

Selling Pesticides At Auction

A recent estate auction conducted at a farm brought to light a problem that auctioneers may increasingly face in today's changing agricultural scene. At this particular sale, there were two lots of pesticides being offered for sale. In one lot were five 2.5 gallon containers of herbicides, some of which were sealed and unopened. Two of the containers, however, had been previously opened and therefore their seals had been broken. The labels on the containers indicated that they contained 2,4-D, which is a herbicide that kills broadleaf weeds. After purchasing these products, another farmer used the herbicides by applying them to his coastal bermuda and oat fields, which is a correct use for this product. Shortly thereafter, he noticed that both of the crops that he had sprayed began to die. An Inspector with the North Carolina Department of Agriculture and Consumer Services (NCDA&CS) visited the farm and obtained samples from the two containers in question and from the affected field. Laboratory analysis of these samples revealed that the containers actually contained glyphosate, which is more commonly known as Roundup. This product is a nonselective herbicide, which means that it not only kills broadleaf weeds, but it kills all weeds, including grasses.

Pesticides, which include herbicides, insecticides, fungicides, etc., are highly regulated compounds and their regulation in North Carolina is conducted by the Food and Drug Protection Division, Pesticide Section, of the NCDA&CS. The North Carolina Pesticide Law of 1971 stipulates that all pesticides offered for sale must be in the manufacturer's original, unbroken container. Once the seal of a container is broken, there is no way to guarantee that the contents are actually what the label claims. As a result of this incident, the NCDA&CS issued the auctioneer involved a Notice of Warning. There are many other violations that can occur in such situations that auctioneers should be aware of. Some pesticides are classified as Restricted Use Pesticides (RUPs) because of special use concerns, such as toxicity, danger to endangered species or possible irreversible damage to humans. Anyone who sells RUPs must first be licensed as a Pesticide Dealer by the NCDA&CS. Furthermore, only properly licensed applicators may purchase or use RUPs.

The N. C. Pesticide Law provides that anyone adjudged to have violated any provision of the Law shall be guilty of a Class 2 misdemeanor and subject to a fine of \$2000 per violation. In the future, if you are involved in an auction that includes pesticides, it is recommended that you contact the NCDA&CS or the North Carolina Cooperative Extension office in that county if you have any questions concerning the products you intend to sell. In the event that there are products present that have been canceled or banned, contact the Pesticide Disposal Assistance Program at 919-733-7366 for information and possible assistance. The Pesticide Section can be reached at 919-733-3556.

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