

# AGRICULTURE

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## AGRICULTURAL SEED

### 1. Types of Activities Regulated

The Montana Department of Agriculture (MDA) regulates seed producers, labelers, and dealers to ensure seed quality and seed products free of noxious or restricted weed seeds. Licenses are required, with some exceptions, for facilities in the state that condition<sup>1</sup> agricultural seed (producers), for when a person's name and address appear on the label of agricultural seed (labelers), and for a person who sells agricultural seed in Montana (dealers).

Statute: 80-5-120, *et seq.*, MCA

Rule: ARM 4.12.3002, *et seq.*

Contact: DEPARTMENT OF AGRICULTURE  
Agricultural Sciences Division

### 2. Application Requirements

A license application for a facility that conditions, labels or sells agricultural seed is available from the MDA. The application requests the applicant's name, place of business, and mailing address; the location of each seed conditioning facility if applying for a seed conditioning plant license; a sample label if applying for a seed labeler's license; and a list of persons who may be selling seed for the company. A license is required for each location where seed is located or sold. Licenses must be renewed annually and expire on June 30.

Statute: 80-5-130, *et seq.*, MCA

Rule: ARM 4.12.3008

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<sup>1</sup> A conditioned seed is one that is dried, cleaned, scarified, or altered in a way that changes its purity or germination properties.

### 3. Fees

The license fee for an out-of-state person selling seed in Montana is \$130. The license fee for a Montana producer, labeler or dealer is \$75.

Seed labelers located outside of Montana who sell agricultural seed in the state must report sales and pay an assessment of 25 cents per \$100 in gross annual sales. The report and fee are due July 31 for the preceding 12 month period.

Statute: 80-5-130, MCA

Rule: ARM 4.12.3009

### 4. Additional Information

A label is required on all containers of seed sold in Montana. The labels must be truthful and appropriate to the product and contain specific information required by law.

Seeds offered for sale or sold must not contain any prohibited noxious weed seeds as designated under the Montana County Weed Act (7-22-2101(8)(a)(i), MCA).

Statute: 80-5-123, MCA

Rule: ARM 4.12.3010

## ANIMAL FEEDING OPERATIONS

See DISCHARGE PERMITS, ANIMAL FEEDING OPERATIONS, p. 207.

## BEE KEEPING (APIARIES)

### 1. Types of Activities Regulated

The Montana Department of Agriculture (MDA) issues certificates of registration for four types of apiaries: general, pollination, landowner, and hobbyist.

Apiaries with a *general* certificate of registration must be located three or more miles apart to prevent the spread of diseases and pests. There is no distance limit for pollination, landowner, and hobbyist apiaries but other restrictions apply. For *landowner* certification, the applicant must own (or control for purposes other than placing honeybees) the land where the hives are located. *Pollination* apiaries are established for the pollination of

commercial crops and certificates of registration are issued for a specific period designated by the MDA. *Hobbyist* beekeepers may only keep up to five hives (with a maximum of two hobby beekeepers in a family, for 10 hives per family) and registration is voluntary.

Honey bee colonies and beekeeping equipment moved into Montana must be inspected by the Department of Agriculture or an agency in the originating state that has been approved by the MDA.

Statute: 80-6-101, *et. seq.*, MCA

Rule: ARM 4.12.102, *et seq.*

Contact: DEPARTMENT OF AGRICULTURE  
Agricultural Sciences Division

## 2. **Application Requirements**

Apiary registration forms are available from the MDA or online at <http://agr.mt.gov/agr/Producer/Bees/honeybees/>. Application requirements and conditions vary according to the type of certification requested. Apiaries must be registered by April 1 of each year.

Statute: 80-6-111 through 80-6-114, MCA

## 3. **Fees**

The annual registration fee for an apiary site is \$19. All sites must be associated with a registered beekeeper. There is a one-time fee of \$20 to register as a beekeeper. The hourly inspection fee is \$42 per hour. The fee for the issuance of a certificate of health for bees that are seasonally transported is \$125. A recent inspection is required for the issuance of a certificate of health.

