



ADMINISTRATIVE RULES OF MONTANA



4.10.1501 DEFINITION OF TERMS

These definitions apply to all regulations and rules adopted under the Montana Pesticides Act, Title 80, chapter 8, MCA, unless specified differently by statute or individual rules.

- (1) "Accident" means an unexpected, undesirable event caused by the use or presence of a pesticide that adversely affects man or the environment.
- (2) "Act" means the Montana Pesticides Act, as amended, Title 80, chapter 8, part 2, MCA; and other legislation supplementary thereto and amendatory thereof.
- (3) "Actions" means some procedure or decision taken or to be taken by the department against a person committing, having committed, or allegedly committed a prohibited act or violation of the Act.
- (4) "Acute dermal LD₅₀" means a single dermal dose of a substance, expressed as milligrams per kilogram of body weight, that is lethal to 50% of the test population of animals within a specified time period under specified test conditions as prescribed in the Registration Guidelines.
- (5) "Acute LC₅₀" means a concentration of a substance, expressed as parts per million parts of medium, that is lethal to 50% of the test population animals under test conditions as specified in the Registration Guidelines.
- (6) "Acute oral LD₅₀" means a single orally administered dose of a substance, expressed as milligrams per kilogram of body weight, that is lethal to 50% of the test population of animals under test conditions as specified in the Registration Guidelines, 40 CFR et seq., and adopted by the department.
- (7) "Acute toxicity" means the property of a substance or mixture of substances to cause adverse effects in an organism through a single short-term exposure.
- (8) "Agency" means the United States Environmental Protection Agency.
- (9) "Agricultural commodity" means any plant or part thereof, or animal or animal product produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by man or animal.
- (10) "Animal" means all vertebrate and invertebrate species, including but not limited to man and other mammals, birds, fish, and shellfish.

- (11) "Applicant" means a person who applies for a registration pursuant to 80-8-201, MCA; or a person who applies for a license pursuant to 80-8-203, MCA; 80-8-205, MCA; 80-8-207, MCA; 80-8-213, MCA; or a person who applies for a permit pursuant to 80-8-209, MCA; of the Act.
- (12) "Application form" means the form approved by the department which must be completed in its entirety by persons requesting a registration, license, certified-license or permit.
- (13) "Application of a pesticide" means the placement of a pesticide at or on the site where the pest control or other response is desired.
- (14) "Authorized agent or representative" means any authorized employee of the department or an individual authorized by the department to act as an official representative of the department.
- (15) "Calibration of equipment" means measurement of dispersal or output of application equipment and adjustment of such equipment to control the rate of dispersal, and droplet or particle size of a pesticide dispersed by the equipment.
- (16) "Cancellation of license, permit, certificate" means the process by which the department invalidates a license, permit, or certificate.
- (17) "Certificate" means the authorizing document issued by the department to a person who has qualified to use a restricted use pesticide(s), or in the case of registration, the authorization to sell, offer for sale, or distribute a pesticide in the state.
- (18) "Certificate period" means one complete calendar year, January 1 through December 31, for which an individual has been issued a certificate by the department even though the person was not issued a certificate for the complete calendar year.
- (19) "Certification" means the determination by the department that an individual is competent and thus authorized to use or supervise the use of restricted use pesticides.
- (20) "Certified applicator" means any individual who is certified and licensed or issued a special use permit to use or supervise the use of any restricted use pesticide covered by his certification.
- (21) "Chronic toxicity" means the property of a substance or mixture of substances to cause adverse effects in organisms upon repeated or continuous exposure over a period of at least one-half the lifetime of that organism.
- (22) "Classification of applicator" means the process by which commercial, government, public utility, non-commercial, and private farm applicators are classified by the department according to type of operation, types or classes of pesticides use, or where and how the pesticide is to be used or applied.
- (23) "Classification of pesticides" means the process by which the department under specific standards classifies a pesticide into general use or restricted use.
- (24) "Commercial applicator certified license" means an authorization issued by the department to an individual to use and apply restricted use and general use pesticides for which he is qualified.
- (25) "Common exposure route" means a likely way (oral, dermal, respiratory) by which a pesticide may reach and/or enter an organism.
- (26) "Compatibility" means that property of a pesticide which permits its use with other chemicals without undesirable results being caused by the combination.

