

- *FEDERAL, STATE & LOCAL*
 - *GRAIN, ANIMAL LIVESTOCK & POULTRY*
 - *REGULATIONS & REFERENCES REVIEW*

Farm Regulations DELAWARE

DELAWARE FARM REGULATIONS

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DISCLAIMER: This compilation is intended as a convenience for those who conduct agriculture activities in Delaware. It is not intended to present official or authoritative guidelines for operators and makes no claim such that farmers adhere to these regulations. While peer reviewed, no warranty of any kind, implied, expressed, or statutory, is given with respect to the contents of this report. Links are provided as a service and neither constitutes nor implies endorsement or warranty. Reasonable effort will be made to maintain information that is accurate and correct by conducting periodic reviews of the report and its contents. Due to frequent changes on websites, inaccuracies may not be identified prior to periodic reviews. Updates regarding the contents are welcomed. Email ag@owlcreek.net. Last review and update by Owl Creek Consulting conducted January 2019.

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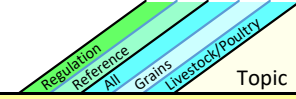
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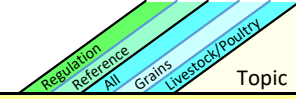
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AGRICULTURAL MARKETING							
x	x			Licensed & Bonded Dealers in Ag Products	Website provides a list of local and out-of-state Dealers of Agricultural Products that are licensed by the State of Delaware and bonded. DELAWARE DEPARTMENT OF AGRICULTURE Brenda Clements	(302) 698-4546	https://agriculture.delaware.gov/food-products-inspection/dealers/ brenda.clements@state.de.us
x	x			Livestock Dealers	Anyone engaged in the business of buying, selling or transporting of livestock shall obtain a license from the Delaware Dept. of Agriculture. Applications form must be submitted along with a \$25 fee and must be renewed annually on or before the fiscal year end date of June 30. DELAWARE DEPARTMENT OF AGRICULTURE	(302) 698-4500	https://agriculture.delaware.gov/licenses-permits/ DEanimalhealth@state.de.us
AIR QUALITY							
x	x			Agricultural Burning	Farmers may conduct agricultural burning for crop residue, field maintenance, and land clearing for agricultural operations. This does not include clearing land in order to construct structures, even those used in conjunction with agricultural operations. Applicants must submit an Application for Agricultural Burning, and request to burn on land that has been zoned for agricultural use. Commercially or residentially zoned parcels will not qualify. The land must currently be used or intended to be used primarily for the purpose of obtaining a profit by raising, harvesting and selling crops or by raising and selling livestock or poultry. This also includes activities conducted by not-for-profit agricultural research organizations, for activities necessary to serve that purpose. DE DEPT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL Gerald Mood	302-739-9402	https://dnrec.alpha.delaware.gov/air/open-burning/agricultural/ Gerald.Mood@state.de.us
