

# HOUSE BILL No. 4734

May 9, 2007, Introduced by Rep. Gaffney and referred to the Committee on Agriculture.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 8325 (MCL 324.8325).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 8325. (1) The director shall promulgate rules for  
2       implementing this part, including, but not limited to, rules  
3       providing for the following:

4       (a) The collection, examination, and reporting the results of  
5       examination of samples of pesticides or devices.

6       (b) The safe handling, transportation, storage, display,  
7       distribution, and disposal of pesticides and their containers.

8       (c) The designation of restricted use pesticides for the state  
9       or for specified areas within the state. The director may include

1 in the rule the time and conditions of sale, distribution, and use  
2 of restricted use pesticides.

3 (d) The certification and licensing of applicators and the  
4 licensing of restricted use pesticide dealers.

5 (e) The maintenance of records by certified commercial  
6 applicators with respect to applications of restricted use  
7 pesticides.

8 (f) Good practice in the use of pesticides.

9 (g) Notification or posting, or both, designed to inform  
10 persons entering certain public and private buildings or areas  
11 where the application of a pesticide, other than a general use  
12 ready-to-use pesticide, has occurred.

13 (h) Use of a pesticide in a manner consistent with its  
14 labeling including adequate supervision of noncertified applicators  
15 if appropriate.

16 (i) Prenotification by the building manager upon request for  
17 affected persons regarding the application of a pesticide at  
18 daycare centers and schools.

19 (j) Responsibility of a building manager to post signs  
20 provided to him or her by the commercial applicator.

21 (k) Designation of posted school bus stops as sensitive areas.

22 (l) The establishing of a schedule of civil fines for violation  
23 of local ordinances as described in section 8328(3).

24 (2) By December 27, 1989, the director shall submit rules to  
25 the joint committee on administrative rules pertaining to all of  
26 the following:

27 (a) The development of a training program for applicators who

1 apply pesticides for private agricultural purposes on the use of  
2 appropriate procedures for the application of pesticides; safety  
3 procedures for pesticide application; clothing and protective  
4 equipment for pesticide application; the detection of common  
5 symptoms of pesticide poisoning; the means of obtaining emergency  
6 medical treatment; hazards posed by pesticides to workers, the  
7 public health, and the environment; specific categories of  
8 pesticides; and the requirements of applicable laws, rules, and  
9 labeling.

10 (b) The development of training programs for integrated pest  
11 management systems in schools, public buildings, and health care  
12 facilities.

13 (c) The duty of commercial applicators to inform customers of  
14 potential risks and benefits associated with the application of  
15 pesticides.

16 (3) By June 27, 1990, the director shall submit rules to the  
17 joint committee on administrative rules pertaining to the  
18 protection of agriculture employees who hand harvest agricultural  
19 commodities regarding all of the following:

20 (a) The establishment of field reentry periods after the  
21 application of agricultural pesticides.

22 (b) The posting and notification of areas where pesticides  
23 have been applied.

24 (c) The use of protective clothing, safety devices, hand  
25 washing, or other methods of protection from pesticide exposure.

26 (d) Notification of agricultural workers of poison treatment  
27 facilities.

1           (4) If the EPA at any time adopts and publishes agricultural  
2 worker protection standards, the federal standards shall supersede  
3 rules promulgated under subsection (3).

4           (5) By December 27, 1989, the director shall submit rules to  
5 the joint committee on administrative rules. These rules shall  
6 include all of the following:

7           (a) Minimum standards of competency and experience or  
8 expertise for trainers of certified and registered applicators.

9           (b) The development of a training program for applicators on  
10 the use of appropriate procedures for the application of  
11 pesticides; safety procedures for pesticide application; clothing  
12 and protective equipment for pesticide application; the detection  
13 of common symptoms of pesticide poisoning; the means of obtaining  
14 emergency medical treatment; hazards posed by pesticides to  
15 workers, the public health, and the environment; specific  
16 categories of pesticides; and the requirements of applicable laws,  
17 rules, and labeling.

18           (c) The number of directly supervised application hours  
19 required before a registered applicator may apply each category of  
20 restricted use pesticide without direct supervision.

21           **(6) BEGINNING THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT**  
22 **ADDED THIS SUBSECTION AND NOTWITHSTANDING R 285.637.5 OF THE**  
23 **MICHIGAN ADMINISTRATIVE CODE, AN APPLICANT FOR INITIAL OR RENEWAL**  
24 **REGISTRATION AND INCLUSION ON THE PESTICIDE NOTIFICATION REGISTRY,**  
25 **ESTABLISHED IN R 285.637.5, IS NOT REQUIRED TO OBTAIN AND SUBMIT A**  
26 **PHYSICIAN'S CERTIFICATE WITH THE APPLICATION. THE APPLICANT MAY**  
27 **ALSO DESIGNATE AN ADDITIONAL PROPERTY, THAT IS NOT ADJACENT TO HIS**

1 OR HER PRIMARY RESIDENCE, THAT IS SUBJECT TO THE NOTIFICATION  
2 REQUIREMENT IMPOSED IN THAT RULE.