Statute: 80-6-202, MCA

Rule: ARM 4.12.113

## 4. **Additional Information**

The Department offers sex-ratio, emergence testing and x-ray evaluation for live larvae, parasites, predators, and pathogens for basic and certified alfalfa leaf-cutting bee samples.

Certified samples are collected by the Alfalfa Seed Committee or its agent. Application forms for certification and an explanation of the fees are available on the departmental website at <http://agr.mt.gov/agr/Producer/Bees/LeafcutterBees.html>. The sample is certified if departmental standards are met. Basic samples are submitted directly from the grower to MDA. There is a one-time registration fee of \$15. In both cases, samples should consist of at least one quart of loose cells. A basic sample analysis is \$50 per sample. Sex-ratio and percentage emergence testing is an additional \$20.

Statute: 80-6-1101, *et seq.*, MCA

## **CROPLAND LEASES ON STATE LANDS**

### **1. Types of Activities Regulated**

The Board of Land Commissioners may lease state lands for general agricultural use. Cropland leases are based on a crop share rental value of not less than one-fourth of the annual crop or the usual landlord's share prevailing in the area, whichever is greater. See also GRAZING, p. 21.

Statute: 77-6-501, *et seq.*, MCA

Rule: ARM 36.25.102, *et seq.*

Contact: DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
Trust Land Management Division  
*Agriculture and Grazing Management Bureau*

### **2. Leasing Procedures**

- 1) Leases go to the highest bidder unless the Board determines that this decision is not in the state's best interest.
- 2) Present lease holders have a preference right over others seeking to lease the same land. The lease holder may meet the highest bid made by any applicant by exercising their preference right except under certain conditions when the land has been subleased. Additionally, the preference is valid only if the lessee has not abused any conditions of the lease. Lessees may appeal the bid to the Board if they consider the bid excessive.
- 3) Lease terms are five or 10 years.

Statute: 77-6-201, *et seq.*, MCA

## FERTILIZER REGISTRATION

### 1. Types of Activities Regulated

- A. Fertilizer Registration: Fertilizers and soil amendments, except unmanipulated animal or vegetable manures, must be registered by the manufacturer or the supplier on behalf of the manufacturer with the Montana Department of Agriculture (MDA) before distribution in Montana.
- B. Fertilizer Distribution License: A person may not distribute any type of fertilizer or soil amendment, except unmanipulated animal or vegetable manures or specialty fertilizer, until a license to distribute has been obtained from the MDA for each facility distributing into the state and for each handling facility in the state. It is unlawful to distribute fertilizers or soil amendments adulterated with metals in amounts that exceed the levels identified in MDA rules.

Before distributing any commercial fertilizer or soil amendment into the state, a person must be licensed as a supplier.

- C. Anhydrous Ammonia Facilities: MDA approval is required for the construction and operation of anhydrous ammonia facilities.

Statute: 80-10-201, 80-10-202, and 80-10-503, MCA

Rule: ARM 4.12.601, *et seq.* and 4.12.701, *et seq.*

Contact: DEPARTMENT OF AGRICULTURE  
Agricultural Sciences Division

### 2. Application Requirements

- A. All applications for fertilizer registration must include the name and address of the applicant; the brand, grade, and guaranteed analysis of the fertilizer; and other detailed information about each product as required by the MDA. Fertilizers or soil amendments that contain a waste or sewage sludge must be identified as such in the registration application. The application must also state the source of the waste and the level of metals in the final product. Registrations expire on December 31 of each year.
- B. The application for a fertilizer distribution license must be on forms approved by the MDA. Licenses expire on December 31 of each year.

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- C. An application for an anhydrous ammonia facility must include written approval from the local governing body or a zoning permit issued by the county or town where the facility will be located. Storage tanks and associated equipment must meet applicable safety and design codes at the time of installation.

