

In Brief. . .

Pesticides (including herbicides, insecticides, fungicides, nematocides, etc.) may be *restricted* to sale and use only by certified pesticide applicators due to their toxicity, potential environmental effects, or other hazardous properties. They may be restricted by either US EPA or NMDA.

Only *licensed pesticide dealers* can distribute restricted-use pesticides. Pesticide dealer licenses are issued by NMDA.

All *federal* restricted-use pesticides are clearly labeled as such. *State* restricted-use pesticides are 2,4-D herbicides labeled primarily for agricultural, right-of-way, or industrial uses.

Businesses or individuals who only sell unrestricted pesticides (sometimes called “general use pesticides”) do not need a Dealer License.

Questions?

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Pesticide Dealers

Pesticide dealers are licensed by the New Mexico Department of Agriculture to assure that only certified individuals can purchase restricted-use pesticides in New Mexico. The pesticide dealer must ensure that anyone who purchases a restricted-use pesticide is **licensed** and **certified** in the type of pest control for which the pesticide is intended.

*New Mexico
Department of
Agriculture*

Pesticide Compliance

RESPONSIBILITIES

Pesticides may be restricted by the US Environmental Protection Agency or by the New Mexico Department of Agriculture. EPA-restricted pesticides have a statement on the front of their labels that identifies them as restricted-use pesticides. NMDA-restricted pesticides do not have a statement on their labels. Only herbicides with 2,4-D as an active ingredient and whose directions are primarily for use on agronomic crops, pastures, rangeland, forests, rights-of-way, or industrial sites are restricted by NMDA. A list of NMDA restricted pesticides is maintained on our web site.

Dealers must keep sales records for any restricted-use pesticides they sell. For every transaction they must record:

- Customer's name and license number (the individual's name, not just business name)
- Names and EPA Registration numbers of the pesticides sold
- Quantity (gallons, pounds, etc.) of pesticides sold
- Date of transaction

Employees of licensed pesticide applicators may pick up restricted-use pesticides for their employer. Dealers should record the name of the individual who picks up or receives restricted-use pesticides.

Dealers should also make sure the applicator is certified in the appropriate categories to use the pesticide he is purchasing.

An example form for keeping sales records is available from NMDA. Dealers can use this form or any other as long as the required information is included.

INSPECTIONS

NMDA Pesticide Compliance inspectors inspect dealers to verify that pesticides are safely stored and handled, restricted pesticides are sold only to licensed individuals, and all pesticides are registered. Inspectors may audit the records of restricted use pesticide purchases and sales and sample any of the pesticides offered for sale.

VIOLATIONS

It is a violation of the New Mexico Pesticide Control Act to sell EPA or NMDA restricted pesticides without a valid Dealer License. It is also a violation to sell restricted-use pesticides to anyone who is not licensed. Dealers who knowingly sell to unlicensed individuals are subject to penalties ranging from the suspension or revocation of their Dealer License to civil penalties assessed by the courts. Such sales also violate the Federal Insecticide, Fungicide and Rodenticide Act and may subject violators to Federal penalties.

OTHER POINTS

A separate Dealer License is required for each outlet or location that distributes restricted-use pesticides. Dealers who do not have a location in New Mexico must license their principle out-of-state location if they distribute restricted-use pesticides in the state.

A Pesticide Dealer is responsible for the actions of each individual he employs with regard to the purchase and sale of pesticides.

The Dealer License does **not** cover any other pesticide services, including applying pesticides, making recommendations or giving advice on restricted pesticides. Any individuals at the business who will be providing those services must be licensed as pesticide applicators or pest management consultants.

Certain Pesticide Dealers may be required to comply with additional pesticide regulations. Any dealer who repackages pesticides, including refilling bulk containers, must be registered with US EPA as a Pesticide Establishment. Dealers who handle large amounts or volumes of pesticides must comply with the federal container/containment rule. For information on these or any other pesticide regulations, contact NMDA.