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6-1-1991

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### Recommended Citation

Wilson, Jim, "Changes in Pesticide Applicator Laws, 1991" (1991). *Extension Extra*. Paper 279.  
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## Changes in Pesticide Applicator Laws, 1991

by Jim Wilson,  
Extension pesticide applicator trainer

Recent changes in the South Dakota pesticide laws may affect many pesticide applicators. While the new legislation contains many provisions, the following areas may have the most direct affect on the pesticide applicator.

### Private Applicator Certification

Private applicator certification is now required for an individual to apply any pesticide to his land or land under his control, in the production of agricultural commodities which have a gross sales potential of \$1000 or more per year.

In the past, private applicator certification was required for producers to buy or to apply restricted use pesticides.

**This revision includes the use of general use pesticides** and defines the application area using the USDA definition of a farm.

Individuals who operate gardens which have a gross sales potential of \$1000 or more would be required to be certified. However, most home owners using general use

pesticides would continue to be exempt from this provision.

Although this law is effective July 1, 1991, the South Dakota Department of Agriculture will allow individuals affected by these requirements until March 1, 1992, to become certified as private applicators.

### Direct Supervision

Direct supervision of non-certified applicators by commercial or private applicators has been eliminated. This means that any applicator who makes commercial pesticide applications must be certified and licensed.

This also affects farming operations where a certified private applicator supervises the applications done by others. An example would be a farm owner who is certified and purchases the pesticide and has his employee spray his fields. **Under the new regulation, each person using pesticides must be certified as a private applicator.**

While direct supervision will not be allowed after July 1, 1991, the South Dakota Department of Ag will be phasing in enforcement of this provision until March 1, 1992, to allow those individuals who are affected a reasonable amount of time to comply with the requirement.

## **Commercial Applicator Licensing**

The licensed operator, public operator and certified, non-licensed categories have been combined with the licensed applicator category. As of July 1, all commercial applicators will be called licensed applicators.

Employees of governmental entities will continue to be exempt from the licensing fee; however, all other applicator will be subject to the \$25 annual fee.

**Applicators who presently are operating in the license categories which have been**

**eliminated will not be required to relicense as a licensed applicator until their present license expires.**

## **Certification information**

Private applicator certification may be accomplished by completing a take-home, open-book exam or by attending a private applicator certification training meeting held by the local County Extension Agent. Private applicator certification is good for five years.

Commercial applicators must be certified initially by taking a general, open-book exam and specific category exams at their county Extension office. Certification is good for two years; however, **license application must be made each year.**

Contact your local Extension office for more information on certification requirements.

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