Pesticide and Plant Pest Management Division

Agricultural Pesticide Dealer (AP) License

Questions and Answers

A legislative change in Michigan will impact sales of agricultural pesticides (pesticides with Worker Protection Labeling as required by 40 CFR Parts 156 and 170). The goal of this change is to make the collection of groundwater fees more equitable and fair among in-state and out-of-state agricultural pesticide dealers. Prior to this change, it was not possible for agricultural pesticide registrants or manufacturers to track pesticide product sales through multiple layers of distribution. As a result, out-of-state pesticide sales often did not include the required three quarters of one percent of wholesale groundwater fees to Michigan.

This new requirement became effective February 29, 2008. The Michigan Department of Agriculture is now ready to accept applications for the new agricultural pesticide dealer license program. Sale of agricultural pesticides without a valid agricultural pesticide dealer or restricted use pesticide (RUP) dealer license is a violation of Act 451, Part 83, Pesticide Control and is subject to enforcement action.

Please contact MDARD-Pesticide@michigan.gov if you have additional questions or need additional information.

What is an Agricultural Pesticide?

An Agricultural pesticide is a pesticide with Worker Protection labeling as required by 40 CFR Parts 156 and 170, and includes both general use and restricted use pesticides. Agricultural pesticides are meant for use in agricultural settings; like farms, nurseries, greenhouses, and forests. Home/garden products are not included in this definition because these products will not have worker protection labeling.

What is the difference between an agricultural pesticide dealer and a restricted use pesticide (RUP) dealer?

For licensing purposes, an agricultural pesticide dealer is any dealer who is not already licensed as a restricted use pesticide (RUP) dealer. In this case, the agricultural pesticide dealer is not allowed to sell restricted use pesticides. On the other hand, a restricted use pesticide dealer is a dealer licensed to sell restricted use pesticides and may also sell general use pesticides.

This new change will impact OUT-OF-STATE and IN-STATE agricultural pesticide dealers in different ways. The following questions and answers will help in determining the impact this change will have in your operation.

Do I need an agricultural pesticide dealer license if I am not a licensed RUP dealer?

Yes, if you are selling agricultural pesticides, you need to obtain an agricultural pesticide dealer license.

What is the cost for an agricultural pesticide dealer license and a RUP dealer license?

The cost is $100.00 annually for either license.

What if I want to become a RUP dealer instead of an agricultural pesticide dealer since the license cost is the same?

You can, however, the license requirements are different for a RUP dealer license. Check this site www.michigan.gov/mda for information on RUP dealer license requirements.

What if I only sell a jug/bag or two of agricultural pesticides, do I still need to obtain a license?

Yes, businesses have considered consolidating sales to one location and getting a license for that location or discontinuing selling agricultural pesticides.

How will I be impacted by this change if I am an out-of-state agricultural pesticide dealer?

This change will impact you in the following ways:

Out-of-state agricultural pesticide dealers selling agricultural pesticides into Michigan must:

•Obtain a Michigan agricultural pesticide dealer license. You can obtain this license by completing the application form from the web site at www.michigan.gov or request a copy by calling (517) 284-5749. Your application must be accompanied with the $100 annual license fee.

•Retain the services of an in-state resident agent. The resident agent may be an individual living in Michigan whose business office or residence is identical with the registered office, a domestic corporation or limited liability company, or a foreign corporation or limited liability company authorized to transact business in the state and having a business office identical with the registered office. You must provide the name, address, and telephone number of the resident agent on the agricultural pesticide dealer license application. The resident agent acts as a primary point of contact for department communications with your business.

•Report to the agricultural pesticide registrant/manufacturer the following information related to the sale/distribution of agricultural pesticides. The product name, EPA registration number, amount of pesticide sold or distributed, wholesale value of the pesticide sold or distributed, date of sale or distribution, sales or distribution invoice number, and the name and address of the consignee.

How will I be impacted by this change if I am an in-state agricultural pesticide dealer?

This change will impact you in the following ways:

In-state agricultural pesticide dealers selling agricultural pesticides into Michigan must:

•Obtain a Michigan agricultural pesticide dealer license. You can obtain this license by completing the application form from the web site at www.michigan.gov or request a copy by calling (517) 284-5749. Your application must be accompanied with the $100 annual license fee. If you are already licensed as a Michigan RUP dealer, you are not required to obtain an additional agricultural pesticide dealer license.

•In-State agricultural pesticide dealers or RUP dealers are not required to report sales or distribution to registrants. This requirement only applies to out-of-state agricultural pesticide dealers and out-of-state RUP dealers that sell agricultural pesticides into Michigan.

RESTRICTED USE PESTICIDE (RUP) DEALERS

This new change will impact out-of-state and in-state RUP dealers in different ways. The following questions and answers will help you in determining the impact this change will have in your operation.

How will I be impacted if I am an out-of-state RUP dealer?

This change will impact you in the following ways:

Out-of-state RUP dealers selling agricultural pesticides into Michigan must:

•Retain the services of an in-state resident agent. The resident agent may be an individual living in Michigan whose business office or residence is identical with the registered office, a domestic corporation or limited liability company, or a foreign corporation or limited liability company authorized to transact business in the state and having a business office identical with the registered office. You must provide the name, address, and telephone number of the resident agent on the agricultural pesticide dealer license application. The resident agent acts as a primary point of contact for department communications with your business.

•Report to the agricultural pesticide registrant/manufacturer the following information related to the sale/distribution of agricultural pesticides. The product name, EPA registration number, amount of pesticide sold or distributed, wholesale value of the pesticide sold or distributed, date of sale or distribution, sales or distribution invoice number, and the name and address of the consignee.

How will I be impacted if I am an in-state RUP dealer?

If you are already licensed as a Michigan RUP dealer, you are not required to obtain an agricultural pesticide dealer license.

In-state RUP dealers are not required to report sales or distribution to registrants. This requirement only applies to out-of-state agricultural pesticide dealers and out-of-state RUP dealers that sell agricultural pesticides into Michigan.

REGISTRANTS

The new regulatory requirement affects agricultural pesticides, which is a subset of the non-specialty pesticide group. Effective immediately, any out-of-state RUP dealer or agricultural pesticide dealer must report sales of agricultural pesticides into Michigan to the registrant.

You need to be prepared to accept these sales reports from out-of-state agricultural pesticide and RUP dealers. The report will include the product name, EPA registration number, amount of pesticide sold or distributed, wholesale value of the pesticide sold or distributed, date of sale or distribution, sales or distribution invoice number, and the name and address of the consignee. This sales information must be included in your annual accounting for groundwater fees.