

HOUSE BILL 789

By Cobb T

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 21, relative to the application of pesticides.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 21, Part 1, is amended by adding a new section thereto as follows:

Section 62-21-1__.

(a) Any person incidentally applying a herbicide with the sole active ingredient of Glyphosate for the control of weeds in conjunction with commercial lawn and landscape maintenance practices, such as spot treatments adjacent to fencing, driveways, parking lots, cemetery markers and landscape borders and areas in lieu of or in conjunction with hand-weeding or mechanical weed trimming and edging, shall not be considered to be applying a pesticide for a fee and shall not be required to be licensed as a commercial pest control operator; provided the person meets the following criteria:

(1) The applicator has obtained certification by successfully completing an exam (minimum score of 70) demonstrating general knowledge of pesticides, including safety in handling, mixing and applying pesticides, environmental hazards in using pesticide, calculations, calibrations and label comprehension. The certification category created specifically for such application shall be known as "limited herbicide applicator". Recertification requirements shall be the same as those established by the department for restricted use applicators. Any person exhibiting unethical behavior during an examination shall be ineligible to take another certification exam for two (2) years;

(2) The application equipment shall be limited to a single, hand-held nozzle supplied by a tank with a maximum capacity of twenty-five (25) gallons; an electric or hand-powered pump with a maximum discharge rate of one and one-half (1.5) gallons per minute; and a discharge hose no more than fifteen (15) feet long;

(3) The applicator or the applicator's employer has furnished to the department proof of liability insurance with coverage for bodily injury and property damage of at least three hundred thousand dollars (\$300,000) per occurrence and three hundred thousand dollars (\$300,000) aggregate, including coverage for products and completed operations, and such policy has been endorsed to cover herbicide applications;

(4) The certificate number issued to the applicator is displayed in the upper right-hand corner of the applicator's vehicle used in the business or on both sides of any trailer used in the business. The name of the business shall be displayed on the right side and left side of all company vehicles or trailers, as applicable. Lettering shall not be less than two inches (2") in height; and

(5) Application records shall contain the date of application and the property address where the application was made.

(b) A person operating under this section shall not be authorized to:

(1) Advertise the application of herbicides or any other pesticide application; or

(2) Supervise the application of any pesticide by an uncertified person.

(c) Persons certified as limited herbicide applicators shall not be required to obtain a business charter, bond or license.

(d) A person shall not be required to meet the requirements of this section in order to apply a herbicide with the sole active ingredient of Glyphosate for the control of weeds in conjunction with lawn maintenance practices as spot treatments in lieu of or in conjunction with mechanical weed trimming or edging at a homeowner's or renter's residence if such product is stored, provided and mixed by the homeowner or renter requesting the application of such product. The homeowner or renter shall be responsible for instructing the applicator as to how and where to apply such product.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.