391 State Office Building	-4315
Kostohryz, Richard J.	370 State Office Building	-4936
Kroening, Carl W.	231 State Office Building	-4302
Kvam, Adolph L.	393 State Office Building	-4344
Laidig, Gary W.	325 State Office Building	-4351
Langseth, Keith L.	330 State Office Building	-4335
Lehto, Arlene I.	342 State Office Building	-2637
Lemke, Richard R.	167 State Office Building	-4233
Mangan, Tom	217 State Office Building	-4356
Mann, George L.	163 State Office Building	-4292
McCarron, Paul	248 State Office Building	-4242
McCollar, Maurice D.	332 State Office Building	-4319
McDonald, Kenneth J.	323 State Office Building	-8872
McEachern, Bob	339 State Office Building	-4237
Metzen, James P.	219 State Office Building	-4370
Moe, Donald M.	299B State Office Building	-4264
Munger, Willard M.	226 State Office Building	-4282
Murphy, Mary C.	376 State Office Building	-2676
Neisen, Howard J.	350 State Office Building	-4322
Nelsen, Bruce	327 State Office Building	-4352
Nelsen, Marlin B.	171 State Office Building	-4368
Nelson, Ken	299C State Office Building	-4244
Niehaus, Joseph T.	312 State Office Building	-4379
Norton, Fred C.	245 State Office Building	-5158
Novak, Steve G.	356 State Office Building	-4334
Osthoff, C. Thomas	267 State Office Building	-4224
Patton, Alvin W.	175 State Office Building	-4216
Pehler, James C.	261 State Office Building	-4241
Peterson, Darrel L.	315 State Office Building	-3729
Petrafeso, Paul R.	333 State Office Building	-4863
Pleasant, Ray O.	394 State Office Building	-4316

REPRESENTATIVE	OFFICE NO.	TELEPHONE NO.
Prahl, Norman R.	287 State Office Building	296-4225
Reding, Leo J.	351 State Office Building	-4324
Rice, James I.	371 State Office Building	-4262
Rose, John T.	388 State Office Building	-4342
Sabo, Martin Olav	276 State Office Building	-6610
St. Onge, Douglas	223 State Office Building	-4263
Samuelson, Donald B.	249 State Office Building	-4875
Sarna, John J.	270 State Office Building	-4219
Savelkoul, Henry J.	390 State Office Building	-4327
Scheid, Linda J.	224 State Office Building	-3751
Schulz, Victor H.	375 State Office Building	-4223
Searle, Rodney M.	395 State Office Building	-4339
Searles, Robert L.	378 State Office Building	-4309
Sherwood, Glen A.	228 State Office Building	-4252
Sieben, Harry	170 State Office Building	-4227
Sieben, Michael	242 State Office Building	-4250
Simoneau, Wayne	357 State Office Building	-4331
Skoglund, Wesley J.	161 State Office Building	-4330
Smogard, Ellsworth	359 State Office Building	-4357
Spanish, John J.	334 State Office Building	-4254
Stanton, Russell P.	179½ State Office Building	-4249
Stoa, Thomas A.	348 State Office Building	-2709
Suss, Ted L.	173 State Office Building	-4313
Swanson, James C.	372 State Office Building	-4885
Tomlinson, John J.	343 State Office Building	-4259
Vanasek, Robert E.	294 State Office Building	-4229
Voss, Gordon O.	251 State Office Building	-4226
Waldorf, Eugene T.	215 State Office Building	-3809
Welch, Richard J.	360 State Office Building	-3821
Wenstrom, Gene	358 State Office Building	-4323
Wenzel, Stephen G.	266 State Office Building	-4247
White, James F.	230 State Office Building	-4286
Wieser, Al, Jr.	255 State Office Building	-4251
Wigley, Richard E.	316 State Office Building	-4355
Williamson, Bruce D.	382 State Office Building	-4303
Wynia, Ann L.	263 State Office Building	-3824
Zubay, Kenneth P.	326 State Office Building	-4340

* * * * *

DR. DENNISTOUN REQUESTED THAT A COPY OF PROPOSED RULES GOVERNING THE CERTIFICATION AND LICENSING OF PESTICIDE APPLICATORS BE SENT TO THE FOLLOWING INDIVIDUALS:

Don Sederstrom

Minnesota Agri-Growth Council

Art Wolcott, Cenex

Mark Seetin

Stan Grannis, Canners & Freezers Assn.

Tom Cashman

George Moriarty

Lloyd Schmidt

Charles Rhoades

Richard Fitzsimmons

David Sundberg

Nursery Growers Assn.

