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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE NO. 336

January 26, 2009
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The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections

A bill for an act

relating to pesticide; modifying pesticide application warning requirements that apply in cities with pesticide application ordinances; amending Minnesota Statutes 2008, section 18B.09, subdivision 3, by adding a subdivision.

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

Section 1. Minnesota Statutes 2008, section 18B.09, subdivision 3, is amended to read:

Subd. 3. **Warning signs for pesticide application.** (a) Except as provided in subdivision 4, all commercial or noncommercial applicators who apply pesticides to turf areas must post or affix warning signs on the property where the pesticides are applied.

(b) Warning signs must project at least 18 inches above the top of the grass line. The warning signs must be of a material that is rain-resistant for at least a 48-hour period and must remain in place up to 48 hours from the time of initial application.

(c) The following information must be printed on the warning sign in contrasting colors and capitalized letters measuring at least one-half inch, or in another format approved by the commissioner. The sign must provide the following information:

(1) the name of the business organization, entity, or person applying the pesticide; and

(2) the following language: "This area chemically treated. Keep children and pets off until ...(date of safe entry)..." or a universally accepted symbol and text approved by the commissioner that is recognized as having the same meaning or intent as specified in this paragraph. The warning sign may include the name of the pesticide used.

(d) The warning sign must be posted on a lawn or yard between two feet and five feet from the sidewalk or street. For parks, golf courses, athletic fields, playgrounds, or other similar recreational property, the warning signs must be posted immediately

adjacent to areas within the property where pesticides have been applied and at or near the entrances to the property.

Sec. 2. Minnesota Statutes 2008, section 18B.09, is amended by adding a subdivision to read:

Subd. 4. **Notice in lieu of warning signs.** (a) A commercial or noncommercial applicator who applies pesticides to turf areas may, in lieu of the signage requirements in subdivision 3, notify the residents of each dwelling located on the property where pesticide will be applied at least 48 hours before the intended time of initial application. The applicator may notify the residents via literature delivery, personal contact, mail, phone, or electronic mail. The notification must contain:

(1) the information in subdivision 3, paragraph (c), clause (1);

(2) the intended application date and time and an approximate alternative application date and time if the intended application is postponed due to weather or other factors;

(3) a description of the area to be treated; and

(4) a warning to keep children and pets out of the treated area until a specified safe date of entry.

The notification may include the name of the pesticide or pesticides that will be used.

(b) Alternatively, a commercial or noncommercial applicator who applies pesticides to turf on multifamily residential property may notify the property manager at least 48 hours before the intended application and provide all of the information required in paragraph (a). The property manager must notify the residents of each occupied dwelling on the property.