

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

903H0518

HOUSE BILL NO. 1214

Introduced by: Representatives Jaspers, Flowers, and Pederson (Gordon) and Senators
Hutmacher and Everist

1 FOR AN ACT ENTITLED, An Act to revise certain administrative rules relating to pesticide
2 applicators.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That ARSD 12:56:07:05 be amended to read as follows:

5 12:56:07:05. Each commercial applicator shall, upon written request, furnish the department
6 with ~~an annual~~ a triennial summary for the preceding ~~year~~ three years, which shall include the
7 following information by county: crop, ~~site, or~~ commodity treated, pest treated, trade or brand
8 name and common name of pesticide applied, the percent of or pounds of active ingredient per
9 gallon, and total volume used.

10 All summaries and the information therein submitted to the department shall be held in
11 confidence unless that information is used by the department to compile an area or state-wide
12 report of usage of pesticides by commercial applicators or is subpoenaed by a court of law.

13 The department ~~shall~~ may not issue a renewed license or allow a certification to be renewed
14 if the commercial applicator applying for such a license or certification has not submitted the
15 requested summary for the preceding ~~year~~ triennium.



1 Section 2. That ARSD chapter 12:56:12 be amended by adding thereto a NEW SECTION
2 to read as follows:

3 12:56:12:04. Each private applicator shall keep records which shall include the following for
4 each application:

5 (1) The name and address of the person for whom the pesticide was applied;

6 (2) The location of the land or property where the pesticide was applied;

7 (3) The pest to be treated;

8 (4) The acreage, area, or number of plants or animals treated or other appropriate
9 description;

10 (5) The year, month, day, and time the pesticide was applied;

11 (6) The person or firm who applied the pesticide;

12 (7) The trade or brand name and common name of the pesticide applied;

13 (8) The company name appearing on the product label;

14 (9) The weather conditions at the time of application, including direction and estimated
15 velocity of the wind and the temperature at the time the pesticide was applied (this requirement
16 does not apply to application of baits in bait stations or pesticide applications in or immediately
17 adjacent to structures);

18 (10) Amount of the pesticide applied and concentration in pounds or gallons per unit or
19 percentages of active ingredient per unit of the pesticide used;

20 (11) Specific crop or designated site or commodity to which pesticide application was made;

21 and

22 (12) Name and address of the applicator.

23 Section 3. That ARSD chapter 12:56:12 be amended by adding thereto a NEW SECTION
24 to read as follows:

1 12:56:12:05. Each licensed public operator and licensed applicator shall have all pesticide
2 application records completed and available to the department for inspection at the close of each
3 day.

4 Section 4. That ARSD chapter 12:56:12 be amended by adding thereto a NEW SECTION
5 to read as follows:

6 12:56:12:06. Each commercial applicator shall, upon written request, furnish the department
7 with a triennial summary for the preceding three years, which shall include the following
8 information by county: crop, commodity treated, pest treated, trade or brand name and common
9 name of pesticide applied, the percent of or pounds of active ingredient per gallon, and total
10 volume used.

11 All summaries and the information therein submitted to the department shall be held in
12 confidence unless that information is used by the department to compile an area or state-wide
13 report of usage of pesticides by commercial applicators or is subpoenaed by a court of law.

14 The department may not issue a renewed license or allow a certification to be renewed if the
15 commercial applicator applying for such a license or certification has not submitted the requested
16 summary for the preceding triennium.