



ADMINISTRATIVE RULES OF MONTANA



4.10.1006 GRAVITY OF VIOLATIONS

- (1) The department, in determining the gravity of a major violation as set forth in 80-8-306(5) (e) , MCA, will consider certain factors. These factors are normally established by statute, rules, labeling and similar standards or requirements and will be documented to the violator. The factors set forth below are examples of standards that may used. They are neither inclusive or necessarily additive in substance, order presented, or number.
 - (a) a restricted use pesticide is involved versus a general use pesticide;
 - (b) a more toxic pesticide is involved;
 - (c) an antidote to the pesticide is not available;
 - (d) pesticide residue levels exceed established federal tolerances or action levels;
 - (e) pesticide residue levels exceed established federal or state standard or health guidelines for surface or ground water;
 - (f) the extent, type, kind, nature and severity of exposure or harm to human health, commodities, environment, or livestock;
 - (g) the person's history of compliance with the Montana Pesticides Act, rules, and department orders illustrates continued noncompliance or disregard for compliance;
 - (h) whether ambient air levels of a pesticide exceed state or federal standards or guidelines;
 - (i) timeliness in correcting a violation;
 - (j) cooperation during an inspection or investigation;
 - (k) multiple violations are present;
 - (l) violations that have potential to result in exposure or harm;
 - (m) timely and voluntary settlement of damages;
 - (n) the person has knowledge of the act or rules which were violated.

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.