

DEPARTMENT OF AGRICULTURE
PESTICIDE AND PLANT PESTICIDE MANAGEMENT DIVISION
REGULATION NO. 633. RESTRICTED USE PESTICIDES

(By authority conferred on the director of the department of agriculture by section 19 of Act No. 171 of the Public Acts of 1976, being S286.569 of the Michigan Compiled Laws)

R 285.633.1 Definitions.

Rule 1. (1) The terms defined in the act have the same meaning when used in these rules.

(2) "Act" means Act No. 171 of the Public Acts of 1976, being S286.551 et seq. of the Michigan Compiled Laws.

(3) "Domestic use" means application of a pesticide directly to humans or pets, or application of a pesticide in, on, or around all structures, vehicles, or areas associated with the household or home life, patient care areas of health-related institutions, or areas where children spend time.

History: 1954 ACS 71, Eff. Mar. 23, 1972; 1954 ACS 95, Eff. Apr. 11, 1978; 1979 AC.

R 285.633.2 Restricted use pesticides.

Rule 2. (1) The director has determined that the following formulations, when used as pesticides, are serious hazards to man, warm blooded animals, or to the environment when used consistent with product labeling and, therefore, are restricted use pesticides:

(2) Notwithstanding any statement to the contrary, including statements on the labels or made by the manufacturer, a restricted use pesticide enumerated in these rules is declared to be restricted in relation to its purchase, distribution, sale, and use in this state.

(3) In addition to the pesticides enumerated in subrule (1) of this rule, those pesticides classified by the environmental protection agency as restricted use pesticides in the provisions of 40 C.F.R. S162.31 (October 10, 1983) are adopted with all amendments as part of this rule. If there is conflict between restricted categories adopted as a result of inclusion in the provisions of 40 C.F.R. S162.31 (October 10, 1983) and the categories classified by this rule, the more restrictive rule shall prevail. Copies of the adopted matter may be obtained from the United States Environmental Protection Agency, Office of Pesticide Programs, Washington, D.C. 20460, at no cost, and from the Michigan Department of Agriculture, P.O. Box 30017, Lansing, Michigan 48909, at no cost.

History: 1954 ACS 71, Eff. Mar. 23, 1972; 1954 ACS 95, Eff. Apr. 11, 1978; 1954 ACS 96, Eff. Aug. 19, 1978; 1979 AC; 1985 MR 1, Eff. Jan. 23, 1985.

R 285.633.3 Licenses; application.

Rule 3. (1) A person shall not sell, offer for sale, or otherwise distribute to the ultimate user a restricted use pesticide, unless a restricted use pesticide dealer's license is secured as provided in the act and these rules. A restricted use pesticide dealer shall sell those restricted pesticides as enumerated in R 285.633.2 only to users who exhibit full compliance with R 285.636.1 et seq. of the Michigan Administrative Code.

(2) A person in charge of each sales location or outlet shall apply, on a form prescribed by the director, for a license to sell restricted use pesticides for each location or outlet.

History: 1954 ACS 71, Eff. Mar. 23, 1972; 1954 ACS 95, Eff. Apr. 11, 1978; 1979 AC.

R 285.633.4 License examinations.

Rule 4. (1) A person applying for a license to sell restricted use pesticides shall pass a written examination to determine his knowledge of the laws and rules governing the use and sale of pesticides and his responsibility in carrying on the business of a restricted use pesticides dealer. The examinations may be conducted at a time and place designated by the director. A score of 70 or above is required for passing. A score of less than 70 shall result in denial of a license.

(2) An applicant failing the examination may be granted a reexamination after an interview with a person or persons delegated by the director regarding his license application and a review of the examination.

History: 1954 ACS 71, Eff. Mar. 23, 1972; 1954 ACS 95, Eff. Apr. 11, 1978; 1979 AC.

R 285.633.5 License renewals.

Rule 5. (1) A license expires on December 31 of each year and shall be renewed on or before January 1 of each year.

(2) A license may be renewed, on a form prescribed by the director, without an examination if the applicant meets all the qualifications set forth in the act and these rules, unless an examination is required on amendments to the act or these rules which set forth different or additional qualifications. The director may at his discretion require the reexamination of an applicant who fails to renew his license by January 1.

(3) An examination is required if the business is operated by a person who has not previously been examined.

History: 1954 ACS 71, Eff. Mar. 23, 1972; 1954 ACS 95, Eff. Apr. 11, 1978; 1979 AC.

R 285.633.6 Restrictions and conditions of sales.

Rule 6. (1) The following restricted use pesticides shall be sold only to certified applicators who can exhibit certification credentials substantiating they have been certified in the designated specific categories, subcategories, or method of application established in R 285.636.3 and R 285.636.5 of the Michigan Administrative Code:

- (a) Avitrol--Subcategories(7)(a) or (1)(a) or category (8).
- (b) Calcium cyanides--Subcategory(7)(a), category (8), or fumigation.
- (c) DDT--Subcategory(7)(c) or category (8).
- (d) Fluoroacetamide--Subcategory (7)(a) or category (8).
- (e) Hydrocyanic acid--Subcategory (7)(a), category (8), or fumigation.
- (f) Methyl bromide--Fumigation.
- (g) Sodium cyanide--Subcategory (7)(a), category (8), or fumigation.
- (h) Sodium fluoroacetate--Subcategory (7)(a) or category (8).
- (i) Strychnine--Subcategory (7)(a) or category (8).

(2) A licensed restricted use pesticides dealer shall provide each purchaser of restricted use pesticides, in addition to the registered label instructions for handling, use, and safety precautions, any other information required by the director relating to safe use to avoid hazards to man and the environment.

History: 1954 ACS 71, Eff. Mar. 23, 1972; 1954 ACS 95, Eff. Apr. 11, 1978; 1979 AC.

R 285.633.7 Dealers' records and reports of sales of pesticides.

Rule 7. A licensed dealer shall keep a record, on forms supplied by the director, of each sale of restricted use pesticides. Such record shall be transmitted to the director monthly, and shall be due in the office of the director not later than the fifteenth day of the month following the month of sale.

History: 1954 ACS 71, Eff. Mar. 23, 1972; 1954 ACS 95, Eff. Apr. 11, 1978; 1979 AC.