- (27) "Competent or competency" means properly and legally qualified to perform functions associated with pesticide application, the degree of capability required being directly related to the nature of the activity and the associated responsibility.
- (28) "Cooperative agreement" means an agreement of the department with any other local, county, state, other state, or federal agency or department for the purposes of carrying out the Act, for securing uniformity of rules, and for establishing reciprocal agreements on accepting licenses, permits, or certificates under certain conditions and standards.
- (29) "Credential" means an authorizing document issued to an individual to sell pesticides under the supervision of a licensed dealer; or private farm applicator, family members, or employees allowing them to purchase or use restricted use pesticides under the supervision of the private farm applicator.
- (30) "Degradation product" means a substance resulting from the transformation of a pesticide by physical, chemical, or biochemical means.
- (31) "Denying, denial" means the process by which the department refuses to register a product, issue a license, grant a permit, or certify an individual.
- (32) "Department" means the Montana Department of Agriculture.
- (33) "Direct supervision" means the act or process whereby the use of a pesticide is made by a competent person acting under the verifiable instructions and supervision of a certified applicator, who has provided detailed guidance to the competent person for proper use of the pesticide; who has made provisions for contact in the event he is needed; and who is responsible for the actions of that person. The certified applicator must be physically present at the site of the use being supervised when required by the product labeling.
- (34) "Director" means the director of the Montana Department of Agriculture or any officer or employee of the department to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.
- (35) "Disposal" means the process of discarding pesticides or pesticide containers in a permanent manner so as to avoid endangering or injuring public health, or causing unreasonable adverse effects on the environment.
- (36) "Domestic application" means the application of a pesticide directly to humans or pets, application of a pesticide in, on, or around all structures, vehicles, or areas associated with household or home life, patient care areas of health related institutions or areas where children spend time, including but not limited to:
- (a) gardens, noncommercial greenhouses, yards, patios, houses, pleasure marine craft, mobile homes, campers and recreational vehicles, noncommercial campsites, home swimming pools, and kennels;
 - (b) articles, objects, devices, or surfaces handled or contacted by humans or pets in all structures; vehicles or areas listed above;
 - (c) patient care areas of nursing homes, mental institutions, hospitals, and convalescent homes;
 - (d) education, lounging, and recreational areas of preschools, nurseries, and day camps.
- (37) "Drift" means movement of a pesticide during or immediately after application or use through air to a site other than the intended site of application or use.

- (38) "Efficacy" means the capacity of a pesticide product when used according to label directions to control, kill, or induce the desired action in the target pest.
- (39) "Examination" means a method or examining process in writing, which is used for determining competency of an individual prior to the issuance of a license, permit, or certificate. The licensing examination may include specific types of examinations to determine competency on required subjects.
- (40) "Examination score" means the percentile score a person received on each and every examination taken.
- (41) "Private farm applicator" means a person applying pesticide to his own crops or land. In the case of restricted use pesticides, a person certified as a private farm applicator to use or supervise the use of a restricted use pesticide for purposes of producing any agricultural commodity on lands owned, rented, or leased by their employer.
- (42) "Federal act" means the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, by the Federal Environmental Pesticide Control Act of 1972 and other legislation supplementary thereto and amendatory thereof.
- (43) "Fee" means the money payable by a person to the department for training, registration, licensing or permitting.
- (44) "Final printed labeling" means the printed label and the labeling which will appear on or will accompany the pesticide product.
- (45) "Financial interest" means the economic or monetary interest, compensation, or commission a person has invested or receives from an applicator business or operation other than hourly or monthly wages.
- (46) "Financial responsibility" means proof of a commercial pesticide applicator, licensed or certified-licensed, that he has obtained and will maintain either an insurance policy, surety bond, or escrow account for his liability relating to the use and application of pesticides in the monetary amounts and conditions established by the department.
- (47) "Forest" means a concentration of trees and related vegetation in nonurban areas, sparsely inhabited by and infrequently used by humans, and characterized by natural terrain and drainage patterns.
- (48) "Front panel" means that portion of the label of a pesticide product that is ordinarily visible to the purchaser under the usual conditions of display for sale.
- (49) "General use pesticides" means a pesticide that is classified for general use under specific criteria promulgated by the department and/or the agency.
- (50) "Conditions of use for general use pesticides" means:
 - (a) a certified pesticide applicator may use and apply general use pesticides for which he is licensed anywhere within the state.
 - (b) a licensed pesticide operator, as an employee of a certified applicator, may use and apply general use pesticides for which the applicator is licensed and under his direct supervision within 100 miles of the certified applicator; beyond 100 miles, special supervision shall be required.

