

Kansas Administrative Regulations

Kansas Department of Agriculture

Article 13.—Pesticides

4-13-25a. Exemptions.

(a) The regulations found in K.A.R. 4-13-25 through K.A.R. 4-13-25k shall not apply to any of the following:

(1) A mobile container of 350-gallon capacity or less, if the use of the container is solely incidental to the end-use application of the bulk pesticide and if the container is not at a specific location for more than 60 days of storage in any consecutive 365-day period;

(2) a sealed or an unopened pesticide manufacturer's storage container being loaded or unloaded;

(3) a railcar in which the storage of bulk pesticides is solely incidental to the transportation of the pesticide and that remains on a train track; or

(4) a bulk pesticide stored, loaded, or unloaded in quantities less than all the quantities specified in K.A.R. 4-13-25b.

(b) The owner or operator of a facility shall have the burden of establishing the applicability of an exemption under paragraph (a)(4) of this regulation.

(c) Contemporaneously kept records maintained pursuant to K.A.R. 4-13-25k shall constitute prima facie evidence of an exemption.

(Authorized by and implementing K.S.A. 2-2467a and 2-2471; effective Dec. 27, 2002.)

***** Authenticated Kansas Administrative Regulation *****