

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 4224

(SENATE AUTHORS: PUTNAM)

DATE
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OFFICIAL STATUS
Introduction and first reading
Referred to Agriculture, Broadband, and Rural Development

1.1 A bill for an act
1.2 relating to agriculture; amending provisions related to pesticides; amending
1.3 Minnesota Statutes 2022, sections 18B.01, by adding a subdivision; 18B.305,
1.4 subdivision 2; 18B.32, subdivisions 1, 3, 4; 18B.33, subdivisions 1, 5; 18B.34,
1.5 subdivisions 1, 4; 18B.35, subdivision 1; 18B.36, subdivisions 1, 2; 18B.37,
1.6 subdivisions 2, 3.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2022, section 18B.01, is amended by adding a subdivision
1.9 to read:

1.10 Subd. 1d. **Application or use of a pesticide.** "Application or use of a pesticide" includes:

1.11 (1) the dispersal of a pesticide on, in, at, or directed toward a target site;

1.12 (2) preapplication activities that involve the mixing and loading of a restricted use
1.13 pesticide; and

1.14 (3) other restricted use pesticide-related activities, including but not limited to transporting
1.15 or storing pesticide containers that have been opened; cleaning equipment; and disposing
1.16 of excess pesticides, spray mix, equipment wash waters, pesticide containers, and other
1.17 materials that contain pesticide.

1.18 Sec. 2. Minnesota Statutes 2022, section 18B.305, subdivision 2, is amended to read:

1.19 Subd. 2. **Training manual and examination development.** The commissioner, in
1.20 consultation with University of Minnesota Extension and other higher education institutions,
1.21 shall continually revise and update pesticide applicator training manuals and examinations.
1.22 The manuals and examinations must be written to meet or exceed the minimum competency

2.1 standards required by the United States Environmental Protection Agency and pertinent
2.2 state specific information. Pesticide applicator training manuals and examinations must
2.3 meet or exceed the competency standards in Code of Federal Regulations, title 40, part 171.
2.4 Competency standards for training manuals and examinations must be published on the
2.5 Department of Agriculture website. Questions in the examinations must be determined by
2.6 the commissioner in consultation with other responsible agencies. Manuals and examinations
2.7 must include pesticide management practices that discuss prevention of pesticide occurrence
2.8 in groundwater and surface water of the state, and economic thresholds and guidance for
2.9 insecticide use.

2.10 Sec. 3. Minnesota Statutes 2022, section 18B.32, subdivision 1, is amended to read:

2.11 Subdivision 1. **Requirement.** (a) A person may not engage in structural pest control
2.12 applications:

2.13 (1) for hire without a structural pest control license; ~~and~~

2.14 (2) as a sole proprietorship, company, partnership, or corporation unless the person is
2.15 or employs a licensed master in structural pest control operations; and

2.16 (3) unless the person is 18 years of age or older.

2.17 (b) A structural pest control licensee must have a valid license identification card to
2.18 purchase a restricted use pesticide or apply pesticides for hire and must display it upon
2.19 demand by an authorized representative of the commissioner or a law enforcement officer.
2.20 The license identification card must contain information required by the commissioner.

2.21 Sec. 4. Minnesota Statutes 2022, section 18B.32, subdivision 3, is amended to read:

2.22 Subd. 3. **Application.** (a) A person must apply to the commissioner for a structural pest
2.23 control license on forms and in the manner required by the commissioner. The commissioner
2.24 shall require the applicant to pass a written, closed-book, monitored examination or oral
2.25 examination, or both, ~~and may also require a practical demonstration regarding structural~~
2.26 ~~pest control.~~ The commissioner shall establish the examination procedure, including the
2.27 phases and contents of the examination.

2.28 (b) The commissioner may license a person as a master under a structural pest control
2.29 license if the person has the necessary qualifications through knowledge and experience to
2.30 properly plan, determine, and supervise the selection and application of pesticides in structural
2.31 pest control. To demonstrate the qualifications and become licensed as a master under a
2.32 structural pest control license, a person must:

3.1 (1) pass a closed-book test administered by the commissioner;

3.2 (2) have direct experience as a licensed journeyman under a structural pest control license
3.3 for at least two years by this state or a state with equivalent certification requirements or as
3.4 a full-time licensed master in another state with equivalent certification requirements; and

3.5 (3) show practical knowledge and field experience under clause (2) in the actual selection
3.6 and application of pesticides under varying conditions.