x	x			Chemical Handling	General Duty Clause of the Clean Air Act makes the owners and operators of facilities that have regulated and other extremely hazardous substances responsible for ensuring that their chemicals are managed safely. Farms that handle hazardous substances have a general duty to identify hazards, design and operate a safe facility and prevent or mitigate accidental releases. ENVIRONMENTAL PROTECTION AGENCY EPA Region 3 office	(215) 814-5000	https://www.epa.gov/sites/production/files/2013-10/documents/gdc-fact.pdf
x	x			Farm Vehicle Emissions	Both on and off-road farm vehicles, engines, equipment, and fuels are subject to various requirement of the Mobile Source Program. These regulations require use of less toxic and polluting gasoline blends. ENVIRONMENTAL PROTECTION AGENCY EPA Region 3 office	(215) 814-5000	https://www.epa.gov/gasoline-standards/gasoline-mobile-source-air-toxics
x			x	Greenhouse Gas Reporting	Livestock facilities with manure management systems (MMS) for livestock manure that emit equal to or greater than 25,000 metric tons CO2e per year. A MMS stabilizes or stores livestock manure in one or more of the following system components: uncovered anaerobic lagoons; liquid/slurry systems (with and without crust covers, and including but not limited to ponds and tanks); storage pits; digesters, including covered anaerobic lagoons; solid manure storage; drylots, including feedlots; high-rise houses for poultry production (poultry production without litter); poultry production with litter; deep bedding systems for cattle and swine; manure composting; and/or aerobic treatment. Livestock facilities must report annual aggregate CH4 and N2O emissions for the eligible MMS component(s). ENVIRONMENTAL PROTECTION AGENCY EPA Region 3 office	(215) 814-5000	http://www.epa.gov/ghgreporting
x			x	Particulate Emissions from Grain Handling Operations	Grain dryers and corn shellers may not emit particulate matter larger in size than will pass through a 24 mesh screen or equivalent. In-bin grain dryers and installations consisting of only a single grain dryer with a capacity of less than 500 bushels per hour at 5% moisture reduction are exempt from this regulation. Chaff, husks, cobs, or other particulate matter from grain may not be stored, accumulated, or collected unless they are contained in an enclosure with openings not larger than the equivalent of a 24 mesh screen and precautions must be taken when moving chaff, husks, or cobs from any grain to prevent unnecessary escape of these materials during transfer. No grain dryer, corn sheller, or facility for storage, accumulation, or collection of chaff, husks, and cobs may be constructed or operated without permission from the Delaware Department of Natural Resources and Environmental Control. DE DEPT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL Tracy Mattson, Division of Air Quality	(302) 739-9402	http://regulations.delaware.gov/AdminCode/title7/1000/1100/1118.pdf Tracy.Mattson@state.de.us

