

**RULES
OF
THE TENNESSEE DEPARTMENT OF AGRICULTURE**

**CHAPTER 0080-09-03
PESTICIDE REGISTRATION, DISTRIBUTION, AND SALES**

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0080-09-03-.01 SCOPE.

- (1) This chapter applies to any person who purchases a restricted use pesticide and any person who manufactures, sells, offers for sale, transports or distributes any pesticides in commerce.
- (2) This chapter applies to any pesticide applications for which certification is not required.
- (3) Persons licensed, registered, or certified under this chapter shall be responsible for operations under their license, registration, or certification until it expires or until the department receives written notification requesting it be terminated. The department shall not refund fees for early termination of any license, registration, or certification issued under this chapter.
- (4) Licenses, registrations, and certifications issued under this chapter are not transferable from person to person.

Authority: T.C.A. §§ 4-3-203, 43-1-703, 43-8-106, 43-8-302, and 43-8-304. **Administrative History:** Original rule filed April 1, 2016; effective June 30, 2016. Amendments filed September 27, 2021; effective December 26, 2021.

0080-09-03-.02 DEFINITIONS.

- (1) Terms in this chapter share those meanings of terms set forth under the Tennessee Insecticide, Fungicide, and Rodenticide Act, compiled at Tennessee Code, title 43, chapter 8, parts 1 and 2.
- (2) When used in this chapter, unless the context requires otherwise:
 - (a) Act means the Tennessee Insecticide, Fungicide, and Rodenticide Act, compiled at Tennessee Code, title 43, chapter 8, parts 1 and 2;
 - (b) Commerce or words of similar import mean involving payment for an item or payment for services incident to production of the item;
 - (c) Dealer means any person who sells or offers for sale restricted use pesticides; and,
 - (d) EPA means United States Environmental Protection Agency.

Authority: T.C.A. §§ 4-3-203, 43-8-106, and 43-8-302. **Administrative History:** Original rule filed April 1, 2016; effective June 30, 2016. Amendments filed September 27, 2021; effective December 26, 2021.

0080-09-03-.03 PESTICIDE REGISTRATIONS.

- (1) A person shall not distribute, sell, or offer for sale pesticides within the state unless the pesticide is registered with the department or the person or product is exempt from registration under the Act.
- (2) Application for registration shall be made on forms provided by the department, which shall be completed in full and may include:
 - (a) Name of the registrant;
 - (b) Date of birth of any registrant who is an individual or a partner in a general partnership;
 - (c) Proof of one of the following for any registrant who is not an individual or a partner in a general partnership:
 1. Entity registration in its state of incorporation; or,
 2. Entity's business license issued by a local governmental authority;
 - (d) Contact information for registrant, to include name of person legally responsible for applicant's operations, telephone number, email address, and address of the principal place of business;
 - (e) Address of any location used by registrant in the manufacture, sale, holding, or distribution of pesticides;
 - (f) Pesticide name and copy of its label; and,
 - (g) Other information as required by the department or the Act.
- (3) Registrants shall notify the department of any changes to the information or contents of an application within 30 days after the change takes place.
- (4) Registrants shall include with their application payment of a fee as appropriate for the following.
 - (a) Pesticide Manufacturer Registration. A pesticide manufacturer registration is required per pesticide product for any person who produces a pesticide that is packaged and sold, offered for sale, distributed, or transported in commerce within the state. Applicants shall submit with their application a pesticide registration statement in accordance with the Act. The fee for a pesticide manufacturer registration is a Tier 5 annual fee under T.C.A. § 43-1-703(f). Pesticide manufacturer registrations expire on June 30 following their issuance. Applicants for renewal shall submit the appropriate annual fee to the department on or before July 1 of each year. If an applicant for renewal fails to pay the annual fee by the following July 16, the applicant shall also be required to pay a late charge under T.C.A. § 43-1-703 prior to renewal of the applicant's registration.
 - (b) 24-C Label Registration. A 24-C is a special local needs label for use of a pesticide not otherwise permitted or controlled by the pesticide's federally approved label. A 24-C label operates as a supplemental label and is binding on the pesticide's use within the state. A 24-C label is read in conjunction with and not in lieu of the federally approved label; however, for any conflicting provisions between the two labels, the 24-C label shall control. Any person holding a pesticide manufacturer registration may request a 24-C label for the registered pesticide. 24-C label registrations expire five years from

(Rule 0080-09-03-.03, continued)

their date of issuance. The fee for a 24-C label registration is a Tier 6 fee under T.C.A. § 43-1-703(f).

- (5) The department may deny any application for a registration that is not completed in accordance with this rule.

Authority: T.C.A. §§ 4-3-203, 43-8-104, 43-8-106, and 43-8-113. **Administrative History:** New rules filed September 27, 2021; effective December 26, 2021.

