CHAPTER 33.1-15-10
CONTROL OF PESTICIDES

Section
33.1-15-10-01 Pesticide Use Restricted
33.1-15-10-02 Restrictions on the Disposal of Surplus Pesticides and Empty Pesticide Containers

33.1-15-10-01. Pesticide use restricted.

1. No person shall use or permit the use of pesticides in such manner that will cause the airborne drift of pesticides off the premises on which they are being applied in such quantities that cause damage or injury to human health, crops, domestic animals, pollinating insects, vegetation, fish, and wildlife.

2. No person shall aerial spray or permit the aerial spraying of pesticides over a city in the state without the approval of the department. Such spraying will be allowed only for well-thought-out public health purposes and even then only in emergencies or potential emergencies.

History: Effective January 1, 2019.
General Authority: NDCC 23.1-06-04; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-06-04; S.L. 2017, ch. 199, § 21

33.1-15-10-02. Restrictions on the disposal of surplus pesticides and empty pesticide containers.

1. No person shall dispose of or permit the disposal of surplus pesticides and empty pesticide containers in such a manner as may cause pesticides to become airborne in such quantities that may cause injury or damage to human health, crops, domestic animals, pollinating insects, vegetation, fish, and wildlife.

2. No person shall dispose of or permit the disposal of surplus pesticides by open burning.

3. Burning of empty pesticide containers is not allowed except where no municipal collection and disposal service is available and all of the following conditions are met:

   a. Only plastics composed of carbon, hydrogen, or oxygen may be burned. Plastics composed of polymers of nitrogen, halogens including chlorine, or sulfur may not be burned.

   b. The containers must be empty and triple rinsed before being burned. Containers such as bags or liners must be thoroughly emptied of pesticides prior to burning.

   c. The open burning must be conducted on the farm by the farmers who generated the empty containers.

   d. The open burning shall be conducted in an open area away from buildings and residences, and only when the wind direction disperses the smoke away from any human or animal.

   e. Burning may not be conducted by commercial applicators or to dispose of large stockpiles of empty containers.

   The authority to conduct such open burning does not exempt or excuse a person from the consequences, damages, or injuries which may result therefrom.

4. The disposal of surplus pesticides and empty pesticide containers must be in accordance with rules promulgated pursuant to authorities of the Solid Waste Management and Land Protection Act and the Hazardous Waste Management Act of the North Dakota Century Code.

5. The handling and disposal of pesticide containers, including burning, must comply with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended October 25, 1988.

History: Effective January 1, 2019.
General Authority: NDCC 23.1-06-04; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-06-04; S.L. 2017, ch. 199, § 21