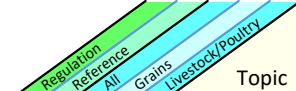
Regulation Reference All Grains Livestock/Poultry					Topic	Description / Contact	Phone	Website / Email
x	x				Stationary Engine Air Pollution	Stationary or reciprocating internal combustion engines must comply with regulations if located at a facility whose emissions are at least 10tpy of one HAP or 25tpy of total HAP and if the engine itself is at least 500 HP. ENVIRONMENTAL PROTECTION AGENCY EPA Region 3 office	(215) 814-5000	https://www.epa.gov/stationary-engines
ANIMAL CARE								
x				x	Animal Cruelty Statutes	Anyone who subjects animals to cruel mistreatment or neglect, kills or injures any animal belonging to another person without legal privilege or consent of the owner, is guilty of animal cruelty and is subject to fines and penalties if convicted. The slaughter of animals raised for food for human consumption is exempt, provided that such killing is not cruel. The Delaware Department of Agriculture is the primary enforcement agency for cruelty/neglect of livestock species, and Delaware Department of Health & Social services is the primary enforcement agency for cruelty/neglect of dogs, cats, and other non-livestock species. DELAWARE DEPARTMENT OF HEALTH & SOCIAL SERVICES Office of Animal Welfare	(302) 255-4646	https://animalservices.delaware.gov/services/animal-control-and-cruelty delawareanimalservices@state.de.us
x				x	Animal Identification for Disease Traceability	Livestock being moved interstate must be officially identified and accompanied by an interstate certificate of veterinary inspection or other documentation, such as owner-shipper statements or brand certificates. Livestock moving interstate to a custom slaughter facility and chicks moving interstate from a hatchery are exempt. Beef cattle under 18 months, unless they are moved interstate for shows, exhibitions rodeos, or recreational events, are also exempt. ANIMAL & PLANT HEALTH INSPECTION SERVICE Heather Hirst, Delaware State Veterinarian	(302) 698-4500	http://www.aphis.usda.gov/aphis/ourfocus/animalhealth/traceability traceability@aphis.usda.gov
	x			x	Avian Influenza Information	The Delaware Department of Agriculture performs active surveillance and testing of birds for avian influenza within the state. DELAWARE DEPARTMENT OF AGRICULTURE Heather Hirst, Delaware State Veterinarian	(800) 282-8685	https://agriculture.delaware.gov/poultry-animal-health/avian-influenza/ heather.hirst@state.de.us
x				x	Cattle Imports	All cattle must meet Federal Interstate requirements, Delaware Animal Health requirements and State requirements to certify that they are free of tuberculosis and brucellosis. Slaughter cattle that are clinically healthy may enter the State without test or permit, provided they are consigned directly to a slaughter house, sales ring, or commission auction approved by USDA and the Chief Livestock Regulatory Official of the State of Delaware. Animals must be accompanied by a certificate or waybill stating that animals are for immediate slaughter. Feeder cows and heifers which do not come within the brucellosis test requirements may be imported for temporary feeding purposes provided they have passed a negative brucellosis blood test within 30 days prior to entry. Feeder cows, heifers, steers, and spayed heifers which do not come within the tuberculosis requirements may be imported into the state for temporary feeding purposes provided they have passed a negative tuberculosis test within 60 days prior to entry or are consigned to a public stockyard or approved feedlot under official supervision, where they shall be tuberculin tested by an approved veterinarian. DELAWARE DEPARTMENT OF AGRICULTURE Poultry and Animal Health Section	(302) 698-4561	http://regulations.delaware.gov/AdminCode/title3/900/904.shtml robert.moore@state.de.us
x				x	Commercial Poultry Regulations	Commercial poultry producers must complete a poultry producer registration form for each farm owned and operated by an individual or corporation who produces poultry for an integrated company. Each separate commercial poultry producing farm must submit a plan, signed, approved and verified by the integrated company, for the in-place in-farm disposal method of normal day-to-day mortality. Transport of any poultry which is owned by an integrated poultry company to a public sale or auction is strictly prohibited. To minimize the establishment of new backyard poultry flocks, commercial poultry companies will instruct catching crews to catch and load all live birds and/or killed culls from every house. Any birds left in a house must be caught and humanely destroyed within 48 hours of when the flock left. DELAWARE DEPARTMENT OF AGRICULTURE Poultry and Animal Health Section	(302) 698-4561	http://regulations.delaware.gov/AdminCode/title3/900/901.pdf robert.moore@state.de.us
	x			x	Disease Prevention	Poultry and Animal Health Section of the DDA is committed to protect the health of domestic animal and avian species from the introduction and spread of infections and contagious diseases--including those transmissible to the human population. DELAWARE DEPARTMENT OF AGRICULTURE Dr. Heather Hirst Emergency Animal Disease Hotline (after hours)	(302) 698-4560 (302) 233-1480	https://agriculture.delaware.gov/poultry-animal-health/ heather.hirst@state.de.us

