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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. 2459

May 1, 2007

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The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs

February 19, 2008

By motion, recalled and re-referred to the Committee on Finance

1.1 A bill for an act
1.2 relating to agriculture; expanding access to pesticides application information;
1.3 amending Minnesota Statutes 2006, sections 13.6435, subdivision 3; 18B.37,
1.4 subdivisions 2, 5.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2006, section 13.6435, subdivision 3, is amended to read:

1.7 Subd. 3. **Pesticide control.** (a) **Registration.** Disclosure of data relating to pesticide
1.8 registration is governed by section 18B.26, subdivision 3, paragraph (c).

1.9 (b) **Dealer and applicator records.** Records of pesticide dealers and applicators
1.10 inspected or copied by the commissioner of agriculture are classified under ~~sections~~
1.11 ~~18B.37, subdivision 5, and section~~ 18B.38.

1.12 Sec. 2. Minnesota Statutes 2006, section 18B.37, subdivision 2, is amended to read:

1.13 Subd. 2. **Commercial and noncommercial applicators.** (a) A commercial or
1.14 noncommercial applicator, or the applicator's authorized agent, must maintain a record of
1.15 pesticides used on each site. Noncommercial applicators must keep records of restricted
1.16 use pesticides. The record must include the:

1.17 (1) date of the pesticide use;

1.18 (2) time the pesticide application was completed;

1.19 (3) brand name of the pesticide, the United States Environmental Protection Agency
1.20 registration number, and dosage used;

1.21 (4) number of units treated;

1.22 (5) temperature, wind speed, and wind direction;

1.23 (6) location of the site where the pesticide was applied;

2.1 (7) name and address of the customer, if applicable;

2.2 (8) name and signature of applicator, name of company, if applicable, license
2.3 number of applicator, and address of applicator company, if applicable; and

2.4 (9) any other information required by the commissioner.

2.5 (b) Portions of records not relevant to a specific type of application may be omitted
2.6 upon approval from the commissioner.

2.7 (c) All information for this record requirement must be contained in a single page
2.8 document for each pesticide application, except a map may be attached to identify treated
2.9 areas. For the rights-of-way and wood preservative categories, the required record may
2.10 not exceed five pages. Where applicable, an invoice containing the required information
2.11 may constitute the required record. The commissioner shall make sample forms available
2.12 to meet the requirements of this paragraph.

2.13 (d) A commercial applicator must give a copy of the record to the customer.

2.14 (e) Records must be retained by the applicator, company, or authorized agent for five
2.15 years after the date of treatment.

2.16 (f) Records must be filed with the commissioner on a monthly basis. Records may
2.17 be filed electronically.

2.18 Sec. 3. Minnesota Statutes 2006, section 18B.37, subdivision 5, is amended to read:

2.19 Subd. 5. **Inspection of records.** The commissioner may enter a commercial,
2.20 noncommercial, or structural pest control applicator's business and inspect the records
2.21 required in this section at any reasonable time and may make copies of the records. ~~Unless~~
2.22 ~~required for enforcement of this chapter, the information in the records in this section~~
2.23 ~~is private or nonpublic.~~