3.7 (c) The commissioner may license a person as a journeyman under a structural pest
3.8 control license if the person:

3.9 (1) has the necessary qualifications in the practical selection and application of pesticides;

3.10 (2) has passed a closed-book examination given by the commissioner; and

3.11 (3) is engaged as an employee of or is working under the direction of a person licensed
3.12 as a master under a structural pest control license.

3.13 (d) The commissioner may license a person as a fumigator under a structural pest control
3.14 license if the person:

3.15 (1) has knowledge of the practical selection and application of fumigants;

3.16 (2) has passed a closed-book examination given by the commissioner; and

3.17 (3) is licensed by the commissioner as a master or journeyman under a structural pest
3.18 control license.

3.19 Sec. 5. Minnesota Statutes 2022, section 18B.32, subdivision 4, is amended to read:

3.20 Subd. 4. **Renewal.** (a) A structural pest control applicator license may be renewed on
3.21 or before the expiration of an existing license subject to reexamination, attendance at
3.22 ~~workshops~~ a recertification workshop approved by the commissioner, or other requirements
3.23 imposed by the commissioner to provide the applicator with information regarding changing
3.24 technology and to help assure a continuing level of competency and ability to use pesticides
3.25 safely and properly. A recertification workshop must meet or exceed the competency
3.26 standards in Code of Federal Regulations, title 40, part 171. Competency standards for a
3.27 recertification workshop must be published on the Department of Agriculture website. The
3.28 commissioner may require an additional demonstration of applicator qualification if the
3.29 applicator has had a license suspended or revoked or has otherwise had a history of violations
3.30 of this chapter.

4.1 (b) If a person fails to renew a structural pest control license within three months of its
4.2 expiration, the person must obtain a structural pest control license subject to the requirements,
4.3 procedures, and fees required for an initial license.

4.4 Sec. 6. Minnesota Statutes 2022, section 18B.33, subdivision 1, is amended to read:

4.5 Subdivision 1. **Requirement.** (a) A person may not apply a pesticide for hire without a
4.6 commercial applicator license for the appropriate use categories or a structural pest control
4.7 license.

4.8 (b) A commercial applicator licensee must have a valid license identification card to
4.9 purchase a restricted use pesticide or apply pesticides for hire and must display it upon
4.10 demand by an authorized representative of the commissioner or a law enforcement officer.
4.11 The commissioner shall prescribe the information required on the license identification
4.12 card.

4.13 (c) A person licensed under this section is considered qualified and is not required to
4.14 verify, document, or otherwise prove a particular need prior to use, except as required by
4.15 the federal label.

4.16 (d) A person who uses a general-use sanitizer or disinfectant for hire in response to
4.17 COVID-19 is exempt from the commercial applicator license requirements under this section.

4.18 (e) A person licensed under this section must be 18 years of age or older.

4.19 Sec. 7. Minnesota Statutes 2022, section 18B.33, subdivision 5, is amended to read:

4.20 Subd. 5. **Renewal application.** (a) A person must apply to the commissioner to renew
4.21 a commercial applicator license. The commissioner may renew a commercial applicator
4.22 license accompanied by the application fee, subject to reexamination, attendance at
4.23 ~~workshops~~ a recertification workshop approved by the commissioner, or other requirements
4.24 imposed by the commissioner to provide the applicator with information regarding changing
4.25 technology and to help assure a continuing level of competence and ability to use pesticides
4.26 safely and properly. A recertification workshop must meet or exceed the competency
4.27 standards in Code of Federal Regulations, title 40, part 171. Competency standards for a
4.28 recertification workshop must be published on the Department of Agriculture website. The
4.29 applicant may renew a commercial applicator license within 12 months after expiration of
4.30 the license without having to meet initial testing requirements. The commissioner may
4.31 require additional demonstration of applicator qualification if a person has had a license
4.32 suspended or revoked or has had a history of violations of this chapter.

5.1 (b) An applicant that meets renewal requirements by reexamination instead of attending
5.2 ~~workshops~~ a recertification workshop must pay the equivalent workshop fee for the
5.3 reexamination as determined by the commissioner.

5.4 Sec. 8. Minnesota Statutes 2022, section 18B.34, subdivision 1, is amended to read:

5.5 Subdivision 1. **Requirement.** (a) Except for a licensed commercial applicator, certified
5.6 private applicator, or licensed structural pest control applicator, a person, including a
5.7 government employee, may not purchase or use a restricted use pesticide in performance
5.8 of official duties without having a noncommercial applicator license for an appropriate use
5.9 category.

