

## OUT-OF-STATE AERIAL PESTICIDE APPLICATOR OPERATING UNDER RECIPROCAL AGREEMENT

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5700 as introduced**  
**Sponsor: Rep. Sarah L. Lightner**  
**Committee: Agriculture**  
**Complete to 1-29-22**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 5700 would amend the Natural Resources and Environmental Protection Act (NREPA) to exempt an out-of-state or federal agency pesticide applicator operating under a reciprocal agreement for the aerial application of pesticides from certain Michigan recertification requirements as long as he or she still meets the requirements of his or her state or federal agency.

**Part 83 (Pesticide Control) of NREPA** establishes a pesticide regulatory program and gives authority for the program to the Michigan Department of Agriculture and Rural Development (MDARD). Among other things, Part 83 provides for the registration of pesticide applicators, referred to as *certified applicators* and defined as individuals authorized under Part 83 to use and supervise the use of a restricted use pesticide.

Part 83 also authorizes the director of MDARD to enter into reciprocal agreements with other states or federal agencies for the purpose of accepting the certification or registration required for pesticide applicators, but only if those state or federal agencies have an approved program to certify or register applicators and their requirements for certification or registration equal or exceed those of Michigan.

**The bill** would add that, if the director enters into a reciprocal agreement for the purpose of accepting the certification or registration of an out-of-state or federal agency pesticide applicator for the aerial application of pesticides, the pesticide applicator does not have to meet the requirements of **section 8315(2)** of NREPA as long as he or she continues to meet the certification or registration requirements of his or her applicable state or federal agency.

**Section 8315(2)** of NREPA requires a private agricultural applicator or a commercial applicator authorized under Part 83 to make aerial application of pesticides to do either of the following once every three years:

- Demonstrate to the director of MDARD the applicator's personal participation in a self-regulating application flight efficiency clinic sponsored or recognized by the Michigan Cooperative Extension Service and approved by MDARD with an aircraft the applicant operates.
- Retake the certification examinations and submit to an inspection of the applicator's aircraft, equipment, and spray operations by an authorized representative of the director of MDARD.

MCL 324.8315

**FISCAL IMPACT:**

House Bill 5700 has no apparent fiscal impact on the state or local units of government.

Legislative Analyst: Emily S. Smith  
Fiscal Analyst: William E. Hamilton

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.