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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE NO. 900

February 16, 2009
Authored by Juhnke, Masin, Hornstein, Eken, Hansen and others
The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs
March 16, 2009
Committee Recommendation and Adoption of Report:
To Pass as Amended and re-referred to the Committee on Finance

A bill for an act

relating to pesticides; regulating application on railroad property; proposing coding for new law in Minnesota Statutes, chapter 18B.

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

Section 1. **[18B.346] PESTICIDE APPLICATION ON RAILROAD PROPERTY.**

Subdivision 1. **Applicability.** This section applies only to common carrier railroads.

Subd. 2. **Licensing requirement.** A railroad company with more than 50 Minnesota resident employees that applies pesticide to its own property or to other property under its control, or that contracts with a commercial applicator to make pesticide applications to railroad property or to other property under the control of the railroad company, must have at least one Minnesota resident employee licensed as a noncommercial applicator under section 18B.35. The noncommercial applicator must be licensed at least under the core and right-of-way categories established by the commissioner under section 18B.35.

Subd. 3. **Safety information.** (a) In coordination with common carrier railroad companies operating in this state, the commissioner shall provide annual pesticide safety outreach opportunities for railroad employees.

(b) A common carrier railroad company that operates in this state must conduct annual employee pesticide safety training.

Subd. 4. **Restricted use pesticides.** A person may not directly apply a restricted use pesticide to occupied or unoccupied locomotives, track repair equipment, or on-track housing units.

Subd. 5. **Misuse reporting.** A railroad company or a commercial applicator hired by the railroad company to apply pesticide must report to the commissioner within four hours, or as soon as otherwise reasonably possible, any pesticide misuse known to the railroad

company or commercial applicator that occurred on railroad property or to other property under the control of the railroad company. For purposes of this section, "misuse" means a pesticide application that violates subdivision 4 or any provision in section 18B.07.