

HOUSE BILL NO. 221

INTRODUCED BY F. ANDERSON

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LICENSING REQUIREMENTS FOR FARM APPLICATORS OF PESTICIDES; PROVIDING THAT FARM APPLICATOR LICENSING EXAMINATION AND REQUALIFICATION REQUIREMENTS MAY BE FULFILLED ONLINE; AND AMENDING SECTION 80-8-209, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 80-8-209, MCA, is amended to read:

"80-8-209. Farm applicators. (1) Farm applicators shall obtain a special-use permit prior to purchasing and using a pesticide designated by the department as a restricted-use pesticide. The fee for the permit is \$45. The special-use permit is effective for 5 calendar years. The department may establish a staggered years system of issuing permits. Revenue generated by the permit fee must be expended in the following manner:

(a) \$15 to the department to administer the permitting program;

(b) \$5 to the Montana state university-Bozeman extension service:

(i) to train extension service agents regarding farm pesticide applicator certification and training; and

(ii) to operate farm pesticide applicator certification and training programs; and

(c) \$25 to the cooperative extension service for conducting farm pesticide applicator certification and training programs.

(2) Restricted pesticides may not be utilized by farm applicators or their employees except for the purpose of producing or protecting an agricultural commodity on property owned, leased, or rented by the applicator.

(3) Farm applicators shall qualify for their first permit by either passing a graded written examination, which the applicant may take online or at an examination site designated by the department, or attending a training course approved by the department and then taking an ungraded written examination. The examinations and course must meet the minimum certification standards and procedures established by the environmental protection agency except as otherwise provided by this chapter.

(4) The department may require farm applicators to attend a mandatory training session and pass a

1 written examination for those restricted pesticides that are extremely toxic or for which an effective antidote is not
2 available. The department may require farm applicators handling these pesticides to maintain use records.

3 (5) The department shall require farm applicators to requalify for renewal of the 5-year permit by
4 attending an approved training program. The department shall establish by rule a uniform system of administering
5 the requalification training program. The department shall provide online requalification training for farm
6 applicators in order to fulfill all requalification requirements. The department may credit only training related to
7 the standards set forth in subsection (4).

8 (6) Provisions of this chapter relating to certification of farm applicators do not apply to a farm applicator
9 applying nonrestricted pesticides on the applicator's own land or on lands of neighbors if the farm applicator:

10 (a) operates farm property and operates and maintains pesticide application equipment primarily for the
11 applicator's own use;

12 (b) is not regularly engaged in the business of applying pesticides for hire and does not represent to the
13 public that the farm applicator is a pesticide applicator;

14 (c) operates pesticide application equipment only in the vicinity of the applicator's own property and for
15 the accommodation of immediate neighbors.

16 (7) (a) The department shall assess an additional permit fee of \$15 on farm applicators to fund the waste
17 pesticide and pesticide container collection, disposal, and recycling program.

18 (b) Farm applicators must be assessed the fee at the beginning of the next 5-year permit renewal period.
19 The department may assess a prorated fee for a farm applicator becoming licensed within a 5-year permit
20 renewal period.

21 (c) Fees collected under this subsection (7) must be deposited in the state special revenue account
22 pursuant to 80-8-112."

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