

**WORKING DRAFT**

SENATE FILE NO. \_\_\_\_\_

Direct supervision of pesticide applications.

Sponsored by: Joint Agriculture, Public Lands and Water  
Resources Interim Committee

A BILL

for

1 AN ACT relating to pesticide control; specifying  
2 requirements for direct supervision of pesticide  
3 application; providing a definition; requiring training;  
4 and providing for an effective date.

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6 *Be It Enacted by the Legislature of the State of Wyoming:*

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8 **Section 1.** W.S. 35-7-376 is created to read:

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10 **35-7-376. Direct Supervision.**

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12 (a) Any person applying a pesticide under direct  
13 supervision shall be within one hundred (100) miles of the  
14 supervising certified applicator and shall possess  
15 validation of training from the certified applicator in the

1 proper use and handling of pesticides. This training shall  
2 be provided annually.

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4 (b) When a certified applicator maintains a physical  
5 business presence in multiple locations, each business  
6 location shall employ a certified applicator.

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8 (c) The certified applicator shall be available at  
9 all times for immediate contact by telephone or radio or  
10 shall be physically present on-site when any pesticide is  
11 used that poses a serious hazard or threat to humans,  
12 animals or the environment.

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14 (d) Any certified applicator applying any pesticide  
15 for payment or hire in Wyoming shall hold a Wyoming  
16 pesticide applicators license and shall be physically  
17 present within Wyoming when any pesticide application is  
18 made. This person may employ subordinates and shall comply  
19 with the direct supervision required by this section.

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21 **Section 2.** W.S. 35-7-354 by creating a new subsection  
22 (d) and by renumbering subsections (d) and (e) as (e) and  
23 (f) is amended to read:

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1           **35-7-354. Definitions.**

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3           (d) "Direct supervision" means, unless otherwise  
4 prescribed by the pesticide labeling, the act or process  
5 where any application of a pesticide is made by a competent  
6 person, acting under the instructions and control of a  
7 certified applicator who is responsible for the actions of  
8 the person applying the pesticide, even though the  
9 certified applicator is not physically present at the time  
10 and place the pesticide is applied;

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12           ~~(d)~~ (e) "Pesticide" means:

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14                   (i) Any substance or mixture of substances  
15 intended for preventing, destroying, repelling, or  
16 mitigating any pests;

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18                   (ii) Any substance or mixture of substances  
19 intended for use as a plant regulator, defoliant, or  
20 desiccant; and

21

22                   (iii) Any substance or mixture of substances  
23 intended to be used as a spray adjuvant.

1       ~~(e)~~(f) "Restricted use pesticide" means any pesticide  
2 product, the label of which states "restricted use" as  
3 required for registration by the environmental protection  
4 agency under the federal Insecticide, Fungicide and  
5 Rodenticide Act of 1972, as amended.

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7       **Section 3.** This act is effective immediately upon  
8 completion of all acts necessary for a bill to become law  
9 as provided by Article 4, Section 8 of the Wyoming  
10 Constitution.

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12

(END)