



ADMINISTRATIVE RULES OF MONTANA

4.10.1001 DEFINITIONS

As used in this part the following definitions apply:

- (1) "Animal poisoning" means a pesticide exposure to humans, livestock or domestic and wild animals resulting in acute and/or chronic illness, harm or death normally verified respectively by a physician, a veterinarian or a recognized wildlife pathologist. This verification should include documentation either by a laboratory bioassay, analytical confirmation, or another department approved scientific method.
- (2) "Exposure" means the process and/or result of introducing a pesticide by any method or route onto or into humans, livestock, animals, crops, plants or the environment. Entry into treated areas in violation of a restricted entry interval, failure to provide required protective equipment (PPE) or clothing, failure to provide required decontaminating facilities or failure to provide required facilities for care, storage or cleaning PPE or clothing constitutes exposure.
- (3) "Harm" means the exposure due to the improper use or misuse of a pesticide by direct application or otherwise resulting from application or use, resulting in but not limited to:
 - (a) physical or biological acute, subacute or chronic pesticide damage, injury or poisoning to humans, livestock, animals, crops, plants or to the environment;
 - (b) pesticide residues that prevent the planting, harvesting production, grazing, consumption or sale of crops, livestock, plants or animals;
 - (c) contamination of potable drinking water or contamination of ground or surface waters or air exceeding state or federal standards.
- (4) "Pesticide poisoning" means animal or plant poisoning which may result in discernible adverse effects on the physical structure, growth, population level, or reproduction rates of organisms verified by qualified animal or plant specialists in combination with either a laboratory bioassay, laboratory analytical confirmation or another department approved scientific method.
- (5) "Plant poisoning" means a pesticide exposure to plants or crops resulting in the acute or chronic destruction, loss, reduction or damage to the plants, verified by either a recognized plant pathologist, botanist or a trained department pesticide specialist. This verification should include documentation from either a laboratory bioassay, a laboratory analytical confirmation or another department approved scientific method.
- (6) "Proven exposure" in cases of misuse means:
 - (a) to establish the validity or authenticity of exposure by documentation of pesticide residues on or in humans, agricultural commodities or livestock by laboratory analysis or bioassay;

- (b) documentation of exposure by other investigative or scientific methods including signs and symptoms caused by exposure to pesticides;
 - (c) documentation of entry by a person into a treated area in violation of a restricted entry interval; or
 - (d) documentation of failure to provide protective equipment, clothing, decontamination facilities, or facilities for care, storage or cleaning of personal protective equipment required by a pesticide label.
- (7) "Proven harm" in cases of misuse means to establish the validity or authenticity of exposure, harm or poisoning by demonstrating adverse effects through verification by a recognized animal, plant, human health, or pesticide specialist, which may include documentation of the pesticide by laboratory analytical or bioassay confirmations or other approved scientific methods.
- (8) "Significant harm" means having a measurable or verified observation of adverse effect(s) , on health, environment, agricultural crops or livestock.

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

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

History: NEW, 1986 MAR p. 1013, Eff. 6/13/86; AMD, 1999 MAR p. 404, Eff. 3/12/99.