- (c) an unlicensed employee of a certified applicator may use and apply general use pesticides only under the special supervision of the certified applicator or licensed operator employed by the certified applicator.
- (51) "Government applicator certified license" means an authorization issued by the department to an individual to use and apply restricted use and general use pesticides for which he is qualified.
- (52) "Group or class of pesticides" means those pesticides grouped or classified as related pesticides as established by the department. Such grouping or classes will primarily be based upon the chemical makeup or uses of pesticides.
- (53) "Hazard" means the likelihood that use of a pesticide would result in an adverse effect on man or the environment in a given situation.
- (54) "Host" means any plant or animal on or in which another lives for nourishment, development, or protection.
- (55) "Immediate container" means that container which is directly in contact with the pesticide or device.
- (56) "Inhalation LC₅₀" means concentration of a substance, expressed in milligrams per liter of air or parts per million parts of air, that is lethal to 50% of the test population of animals under test conditions as specified in the Registration Guidelines.
- (57) "Land" means all land and water areas, including airspace, and all plants, animals, structures, buildings, contrivances, and machinery appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation.
- (58) "Lateral movement" (in soils) means to transfer through soil. This is generally in a horizontal plane from the original site of application or use.
- (59) "Leach" means to undergo the process by which pesticides in the soil are moved into a lower layer of soil or are dissolved and carried through soil by water.
- (60) "License" means an authorization to apply or sell pesticides, issued by the department to a person who has qualified by meeting the conditions and standards of the Act and rules adopted thereunder.
- (61) "Licensing period" means a complete calendar year, January 1 through December 31, for which a person has been issued a license by the department (even though the person was not issued a license for the complete calendar year).
- (62) "Metabolite" means any substance produced in or by living organisms by biological processes and derived from a pesticide.
- (63) "Misuse" means the use, handling, or release of a pesticide by a person in a manner inconsistent with the label or labeling or in violation of department pesticide application, storage, mixing, and loading rules or pesticide and container disposal rules (see 80-8-306(5)(e)(i), MCA).
- (64) "Modification" means the process of altering, limiting, or modifying a license, permit, or certificate of a person by the department.
- (65) "Mutagenic" means the property of a substance or mixture of substances to induce changes in the genetic complement of either somatic or germinal tissue in subsequent generations.

- (66) "Noncommercial certified applicator" means an individual who cannot be classified as a commercial, public utility, or government certified applicator or who cannot be classified as a private applicator but desires the use of restricted use pesticides. A certified noncommercial application may only use restricted use pesticides on lands owned, rented, or leased by his employer or himself.
- (67) "No discernible adverse effect" means no adverse effect observable within the limitations and sensitivity specified in the Registration Guidelines.
- (68) "Nontarget organisms" means a plant or animal other than the one against which the pesticide is applied.
- (69) "Oncogenic" means the property of a substance or mixture of substances to produce or induce benign or malignant tumor formations in living animals.
- (70) "Order" means a lawful directive of the department directing a person to perform or cease a specific action or operation.
- (71) "Ornamental" means trees, shrubs, and other plantings in and around habitations generally, but not necessarily, located in urban and suburban areas, including residences, parks, streets, retail outlets, industrial, and institutional buildings.
- (72) "Outdoor applications" means any pesticide application or use that occurs outside enclosed man-made structures or the consequences of which extends beyond enclosed man-made structures, including but not limited to pulp and paper mill water treatments and industrial cooling water treatments.
- (73) "Permit" means a special use document, which may be referred to as a certificate, issued by the department to a private farm applicator to purchase, use, or apply restricted use pesticides.
- (74) "Permit period" means a complete calendar year, January 1 through December 31, for which a person has been issued a permit or certificate by the department (even though the person was not issued a permit or certificate for the complete calendar year).
- (75) "Practical knowledge" means the possession of pertinent facts and the ability to use them in dealing with specific problems and situations.
- (76) "Administrative Procedure Act" means the Montana Administrative Procedure Act, Title 2, chapter 4, MCA and rules promulgated thereunder.
- (77) "Protect health and the environment" means protection against any unreasonable adverse effects on the environment.
- (78) "Protective equipment" means clothing or any other materials or devices that shield against unintended exposure to pesticides.
- (79) "Qualification period" means the period of time for which a person is qualified for a license, certificate, or permit.
- (80) "Records" means a procedure whereby a person is required to record, maintain, reveal, or submit certain data and information, required by the Act.
- (81) "Reentry" means the action of entering an area or site at, in, or on which a pesticide has been applied.