5.10 (b) A licensee must have a valid license identification card when applying pesticides
5.11 and must display it upon demand by an authorized representative of the commissioner or a
5.12 law enforcement officer. The license identification card must contain information required
5.13 by the commissioner.

5.14 (c) A person licensed under this section is considered qualified and is not required to
5.15 verify, document, or otherwise prove a particular need prior to use, except as required by
5.16 the federal label.

5.17 (d) A person licensed under this section must be 18 years of age or older.

5.18 Sec. 9. Minnesota Statutes 2022, section 18B.34, subdivision 4, is amended to read:

5.19 Subd. 4. **Renewal.** (a) A person must apply to the commissioner to renew a
5.20 noncommercial applicator license. The commissioner may renew a license subject to
5.21 reexamination, attendance at ~~workshops~~ a recertification workshop approved by the
5.22 commissioner, or other requirements imposed by the commissioner to provide the applicator
5.23 with information regarding changing technology and to help assure a continuing level of
5.24 competence and ability to use pesticides safely and properly. A recertification workshop
5.25 must meet or exceed the competency standards in Code of Federal Regulations, title 40,
5.26 part 171. Competency standards for a recertification website must be published on the
5.27 Department of Agriculture website. The commissioner may require an additional
5.28 demonstration of applicator qualification if the applicator has had a license suspended or
5.29 revoked or has otherwise had a history of violations of this chapter.

5.30 (b) An applicant that meets renewal requirements by reexamination instead of attending
5.31 ~~workshops~~ a recertification workshop must pay the equivalent workshop fee for the
5.32 reexamination as determined by the commissioner.

6.1 (c) An applicant has 12 months to renew the license after expiration without having to
6.2 meet initial testing requirements.

6.3 Sec. 10. Minnesota Statutes 2022, section 18B.35, subdivision 1, is amended to read:

6.4 Subdivision 1. **Establishment.** (a) The commissioner may establish categories of
6.5 structural pest control, commercial applicator, ~~and noncommercial applicator licenses for~~
6.6 ~~administering and enforcing this chapter,~~ and private applicator certification consistent
6.7 with federal requirements in Code of Federal Regulations, title 40, parts 171.101 and 171.105,
6.8 including but not limited to the federal categories that are applicable to the state. Application
6.9 categories must meet or exceed the competency standards in Code of Federal Regulations,
6.10 title 40, part 171. Competency standards for application categories must be published on
6.11 the Department of Agriculture website. The categories may include pest control operators
6.12 and ornamental, agricultural, aquatic, forest, and right-of-way pesticide applicators. Separate
6.13 subclassifications of categories may be specified as to ground, aerial, or manual methods
6.14 to apply pesticides or to the use of pesticides to control insects, plant diseases, rodents, or
6.15 weeds.

6.16 (b) Each category is subject to separate testing procedures and requirements.

6.17 Sec. 11. Minnesota Statutes 2022, section 18B.36, subdivision 1, is amended to read:

6.18 Subdivision 1. **Requirement.** (a) Except for a licensed commercial or noncommercial
6.19 applicator, only a certified private applicator may use a restricted use pesticide to produce
6.20 an agricultural commodity:

6.21 (1) as a traditional exchange of services without financial compensation;

6.22 (2) on a site owned, rented, or managed by the person or the person's employees; or

6.23 (3) when the private applicator is one of two or fewer employees and the owner or
6.24 operator is a certified private applicator or is licensed as a noncommercial applicator.

6.25 (b) A person may not purchase a restricted use pesticide without presenting a license
6.26 card, certified private applicator card, or the card number.

6.27 (c) A person certified under this section is considered qualified and is not required to
6.28 verify, document, or otherwise prove a particular need prior to use, except as required by
6.29 the federal label.

6.30 (d) A person certified under this section must be 18 years of age or older.

7.1 Sec. 12. Minnesota Statutes 2022, section 18B.36, subdivision 2, is amended to read:

7.2 Subd. 2. **Certification.** (a) The commissioner shall prescribe certification requirements
7.3 and provide training that meets or exceeds United States Environmental Protection Agency
7.4 standards to certify private applicators and provide information relating to changing
7.5 technology to help ensure a continuing level of competency and ability to use pesticides
7.6 properly and safely. Private applicator certification requirements and training must meet or
7.7 exceed the competency standards in Code of Federal Regulations, title 40, part 171.
7.8 Competency standards for private applicator certification and training must be published
7.9 on the Department of Agriculture website. The training may be done through cooperation
7.10 with other government agencies and must be a minimum of three hours in duration.

