



GUIDANCE DOCUMENT 1 - GUIDANCE FOR REPORTING AGRICULTURAL CHEMICAL INCIDENTS

24-Hour Reporting Hotline

651-649-5451 (metro) • 800-422-0798 (non-metro)

What incidents need to be reported?

State law requires that agricultural chemical incidents must be immediately reported to the Minnesota Department of Agriculture (MDA). An "incident" means a flood, fire, tornado, transportation accident, storage container rupture, portable container rupture, leak, spill, emission, discharge, escape, disposal, or other event that releases or immediately threatens to release an agricultural chemical, accidentally or otherwise into the environment and may cause unreasonable adverse effects on the environment. An incident does not include a release resulting from the normal use of a product or practice in accordance with the law.

Violations of this reporting requirement may result in enforcement action by the MDA and in civil penalties, or ineligibility for reimbursement of cleanup costs. Reporting is necessary no matter how small the quantity involved, except for incidents which meet **all** of the following criteria:

- the responsible party or owner of real property is a licensed or certified private or commercial pesticide applicator; AND
- the amount of pesticide involved in the release and any other releases which have occurred at the site is less than what can be legally applied to one acre of agricultural cropland during the preceding year; AND,
- the release was not into or near public water or ground water.

Following are some general guidelines on reporting agricultural chemical incidents. Additional reporting requirements may exist under other state or federal laws, local ordinances or permits. Understanding all reporting requirements is the responsibility of anyone who transports, uses, stores, or handles agricultural chemicals.

When does an incident need to be reported and recovered?

Under most circumstances an agricultural chemical incident must be reported to MDA immediately. Implementation of steps to recover agricultural chemicals that may adversely affect the environment must also begin immediately, no matter how small the incident.

How to report an agricultural chemical incident:

MDA staff are available to receive reports 24 hours a day, 7 days a week. MDA uses the Department of Public Safety's duty officer system. When you call 651-649-5451 (metro) or 800-422-0798 (non-metro) day or night, the duty officer will relay your message to an MDA staff person on duty who will call you back promptly with further instructions.

Who must report an incident?

A responsible party¹ or an owner of real property² must **immediately** notify MDA of incidents of any agricultural chemical³ under its control.

1. A "*responsible party*" is a person who, at the time of an incident, has custody of, control of, or responsibility for a pesticide, fertilizer, pesticide or fertilizer container, or pesticide or fertilizer rinsate.
2. An "*owner of real property*" is a person who is in possession of, has the right of control of, or controls the use of real property where an incident takes place, including but not limited to a fee owner, lessee, lessor, renter, tenant, contract for deed vendee, licensor, licensee, or occupant.
3. An "*agricultural chemical*" is a pesticide as defined in [Minn. Stat. Chapter 18B](https://www.revisor.mn.gov/statutes/cite/18B) (<https://www.revisor.mn.gov/statutes/cite/18B>) or a fertilizer, plant amendment or soil amendment as defined in [Minn. Stat. Chapter 18C](https://www.revisor.mn.gov/statutes/cite/18C) (<https://www.revisor.mn.gov/statutes/cite/18C>).

Other Notes

Persons who store or transport agricultural chemicals are construed as being "*in control of*" or having a "*responsibility for*" that substance, and therefore are required to report incidents, regardless of ownership.

Owners of property where an agricultural chemical has been spilled, leaked, or disposed of in the past are required to report to MDA contamination on their property upon discovery. Sometimes a fire or police department responding to an incident will report the event to MDA. A report from a fire or police department, or anyone else, **does not** relieve you of **your** obligation to report the incident to MDA.

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