



PESTICIDE MANAGEMENT ON MnDOT PROPERTY

LONG-TERM PEST CONTROL AND PREVENTION
POLICY OP011, 06-28-2017

POLICY STATEMENT

MnDOT is committed to using effective and environmentally sound strategies to manage pests on its property. This policy prescribes requirements for MnDOT when purchasing, applying, storing, and disposing of pesticides. This policy also prescribes training and licensing requirements.

MnDOT uses pesticides on MnDOT property as an important part of Integrated Pest Management (IPM). IPM is an economic and ecosystem-based strategy that focuses on long-term pest control and prevention. MnDOT ensures safe environments by controlling dangerous and unwanted pests on its roadsides, building structures and building grounds.

Pesticides are substances or mixtures of substances intended to:

- Prevent, destroy, and repel any pest, such as insects, weeds, rats, mice, bacteria and mold.
- Regulate or eradicate unwanted vegetation.

This policy uses the term “pesticide” for the following chemical categories:

- **Fungicides**, used to control fungi and mold
- **Herbicides**, used to control dangerous or unwanted vegetation not limited to species listed in [Minnesota Statutes §18.76](#) to [§18.91](#), also known as the “*Minnesota Noxious Weed Law*.” Herbicides are the most common pesticide applied to MnDOT roadsides.
- **Insecticides**, used to kill, harm, repel or mitigate one or more species of insects, used on vegetation at high risk of infestation or having high value or to control insects that pose a threat to public health. Neonicotinoids are a class of insecticides.
- **Rodenticides**, used to kill rodents.

REASON FOR POLICY

As part of pesticide management, MnDOT must balance:

- Public health risk
- Ecological risk
- Effective property management (roadsides, building structures and building grounds)

POLICY OWNERS

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POLICY HISTORY

05-02-1984, Established

02-12-2003, Revision 1

06-28-2017, Revision 2

[MnDOT Policy Website](#)

Legal context

MnDOT employees must read, understand and comply with the law in all aspects of proper pesticide management. There are federal and state legal requirements that MnDOT must follow to reduce legal liability and protect the environment:

[7 U.S.C. §§136-136y](#) *“Federal Insecticide, Fungicide, and Rodenticide Act” (FIFRA)*

- FIFRA provides for federal regulation of pesticide distribution, sale, and use.
- MnDOT employees must follow the label on the pesticide container for specific use of the product, [7 U.S.C. §§136-136ee](#).

[Occupational Safety and Health Administration \(OSHA\)](#) and [Occupational Safety and Health Act of 1970](#)

To ensure safe and healthful working conditions for workers, the United State Department of Labor enforces standards developed under the Act, by:

- Assisting and encouraging the States in their efforts to assume safe and healthful working conditions;
- Providing research, information, education, and training in the field of occupational safety and health.

[Minnesota Statutes §160.23](#), *“Destruction of Noxious Weeds”*

- “Road authorities, including road authorities of cities shall cause all noxious weeds on their respective highways and streets to be cut-down or otherwise destroyed or eradicated as often as may be necessary to prevent the ripening or scattering of seed and other propagating parts of such weeds.”

[Minnesota Statutes §18B](#), *“Pesticide Control”*

[Minnesota Statutes §18B.063](#), *“State Uses of Pesticides and Nutrients”*

- “Use IPM techniques in its management of public lands, including roadside rights of way, parks, and forests; and shall use planting regimes that minimize the need for pesticides and added nutrients.”

[Minnesota Statutes §182.653](#) *“Rights and Duties of Employers”*

“Each employer shall furnish to each of its employees conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to its employees.”

[Minnesota Administrative Rules, Chapter 1505](#) *“Pest and Disease Control”*

[Minnesota Administrative Rules Chapter 5206](#), *“Hazardous Substances; Employee Right-to-Know”*

- “The standards in this chapter implement the provisions of the Employee Right-to-Know Act of 1983. These standards require employers to evaluate their workplaces for the existence of hazardous substances, harmful physical agents, and infectious agents and to provide training and information to those employees covered under this act who are routinely exposed to those substances and agents.”

[Executive Order 16-07](#), *“Directing Steps to Reverse Pollinator Decline and Restore Pollinator Health in Minnesota”*

- Recommendations about neonicotinoids;
- Serve on the Interagency Pollinator Protection Team to provide operational support, interagency coordination, cross agency policies and programs;
- Manage state-owned transportation properties and rights of way to create, protect, and enhance pollinator habitat.

WHO NEEDS TO KNOW THIS POLICY?

