

What is a pesticide dealer?

A pesticide dealer is anyone who distributes any restricted-use pesticide or general use pesticide. Distribute means to offer for sale, hold for sale, sell, barter, ship, deliver for shipment, or receive and having so received, deliver or offer to deliver, pesticides in

Who is required to be licensed as a pesticide dealer?

Any person who sells or distributes restricted-use pesticides (RUP) in the State of Idaho is required to be licensed as a pesticide dealer. Dealers must be certified in the specific category(ies) for the RUP's they sell and/or distribute. The statewide (SW) consultant category covers all RUP's that may be sold or distributed. Pesticide dealers must also maintain a valid professional applicator license.

A pesticide dealer license is valid for two (2) years and expires at the end of August on every even year. The cost of a pesticide dealer license is \$100. A one (1) year license (cost = \$50) may be issued to a new pesticide dealer in order to get them into the two (2) year cycle.

Exemptions:

- A manufacturer's representative or wholesale distributor who does not have a warehouse in Idaho is exempt from obtaining a dealer license.
- Federal, state and other government agencies are exempt from examination and licensing fees.
- A user of a pesticide may distribute a properly labeled pesticide to another legal user to keep the pesticide from becoming a waste without becoming licensed as a dealer.

What are the responsibilities of a pesticide dealer?

Pesticide dealers are responsible for:

- Maintaining a current dealer and professional applicator license;
- Being properly certified for the types of pesticides they sell and distribute;
- Purchasing, selling and distributing pesticides that are registered with EPA and ISDA;
- Selling RUP's only to private applicators, professional applicators, other dealers or to unlicensed individuals who have the RUP applied by a properly certified and licensed applicator;
- Selling pesticides in the manufacturer's original unbroken container;
- Selling pesticides that are not misbranded or adulterated;
- Selling chemicals (fertilizer & pesticides) used for chemigation to individuals who are properly licensed and certified in the chemigation (CH) category;
- Maintaining accurate sales and distribution records of restricted-use pesticides;
- Storing pesticides in a secured storage area;
- Posting pesticide storage areas to keep unauthorized personnel out and listing the name and phone number for the person to contact in case of an emergency.

What are the recordkeeping requirements for pesticide dealers?

Pesticide dealers must maintain records for the sale and distribution of RUPs for three (3) years, ready to be inspected, duplicated or submitted upon request.

Records shall contain the following items:

- Name and address of the person purchasing or receiving the RUP;
- The certified applicator name, license number and expiration date of the license for the person using the RUP;

- For distribution of a RUP to another dealer, the name, license number and expiration date of the licensed pesticide dealer;
- The brand name and EPA Reg. No. for each RUP distributed;
- The date of the distribution of each RUP;
- The quantity and size of each RUP container;
- The total quantity of each RUP distributed;

How can I check if someone is licensed?

Go to the ISDA website <https://www.isda.idaho.gov/ApplicatorLicensing/Applicator/LookupApplicator> to check the licensing status for an individual. You may also call the ISDA Licensing office at (208) 332-8600 during regular business hours (M-F 8:00a to 5:00p) to check an individual's certification and licensing status.

How do I know if I am in compliance?

The Idaho State Department of Agriculture (ISDA) provides compliance assistance when requested. ISDA will conduct a Dealer Certification Audit of your facility to determine if there are any improvements needed to bring your operation into compliance with the Idaho Pesticides and Chemigation Law and associated Rules.

Does ISDA conduct inspections of pesticide dealers?

ISDA conducts routine inspections of pesticide dealers each year. Based upon the inspector's discretion, the inspection may be announced or unannounced. After the inspection, the investigator will conduct an exit interview and explain any discrepancies that may have been found during the inspection.

ISDA's goal is to complete the inspection, written report, and review it within 60 days. The department remains committed to providing a professional, unbiased, complete, and thorough inspection.

What gives an ISDA investigator the authority to inspect my facility?

The Idaho Pesticides and Chemigation Law, Section 22-3414, Idaho Code, provides that the Director's designated agent (ISDA investigator) may enter any public or private premise at reasonable times for the purpose of :

- Observing the use and application of pesticides;
- Inspecting records that are required to be maintained by the law;
- Inspecting equipment, storage facilities, and disposal areas;
- Investigating complaints of injury regarding human health, plant injury or environmental damage;
- Collecting samples of land or pesticides.

The Idaho Pesticides and Chemigation Law also allows ISDA to obtain a search warrant in situations where access is denied. Denial of access includes any action that interferes with the normal procedures of an ISDA inspector conducting a routine inspection or investigation.

What are the penalties for violations found during the inspection?

The ISDA may issue a warning letter or regulatory letter for first-time offenses and minor violations. ISDA has civil penalty authority, where a maximum of \$3,000 for each violation may be assessed. There are also criminal misdemeanor penalties of up to \$1,000 and/or one year in jail for intentional violations. The EPA also has civil penalty authority and can assess penalties of up to \$5,500 per violation.

Can I get a copy of the inspection that was conducted of my facility?

Under the Idaho Public Records Law, Idaho Code §§ 9-337 through 9-350, the public has the right to view and obtain case files after a pesticide inspection is completed. ISDA policy requires that all requests for case files be in writing. The Idaho Public Records Law allows the department to charge a fee for the costs involved in responding to a public information request. These costs may include document duplication, labor, and mailing costs. ISDA will either approve, partially approve, or deny the request within three business days or notify the applicant that an extension (up to 10 business days) is necessary to process the request.

If you have additional questions or would like to know more about the inspection process, please contact the ISDA office nearest you.

Boise

(208) 332-8663
(208) 332-8661
(208) 550-1462
(208) 366-5157
(208) 332-8608
(208) 217-8134

Coeur d'Alene

Idaho Falls

(208) 516-6544
(208) 881-1107

Pocatello

(208) 217-8134

Twin Falls

(208) 732-5325
(208) 736-5277
(208) 312-1987

Costs associated with this publication are available from the Idaho State Department of Agriculture in accordance with Section 60-202, Idaho Code. 1/13/32102/500 (208) 332-8605 or TDD 1-800-377-3529.

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IDAHO PESTICIDE DEALER RESPONSIBILITIES



This brochure explains the primary responsibilities for pesticide dealers licensed in the State of Idaho and how they can be in compliance with the Idaho Pesticides and Chemigation law and associated rules.

Who regulates the distribution of Pesticides in Idaho?

The Idaho State Department of Agriculture (ISDA), Division of Agricultural Resources, regulates the registration, sale, distribution, use, storage and disposal of pesticides under the authority of state laws and rules governing pesticides. The Environmental Protection Agency (EPA) has delegated ISDA primacy in areas relating to pesticide use and distribution.