

# SENATE BILL NO. 982

June 24, 2020, Introduced by Senator LASATA and referred to the Committee on Agriculture.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 8306 and 8314 (MCL 324.8306 and 324.8314),  
section 8306 as amended by 2004 PA 24 and section 8314 as amended  
by 2002 PA 418.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 8306. (1) "Ready-to-use pesticide" means a pesticide  
2   that, consistent with label directions, is applied directly from

1 its original container, such as an aerosol insecticide or  
2 rodenticide bait pack that does not require mixing or loading prior  
3 to application.

4 (2) ~~(1)~~—"Registered applicator" means an individual who is  
5 authorized to apply general use pesticides for a private or  
6 commercial purpose as provided in this part and in the rules  
7 promulgated under this part.

8 ~~(2) "Ready to use pesticide" means a pesticide that is applied~~  
9 ~~directly from its original container consistent with label~~  
10 ~~directions, such as an aerosol insecticide or rodenticide bait pack~~  
11 ~~that does not require mixing or loading prior to application.~~

12 (3) "Registrant" means a person who is required to register a  
13 pesticide pursuant to this part.

14 (4) "Restricted use pesticide" means a pesticide classified  
15 for restricted use by the EPA or the director.

16 (5) "Restricted use pesticide dealer" means a person engaged  
17 in distributing, selling, or offering for sale restricted use  
18 pesticides to the ultimate user.

19 (6) "Rodenticide" means a pesticide intended for preventing,  
20 destroying, repelling, or mitigating rodents.

21 (7) "School" means **a public and or private schools, school,**  
22 grades kindergarten through the twelfth grade, but does not include  
23 a home school.

24 (8) "Supervise" means ~~directing to~~ **direct** the application of a  
25 pesticide with or without being physically present during the  
26 application.

27 (9) **"Trained serviceperson" means an individual who qualifies**  
28 **as a registered applicator under section 8314(7).**

29 (10) ~~(9)~~—"Unreasonable adverse effect on the environment"

1 means any unreasonable risk to human beings or the environment,  
 2 taking into account the economic, social, and environmental costs  
 3 and benefits of the use of a pesticide.

4 (11) ~~(10)~~ "Use of a pesticide" means the loading, mixing,  
 5 applying, storing, transporting, and disposing of a pesticide.

6 (12) ~~(11)~~ "Vendor" means a person who sells or distributes  
 7 pesticides.

8 (13) ~~(12) "Violates this part" or "violation"~~ **Violation** of  
 9 this part" means a violation of this part, a rule promulgated under  
 10 this part, or an order issued under this part. **"Violates this part"**  
 11 **has a corresponding meaning.**

12 (14) ~~(13)~~ "Weed" means a plant ~~which grows~~ **growing** where it is  
 13 not wanted.

14 Sec. 8314. (1) ~~A person~~ **An individual** shall not apply a  
 15 pesticide for a commercial purpose or in the course of his or her  
 16 employment unless that ~~person~~ **individual** is ~~either~~ a certified  
 17 applicator or a registered applicator. ~~A person~~ **An individual** may  
 18 apply a general use pesticide for a private agricultural purpose  
 19 without being a certified applicator or registered applicator.

20 (2) ~~A person~~ **An individual** who is not subject to the licensing  
 21 requirement in section 8313 may apply a general use ready-to-use  
 22 pesticide without being a certified applicator or a registered  
 23 applicator.

24 (3) A commercial ~~certified or registered~~ applicator must be at  
 25 least 18 years of age.

26 (4) ~~A person~~ **An individual** who is not subject to the licensing  
 27 requirements in section 8313 may apply a general use antimicrobial  
 28 pesticide without being a certified or registered applicator if  
 29 there is no potential for movement of an antimicrobial pesticide ~~to~~

1 **that will** affect surface water or groundwater.

2 (5) A commercial applicator shall ~~only~~ make pesticide  
3 applications **only** in the category for which he or she is certified  
4 or registered.

5 (6) ~~A~~ **To become a** registered applicator, ~~shall an individual~~  
6 **must** do all of the following:

7 (a) Complete a training program that is approved by the  
8 director and conducted by a trainer who has the minimum  
9 qualifications established by rule. The training program for  
10 applicators who apply pesticides for private agricultural purposes  
11 may utilize other methods of training and testing as provided in  
12 section ~~§311(1)~~. **8311(3)**.

13 (b) ~~Pass~~ **Except as provided in subsection (7), pass** a test  
14 that is approved by the director.

15 (c) Possess a valid registration certificate issued by the  
16 director.

17 (7) **A registered applicator is exempt from the test required**  
18 **under subsection (6) (b) if all of the following apply:**

19 (a) **The registered applicator has completed 4 weeks of**  
20 **training described in subsection (6) (a).**

21 (b) **The registered applicator applies pesticides only under**  
22 **the direct supervision of a certified applicator.**

23 (8) ~~(7)~~ A trainer shall issue a temporary registration to an  
24 applicant who completes an approved training program and, **except**  
25 **for a trained serviceperson,** passes a test administered by the  
26 director. A temporary registration is valid from the time it is  
27 issued until the applicant receives a registration certificate from  
28 the director. The department shall provide the applicant with the  
29 registration certificate ~~upon payment of~~ **when** the fee provided for

1 in section 8317 **is paid** and ~~when~~ the approved trainer completes and  
2 submits **to the department** a program completion form. **The**  
3 **registration certificate for a trained serviceperson shall state**  
4 **that the individual is a trained serviceperson.**

5 (9) A trained serviceperson shall not hold himself or herself  
6 out to the public as being in the business of applying pesticides  
7 and is not eligible for a commercial applicator license under  
8 section 8313. An individual is not eligible to be employed as a  
9 trained serviceperson by a person other than the person who  
10 provided his or her training. To continue as a trained  
11 serviceperson after expiration of a registration certificate under  
12 section 8314, an individual must requalify as a trained  
13 serviceperson under subsections (6) and (7).

14 (10) ~~(8)~~ A registered applicator who ~~applies general use~~  
15 ~~pesticides~~ **is not a trained serviceperson** and **who** is not subject to  
16 commercial pesticide applicator licensing requirements is exempt  
17 from the provisions requiring supervision by a certified  
18 applicator.

19 (11) ~~(9)~~ ~~A person~~ **An individual** shall display his or her  
20 registration certificate upon the request of the director.

21 (12) ~~(10)~~ A registered applicator ~~shall~~ **must** complete a  
22 training program every 3 years to be eligible to renew his or her  
23 registration.

24 (13) ~~(11)~~ The director may at any time deny, revoke, or  
25 suspend a certification or registration for a violation of this  
26 part or upon conviction under this part, FIFRA, or a state  
27 pesticide law of a reciprocating state in accordance with section  
28 8320.

29 (14) ~~(12)~~ The director shall develop and provide the documents

1 and forms necessary to implement this section.

2 Enacting section 1. This amendatory act takes effect 90 days

3 after the date it is enacted into law.