Dale Hardy

Robert L. Thurston

Ron Sorenson

Dick Schantz-Hanson

Cy Carpenter

Vern Ingvalson

Mort Levy

General Mills Grain Representative

12/20/77

Would like new Pesticide Regulations when available.

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Warehouse Superintendent
Space Center Minnesota, Inc.
3310 N. Second St.
Minneapolis, MN 55412

Bob Wolf
Route #2
Adrian, MN 56110

Dawson Ag Service
West Highway 212
Dawson, MN 56232

Nolan Asleson
Agricultural Services, Inc.
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Ervin Oelke
Department of Agronomy & Plant Genetics
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Balaton, MN 56115

Kenneth Roemhildt
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Waseca, MN 56093

Delford Johnson
Ada Feed & Seed
Ada, MN 56510

Roland Groteluschen
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Mankato, MN 56001

Gary Erdmann
Southwest Minn. Dairy Assn.
Russell, MN 56169

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Portland, ND 58274

R. E. Schultz
R.R. #1, Box 23
Plainview, MN 55964

Phil Nietz
St. Charles, MN 55964

Aime DuFault
Argyle, MN 56713

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Sandon, Raymond
Rt. 2, Zumbrota, MN 55992

Ulrich, Wayne
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STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

IN THE MATTER OF THE PROPOSED ADOPTION)
OF RULES OF THE DEPARTMENT OF AGRICULTURE)
GOVERNING THE CERTIFICATION AND LICENSING) CERTIFICATE OF DELIVERY
OF PESTICIDE APPLICATORS, PERMISSIBLE) SECRETARY
METHODS OF PESTICIDE APPLICATIONS, REGIS-) OF STATE LIST
TRATION OF PESTICIDES FOR SALE, FINANCIAL)
RESPONSIBILITY, AND SPECIAL LOCAL NEED)
REGISTRATIONS)

I hereby certify that the attached 484 Labels 5 sheets constitute the complete list of persons, associations, and other interested groups who as of 8:15 o'clock AM., this 21st day of December, 1977, have requested pursuant to M.S. 1974, Sec. 15.0412, that their name be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

SECRETARY OF STATE

Joan Anderson Growe

By Cheri L. Mattson

STATE OF MINNESOTA
DEPARTMENT OF AGRICULTURE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE DEPARTMENT OF AGRICULTURE GOVERNING THE CERTIFICATION AND LICENSING OF PESTICIDE APPLICATORS, PERMISSIBLE METHODS OF PESTICIDE APPLICATIONS, REGISTRATION OF PESTICIDES FOR SALE, FINANCIAL RESPONSIBILITY, AND SPECIAL LOCAL NEED REGISTRATIONS	AFFIDAVIT OF RECEIPT OF THE SECRETARY OF STATE'S LIST

Nancy A. Orlich being duly sworn on oath deposes and says:

1) That she is an employee of the Department of Agriculture of the State of Minnesota.

2) That on the 21st day of December, 1977, she went to the Secretary of State's Office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining noticed of public hearing relating to the promulgation of rules pursuant to M.S. 15.0412.

3) That on the 21st day of December, 1977, in response to the above request, the Secretary of State provided her with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not. Nancy A. Orlich

Subscribed and sworn to before me this
23rd day of December, 1977,
Notary Public, Joan LeDuc
Ramsey County, Minnesota
My Commission Expires

JOAN LeDUC
Notary Public, Ramsey Co., Mn.
MY COMMISSION EXPIRES
August 14, 1981

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

IN THE MATTER OF THE PROPOSED ADOPTION)
OF RULES OF THE DEPARTMENT OF AGRICULTURE)
GOVERNING THE CERTIFICATION AND LICENSING)
OF PESTICIDE APPLICATORS, PERMISSIBLE) AFFIDAVIT OF MAILING
METHODS OF PESTICIDE APPLICATIONS, REGIS-)
TRATION OF PESTICIDES FOR SALE, FINANCIAL)
RESPONSIBILITY, AND SPECIAL LOCAL NEED)
REGISTRATIONS)

Nancy A. Orlich being first duly sworn, deposes and says:

That on the 23th day of December, 1977, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State.

Nancy A. Orlich

Subscribed and sworn to before me this
23rd day of December, 1977,
Notary Public, Joan LeDuc
Ramsey County, Minnesota
My Commission Expires

JOAN LeDUC
Notary Public, Ramsey Co., Mn.
MY COMMISSION EXPIRES
August 14, 1981