MnDOT employees responsible for:

- Purchasing pesticides
- Recording pesticide use
- Storing and disposing of pesticides
- Establishing pesticide training and safety requirements
- Applying pesticides
- Establishing licensing requirements
- Managing contracts and permits, including pest control services

- Supervising employees in all phases of pesticide management

DEFINITIONS

Commercial pesticide applicator

In Minnesota, a person licensed by MDA who applies pesticides on a customer's land or sites. *Source: Minnesota Supplement to Category A, 2nd edition, 2012.*

General use

A pest control product that can be purchased and used by the public. *Source: National Pesticide Applicator Certification CORE Manual, 2nd edition, 2014*

High value vegetation

As defined in MnDOT's [Highway Project Development Process \(HPDP\)](#), vegetation that is: providing a function for the travelling public, such as serving as a "living snow fence," screening, or part of a cultural or historical property. High value vegetation is "irreplaceable" in that the replacement will no longer provide comparable functionality, such as a sapling replacing a mature tree.

Non-commercial pesticide applicator

In Minnesota, a person licensed by MDA who applies pesticides on an employer's land or sites. *Source: National Pesticide Applicator Certification CORE Manual, 2nd edition, 2014*

Non-target organism

Plants or organisms within or near the pesticide-treated area that are not the intended target of the application. *Source: National Pesticide Applicator Certification CORE Manual, 2nd edition, 2014*

Pest

A pest is an undesirable organism (i.e. insect, bacterium, fungus, nematode, weed, virus, or rodent) that injures or harms humans, desirable plants or animals, manufactured products, or natural products). *Source: National Pesticide Applicator Certification CORE Manual, 2nd edition, 2014*

Pesticide Application Log System (PALS)

MnDOT's internal record-keeping system that contains the Minnesota Department of Agriculture (MDA) pesticide application requirements, as required by [Minnesota Statutes §18B.37](#). The District PALS user representative can access PALS.

Ready-to-Use

Low-concentration formulations that require no further dilution before application. *Source: National Pesticide Applicator Certification CORE Manual, 2nd editions, 2014*

Restricted Use Pesticide (RUP) as specified in 40 CFR 152.175, pesticides classified for restricted use:

- Purchased only by a certified pesticide applicator and,
- Used only by a certified pesticide applicator and,
- Not available for use by the public because of high toxicities and/or environmental hazards
(*Source: National Pesticide Applicator Certification CORE Manual, 2nd edition, 2014*)

[Safety Data Sheets \(SDS\)](#)

An information sheet available from the manufacturer that provides details on chemical properties, toxicity, first aid, hazards, personal protective equipment, and emergency procedures to be followed in the event of a spill, leak, fire, or transportation crisis. *National Pesticide Applicator Certification CORE Manual, 2nd edition, 2014*

Target

The object or "target" of pest control management (plants, animals, or pests). *Source: National Pesticide Applicator Certification CORE Manual, 2nd edition, 2014*

PROCEDURES

Purchasing Pesticides

- Employees must only procure pesticides that are registered by the [United States Environmental Protection Agency](#) (EPA) and the Minnesota Department of Agriculture (MDA). If there is a conflict between the EPA and MDA, the more restrictive requirements apply.
- Employees must procure herbicides through the State of Minnesota Herbicide and Herbicide Technical Service Contract, Contract Release H-65(5), available through the MnDOT inventory center. Herbicides purchased through this contract must include “for use on rights of way” on its label.
- Ready to Use formulations of herbicides that are on the referenced contract are available for purchase through MnDOT inventory centers. Contact the MnDOT Roadside Vegetation Unit for guidance on products that are not on the referenced contract.

Recording Pesticide Use

- Employees must complete an application record within five days of applying pesticides, using the MnDOT Pesticide Application Log System (PALS).

Storing and Disposing of Pesticides

- Employees must store and dispose of pesticides in accordance with MnDOT’s Pesticide Use, Storage and Disposal best practices.

Pesticide Training and Safety Requirements

- Employees applying any pesticide must complete an annual [Employee Right-to-Know/Hazard Communication Training](#) required under [Minnesota Statutes §182.653](#) and have current *MnDOT Pesticide Applicator (in-person or e-learning) training*.
- Employees applying pesticides must wear personal protective equipment as required by the label of the pesticide in use; refer to the pesticide label and Safety Data Sheet.
- Safety Data Sheets must be readily accessible for all pesticides prior to employee use in accordance with [Federal OSHA 1910.1200 "Occupational Safety and Health Standards"](#) and [Minnesota Administrative Rules, Chapter 5206, Part 5206.0100 "Hazardous Substances; Employee Right-to-Know"](#)

Pesticide Licensing

- Employees applying any Restricted Use Pesticide must hold a valid non-commercial pesticide license issued by the MDA that includes the CORE and additional category as required by the pesticide used in accordance with [Minnesota Statutes §18B.30](#). See MnDOT Pesticide guidance for more information.
- Employees applying any pesticide must complete an annual MnDOT pesticide-training course.
- All non-ready-to-use pesticides and pesticide mixes require a licensed applicator for mixing.
- Employees applying any neonicotinoid insecticide must work with MnDOT’s Office of Environmental Stewardship, Roadside Vegetation Management Unit, to obtain a “verification of need” from the MDA as required by [Executive Order 16-07](#).

