



ADMINISTRATIVE RULES OF MONTANA



4.10.105 INCIDENT REPORTS AND RECORDS

- (1) An applicator who through their own actions or omissions, or the actions or omissions of their employees, causes or allows any pesticide to escape onto or to be deposited onto the person, lands, or property of another not the person hiring or contracting for their services, shall be required to file a written report to the department within 48 hours of the incident, specifying the location of the incident, the name of the pesticide involved, the type of formulation, the method of application, the name and address of the person for whom the application was being made, and the name and address of the person(s) whose land, person, or property was subjected to the unintentional pesticide application. If the unintentional application involves a pesticide classified as either extremely toxic or highly toxic to people or animals, the applicator or operator shall immediately cease their application and notify the landowner or operator whose land, person, or property was subjected to unintentional pesticide application and the department, immediately, by the quickest available means, after applying first aid or personal decontamination if appropriate.
- (2) A complete record of all settled and pending claims from the preceding licensing period must be filed when reapplying for an applicator's license. The record shall indicate for each and every incident the names of all parties involved, the location of the incident, the manufacturer and the technical name of the pesticide involved, the type of formulation, the method of application, the intended use, and the target or site, specifying the animals, wildlife, plant and aquatic life, soil, or people subjected to the unintentional pesticide application(s).
- (3) For settled claims, report the information required in (2), together with the dollar amount of the economic loss and the final settlement agreement between all parties.
 - (a) Applicators failing to file the foregoing reports, or falsifying them in any fashion, may be subject to immediate revocation of current licenses and/or may not be issued a license until the requirements of this section are fully satisfied.

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

Implementing statute(s): 80-8-214, MCA

History: NEW, 1979 MAR p. 437, Eff. 5/11/79; AMD, 2025 MAR, 4-24-284, Eff. 1/25/25.