

DEPARTMENT OF AGRICULTURE

PESTICIDE AND PLANT PESTICIDE MANAGEMENT DIVISION

REGULATION NO. 633. RESTRICTED USE PESTICIDES

(By authority conferred on the director of the department of agriculture by section 19 of Act No. 171 of the Public Acts of 1976, being S286.569 of the Michigan Compiled Laws)

R 285.633.1 Definitions.

Rule 1. (1) The terms defined in the act have the same meaning when used in these rules.

(2) "Act" means Act No. 171 of the Public Acts of 1976, being S286.551 et seq. of the Michigan Compiled Laws.

(3) "Domestic use" means application of a pesticide directly to humans or pets, or application of a pesticide in, on, or around all structures, vehicles, or areas associated with the household or home life, patient care areas of health-related institutions, or areas where children spend time.

History: 1979 AC.

R 285.633.2 Restricted use pesticides.

Rule 2. (1) The director has determined that the following formulations, when used as pesticides, are serious hazards to man, warm blooded animals, or to the environment when used consistent with product labeling and, therefore, are restricted use pesticides:

Active Ingredient	Formulations	Use Pattern
Acrolein	As sole active ingredient.	All uses.
Acrylonitrile	In combination with carbon tetrachloride.	All uses.
Aldicarb	As sole active ingredient.	All uses.
Aldrin	All formulations.	All uses.
Allyl alcohol	All formulations.	All uses.
Aluminum phosphide	As sole active ingredient.	All uses.
Arsenicals	Inorganic insoluble (50% and above as the compound), including calcium arsenate, lead arsenate, magnesium arsenate, paris green. Inorganic soluble including arsenic trioxide above 1.5%, sodium arsenite above 2%, and sodium	All uses.

	arsenate above 5%.	
4-aminopyridine	All formulations.	All uses.
Azinphos methyl	All liquids with a concentration greater than 13.5%.	All uses.
	All dusts and wettable powders.	All uses except when packaged in water soluble packets.
Calcium cyanide	As sole active ingredient.	All uses.
Carbofuran	All formulations at 40% active ingredient and above.	All uses.
	All formulations at 10% active ingredient or greater.	All domestic uses.
Carbon disulfide	All formulations.	All uses.
Carbon tetrachloride	All formulations.	All uses.
Chlordane	All formulations.	All uses.
Chlorfenvinphos	All concentrate solutions or emulsifiable concentrates 21% or greater.	All uses.
Chloropicrin	All formulations above 2% active ingredient.	All uses.
Clonitralid	Wettable powder formulation 70% and greater.	All uses.
	As sole active ingredient in all formulations.	Molluscicide uses.
DDT	All formulations.	All uses.
Demeton	1% fertilizer formulation, 1.985% granular formulation.	All uses, including domestic uses.
	All granular formulations.	All uses.
	All emulsifiable products and solutions requiring dilution prior to use.	All uses.
Dicrotophos	All liquid formulations.	All uses.
Dieldrin	All formulations.	All uses.
Dioxathion	All concentrate solutions or emulsifiable concentrates greater than 30%.	All uses.
	All solutions 3% and greater.	All domestic uses.
Diquat dibromide	All formulations.	All aquatic uses, except in small ponds such as farm ponds that have no outflow and are under the control of

		the user.
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Disulfoton	All liquid formulations.	All uses.
	All granular formulations 10% and greater.	Indoor use. Foliar and broadcast application to agricultural crops, except to seedbeds and transplant beds.
EPN	All formulations.	All uses.
Endrin	All formulations.	All uses.
Ethoprop	Emulsifiable concentrates 40% and greater.	All uses.
Ethyl parathion	All formulations.	All uses.
Ethylene dibromide	All formulations.	All uses.
Ethylene dichloride	As sole active ingredient or in combination with CC14, ethylene dibromide, carbon disulfide, or sulfur dioxide.	All uses.
Fenamiphos	Emulsifiable concentrates 35% and greater.	All uses.
Fensulfothion	All liquid formulations 43% and greater.	All uses.
	Granular formulations 15% active ingredient and above.	Indoor uses (greenhouse).
Fluoroacetamide/1081	All formulations.	All uses.
Fonofos	Liquid formulations at 44% active ingredient and above.	All uses.
Heptachlor	All formulations.	All uses.
Hydrocyanic acid	All formulations.	All uses.
Mercury	All formulations.	All uses.
Methomyl	As sole active ingredient in 1% to 2.5% baits, except 1% fly bait.	Nondomestic outdoor agricultural crops, ornamentals, and turf. All other registered uses.
	All solutions requiring dilution prior to use.	All uses.
	90% wettable powder formulations that are not in water soluble bags.	All uses.
Methyl bromide	All formulations.	All uses.
Methyl parathion	All formulations.	All uses.
Mevinphos	All emulsifiable and liquid	All uses.

	products requiring dilution prior to use.	
	Psycodid filter fly liquid formulations.	All uses.
	2% dusts.	All uses.

