

4-14-7 Enforcement -- Inspection and sampling authorized -- Notice of deficiency to be given registrant -- Objects of inspection delineated -- Warrants.

- (1) The department to determine compliance with this chapter, shall periodically sample, inspect, and analyze pesticides distributed within this state; observe and investigate the use and application of pesticides within this state; and inspect equipment used to apply pesticides in this state to determine if they comply with this chapter.
- (2) If a pesticide sample, upon analysis, fails to comply with this chapter, the department shall give written notice to that effect to the registrant or owner of the pesticide. Nothing in this chapter, however, shall be construed as requiring the department to refer minor violations for criminal prosecution or for the institution of condemnation proceedings if it believes the public interest will best be served through informal action.
- (3) The department, for the purpose of enforcing this section, is authorized at reasonable times, to enter any private or public premises for the purpose of:
 - (a) inspecting any equipment used in applying pesticides;
 - (b) inspecting or sampling lands actually or reported to be exposed to pesticides;
 - (c) inspecting storage or disposal areas;
 - (d) investigating complaints of injury to animals or lands;
 - (e) sampling pesticides wherever located including in vehicles; or
 - (f) observing the use and application of a pesticide.
- (4) The department may proceed immediately, if admittance is refused, to obtain an ex parte warrant from the nearest court of competent jurisdiction to allow entry upon the premises for any purpose specified in Subsection (3) of this section.

Enacted by Chapter 2, 1979 General Session