

# **Pesticide Regulatory Facts for Veterinarians & Livestock Producers**

The use and distribution of pesticides in South Dakota is regulated under the [Federal Insecticide, Fungicide and Rodenticide Act \(FIFRA\)](#) and [Chapters 38-20A](#) and [38-21](#) of state law. The Department of Agriculture enforces state pesticide law, as well federal pesticide law, under agreement with the Environmental Protection Agency (EPA).

## **WHAT DETERMINES IF A PRODUCT IS A PESTICIDE OR AN ANIMAL DRUG?**

Products used by veterinarians in prevention and treatment of conditions in livestock may be regulated as animal drugs, pesticides or both.

In the early 1970's, responsibility for regulation of pesticides on the federal level was transferred from the United States Department of Agriculture to the EPA. An Environmental Protection Agency and Food & Drug Administration (FDA) Memorandum of Understanding from 1971 outlines when a particular product or product use is regulated as a pesticide or an animal drug.

This Memorandum of Understanding remains in effect today is found as part of FDA Compliance Policy Guide 7155b.03. Because this document is lengthy and complicated, contact the Department of Agriculture to determine if a product you are distributing or using is regulated as an animal drug, pesticide or both.

## **REPACKAGING PESTICIDES**

Pesticides may only be sold or distributed in the manufacturer's original, unbroken container. In order to repackage pesticides, the business must be registered with the EPA as a pesticide establishment and comply with all applicable federal and state requirements.

## **SALE OF PESTICIDES BY VETERINARIANS**

Veterinarians are required to hold a pesticide dealers license if they sell restricted-use pesticides, unless pesticide sales account for 3% or less of total sales. A dealers license is not required to sell general use pesticides. The annual pesticide dealers license costs \$50.

Records including the name and address of the purchaser, certification number, date of sale, product sold and EPA Registration Number must be kept when selling restricted-use pesticides.

## **USE OF PESTICIDES BY LIVESTOCK PRODUCERS**

Any person who uses a restricted-use pesticide in the production of an agricultural commodity must be certified as a private applicator. A 1991 amendment to the state pesticide law requires that any person who uses a general use pesticide to produce an agricultural commodity of more than a \$1,000 gross sales potential, must be certified. Livestock producers can obtain private applicator certification by taking an exam at the county extension office or by attending a training session given by the county extension agent.

For the purposes of certification, the department considers any product with an EPA Registration Number to be a pesticide. Insecticide ear tags and livestock dusts are examples of products that are regulated as pesticides.

For restricted-use pesticides, a person must be certified to purchase or apply the pesticide. For general use pesticides, a person who is producing an agricultural commodity with a gross sales potential of more than \$1,000 does not have to be certified to purchase the pesticide, but must be certified in order to apply the pesticide.

When a pesticide is classified as restricted, the label will state "Restricted Use Pesticide" in a box at the top of the front panel. Lindane is an example of a restricted-use pesticide.

### **USE OF PESTICIDES BY VETERINARIANS**

Since 1974, veterinarians have been required to be certified and licensed under state law if they are using a restricted-use pesticide. A veterinarian is not required to be certified and licensed if he/she is using only a general use pesticide, is not regularly engaged in the business of applying pesticides amounting to a principal or regular occupation and is not publicly holding himself out as a pesticide applicator.

Commercial certification is obtained by taking and passing a general test and category specific test(s) available at the county extension office. This certification is valid for two years and can be renewed by retaking the test or by attending commercial applicator recertification training.

Once certified, an applicator license must be obtained, which must be renewed annually. The applicator license costs \$25, unless renewed after the last day of February, in which case a \$50 late fee applies, for a total cost of \$75.

### **WHERE TO OBTAIN MORE INFORMATION**

This brochure provides only basic information that applies to pesticide sales and use by veterinarians and use by livestock producers. For more information contact:

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