Statute: 80-10-201, *et seq.*, MCA  
80-10-501, *et seq.*, MCA (anhydrous ammonia)

Rule: ARM 4.12.601-4.12.604, 4.12.704, and 4.12.706-4.12.710

### 3. Fees

Applications for fertilizer registrations must be accompanied by a nonrefundable fee of \$20 for each fertilizer and soil amendment and a nonrefundable fee of \$35 for each specialty fertilizer. An additional \$10 fee is required for fertilizers and specialty fertilizers to fund the ground water protection responsibilities of the MDA.

New applicants for fertilizer distribution licenses, or those failing to renew by January 1, pay a nonrefundable \$75 fee. License renewals received before January 1 are \$50.

The MDA also assesses inspection fees and requires quarterly reports on the tonnage of fertilizer distributed, except for specialty fertilizers and unmanipulated animal and vegetable manures.

Statute: 80-10-103, 80-10-201, 80-10-202, 80-10-207, and 80-15-302, MCA

Rule: ARM 4.12.608

### 4. Additional Information

Commercial fertilizer and soil amendment containers must be labeled. The labels must be truthful and appropriate to the product and contain specific information required by the statutes and rules.

Statute: 80-10-204, MCA

Rule: ARM 4.12.604

## GRAZING

### 1. Grazing Districts

Three or more livestock operators owning or controlling property in an area may create a state grazing district—a nonprofit cooperative organization regulated by the Montana Grass Conservation Commission and authorized to ensure the protection of range resources. Membership in a district is limited to persons engaged in the livestock business, or those persons' agents, who own or lease forage-producing lands within or near the state district.

- 1) A permit is required from the state grazing district for a livestock owner or the person in control of the livestock to run the animals at large or under herd within the boundaries of a state district.
- 2) A person may obtain a permit (i.e., a grazing preference) by submitting an application to the district. Temporary permits may be issued to nonmembers on an annual basis.
- 3) Transfer of preferences are not allowed without the written consent of the owner of the property from which the transfer will be made. A transfer is not effective until approved by the Montana Grass Conservation Commission.
- 4) Prior to the transfer, a public hearing must be held before the Board of Directors of the district.
- 5) A person is not required to obtain a permit to graze livestock on land that the person owns or controls within a district if the stock being grazed are kept from running at large and from grazing on any other lands within the district.

Statute: 76-16-201, 76-16-302, 76-16-310, and 76-16-401, *et seq.*, MCA

Contact: STATE GRAZING DISTRICT

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
Conservation and Resource Development Division  
*Montana Grass Conservation Commission*

### 2. State Leases

The Department of Natural Resources and Conservation (DNRC) issues leases, through competitive bidding, for grazing on state lands.

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### Leasing Procedures

- 1) When the DNRC receives an application to lease state lands for grazing purposes, it must advertise for bids on the tract. The tract must be leased to the highest bidder unless the Board of Land Commissioners determines that the bid is not in the state's best interest. All bidding is by sealed bid mailed to the DNRC headquarters in Helena.
- 2) Present lease holders have a preference right over others seeking to lease the same parcel. A preference right entitles the lease holder to meet the highest bid made by any applicant and to appeal the bid to the Board if they consider the bid excessive. Certain conditions regarding subleasing must be met for a lease holder to exercise their preference right and the preference is valid only if the lessee has not abused any conditions of the lease.
- 3) A person bidding for the lease of state lands must deposit a certified check, cashier's check or money order in an amount equal to 20 percent of the annual rental bid for grazing land and an amount equal to \$1 per acre for agricultural land. The rental rate for leasing state grazing lands is based on the appraised animal-unit-month carrying capacity of the land.
- 4) Lease terms are five or 10 years.

