

Cherokee Nation Code Annotated

Title 27: Environmental Quality

Chapter 8: Pesticide Application Notification System

§ 804. Establishment of policies

Cite as: 27 CNCA § 804

By July 1, 2011 policies will be developed and implemented requiring the following:

1. Notice of pesticide application.

a. General notification of pesticide use will be provided to the Cherokee Nation Environmental Programs department no less than forty-eight (48) hours prior to application on any Cherokee Nation-owned or -operated facility. The written notification must be provided to Cherokee Nation Environmental Programs with the following information:

i. name and address of facility to be treated;

ii. location of the application;

iii. date of the application;

iv. name, address and phone number of applicator company;

b. After completion of a pesticide application, the following information is to be provided to the appropriate facility personnel:

i. address of the facility being treated, specific area(s) treated by the product and for whom the pesticide was applied;

ii. name, address and telephone number of company making application (if applicable);

iii. name and license number of person making the application;

iv. complete brand name and EPA registration number of pesticide product used;

v. year, month, day, and time of application;

vi. target pest(s);

vii. quantity of pesticide used;

viii. method of application;

ix. MSDS sheet for pesticide applied.

2. Exemptions from 48-hour notification.

- a. emergency pesticide applications required by the public health officials;
- b. disinfectants, sanitizers, deodorizers, or microbial agents used for general cleaning purposes;
- c. the use of baits and traps used for pest control.

3. Pesticide contractors.

a. It shall be unlawful for any person to act, operate, or do business or advertise as a commercial, noncommercial, certified applicator, temporary certified applicator, service technician, or private applicator unless the person has obtained a valid applicator's license issued by the Oklahoma State Board of Agriculture, or similar license issued under the authority of a different state, for the category of pesticide application in which the person is engaged.

b. When Cherokee Nation uses contractors to apply pesticides on its behalf, all contractors will ensure full compliance with the notification requirements of this Plan. Where a contractor is to apply pesticides on behalf of Cherokee Nation, the contractor must complete a notification in accordance with this plan a minimum of forty-eight (48) hours prior to the proposed date for application. It is the responsibility of the contractor to complete the notification in accordance with this plan.

4. Penalties.

a. Failure to notify the Cherokee Nation's Environmental Programs staff as required by law shall result in the following actions:

i. First offense—a written warning from the Environmental Programs staff designed to educate the applicator;

ii. Second offense—a written warning from the Environmental Programs Department and a fine of Fifty Dollars (\$50.00);

iii. All subsequent infractions shall result in a fine of Five Hundred Dollars (\$500.00) per violation.

b. Any violations may be reported to the applicator's state licensing authority for investigation.

Historical Data

LA 15-11, eff. August 11, 2011.