

**Effective 5/8/2018**

**Superseded 7/1/2023**

**4-14-102 Definitions.**

As used in this chapter:

- (1) "Active ingredient" means an ingredient that:
  - (a) prevents, destroys, repels, controls, or mitigates pests; or
  - (b) acts as a plant regulator, defoliant, or desiccant.
- (2) "Adulterated pesticide" means a pesticide with a strength or purity that is below the standard of quality expressed on the label under which the pesticide is offered for sale.
- (3) "Animal" means all vertebrate or invertebrate species.
- (4) "Beneficial insect" means an insect that is:
  - (a) an effective pollinator of plants;
  - (b) a parasite or predator of pests; or
  - (c) otherwise beneficial.
- (5) "Certified applicator" means an individual who is licensed by the department to apply:
  - (a) a restricted use pesticide; or
  - (b) a general use pesticide for hire or in exchange for compensation.
- (6) "Certified qualified applicator" means a certified applicator who is eligible to act as a qualifying party.
- (7) "Defoliant" means a substance or mixture intended to cause leaves or foliage to drop from a plant, with or without causing abscission.
- (8) "Desiccant" means a substance or mixture intended to artificially accelerate the drying of plant or animal tissue.
- (9) "Distribute" means to offer for sale, sell, barter, ship, deliver for shipment, receive, deliver, or offer to deliver pesticides in this state.
- (10) "Environment" means all living plants and animals, water, air, land, and the interrelationships that exist between them.
- (11)
  - (a) "Equipment" means any type of ground, water, or aerial equipment or contrivance using motorized, mechanical, or pressurized power to apply a pesticide.
  - (b) "Equipment" does not mean any pressurized hand-sized household apparatus used to apply a pesticide or any equipment or contrivance used to apply a pesticide that is dependent solely upon energy expelled by the person making the pesticide application.
- (12) "EPA" means the United States Environmental Protection Agency.
- (13) "FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act.
- (14)
  - (a) "Fungus" means a nonchlorophyll-bearing thallophyte or a nonchlorophyll-bearing plant of an order lower than mosses and liverworts, including rust, smut, mildew, mold, yeast, and bacteria.
  - (b) "Fungus" does not include fungus existing on or in:
    - (i) a living person or other animal; or
    - (ii) processed food, beverages, or pharmaceuticals.
- (15) "Herbicide" means a substance that is toxic to plants and is used to control or eliminate unwanted vegetation.
- (16) "Insect" means an invertebrate animal generally having a more or less obviously segmented body:
  - (a) usually belonging to the Class Insecta, comprising six-legged, usually winged forms, including beetles, bugs, bees, and flies; and

- (b) allied classes of arthropods that are wingless usually having more than six legs, including spiders, mites, ticks, centipedes, and wood lice.
- (17) "Label" means any written, printed, or graphic matter on, or attached to, a pesticide or a container or wrapper of a pesticide.
- (18)
  - (a) "Labeling" means all labels and all other written, printed, or graphic matter:
    - (i) accompanying a pesticide or equipment; or
    - (ii) to which reference is made on the label or in literature accompanying a pesticide or equipment.
  - (b) "Labeling" does not include any written, printed, or graphic matter created by the EPA, the United States Departments of Agriculture or Interior, the United States Department of Health, Education, and Welfare, state experimental stations, state agricultural colleges, and other federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.
- (19) "Land" means land, water, air, and plants, animals, structures, buildings, contrivances, and machinery appurtenant or situated thereon, whether fixed or mobile, including any used for transportation.
- (20) "Misbranded" means any label or labeling that is false or misleading or that does not strictly comport with the label and labeling requirements set forth in Section 4-14-104.
- (21) "Misuse" means use of any pesticide in a manner inconsistent with the pesticide's label or labeling.
- (22) "Nematode" means invertebrate animals of the Phylum Nematelminthes and Class Nematoda, including unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, also known as nemas or eelworms.
- (23) "Ornamental and turf pest control" means the use of a pesticide to control ornamental and turf pests in the maintenance and protection of ornamental trees, shrubs, flowers, or turf.
- (24)
  - (a) "Pest" means:
    - (i) any insect, rodent, nematode, fungus, weed; or
    - (ii) any other form of terrestrial or aquatic plant or animal life, virus, bacteria, or other microorganism that is injurious to health or to the environment or that the department declares to be a pest.
  - (b) "Pest" does not include:
    - (i) viruses, bacteria, or other microorganisms on or in a living person or other living animal; or
    - (ii) protected wildlife species identified in Section 23-13-2 that are regulated by the Division of Wildlife Resources in accordance with Sections 23-14-1 through 23-14-3.
- (25) "Pesticide" means any:
  - (a) substance or mixture of substances, including a living organism, that is intended to prevent, destroy, control, repel, attract, or mitigate any insect, rodent, nematode, snail, slug, fungus, weed, or other form of plant or animal life that is normally considered to be a pest or that the commissioner declares to be a pest;
  - (b) any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant;
  - (c) any spray adjuvant, such as a wetting agent, spreading agent, deposit builder, adhesive, or emulsifying agent with deflocculating properties of its own used with a pesticide to aid the pesticide's application or effect; and
  - (d) any other substance designated by the department by rule.
- (26) "Pesticide applicator" is a person who:

- (a) applies or supervises the application of a pesticide; and
  - (b) is required by this chapter to have a license.
- (27)
- (a) "Pesticide applicator business" means an entity that:
    - (i) is authorized to do business in this state; and
    - (ii) offers pesticide application services.
  - (b) "Pesticide applicator business" does not include an individual licensed agricultural applicator who may work for hire.
- (28) "Pesticide dealer" means any person who distributes restricted use pesticides.
- (29)
- (a) "Plant regulator" means any substance or mixture intended, through physiological action, to accelerate or retard the rate of growth or rate of maturation, or otherwise alter the behavior of ornamental or crop plants.
  - (b) "Plant regulator" does not include plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.
- (30) "Qualifying party" means a certified qualified applicator who is the owner or employee of a pesticide applicator business and who is registered with the department as the individual responsible for ensuring the training, equipping, and supervision of all pesticide applicators who work for the pesticide applicator business.
- (31) "Restricted use pesticide" means:
- (a) a pesticide, including a highly toxic pesticide, that is a serious hazard to beneficial insects, animals, or land; or
  - (b) any pesticide or pesticide use restricted by the administrator of EPA or by the commissioner.
- (32) "Spot treatment" means the limited application of an herbicide to an area that is no more than 5% of the potential treatment area or one-twentieth of an acre, whichever is smaller, using equipment that is designed to contain no more than five gallons of mixture.
- (33) "Weed" means any plant that grows where not wanted.
- (34) "Wildlife" means all living things that are neither human, domesticated, nor pests.