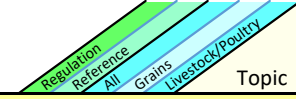
Regulation Reference All Grains Livestock/Poultry				Topic	Description / Contact	Phone	Website / Email
x			x	Goat Imports	In addition to health certification, all goats for breeding or dairy purposes must meet tuberculosis and brucellosis free requirements. Test free within 30 days of entry or be from a herd that has completely tested tuberculosis and brucellosis free within the last year. DELAWARE DEPARTMENT OF AGRICULTURE Poultry and Animal Health Section	(302) 698-4561	http://regulations.delaware.gov/AdminCode/title3/900/904.shtml
x			x	Health Requirements to Admit Livestock & Poultry into Delaware	All livestock and poultry imports must meet Delaware Animal Health requirements and be in compliance with Federal Interstate requirements including a health certificate issued within the previous 30 days from the state of origin in the possession of person in charge of livestock or vehicle operator and a copy must be forwarded to DDA prior to arrival of livestock in the State. Animals originating from public stockyards or which may be assembled at public stockyards consigned to a Delaware residents must meet State of Delaware animal health regulations before being released. Livestock entering the state without proper approved health certificate shall be held in quarantine at the owner's risk and expense until released by the DDA. DELAWARE DEPARTMENT OF AGRICULTURE Poultry and Animal Health Section	(302) 698-4561	http://regulations.delaware.gov/AdminCode/title3/900/904.shtml
x			x	Hog Cholera Vaccine	It is illegal to buy, sell, or administer any modified live virus hog-cholera vaccine in the state of Delaware. DELAWARE DEPARTMENT OF AGRICULTURE Poultry and Animal Health Section	(302) 698-4561	http://delcode.delaware.gov/title3/c071/index.shtml
	x		x	National Pollution Discharge Elimination System	The joint National Pollution Discharge Elimination System (NPDES) Concentrated Animal Feeding Operation (CAFO) program is implemented and overseen by the DDA and DNREC under USEPA. DDA is primary point of contact, conducting inspections, collecting documents, and reviewing Nutrient and Animal Waste Management Plans. Permits are issued by DNREC. DELAWARE DEPT OF AGRICULTURE AND DEPT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL Chris Brosch	(302) 698-4555	https://agriculture.delaware.gov/wp-content/uploads/sites/108/2017/12/CAFO_FactSheet_2017.pdf nutrient.management@state.de.us
x			x	Non-commercial Poultry Entry and Re-entry	Non-commercial poultry of a hobby nature. Delaware show bird exhibitors must be familiar with the poultry health requirements of the state and particular show which they are attending. All crates and coops used to transport birds must be of construction and material that can be completely cleaned and disinfected before returning to Delaware. All vehicle tires and floor board pedals must also be cleaned. Newly obtained poultry originating from a state that has had a case of Avian Influenza or other serious poultry disease in the last 6 months must be tested by an official state laboratory using an officially recognized test within 10 days of the bird entering Delaware. Birds brought back into Delaware for re-entry into a flock must abide by biosecurity procedures aimed at minimizing the possibility of spreading poultry diseases to the flock. DELAWARE DEPARTMENT OF AGRICULTURE Poultry and Animal Health Section	(302) 698-4561	http://regulations.delaware.gov/AdminCode/title3/900/901.pdf
x			x	Poultry Imports	All poultry imported into the State shall have a health certificate dated within previous 30 days, be from approved pullorum typhoid free flocks (tested within 1 year) and have tested negative for avian influenza within previous 30 days. DELAWARE DEPARTMENT OF AGRICULTURE Poultry and Animal Health Section	(302) 698-4561	http://regulations.delaware.gov/AdminCode/title3/900/904.shtml
x			x	Poultry Registration	Anyone keeping live poultry for commercial or non-commercial use in Delaware must complete a poultry registration form with the State. DELAWARE DEPARTMENT OF AGRICULTURE Poultry and Animal Health Section	(302) 698-4561	https://agriculture.delaware.gov/registration/
x			x	Prevention of Scrapie in Sheep and Goats	All sheep and goats imported to Delaware must be identified on an official certificate of veterinary inspection (CVI) issued by an accredited veterinarian; the certificate shall include a statement that the flock has been inspected and found to be free of any infectious or contagious diseases and that there have been no cases of scrapie in this flock or herd during the past year. Slaughter goats, slaughter goats under 18 months, and sheep and goat wethers are exempt. Animal must have official scrapie identification upon transfer of ownership. Scrapie is a reportable disease in Delaware. State animal health officials should be notified within 24 hours of suspected cases. DELAWARE DEPARTMENT OF AGRICULTURE Poultry and Animal Health Section	(302) 698-4561	http://regulations.delaware.gov/AdminCode/title3/900/902.shtml#P2_29