Managing contracts for commercial and/or utility vegetation purposes

- MnDOT must ensure that all contractors applying pesticides on MnDOT property have a MDA license as a Commercial Applicator in the proper category.
- After the application of a pesticide, the MnDOT contract manager will obtain the application record from the contractor and enter the application into PALS or submit the record to the District PALS key user within two weeks of receipt from the contractor.

RESPONSIBILITIES

District Engineer or management designee

- Implement and ensure compliance of this policy
- Develop and maintain plans for incident response, storage, and disposal practices according to [Minnesota Statutes §18B.37, Subd. 4](#) and MnDOT guidance
- Support the implementation and maintenance of the Employee Right-to-Know Program

Office of Environmental Stewardship, Roadside Vegetation Management Unit

- Provide technical assistance and training to all MnDOT applicators
- Recommend appropriate pesticide for application
- Co-maintain the State of Minnesota Herbicide and Herbicide Technical Service Contract, Contract Release H-65(5).

Office of Maintenance

- Co-maintain the State of Minnesota Herbicide and Herbicide Technical Service Contract, Contract Release H-65(5).

MnDOT Statewide Safety Director

- Support the implementation and maintenance of the [MNDOT Employee Right-to-Know/Hazard Communication Program](#).

MnDOT District Safety Administrator

- Carry out responsibilities listed under Safety Administrator in MnDOT's Right-to-Know/Hazard Communication Program

Supervisors of employees involved in pesticide management

- Know and understand licensing and training requirements.
- Initiate and authorize purchase order of pesticides and all Personal Protective Equipment required for pesticide application.
- Carry out responsibilities listed under Supervisor in MnDOT's Right-to-Know/Hazard Communication Program
- Follow MnDOT Pesticide Guidance including application to MnDOT property with tribal boundaries.

MnDOT Pesticide Applicator

- Complete annual required pesticide application training
- Learn about the hazards and safe operating procedures for the job, emergency procedures, and locations of emergency equipment
- Obtain required training and licensure from the MDA as applicable
- Read and understand the label(s) regarding pesticide application and mixing
- Correctly identify targets and pesticide selection
- Record all pesticide applications in PALS
- Store and dispose pesticides as outlined in MnDOT's pesticide guidance
- Inform and supply SDS to MnDOT mechanics when maintenance is required on application equipment
- Assist MnDOT mechanic with herbicide handling as needed
- Follow Pesticide Use guidance including application to MnDOT property within tribal boundaries.

MnDOT District Materials Management

- Submit new SDS to District Safety Administrator as received.
- Purchase herbicides from state contract H-65(5).

FORMS/INSTRUCTIONS

Pesticide Application Log System (PALS) *(for employee use only)*

RELATED INFORMATION

[MnDOT Office of Environmental Stewardship](#) provides environmental resources for pre-construction, construction and maintenance operations of state highways, roadsides, and mass transit systems. The [MnDOT Roadside Vegetation Management](#) website provides pesticide management information such as, integrated roadside vegetation management, living snow fences, prescribed fire, and landscape design and planning.

[MnDOT Office of Maintenance](#) provides expertise, leadership, direction and statewide coordination services to the eight MnDOT districts for maintenance and preservation of Minnesota state highways.

[Minnesota Department of Agriculture](#)

[MnDOT Safety and Workers' Compensation Contacts](#)

[MnDOT Safety Resources](#)

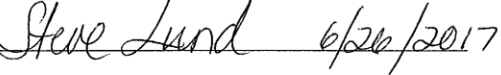
POLICY OWNERSHIP AND AUTHORIZATION

Policy Owners

Lynn Clarkowski, P.E., Director, Office of Environmental Stewardship

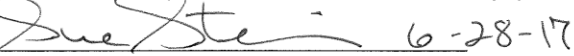
Signature and Date  6/26/2017

Steven Lund, P.E., Director, Office of Maintenance


Signature and Date  6/26/2017

Governance Council

Sue Stein, Assistant Commissioner Corporate Services Division, on behalf of the Governance Council

Signature and Date  6-28-17

Susan M. Mulvihill, P.E., Deputy Commissioner/Chief Engineer

Signature and Date  6/20/17