0080-09-03-.04 PESTICIDE DEALERS.

- (1) A pesticide dealer license is required per person per location where restricted use pesticides are sold or offered for sale within the state. The fee for a pesticide dealer license is a Tier 2 annual fee under T.C.A. § 43-1-703(f). Pesticide dealer licenses expire on June 30 following their issuance. Applicants for renewal shall submit the appropriate annual fee to the department on or before July 1 of each year. If an applicant for renewal fails to pay the annual fee by the following July 16, the applicant shall also be required to pay a late charge under T.C.A. § 43-1-703 prior to renewal of the license.
- (2) Application for a pesticide dealer license shall be made on forms provided by the department, which shall be completed in full and may include:
- (a) Name of the applicant;
 - (b) Date of birth of any applicant who is an individual or a partner in a general partnership;
 - (c) Proof of one of the following for any applicant who is not an individual or a partner in a general partnership:
 - 1. Entity registration in its state of incorporation; or,
 - 2. Entity's business license issued by a local governmental authority;
 - (d) Contact information for applicant, to include name of person legally responsible for applicant's operations, telephone number, email address, and address of the principal place of business;
 - (e) Address of location where restricted use pesticides are offered for sale;
 - (f) Proof of current Pesticide Dealer (C12) certification for at least one person employed by applicant; and,
 - (g) Other information as required by the department or the Act.
- (3) Applicants shall notify the department of any changes to the information or contents of an application within 30 days after the change takes place.
- (4) Pesticide dealers must employ, per licensed location, at least one person who holds a Pesticide Dealer (C12) certification.
- (a) Individual salespersons at a licensed location do not need individual C12 certification; however, the C12 certification holder and the dealer licensee shall be responsible for all sales of restricted use pesticides at the location and any associated violations of the Act or this chapter.

(Rule 0080-09-03-.04, continued)

- (b) Pesticide dealers shall maintain the following records of restricted use pesticide sales for two years from the date of sale: name and certification number of the purchaser; name, EPA registration number, and amount of pesticide purchased; expiration date of the purchaser's certification; and date of sale.
- (5) The department may deny any application for a pesticide dealer license that is not completed in accordance with this rule.

Authority: T.C.A. §§ 4-3-203, 43-8-106, and 43-8-113. **Administrative History:** New rules filed September 27, 2021; effective December 26, 2021.

0080-09-03-.05 INSPECTIONS.

- (1) For any location or conveyance where the department has reason to believe a person is engaged in the business of manufacturing, selling, offering for sale, transporting, or distributing pesticides in commerce, the department may enter the location or conveyance at a time in accordance with the Act for the purpose of sampling substances or equipment; examining pesticides and records; and copying records as necessary to determine compliance with the Act and this chapter.

Authority: T.C.A. §§ 4-3-203 and 43-8-106. **Administrative History:** New rules filed September 27, 2021; effective December 26, 2021.

0080-09-03-.06 VIOLATIONS.

- (1) In addition to other requirements of the Act and this chapter, pesticide dealer licensees and pesticide product registration holders shall:
 - (a) Maintain areas where pesticides are housed so as to be readily accessible for inspection;
 - (b) Maintain records required under this chapter so as to be readily available for inspection;
 - (c) Give full information as to the origin or destination of pesticides sold or offered for sale; and,
 - (d) Manage and dispose of pesticides in a manner consistent with this division of rules.
- (2) In addition to other requirements of the Act and this chapter, pesticide dealer licensees and pesticide product registration holders shall not:
 - (a) Sell, offer for sale, or distribute in commerce any pesticide without a pesticide dealer license and product registration required by this chapter;
 - (b) Knowingly provide any false, misleading, or incorrect information regarding the sale, offer for sale, or distribution of pesticides in commerce;
 - (c) Interfere with a representative of the department in the performance of his or her duties;
 - (d) Violate any order issued by the department; or,
 - (e) Sell any restricted use pesticide to an uncertified purchaser.

(Rule 0080-09-03-.06, continued)

- (3) A person shall not purchase a restricted use pesticide unless he or she is certified by the department for the application of restricted use pesticides.
- (4) A person shall not use pesticide in a manner inconsistent with its labeling.
- (5) A person is responsible for violations of the Act or this chapter when committed by either the person or his agent.
- (6) Each violation of the Act or this chapter is grounds for issuance of stop sale or disposal orders for any pesticide held by the violator or his agent; denial or revocation of any registration, certification, or license issued by the department; actions for injunction; and imposition of civil penalties or criminal charges against the violator.

Authority: T.C.A. §§ 4-3-203 and 43-8-106. **Administrative History:** New rules filed September 27, 2021; effective December 26, 2021.