

SENATE FILE NO. SF0160

Pesticides.

Sponsored by: Senator(s) Geis

A BILL

for

1 AN ACT relating to pesticides; providing for direct
2 supervision by licensed applicators; providing definitions;
3 providing for reciprocal agreements; providing penalties;
4 and providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 35-7-376 is created to read:

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10 **35-7-376. Direct supervision.**

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12 (a) As used in this section, unless otherwise
13 prescribed by its labeling, a pesticide shall be considered
14 to be applied under the direct supervision of a certified
15 applicator if it is applied by a competent person acting
16 under the instructions and control of a certified
17 applicator who is available within a reasonable time and

1 distance, even though the certified applicator is not
2 physically present at the time and place the pesticide is
3 applied.

4

5 (b) No person shall provide for application of a
6 pesticide unless he is under the direct supervision of a
7 certified applicator. Availability of the certified
8 applicator shall be directly related to the potential
9 hazard of the situation. The certified applicator shall be:

10

11 (i) Available by immediate contact through
12 telephone or radio; or

13

14 (ii) Physically present on-site when use of the
15 pesticide poses a potentially serious hazard to people or
16 the environment.

17

18 (c) As used in this section:

19

20 (i) Reasonable time by the supervising
21 applicator to on-site is deemed to be not more than one (1)
22 hour response time;

23

1 (ii) Reasonable distance by the supervising
2 applicator to on-site is deemed to be not more than fifty
3 (50) air miles.

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5 **Section 2.** W.S. 35-7-354(d)(ii), (iii), by creating a
6 new paragraph (iv) and by creating new subsections (f)
7 through (j), 35-7-359 by creating new subsections (b)
8 through (d), 35-7-362, 35-7-366 by creating a new
9 subsection (d) and 35-7-374(a)(iv)(intro) are amended to
10 read:

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12 **35-7-354. Definitions.**

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14 (d) "Pesticide" means:

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16 (ii) Any substance or mixture of substances
17 intended for use as a plant regulator, defoliant, or
18 desiccant;~~and~~

19

20 (iii) Any substance or mixture of substances
21 intended to be used as a spray adjuvant;~~and~~ and

22

23 (iv) Any other pesticide product or substance
24 whether general use, restricted use, registered, suspended

1 or cancelled, which by the label or portions thereof
2 clearly show it is used or has been used as a pesticide.

3

4 (f) "Dealer" or "distributor" means any person who
5 imports, consigns, distributes, offers to sell or sells,
6 barters or otherwise supplies pesticides in this state. A
7 dealer or distributor may also be a registrant.

8

9 (g) "Director" means the director of the department
10 of agriculture or his authorized agent.

11

12 (h) "Label" means a display of written, printed or
13 graphic matter upon or affixed to the immediate container
14 of any pesticide, or a reference within such display to
15 other information.

16

17 (j) "Official sample" means any sample of a
18 pesticide, degradate or residue taken by and designated as
19 official by the director or his agent.

20

21 **35-7-359. Classification of licenses.**

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1 (b) A commercial applicator shall notify the
2 department of any change of address or change of employment
3 within thirty (30) days of that change.

4
5 (c) The director may refuse an application for a
6 reciprocal license for just cause including, but not
7 limited to:

8
9 (i) An incomplete or falsified application;

10
11 (ii) A prior violation related to pesticides in
12 this state or another state.

13
14 (d) The director may immediately suspend a reciprocal
15 license upon discovery of any violation under subsection
16 (c) of this section. The director may reinstate a license
17 suspended under this subsection following a hearing
18 pursuant to the Wyoming Administrative Procedure Act.

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20 **35-7-362. Reciprocal agreement.**

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22 (a) The director may issue a license or certification
23 on a reciprocal basis with other states without examination
24 to a nonresident who is licensed, or certified, in another

1 state substantially in accordance with the provisions of
2 this act but financial security as provided for in W.S.
3 35-7-360 or proof of liability insurance shall be submitted
4 by nonresident commercial applicators.

5
6 (b) The department may enter into formal reciprocal
7 agreements with other states to establish criteria for
8 reciprocity.

9
10 (c) License applicants shall have established
11 residency in the domicile state from which they are
12 requesting reciprocity.

13 |
14 (d) The department will match related applicator
15 categories based on the license from the applicant's
16 domicile state. For categories that do not match and are
17 required in Wyoming, the applicator shall successfully pass
18 the relevant exam.

19 |
20 (e) To receive a reciprocal license from the
21 department, the following requirements shall be met:

22
23 (i) A letter of verification from the state
24 department of agriculture of the applicant's state of

1 residency. The letter shall state that the applicator is
2 in good standing in that state, and list the categories for
3 which the applicator holds a license;

4
5 (ii) Completion of all forms and submission of
6 any information the department requires to process the
7 application; and

8
9 (iii) A legible copy, front and back, of the
10 currently held pesticide applicator's license from the
11 applicant's state of residency.

12
13 **35-7-366. Penalties.**

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15 (d) If the department incurs fees or other expenses
16 to remediate a violation by an applicator, the department
17 may seek restitution from the applicator or the
18 applicator's employer through a court of competent
19 jurisdiction.

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21 **35-7-374. Prohibited acts.**

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23 (a) It is unlawful for any person to:
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1 (iv) Use any ~~registered~~ pesticide in a manner
2 inconsistent with its labeling which means to use any
3 ~~registered~~ pesticide in a manner not permitted by the
4 labeling, or not authorized by the director under a special
5 local need registration, an experimental use permit or an
6 emergency exemption, provided that this paragraph does not
7 include:

8

9 **Section 3.** This act is effective July 1, 2013.

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(END)