



ADMINISTRATIVE RULES OF MONTANA



4.10.1804 PESTICIDE DISPOSAL AND CONTAINER RECYCLING PROGRAM OPERATION

- (1) The department or its designated agent may conduct outreach and educational activities to inform the public about the functions of the disposal program. Outreach activities may be conducted in cooperation with the Montana State University Extension Service, local governments, the contractor and others.
- (2) The department may target disposal program activities to regions or areas within the state each fiscal year.
- (3) The department selects waste pesticide collection site(s) in consultation with the contractor.
- (4) The department establishes minimum criteria for a collection site(s).
- (5) The department establishes procedures for disposal of acceptable pesticides, including:
 - (a) Persons intending to participate in the disposal program for disposal of waste pesticides or non-plastic recyclable pesticide containers such as containers made of materials like metal, fiberboard, or other similar material must apply to the department on forms provided by the department. Information provided on the form must include, but is not limited to:
 - (i) brand name of the pesticide if present on label or if known;
 - (ii) active ingredient of the pesticide if present on label or if known;
 - (iii) EPA registration number or United States Department of Agriculture (USDA) number, if present on label or if known;
 - (iv) container size, composition, condition, and quantity to be disposed;
 - (v) applicant's name, address and telephone number; and
 - (vi) other information deemed necessary by the department.
 - (b) Written approval from the department is required to participate in the program.
 - (c) The department provides participants with a form listing the acceptable pesticides approved for disposal. This form serves as a bill of lading and must be in the possession of the participant during transport of the acceptable pesticides to the collection site. This form also serves to transfer ownership of the pesticide(s) from the participant to the contractor by a pesticide product release statement.
 - (d) Participants in the disposal program must transport acceptable pesticide products to the collection site according to the Montana Pesticides Act and United States Department of Transportation regulations.

- (e) A participant may assign a designee to transport the participant's acceptable pesticides to the collection site only if approved by the department during preregistration.
- (f) Ownership of acceptable pesticides approved for disposal transfers from the participant to the contractor at the collection site.
- (6) The department approves establishment of pesticide container recycling collection sites, public or private, meeting minimum requirements. Individuals or entities interested in establishing a collection site must contact the department to discuss requirements and considerations.
 - (a) The department establishes guidelines for individuals to participate in the pesticide container recycling program.
- (7) The department establishes procedures for the exchange of exchangeable pesticides:
 - (a) a pesticide may be exchanged or transferred from one person to another for the purpose of using the pesticide according to label directions. The pesticide offered for exchange must be:
 - (i) registered or meet provisions of 80-8-201(9)(a) or (b), MCA; and
 - (ii) in the original, labeled, unopened sealed container.
- (8) The department allows pesticide exchange(s) under these conditions:
 - (a) owners of exchangeable pesticides apply to the department and provide information on a department form, according to ARM 4.10.1804(5)(a);
 - (b) Persons interested in obtaining exchangeable pesticides must provide their name, address, telephone number, and desired pesticides to the department. Persons interested in obtaining pesticides classified as restricted use must be licensed by the department;
 - (c) the department matches donors to users;
 - (d) transfer of ownership of exchangeable pesticides may occur during scheduled pesticide disposal collections or through other arrangements approved by the department; and
 - (e) the department may require a label claim analysis for the pesticide offered for exchange.

Authorizing statute(s): 80-8-105, MCA

Implementing statute(s): 80-8-111, 80-8-112, MCA

History: NEW, 1994 MAR p. 1280, Eff. 5/13/94; AMD, 2019 MAR p. 1523, Eff. 9/7/19.