



ADMINISTRATIVE RULES OF MONTANA

4.10.1005 PENALTY DETERMINATION

- (1) Each violation of the Montana Pesticides Act and/or rules adopted thereunder is considered a separate offense. Each offense is subject to a separate penalty not to exceed \$2,500, with the exception of private farm applicators whose penalty cannot exceed \$500 for the first offense.
- (2) The penalty matrixes in this rule establish the penalty for each offense that is a major violation or reoccurrence of a major violation. The values in parentheses establish the penalty for private farm applicators possessing a permit. The gravity of the violation, the degree of care exercised, and the degree of harm to health, environment, agricultural commodities, or livestock may decrease or increase the penalties listed below. The department shall have the option to select the most appropriate penalty and penalty value for each violation.
- (3) Where a penalty is assessed for reoccurrence of a violation within two years of the first violation, the two year period will start on the date that the preceding violation occurred. All appeals procedures and rights to contest and a final order concluding the violation must be completed for the preceding violation(s).
- (4) Penalties are assessed according to the following penalty matrix:
 - (a) misuse resulting in proven exposure or proven harm to:

Violation	1st Offense	2nd Offense	3rd and Subsequent Offense
Humans or human health			
Proven exposure	\$ 500 (100)	\$1,000	\$2,500
Illness	1,000 (200)	2,500	2,500
Chronic illness or death	2,500 (500)	2,500	2,500
Agricultural commodities			
Proven exposure	\$ 250 (50)	\$ 500	\$1,000

Reduced yield or price	750 (150)	1,500	2,000
Damage or residues that prevent marketing	1,000 (200)	2,000	2,500
Destruction	2,000 (400)	2,500	2,500
Livestock			
Proven exposure	\$ 250 (50)	\$ 500	\$1,000
Illness or residues that prevent marketing of livestock or by-products	1,000 (200)	2,000	2,500
Death	2,500 (500)	2,500	2,500

(b) misuse resulting in proven harm to environment:

Surface or ground water

Poisoning or harm to aquatic plants or animals	\$ 500 (100)	\$1,000	\$2,500
Domestic, livestock, or irrigation purposes or other beneficial uses affected	1,000 (200)	2,000	2,500
Residues equal or exceed state or federal standards	1,000 (200)	2,500	2,500

Soil

Residues that prevent growth of plants	500 (100)	1,000	2,500
Structure or biota adversely affected	500 (100)	1,000	2,000

Animals

Illness or harm	500 (100)	1,000	2,500
Death	1,000 (200)	2,000	2,500
Residues that prevent or restrict consumption by humans	1,000 (200)	2,000	2,500

Plants other than agricultural commodities

Damaged, normal the following season	500 (100)	1,500	2,500
Damaged, abnormal the following season	1,000 (200)	2,000	2,500

Destroyed	2,000 (400)	2,500	2,500
Air			
Contaminated at or above state or federal health standards	1,000 (200)	2,500	2,500

- (c) sale of a restricted pesticide to a person not certified or authorized to purchase restricted pesticides:

Sale of a restricted pesticide to a person not certified or authorized to purchase restricted pesticides	\$1,000 (100)	\$1,500	\$2,500
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- (d) use or sale of an unregistered pesticide:

General	\$1,000 (200)	\$2,000	\$2,500
Restricted	1,500 (300)	2,500	2,500
Canceled or suspended	1,500 (300)	2,500	2,500

- (e) failure to maintain any individual pesticide application and sales records:

General use pesticides	\$250 (50)	\$500	\$1,000
Restricted use pesticides	500 (100)	750	1,500

- (f) use of a pesticide without having obtained the required license or permit:

Commercial, government, public utility or
non-commercial applicators or operators or
private farm applicators

General	\$ 500	\$1,500	\$2,500
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Restricted	1,000	2,000	2,500
Permitted private farm applicator restricted	250	1,000	2,000

(g) sale of a pesticide without having obtained the required license:

General	\$ 500 (100)	\$1,500	\$2,500
Restricted	1,000 (200)	2,000	2,500

(h) noncompliance with pesticide worker protection standards and labeling:

Misuse violations not causing proven exposure of humans, agricultural commodities or livestock; or proven harm to human health, commodities, livestock or the environment	\$ 250 (50)	\$500	\$1,000
Retaliation by an employer against workers or handlers	1,000 (200)	1,500	2,500
Failure to provide emergency assistance	1,500 (300)	2,000	2,500
Sale of a misbranded pesticide not having the required worker protection label language	500 (100)	1,500	2,500

(i) noncompliance with pesticide ground water and environmental protection agency endangered species standards and labeling:

Misuse violations not causing proven exposure of humans, agricultural commodities or livestock; or proven harm to human health, commodities, livestock or the environment	\$250 (50)	\$500	\$1,000
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- (j) noncompliance with pesticide or pesticide container disposal, labeling or handling requirements and standards:

Misuse violations not causing proven exposure of humans, agricultural commodities or livestock; or proven harm to human health, commodities, livestock or the environment	\$250 (50)	\$500	\$1,000
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Sale of a misbranded pesticide	500 (100)	1,500	2,500
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- (k) reoccurrence of any identical violation of this chapter (Title 80, chapter 8, MCA) within two years of the first violation excluding the major violations set forth above:

Type of Reoccurrence	1st Reoccurrence	2nd Reoccurrence	3rd Reoccurrence
Violations dealing with permits, licenses and/or reports	\$ 500	\$1,000	\$2,500
Violations dealing with general use pesticides	500	1,000	2,500
Violations dealing with restricted use pesticides	1,000	2,000	2,500
All other violations	500	1,000	2,500

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

Implementing statute(s): 80-8-306, MCA

History: NEW, 1986 MAR p. 1013, Eff. 6/13/86; AMD, 1999 MAR p. 404, Eff. 3/12/99; AMD, 2025 MAR, 4-24-284, Eff. 1/25/25.