Statute: 77-6-101, *et seq.* and 77-6-201, *et seq.*, MCA

Rule: ARM 36.2.1003 and 36.25.102, *et seq.*

Contact: DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
Trust Land Management Division  
*Agriculture and Grazing Management Bureau*

### 3. **Federal Leases**

The U.S Department of the Interior, Bureau of Land Management and the U.S. Forest Service issue grazing leases and grazing permits for federal land administered by those agencies.

Statute: Organic Administration Act  
Federal Land Policy and Management Act  
Public Rangelands Improvement Act  
Taylor Grazing Act, as amended

Rule: 43 C.F.R. § 4100, 36 C.F.R. § 222



Contact: U.S. DEPARTMENT OF THE INTERIOR  
Bureau of Land Management  
*Resource Area or Field Office*

U.S. DEPARTMENT OF AGRICULTURE  
Forest Service  
*Forest Supervisor*

## NATURAL BEEF CATTLE CERTIFICATION

### 1. Types of Activities Regulated

Certification for natural beef cattle and natural grass-fed beef cattle is available through a cooperative program between the Montana Department of Agriculture and the Montana Department of Livestock. To qualify as Montana-certified natural beef cattle, the beef cattle must have been born and raised in Montana and finished following naturally raised protocols. To qualify as Montana-certified natural grass-fed beef cattle, the beef cattle must also have been finished on grass. Records of the birth of the beef cattle by month and health records for the beef cattle, including vaccine lot numbers, the vaccine manufacturer, and dates of vaccination must be kept.

Statute: 80-11-801, MCA

Rule: ARM 4.18.101, *et. seq.*

Contact: DEPARTMENT OF AGRICULTURE  
Agricultural Development Division

DEPARTMENT OF LIVESTOCK

### 2. Application Requirements

A producer who wishes to receive natural beef cattle certification must complete a Montana Natural Beef Program agreement, enroll the cattle in the program, and participate in an in-person evaluation. The certificate holder must also keep detailed records and renew the certificate annually.

### 3. Fees

The annual certification fee is \$100 and the inspection fee is \$2 per animal.

Rule: ARM 4.18.106

## **NOXIOUS WEED FREE FORAGE**

### **1. Types of Activities Regulated**

Certification of forage products, including pellets, cubes, grain, and wattles, as free of noxious weeds is available from the Montana Department of Agriculture (MDA). Forage products may be certified as free of Montana designated noxious weed seeds or may be certified as free of regional noxious weeds. Certified noxious weed seed free forage is required when horses or pack animals are used on public land in Montana. Additionally, local, state, and federal agencies and public utilities are required to use certified weed free mulches, bedding materials, and erosion control barriers.

Statute: 80-7-901, *et seq.*, MCA

Rule: ARM 4.5.301, *et. seq.*

Contact: DEPARTMENT OF AGRICULTURE  
Agricultural Sciences Division

### **2. Application Requirements**

Applications should be made with the MDA agent in the county in which the person resides or in the county in which the person owns or leases land on which forage will be produced. Noxious weed seed free forage must be certified annually. All manufacturers of noxious weed seed free product must submit an application for certification of MDA noxious weed seed free forage program coordinator annually.

Rule: ARM 4.5.301, *et. seq.*

### **3. Fees**

The annual field inspection fee is \$4.50/acre or \$45 for 10 acres or less. The inspection fee for manufacturers is \$44 per hour or \$88 minimum per facility.

Rule: ARM 4.5.313

## **NURSERIES**

### **1. Types of Activities Regulated**

A. Licensing: The Montana Department of Agriculture (MDA) requires licenses for firms, nurseries, plant dealers, or small plant vendors that sell or distribute

nursery stock (plants or parts of plants) in the state. Licensing requirements vary according to the value of gross annual sales and the number of distribution locations. Certain firms, nurseries, plant dealers, or small plant vendors that are licensed as a nursery in another state and have less than \$1,000 in gross annual sales are exempt from the licensing requirement.

- B. Certification: The MDA must be notified if any nursery stock or material becomes infested or infected with plant pests. Nursery stock and growing sites may be inspected by the MDA and certified as disease free. Applications for inspection and testing of registered stock for certification must be filed with the department by June 1.