- (82) "Registered" means a product which is labeled as a pesticide or intended for use as a pesticide which has been approved by the department for sale, exchange, or distribution, for use or application in the state.
- (83) "Registration guidelines" means the guidelines and standards used and published by the agency and adopted by the department in reviewing, approving, modifying, denying, suspending, or cancelling the registration of a pesticide formulation.
- (84) "Regulated pest" means a specific organism considered by a state or federal agency to be a pest requiring regulatory restrictions, regulations, or control procedures in order to protect the host, man, and/or his environment.
- (85) "Renewal or renewing" means the process and procedure by which a person renews a registration, license, permit, or certificate.
- (86) "Requalification or requalify" means a process by which an individual becomes eligible by reexamination and/or retraining for a license, permit, or certificate.
- (87) "Residue" means the active ingredient(s), metabolite(s), or degradation product(s) that can be detected in the crops, soil, water, or other component of the environment, including man, following the use of the pesticide.
- (88) "Restricted use pesticide" means a pesticide that is classified for restricted use under specific criteria promulgated by the department and/or the agency.
- (89) "Conditions for use for restricted use pesticides" means:
- (a) a certified pesticide applicator may use and apply restricted use pesticides for which he is certified anywhere within the state;
 - (b) a licensed operator, as an employee of a certified applicator, may use and apply restricted use pesticides for which the certified applicator is licensed, only within 100 miles of the certified applicator while under his direct supervision;
 - (c) a licensed operator working beyond the 100 mile limit may use or apply restricted-use pesticides only under the special supervision of a certified applicator.
- (90) "Revocation or revoking" means the process or procedure of the department to temporarily and/or permanently rescind a person's license, permit, or certificate.
- (91) "Sale" means to sell, wholesale, offer or expose for sale, exchange, barter, or give away a pesticide or pesticide formulation in the state.
- (92) "Special supervision" means that a certified applicator must be physically present at the time of use and application of a pesticide.
- (93) "Standard" means the measure of knowledge and ability which must be demonstrated as a requirement for certification, or some criteria, measurement limitation or condition imposed by the department on a pesticide, process, license, permit, or certificate.
- (94) "Storage" means the process whereby a person stores a pesticide or pesticide containers so as to prevent unreasonable adverse effects on the environment and protect the storage life of the product.

- (95) "Subacute dietary LC₅₀" means a concentration of a substance, expressed as parts per million in feed, that would be lethal to 50% of the test population of animals under test conditions as specified in the Registration Guidelines.
- (96) "Subacute toxicity" means the property of a substance or mixture of substances to cause adverse effects in an organism upon repeated or continuous exposure within less than one-half the lifetime of that organism.
- (97) "Susceptibility" means the degree to which an organism is affected by a pesticide at a particular level of exposure.
- (98) "Teratogenic" means the property of a substance or mixture of substances to produce or induce functional deviations or developmental anomalies, not hereditary, in or on an animal, embryo, or fetus.
- (99) "Toxicity" means the property of a substance or mixture of substances to cause any adverse effects.
- (100) "Unreasonable adverse effects on the environment" means unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide.
- (101) "Use" means the handling or release of a pesticide by a person in a manner that is consistent with the label or labeling and in compliance with department rules on application, storage, mixing, loading, pesticide and container disposal and required supervision.
- (102) "Use-dilution" means a dilution specified on the label or labeling which produces the concentration of the pesticide for a particular purpose or effect.
- (103) "Use pattern" means the manner in which a pesticide is applied and includes the following parameters of pesticide application: target pest; crops or animals treated; application site, application technique, rate, and frequency.
- (104) "Violation" means an act or action not in conformity with the Act or rules adopted thereunder.
- (105) "Volatility" means the property of a substance or substances to convert into vapor or gas without chemical change.

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

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

History: NEW, Eff. 7/5/76; AMD, 7/4/77; AMD, 1978 MAR p. 505, Eff. 5/25/78; AMD, 1986 MAR p. 1007, Eff. 6/13/86; AMD, 1986 MAR p. 1071, Eff. 6/26/86; AMD, 1999 MAR p. 404, Eff. 3/12/99; AMD, 2010 MAR p. 909, Eff. 4/16/10; AMD, 2024 MAR p. 128, Eff. 1/27/24; AMD, 2025 MAR, 4-24-284, Eff. 1/25/25.