

# HOUSE BILL No. 4489

March 6, 1991, Introduced by Rep. Gubow and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend Act No. 171 of the Public Acts of 1976, entitled as amended  
"Pesticide control act,"  
as amended, being sections 286.551 to 286.581 of the Michigan Compiled Laws, by adding section 12a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Act No. 171 of the Public Acts of 1976, as  
2 amended, being sections 286.551 to 286.581 of the Michigan  
3 Compiled Laws, is amended by adding section 12a to read as  
4 follows:

5       SEC. 12A. (1) PRIOR TO APPLYING A PESTICIDE TO THE GROUND,  
6 TREES, OR SHRUBS, A COMMERCIAL APPLICATOR SHALL ENTER INTO A  
7 WRITTEN CONTRACT WITH THE OWNER OF THE PROPERTY OR THE AGENT OF  
8 THE OWNER SPECIFYING ALL OF THE FOLLOWING:

1 (A) THE APPROXIMATE DATE OR DATES OF APPLICATION.

2 (B) THE NUMBER OF REQUIRED APPLICATIONS.

3 (C) THE TOTAL COST OF THE SERVICE TO BE PROVIDED.

4 (D) A LIST OF THE PESTICIDES TO BE APPLIED, INCLUDING BRAND  
5 NAMES AND GENERIC NAMES OF ACTIVE INGREDIENTS.

6 (E) THE WARNINGS THAT ARE PERTINENT TO THE PROTECTION OF  
7 HUMANS, ANIMALS, AND THE ENVIRONMENT THAT APPEAR ON THE LABEL OF  
8 THE PESTICIDE TO BE APPLIED.

9 (F) THE COMMERCIAL APPLICATOR'S NAME, ADDRESS, TELEPHONE  
10 NUMBER, AND ANY AVAILABLE IDENTIFICATION NUMBERS OF THE COMMER-  
11 CIAL APPLICATOR, AND THE CERTIFIED APPLICATOR WHO IS RESPONSIBLE  
12 FOR THE APPLICATION OF A PESTICIDE.

13 (2) IF THE COMMERCIAL APPLICATOR IS UNABLE TO APPLY A PESTI-  
14 CIDE ON THE DATE OR DATES SPECIFIED IN A CONTRACT REQUIRED UNDER  
15 SUBSECTION (1), THE COMMERCIAL APPLICATOR SHALL GIVE THE PROPERTY  
16 OWNER OR THE AGENT OF THE OWNER AN ORAL OR WRITTEN NOTICE OF A  
17 PROPOSED ALTERNATIVE DATE OR DATES. THE COMMERCIAL APPLICATOR  
18 SHALL OBTAIN THE ORAL OR WRITTEN APPROVAL OF THE PROPERTY OWNER  
19 OR HIS OR HER AGENT PRIOR TO INITIATING THE CONTRACT FOR  
20 APPLICATION.

21 (3) A COMMERCIAL APPLICATOR WHO IS REQUIRED TO ENTER INTO A  
22 CONTRACT PURSUANT TO SUBSECTION (1) SHALL MAINTAIN COPIES OF ALL  
23 CONTRACTS FOR THE APPLICATION OF PESTICIDES, AND SHALL MAKE  
24 COPIES OF THE CONTRACTS AVAILABLE UPON REQUEST OF THE DIRECTOR  
25 DURING NORMAL BUSINESS HOURS.

1 (4) A COMMERCIAL APPLICATOR SHALL PLACE MARKERS WITHIN OR  
2 ALONG THE PERIMETER OF PROPERTY WHERE A PESTICIDE IS SCHEDULED TO  
3 BE APPLIED IN COMPLIANCE WITH ALL OF THE FOLLOWING REQUIREMENTS:

4 (A) MARKERS SHALL BE PLACED SO AS TO BE CLEARLY VISIBLE TO A  
5 PERSON IMMEDIATELY OUTSIDE THE PERIMETER OF THE PROPERTY.

6 (B) MARKERS SHALL BE AT LEAST 12 INCHES ABOVE THE GROUND AND  
7 AT LEAST 4 INCHES BY 5 INCHES IN SIZE.

8 (C) MARKERS SHALL BE IN PLACE ON THE DAY DURING WHICH A PES-  
9 TICIDE IS APPLIED.

10 (D) IN BOLDLY PRINTED LETTERS THAT ARE AT LEAST 3/8 OF AN  
11 INCH IN HEIGHT, MARKERS SHALL INSTRUCT PEOPLE NOT TO ENTER THE  
12 PROPERTY OR REMOVE THE SIGNS FOR A PERIOD OF AT LEAST 24 HOURS  
13 AFTER THE APPLICATION.

14 (5) THE REQUIREMENTS OF THIS SECTION SHALL NOT APPLY TO A  
15 COMMERCIAL APPLICATOR WHO IS DOING EITHER OF THE FOLLOWING:

16 (A) APPLYING A PESTICIDE ON A GOLF COURSE OR TURF FARM.

17 (B) APPLYING A PESTICIDE OUTSIDE A BUILDING OR STRUCTURE  
18 AROUND OR NEAR THE FOUNDATION OF THE BUILDING OR STRUCTURE FOR  
19 THE PURPOSE OF CONTROLLING PESTS WITHIN THAT BUILDING OR  
20 STRUCTURE.