Laws and Regulations

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Chapter 4: LAWS AND REGULATIONS

Learning Objectives:

♦ Know who regulates your use of fumigants.
♦ Know who enforces fumigation laws.
♦ Describe the most effective tool for you to use to comply with fumigation regulations.

It is often very confusing for a farmer to keep all the laws and regulating agencies straight when it comes to the licensing, purchasing, using, handling, and storing pesticides. These laws, guidelines, and regulating agencies are carefully covered in detail in Parts 2 and 3 of the Private Pesticide Applicator’s Training Manual (light blue). It’s strongly recommended that farmers reread these chapters and the pertinent pesticide laws every year. Because these laws have already been covered, this manual will not go into detail about the various laws and regulating agencies. But there is one piece of information that can’t be emphasized enough, especially when the fine details of licensing and training have been forgotten:

The Label Is the Law!

Since every pesticide used in the U.S. must be registered with the Environmental Protection Agency (EPA) whether it is a restricted use pesticide (RUP) or not, each label is required to conform to the regulations laid out by the EPA. Information on the label and labeling must not be different from the information given to the EPA when the product was registered. The label is the information printed on or attached to the pesticide container or wrapper. Labeling refers to the label plus all additional product information such as brochures and flyers provided by the manufacturer or dealer.

“As of March 1, 2001, farmers and other applicators need a Private Fumigation endorsement on the Private Pesticide Applicator’s certification”
Both the label and labeling are legally binding documents and must be followed exactly.

The law that requires this is called Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This law was passed by Congress in 1947 and amended in 1972, 1975, 1978, and 1988. Some states have chosen to have more stringent standards, and in that case, pesticide manufacturers are required to also have a label that conforms to each state's pesticide laws. In Minnesota, pesticides are registered with the Minnesota Department of Agriculture (MDA), and this agency also implements, regulates, and enforces Minnesota statutes regarding pesticides and pesticide use. These laws are found in Chapter 18 of the Minnesota State Statutes, and for easy reference, a copy of these statutes has been printed by the MDA in a booklet that is available upon request.

Fumigation Certification

As of March 1, 2001, farmers and other applicators need a Private Fumigation endorsement on the Private Pesticide Applicator's certification to apply fumigants to their on-farm stored grain. Applicators have to possess a Private Pesticide Applicator's certification before taking the closed-book Private Fumigation Applicator's endorsement exam. This will result in different timelines of certification and endorsement for the first certification cycle. However, a Private Pesticide Applicator's certification still expires on March 1 of the third year. For example:

Joe Farmer gets his certification on February 15, 2000, and therefore his certification will expire on March 1, 2003. Joe takes his Private Fumigation Applicator's certification exam on May 24, 2001. His Private Pesticide Applicator's certification as well as his Private Fumigation Applicator's endorsement would still expire on March 1, 2003. After this first certification cycle, both Joe's Private Pesticide Applicator's certification and Private Fumigation endorsement will be renewed on the same March 1 of every third year.

All laws, regulations, rules, and policies regarding restricted use pesticides (RUPs) also apply to fumigants.

Two certified applicators must be present at all times during a fumigation.

For safety reasons, applicators must work in a “buddy system” to watch for symptoms of poisoning or overexposure in their partners. In a worst-case situation, if one applicator has been rendered unconscious or injured within
the fumigation area, the second applicator needs to know all of the dangers and safety precautions that must be taken to retrieve his or her fallen partner. The only exception to the “two person rule” would be if the applicator could treat the grain with the fumigant from outside the storage facility and never come in contact with the gas. This occurs only in facilities that are outfitted with metered fumigant application devices that inject the pellets or tablets into the grain flow entering a structure. Usually these devices are cost-prohibitive for smaller operations and are found only in commercial facilities that handle large quantities of grain.