

**DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT**

**PESTICIDE AND PLANT PESTICIDE MANAGEMENT DIVISION**

**REGULATION NO. 633. RESTRICTED USE PESTICIDES**

(By authority conferred on the director of the department of agriculture by section 8325 of 1994 PA 451, MCL 324.8325 and Executive Reorganization Order No. 2011-2, MCL 285.11.)

**R 285.633.1 Definitions.**

Rule 1. (1) The terms defined in the act have the same meaning when used in these rules.

(2) "Act" means Part 83 of 1994 PA 451, MCL 324.8301 to 321.8336.

(3) "Domestic use" means application of a pesticide directly to humans or pets, or application of a pesticide in, on, or around all structures, vehicles, or areas associated with the household or home life, patient care areas of health-related institutions, or areas where children spend time.

History: 1979 AC; 2016 AACs.

**R 285.633.2 Restricted use pesticides.**

Rule 2. (1) The following formulations, when used as pesticides, are restricted use pesticides:

(a) Any pesticide formulation classified by the United States Environmental Protection Agency as a restricted use pesticide.

(b) All pesticide end use formulations containing greater than 1% diuron (Chemical Abstracts Service Reg. No. 330-54-1).

(2) Notwithstanding any statement to the contrary, including statements on the labels or made by the manufacturer, a restricted use pesticide enumerated in these rules is declared to be restricted in relation to its purchase, distribution, sale, and use in this state.

History: 1979 AC; 1985 AACs; 2016 AACs.

**R 285.633.3 Licenses; application.**

Rule 3. (1) A person shall not sell, offer for sale, or otherwise distribute to the ultimate user a restricted use pesticide, unless a restricted use pesticide dealer's license is secured as provided in the act and these rules. A restricted use pesticide dealer shall sell those restricted pesticides as enumerated in R 285.633.2 only to users who exhibit full compliance with R 285.636.1 et seq. of the Michigan Administrative Code.

(2) A person in charge of each sales location or outlet shall apply, on a form prescribed by the director, for a license to sell restricted use pesticides for each location or outlet.

History: 1979 AC.

**R 285.633.4 License examinations.**

Rule 4. (1) A person applying for a license to sell restricted use pesticides shall pass a written examination to determine his knowledge of the laws and rules governing the use and sale of pesticides and his responsibility in carrying on the business of a restricted use pesticides dealer. The examinations may be conducted at a time and place designated by the director. A score of 70 or above is required for passing. A score of less than 70 shall result in denial of a license.

(2) An applicant failing the examination may be granted a reexamination after an interview with a person or persons delegated by the director regarding his license application and a review of the examination.

History: 1979 AC.

**R 285.633.5 License renewals.**

Rule 5. (1) A license expires on December 31 of each year and shall be renewed on or before January 1 of each year.

(2) A license may be renewed, on a form prescribed by the director, without an examination if the applicant meets all the qualifications set forth in the act and these rules, unless an examination is required on amendments to the act or these rules which set forth different or additional qualifications. The director may at his discretion require the reexamination of an applicant who fails to renew his license by January 1.

(3) An examination is required if the business is operated by a person who has not previously been examined.

History: 1979 AC.

**R 285.633.6 Restrictions and conditions of sales.**

Rule 6. (1) A licensed restricted use pesticides dealer shall provide each purchaser of restricted use pesticides, in addition to the registered label instructions for handling, use, and safety precautions, any other information required by the director relating to safe use to avoid hazards to man and the environment.

History: 1979 AC; 2016 AACCS.

**R 285.633.7 Dealers' records and reports of sales of pesticides.**

Rule 7. (1) A licensed dealer shall keep a record, on forms supplied by the director, of each sale of restricted use pesticides. Such record shall be transmitted to the director monthly, and shall be due in the office of the director not later than the fifteenth day of the month following the month of sale.

(2) Records of distributions of restricted use pesticides that include all of the items in subrule (4) of this rule must be maintained by restricted use pesticide dealers and accessible from the business location of the dealer for a period of 2 years.

(3) All written and electronic documentation relating to the distribution of restricted use pesticides must be retained by the restricted use pesticide dealer until the distribution is recorded as required in subrule (2) of this rule.

(4) The records to be maintained under this rule include the following:

(a) Name and certificate number of the certified user for whom the purchase is being made.

(b) Date of sale for the product distributed.

(c) EPA registration number of the product distributed.

(d) Amount and unit of measure of the product distributed.

(e) Use code for the product distributed.

(f) Invoice number for the product distributed.

History: 1979 AC; 2016 AACCS.