Statute: 80-7-105, *et seq.* and 80-7-122, MCA

Rule: ARM 4.12.1405, *et seq.*

Contact: DEPARTMENT OF AGRICULTURE  
Agricultural Sciences Division

## 2. Fees

- A. For a firm, nursery, plant dealer, or small plant vendor with gross annual sales of at least \$1,000 but less than \$5,000, the license fee is \$25; for sales of \$5,000 or more, the license fee is \$100.

- B. Annual plant inspection certificates are \$50.

Statute: 80-7-106, MCA

Rule: ARM 4.12.1405, *et seq.*

## 3. Additional Information

The MDA may impose and administer quarantines to control injurious plant pests, plants capable of spreading plant pests, noxious weeds, and other exotic plants.

Statute: 80-7-402, *et seq.*, MCA (Montana Quarantine and Pest Management Act)

Rule: ARM 4.12.1409

## **ORGANIC CERTIFICATION**

### **1. Types of Activities Regulated**

Certification is required for production and handling operations that are selling and/or labeling products as organic in Montana.

Statute: 80-11-601, MCA  
USDA NOP Title 7, Part 205, Code of Federal Regulations

Contact: DEPARTMENT OF AGRICULTURE  
Agricultural Sciences Division

### **2. Application Requirements**

A producer or handler applying for organic certification must submit a completed application and organic system plan forms, along with applicable fees, to the Montana Department of Agriculture (MDA). The applicant must also establish and maintain necessary records and documentation of purchased materials, production or handling activities and product sales and cooperate with an inspector to schedule an onsite inspection.

Once granted, certification continues in effect until surrendered by the certified operation or suspended or revoked by the MDA. To continue certification, operations must annually submit an application and other information in compliance with the National Organic Program, pay certification fees and allow an onsite inspection.

Rule: ARM 4.17.105, *et seq.*  
USDA NOP Title 7, Part 205, Code of Federal Regulations

### **3. Fees**

Fees vary according to the size of the operation. A schedule of fees is available at ARM 4.17.106.

PESTICIDES

1. Types of Activities Regulated

Pesticide Registrations

- A. The manufacturer, formulator, or distributor of a pesticide distributed, sold, offered for sale within the state, delivered for transportation or transported in intrastate commerce or between points within the state must register each pesticide annually with the Montana Department of Agriculture (MDA).

Licenses

- B. Licenses are required for commercial, noncommercial, public utility and government *pesticide applicators* and the licenses must be renewed annually. The MDA routinely inspects pesticide applicators for compliance with pesticide labeling requirements and state and federal statutes and rules.

Employees of certified applicators under certain conditions of use for general and restricted-use pesticides are required to obtain a *pesticide operators* license. A wastewater discharge permit may be required for any person applying pesticides into or over state surface water. Wastewater discharge permits are regulated by the Montana Department of Environmental Quality (DEQ) and the Montana Discharge Elimination System (MPDES) program.

*Farm applicators* planning to use a restricted-use pesticide must obtain a special-use permit.

- C. *Pesticide dealers* must be licensed annually. A separate dealer's license is required for each location or outlet from which pesticides are distributed, sold, held for sale or offered for sale. The department routinely inspects pesticide dealers for compliance with pesticide labeling and state and federal statutes.

Statute: 80-8-101, *et seq.*, MCA (Montana Pesticides Act)  
80-15-101, *et seq.*, MCA (Montana Agricultural Chemical Ground Water Protection Act)

Rule: ARM 4.10.101, *et seq.*, ARM 4.11.101, *et seq.* and ARM 17.30.1341

Contact: DEPARTMENT OF AGRICULTURE  
Agricultural Sciences Division

D. Aircraft Registration

An individual applying for a license to engage in aerial application of pesticides must certify on the application that the individual had met all the Federal Aviation Administration and Montana Department of Transportation requirements for aerial pesticide applicators.