Monocrotophos	Liquid formulations 19% active ingredient and above.	All uses.
Nicotine (alkaloid and sulfate)	Liquid formulations at 40% active ingredient (alkaloid).	All uses.
	14% smoke generator.	All uses.
Paraquat (Dichloride) and Paraquat Bis (Methyl Sulfate)	All formulations and concentrations except pressurized spray formulation containing .44% paraquat bis (methyl sulfate) and 15% petroleum distillates as active ingredients.	All uses.
Phorate	All formulations at 1.25% active ingredient and above.	All uses.
Phosacetim	All formulations.	All uses.
Phosphamidon	All liquid formulations.	All uses.
	All dust formulations 1.5% and greater.	All uses.
Picloram	All formulations and concentrations except formulations labeled only for trunk injection, girdling or stump treatment.	All uses.
Sodium cyanide	All formulations.	All uses.
Sodium fluoroacetate	All solutions and dry baits.	All uses.
Strychnine	All formulations.	All uses.
Sulfotepp	Sprays and smoke generators.	All uses.
TDE	All formulations.	All uses.
TEPP	Emulsifiable formulations requiring dilution prior to use.	All uses.
Toxaphene	All liquid formulations.	Domestic uses.
	All formulations.	Aerial application. Direct application to aquatic environment. Application to field, fiber, and forage crops; deciduous fruit and nut crops.

(2) Notwithstanding any statement to the contrary, including statements on the labels or made by the manufacturer, a restricted use pesticide enumerated in these rules is declared to be restricted in relation to its purchase, distribution, sale, and use in this state.

(3) In addition to the pesticides enumerated in subrule (1) of this rule, those pesticides classified by the environmental protection agency as restricted use pesticides in the provisions of 40 C.F.R. S162.31 (October 10, 1983) are adopted with all amendments as part of this rule. If there is conflict between restricted categories adopted as a result of inclusion in the provisions of 40 C.F.R. S162.31 (October 10, 1983) and the categories classified by this rule, the more restrictive rule shall prevail. Copies of the adopted matter may be obtained from the United States Environmental Protection Agency, Office of Pesticide Programs, Washington, D.C. 20460, at no cost, and from the Michigan Department of Agriculture, P.O. Box 30017, Lansing, Michigan 48909, at no cost.

History: 1979 AC; 1985 AACs.

R 285.633.3 Licenses; application.

Rule 3. (1) A person shall not sell, offer for sale, or otherwise distribute to the ultimate user a restricted use pesticide, unless a restricted use pesticide dealer's license is secured as provided in the act and these rules. A restricted use pesticide dealer shall sell those restricted pesticides as enumerated in R 285.633.2 only to users who exhibit full compliance with R 285.636.1 et seq. of the Michigan Administrative Code.

(2) A person in charge of each sales location or outlet shall apply, on a form prescribed by the director, for a license to sell restricted use pesticides for each location or outlet.

History: 1979 AC.

R 285.633.4 License examinations.

Rule 4. (1) A person applying for a license to sell restricted use pesticides shall pass a written examination to determine his knowledge of the laws and rules governing the use and sale of pesticides and his responsibility in carrying on the business of a restricted use pesticides dealer. The examinations may be conducted at a time and place designated by the director. A score of 70 or above is required for passing. A score of less than 70 shall result in denial of a license.

(2) An applicant failing the examination may be granted a reexamination after an interview with a person or persons delegated by the director regarding his license application and a review of the examination.

History: 1979 AC.

R 285.633.5 License renewals.

Rule 5. (1) A license expires on December 31 of each year and shall be renewed on or before January 1 of each year.

(2) A license may be renewed, on a form prescribed by the director, without an examination if the applicant meets all the qualifications set forth in the act and these rules, unless an examination is required on amendments to the act or these rules which set forth different or additional qualifications. The director may at his discretion require the reexamination of an applicant who fails to renew his license by January 1.

(3) An examination is required if the business is operated by a person who has not previously been examined.

History: 1979 AC.

R 285.633.6 Restrictions and conditions of sales.

Rule 6. (1) The following restricted use pesticides shall be sold only to certified applicators who can exhibit certification credentials substantiating they have been certified in the designated specific categories, subcategories, or method of application established in R 285.636.3 and R 285.636.5 of the Michigan Administrative Code:

- (a) Avitrol--Subcategories(7)(a) or (1)(a) or category (8).
- (b) Calcium cyanides--Subcategory(7)(a), category (8), or fumigation.
- (c) DDT--Subcategory(7)(c) or category (8).
- (d) Fluoroacetamide--Subcategory (7)(a) or category (8).
- (e) Hydrocyanic acid--Subcategory (7)(a), category (8), or fumigation.
- (f) Methyl bromide--Fumigation.
- (g) Sodium cyanide--Subcategory (7)(a), category (8), or fumigation.
- (h) Sodium fluoroacetate--Subcategory (7)(a) or category (8).
- (i) Strychnine--Subcategory (7)(a) or category (8).

(2) A licensed restricted use pesticides dealer shall provide each purchaser of restricted use pesticides, in addition to the registered label instructions for handling, use, and safety precautions, any other information required by the director relating to safe use to avoid hazards to man and the environment.

History: 1979 AC.

R 285.633.7 Dealers' records and reports of sales of pesticides.

Rule 7. A licensed dealer shall keep a record, on forms supplied by the director, of each sale of restricted use pesticides. Such record shall be transmitted to the director monthly, and shall be due in the office of the director not later than the fifteenth day of the month following the month of sale.

History: 1979 AC.