**12:56:18:03.  Pesticides acceptable for collection.** Only waste pesticides are eligible for collection. Pesticides are prioritized based on the toxicity of the pesticide, the condition of the container, and the potential for the pesticide to harm human health or the environment. Pesticides that exhibit the greatest risks must receive priority for collection, within the constraints of program funding. Regardless of priority, the secretary may refuse to collect and dispose of any pesticide based on:

(1)  Physical or financial constraints;

(2)  Misrepresentation of waste pesticide;

(3)  Newly discovered facts regarding the toxicity, condition, or potential effect of the pesticide on the environment; or

(4)  Differences between the original pesticide as sold or produced and the present condition of the pesticide.

Waste pesticides considered eligible but not collected because of inadequate program funding must be put on a list for consideration by the secretary in the next annual cycle of collections.

**Source:** 19 SDR 114, effective February 11, 1993; 19 SDR 198, effective July 1, 1993; 49 SDR 124, effective July 3, 2023.

**General Authority:** SDCL 38-20A-36, 38-20A-54.

**Law Implemented:** SDCL 38-20A-54.