Contact: DEPARTMENT OF TRANSPORTATION  
Aeronautics Division

2. **Application Requirements**

Pesticide Registrations

- A. An applicant applying to register a pesticide must file a statement with the MDA with identifying information about the applicant or the person whose name and address will appear on the label. The statement must also include detailed information about the pesticide, including a copy of the pesticide label, the U.S. Environmental Protection Agency registration number if the pesticide is registered, and a statement of claims made for the pesticide, including the trade and chemical name and directions for use. The MDA may also require a description of tests and the results upon which the claims are based. Federally-exempt Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) 25(b) minimal risk pesticides are also registered in Montana. The state must accept for registration all federally registered products. However, the state may restrict or prohibit the use or sale of a pesticide to prevent damage or injury to persons, animals, crops, pollinating insects, the environment, plants, wildlife, fish and other aquatic life. Registrations expire on December 31.

Licenses

- B. Licensing requirements for *pesticide applicators* vary according to the scope and type of pesticide application, but generally include a completed application form, an examination, recordkeeping, a statement of financial responsibility, and the payment of fees. Licenses must be filed or renewed before pesticide application occurs in any calendar year. Applicants may maintain their qualifications in subsequent licensing years by attending training courses or requalifying by examination.

To obtain a license as a *pesticide operator*, a completed application form and an examination is required. Applicants must maintain their qualifications in subsequent licensing years by attending training courses.

*Farm applicators* using a restricted-use pesticide qualify for their first permit by completing the application form, paying the fee, passing a graded written examination, or attending a training course approved by the Montana State University Pesticide Safety Education coordinator and taking a quiz at the conclusion of the course. They must also maintain their qualifications by periodically attending training courses or requalifying by examination. Farm applicators must file for a new special-use permit and attend an approved training program every five years.

- C. An applicant for a *dealer's license* must certify by examination with the MDA and annually submit a completed application form with payment of fees. Dealers are required to maintain their qualifications in subsequent licensing years by attending training courses or requalifying by examination.

#### Aircraft Registration

- D. Individuals applying for a *license for aerial application* of pesticides must certify on the application that they have met all the Federal Aviation Administration, the Montana Department of Transportation, and the MDA requirements for aerial pesticide applicators.

Statute: 80-8-201, 80-8-203 through 80-8-209, 80-8-211, and 80-15-302, MCA

Rule: ARM 4.10.201-4.10.209, 4.10.401, 4.10.403-4.10.404, and 4.10.501-4.10.504

### **3. Permitting Procedures**

#### **A. Pesticide Registration**

- 1) The Departments of Public Health and Human Services (DPHHS); Agriculture; and Fish, Wildlife and Parks (FWP) must review all applications for registration of an experimental-use permit or registration of a pesticide for special local needs. The departments utilize the same requirements and standards for reviewing registrations as established by the federal Insecticide, Fungicide, and Rodenticide Act.
- 2) The DPHHS and FWP must approve or disapprove applications within 10 days after receipt.
- 3) If the MDA, the Department of Public Health and Human Services, and the Department of Fish, Wildlife, and Parks are in agreement with the proposed registration, the department shall issue the registration.

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Statute: 80-8-201(8), MCA

### B. Licenses

Persons applying for an applicator, operator or dealer license must complete a license application on forms provided by the MDA. If the application is not complete or the qualifications for the license are not met, the department will return the application along with a notice of the deficiencies and the procedure for correcting the deficiencies. Licenses will not be issued until the application, fees and all examination or requalification requirements are completed and approved.

## 4. **Fees**

### Pesticide Registration

- A. The fee for each registered pesticide is \$90 annually plus an additional \$95 to fund the ground water protection responsibilities of the MDA. If the application is for emergency exemptions requested by the state, a special local-need registration or an experimental-use permit registration, the fee is \$90.

### Licenses

- B. The annual fee for a commercial applicator's license is \$55 (\$45 plus a \$10 fee to fund the state's waste pesticide and disposal program). The late renewal fee is \$25.