7.11 (b) A person must apply to the commissioner for certification as a private applicator.
7.12 After completing the certification requirements, which must include ~~an~~ a proctored
7.13 examination as determined by the commissioner, an applicant must be certified as a private
7.14 applicator to use restricted use pesticides. The certification shall expire March 1 of the third
7.15 calendar year after the initial year of certification.

7.16 (c) The commissioner shall issue a private applicator card to a private applicator.

7.17 Sec. 13. Minnesota Statutes 2022, section 18B.37, subdivision 2, is amended to read:

7.18 Subd. 2. **Commercial and noncommercial applicators.** (a) A commercial or
7.19 noncommercial applicator, or the applicator's authorized agent, must maintain a record of
7.20 pesticides used on each site. Noncommercial applicators must keep records of restricted
7.21 use pesticides. The record must include the:

7.22 (1) date of the pesticide use;

7.23 (2) time the pesticide application was completed;

7.24 (3) brand name of the pesticide, the United States Environmental Protection Agency
7.25 registration number, and rate used;

7.26 (4) number of units treated;

7.27 (5) temperature, wind speed, and wind direction;

7.28 (6) location of the site where the pesticide was applied;

7.29 (7) name and address of the customer;

7.30 (8) name of applicator, name of company, license number of applicator, and address of
7.31 applicator company; and

8.1 (9) any other information required by the commissioner.

8.2 (b) Portions of records not relevant to a specific type of application may be omitted upon
8.3 approval from the commissioner.

8.4 (c) All information for this record requirement must be contained in a document for each
8.5 pesticide application, except a map may be attached to identify treated areas. An invoice
8.6 containing the required information may constitute the required record. The commissioner
8.7 shall make sample forms available to meet the requirements of this paragraph.

8.8 (d) The record must be completed no later than five days after the application of the
8.9 pesticide.

8.10 (e) A commercial applicator must give a copy of the record to the customer.

8.11 (f) Records must be retained by the applicator, company, or authorized agent for five
8.12 years after the date of treatment.

8.13 (g) A record of a commercial or noncommercial applicator must meet or exceed the
8.14 requirements in Code of Federal Regulations, title 40, part 171.

8.15 Sec. 14. Minnesota Statutes 2022, section 18B.37, subdivision 3, is amended to read:

8.16 Subd. 3. **Structural pest control applicators.** (a) A structural pest control applicator
8.17 must maintain a record of each structural pest control application conducted by that person
8.18 or by the person's employees. The record must include the:

8.19 (1) date of structural pest control application;

8.20 (2) target pest;

8.21 (3) brand name of the pesticide, United States Environmental Protection Agency
8.22 registration number, and amount used;

8.23 (4) for fumigation, the temperature and exposure time;

8.24 (5) time the pesticide application was completed;

8.25 (6) name and address of the customer;

8.26 (7) name of structural pest control applicator, name of company and address of applicator
8.27 or company, and license number of applicator; and

8.28 (8) any other information required by the commissioner.

9.1 (b) All information for this record requirement must be contained in a document for
9.2 each pesticide application. An invoice containing the required information may constitute
9.3 the record.

9.4 (c) The record must be completed no later than five days after the application of the
9.5 pesticide.

9.6 (d) Records must be retained for five years after the date of treatment.

9.7 (e) A copy of the record must be given to a person who ordered the application that is
9.8 present at the site where the structural pest control application is conducted, placed in a
9.9 conspicuous location at the site where the structural pest control application is conducted
9.10 immediately after the application of the pesticides, or delivered to the person who ordered
9.11 an application or the owner of the site. The commissioner must make sample forms available
9.12 that meet the requirements of this subdivision.

9.13 (f) A structural applicator must post in a conspicuous place inside a renter's apartment
9.14 where a pesticide application has occurred a list of postapplication precautions contained
9.15 on the label of the pesticide that was applied in the apartment and any other information
9.16 required by the commissioner.

9.17 (g) A record of a structural applicator must meet or exceed the requirements in Code of
9.18 Federal Regulations, title 40, part 171.