Pesticide Application Business Subcontracting Policy

Authority:

Section 8313 of the Natural Resources and Environmental Protection Act Part 83, Pesticide Control, describes the Pesticide Application Business (PAB) activities subject to licensing. It further stipulates the requirements for eligibility to obtain the Pesticide Application Business License. The purpose of this policy is to interpret the PAB licensing requirements as they relate to the issue of subcontracting the application of pesticides.

In the past, the MDARD's Pesticide and Plant Pest Management Division found it necessary to answer issues on subcontracting after an amendment to the Pesticide Control Act requiring two years experience in the application of pesticides was instituted as a prerequisite for PAB license. Existing firms that did not wish to apply pesticides and new firms that did not meet the experience requirement for licensing looked at subcontracting as a means of bidding on maintenance contracts that included pesticide applications as a part of the contract.

The subcontracting policy provided a tool that allowed unlicensed firms to match a licensed PAB with a property manager and the system had some measure of success. However, this policy was instituted prior to the enactment of Regulation 637, which in part, calls for consent and the delivery of certain information to the customer at the time of the application. In recent times, some PAB firms involved in subcontracting have provided “customer information” to the contractor instead of the actual property manager or owner of the site, thereby failing to meet the intent of Regulation 637. Following is the MDARD revised policy on subcontracting:

Standard Operating Procedures for Subcontracting:
MDARD will allow an unlicensed firm (contractor) to subcontract the application of pesticides when the following conditions have been met:

1. The contractor must make the property owner or property manager aware in a written bid that they will subcontract pesticide applications to a licensed PAB firm, which must be identified in the bid.
2. The firm conducting the pesticide application (subcontractor) is licensed and in compliance with Act 451and its regulations.
3. The property owner or property manager, after being notified of the subcontractor identity by written bid, has consented to the application of pesticides by the subcontractor.
4. The property owner or property manager receiving the pesticide application is issued all the information due the customer in compliance with Regulation 637 Rule 12. Further, the contractor will document in writing how the information required in Rule 12 will be provided to the property owner or property manager, in keeping with the intent of the Rule.

Measures of compliance with this policy:
The above factors can be implemented in a number of ways. Rather than focus on specific procedures for implementation of this policy, it is more effective to look at the outcome of the factors. A contractor is in compliance with this policy when:

- The property owner or property manager knows and has consented to the application by the
  subcontracted PAB firm.

- The property owner or property manager is in possession of the information due the customer as required in Regulation 637.