

3-366. Pesticide management areas

A. The director shall designate pesticide management areas. Pesticide management areas may be urban areas that are adjacent to farmlands and have a history of concerns known by the department regarding nearby aerial pesticide applications. The director may adopt rules for designating pesticide management areas.

B. If possible at least twenty-four hours before applying a pesticide listed by the director under section 3-362, subsection A, paragraph 3 by aircraft in a pesticide management area the applicator shall notify the department. In any event, every reasonable attempt shall be made to notify the department before every application of pesticide in a pesticide management area.

R3-3-304. Pesticide Management Areas; Criteria for Designation

A. The Associate Director shall annually publish a list of all locations within the state that are designated as pesticide management areas under A.R.S. § 3-366. The list is available at every Environmental Services Division office.

B. The Director shall designate a location as a pesticide management area if all of the following evaluation criteria are met:

1. The distance between the application site and the property boundary of any residence, school, child care facility, or health care institution is less than 1/4 mile;
2. A pesticide is applied by aircraft;
3. A pesticide complained about under subsection (B)(4) is highly toxic or odoriferous; and
4. The Department receives complaints alleging pesticide misuse within a 12-month period from at least five or five percent, whichever is greater, of the residences located less than 1/4 mile from the application site or a complaint from any school, child care facility, or health care institution located less than 1/4 mile from the application site.

C. If, upon a written request from a person, or upon the Department's initiative, the Director determines that a pesticide management area no longer meets all of the criteria listed in subsection (B), the Director may remove the pesticide management area from the Department's annual list.

D. A person may petition the Department at any time to add or delete an area to or from the list of pesticide management areas. The petitioner shall address all of the criteria listed in subsection (B). The Director shall make a decision on each petition no later than 90 days from the date the petition was submitted.