The annual fee for commercial pesticide operators is \$25 each for the first two operators and \$10 for each additional operator.

The annual fee for a government applicator's license is \$50 for each of the first four employees and an additional \$10 fee to fund the state's waste pesticide and disposal program. For each additional employee applicator there is a \$5 fee, and an additional \$10 waste pesticide disposal program fee, with a fee cap of \$600 for an agency.

The fee for a farm applicator special-use permit is \$50 for a five year permit.

- C. The annual application fee for a commercial dealer's license is \$55 (\$45 plus a \$10 fee to fund the state's waste pesticide and disposal program) and \$25 for a late renewal. The annual fee for a government dealer's license is \$60.



Statute: 80-8-201, 80-8-203, 80-8-205, 80-8-207, 80-8-209, 80-8-213,  
and 80-15-302(1), MCA

Rule: ARM 4.10.206(4)

## 5. **Criteria for Registration of Pesticides**

If it does not appear to the MDA that the pesticide warrants the proposed claims for the pesticide or if the article and its labeling do not comply with the Montana Pesticides Act, the department must notify the applicant to allow them an opportunity to make the necessary corrections. If the applicant does not make the corrections, the MDA may refuse to register the pesticide. The department's decision may be appealed.

Statute: 80-8-201(6), MCA

## 6. **Disposal**

Empty containers must be safely disposed of according to label instructions. Most empty pesticide containers must be triple rinsed, punctured and recycled or disposed of in a landfill.

Participants in the MDA's voluntary pesticide disposal program are not charged for the first 200 pounds of acceptable pesticides. The fee is 50 cents per pound for amounts greater than 200 pounds. Information about pesticide collection events is available at <http://agr.mt.gov/agr/Programs/Pesticides/Environmental/Disposal/>.

Statute: 80-8-111, MCA

Rule: ARM 4.10.1801, *et seq.*

## 7. **Public Notice**

The owner or manager of a public building must post a notice at the entryway to a building or room where certain pesticides have been applied that tells the name of the pesticide and a number to call for more information.

Statute: 80-8-107, MCA

## **8. Pesticide General Permit**

To protect the state's water quality, a pesticide general permit is required for a person or entity who applies pesticides into or over state surface water. To receive a permit, the owner or operator must submit a Notice of Intent (NOI) and a Supplement E form to the Montana Department of Environmental Quality (DEQ). The NOI is a legal notification by the owner or operator to the DEQ that they will comply with the terms of the pesticide general permit. A Section E supplement must be completed for each county to which pesticides will be applied. For general information on discharge permits, see WATER QUALITY PERMITTING, p. 207.

Contact: DEPARTMENT OF ENVIRONMENTAL QUALITY  
Permitting and Compliance Division  
*Water Protection Bureau*

Rule: ARM 17.30.201 and 17.30.1341

## **PLANT EXPORT**

### **1. Types of Activities Regulated**

The Montana Department of Agriculture (MDA) assists plant and plant product exporters in meeting the phytosanitary standards of importing states and countries by certifying that plants and plant products are free of pests. Applications for certification are available online through the USDA Phytosanitary Certificate Issuance & Tracking System (PCIT) <http://pcit.aphis.usda.gov/pcit/>.

Authority: Memorandum of Understanding with the U.S. Department of Agriculture  
Animal and Plant Health Inspection Service  
*Plant Protection and Quarantine*

Contact: DEPARTMENT OF AGRICULTURE  
Agricultural Sciences Division

### **2. Application Requirements**

Exporters should contact the MDA before a commodity is ready for shipping to determine what the phytosanitary requirements are for the intended destination. Field inspections during the growing season, laboratory tests, soil analysis, and the completion of other testing requirements may be necessary before export certifications can be completed.

3. **Fees**

Phytosanitary certificates are either \$105, \$160, or \$180, based on the value of the shipment.