Regulation Reference All Grains Livestock/Poultry				Topic	Description / Contact	Phone	Website / Email
x			x	Sale or Transfer of Poultry Leaving the State	For at least one year complete and accurate records of name, address, and telephone number of purchaser; number, species, and weight of poultry sold; and date of sale must be maintained when commercial or privately-owned poultry leave the State and when changing ownership outside the State of Delaware. Vehicles, crates, coops, and footwear must be completely clean before loading poultry in Delaware. Vehicles must be cleaned using a commercial truck wash and including inside floorboards and pedals, prior to returning to Delaware after unloading. Coops, crates, and footwear must be washed and disinfected using commercial equipment before returning to Delaware. It is prohibited to bring back poultry transported out of the state for sale or change of ownership and will result in the quarantine of the entire flock until sufficient diagnostic testing for serious disease has been completed.		
					DELAWARE DEPARTMENT OF AGRICULTURE Poultry and Animal Health Section	(302) 698-4561	http://regulations.delaware.gov/AdminCode/title3/900/901.pdf
x			x	Selling or Trading Poultry	Livestock/poultry auction or poultry swap meets within Delaware will be authorized by DDA to sell live poultry if: they allow DDA full access to all premises, grounds, and buildings where poultry is kept or offered for sale; keep complete and accurate records of names, addresses, type, and number of poultry for all consignors and buyers for one year; notify DDA of any purchasers that would be considered a dealer; allow DDA to inspect all lots of poultry for sale, trade, or barter. All crates, coops, and vehicles of all poultry dealers coming to auctions/sales from out of state must have been completely cleaned and disinfected before coming to the state and be willing to submit to DDA inspection. Facilities used to house or transport poultry must be completely cleaned and disinfected after each sale at least 2 working days before the next sale so DDA personnel can inspect facilities.		
					DELAWARE DEPARTMENT OF AGRICULTURE Poultry and Animal Health Section	(302) 698-4561	http://regulations.delaware.gov/AdminCode/title3/900/901.pdf
x			x	Sheep and Goat Disposal	The Delaware Department of Agriculture provides free disposal of deceased adult sheep and goats.		https://agriculture.delaware.gov/poultry-animal-health/goats-sheep/
					DELAWARE DEPARTMENT OF AGRICULTURE Poultry and Animal Health Section	(302) 698-4561	
x			x	Sheep Imports	In addition to health certification, sheep being imported into the State must originate from a flock not infected with scrapie within the preceding 4 years and have a scrapie id.		
					DELAWARE DEPARTMENT OF AGRICULTURE Poultry and Animal Health Section	(302) 698-4561	http://regulations.delaware.gov/AdminCode/title3/900/904.shtml
x			x	Stray Livestock	Livestock are not permitted to run at large on public highways or unenclosed lands. Report stray livestock or poultry running at large to the Delaware Department of Agriculture at (302) 698-4500 during business hours. For after-hours stray livestock of poultry running at large, call (302) 233-1480.		
					DELAWARE DEPARTMENT OF AGRICULTURE		http://delcode.delaware.gov/title3/c077/index.shtml
							https://agriculture.delaware.gov/poultry-animal-health/
						(302) 698-4500	Deanimalhealth@state.de.us
x			x	Swine - Feeding of Garbage	The feeding of garbage (putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods, swine carcasses and parts thereof) to swine is prohibited. Wastes exclusively vegetable in nature are not included in the definition of garbage. Individual farmers feeding only his or her own household garbage to hogs raised for the individual farmer's own use are exempted.		
					DELAWARE DEPARTMENT OF AGRICULTURE Poultry and Animal Health Section	(302) 698-4561	http://delcode.delaware.gov/title3/c071/index.shtml
x			x	Swine Imports	All swine imported into the state, except those consigned for immediate slaughter, are to be individually identified by ear tag, registration number or tattoo and accompanied by an official health certificate and are quarantined to the farm of destination for 21 days. Breeder swine over 6 months old must be from a validated brucellosis-free herd or be negative to official brucellosis test within 30 days of date of entry. Breeder swine must be individually identified as well. Breeder swine must also be from a pseudorabies qualified negative herd or have tested negative for pseudorabies within 30 days of entry into state. No swine that have been fed raw garbage may enter the State.		
					DELAWARE DEPARTMENT OF AGRICULTURE Poultry and Animal Health Section	(302) 698-4561	http://regulations.delaware.gov/AdminCode/title3/900/904.shtml

<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: right; font-size: small;"> Regulation Reference All Grains Livestock/Poultry </div> <div style="text-align: left;"> Topic </div> </div>				Description / Contact	Phone	Website / Email
BEEKEEPING						
x	x			Beekeeping All people keeping bees in the State shall notify the State Apiarist in writing within 10 days from the time bees are acquired. All honeybee colonies must be registered and inspected for diseases, mites, and Africanized bees. Locations and numbers of hives and colonies must be reported annually on or before January 30 of each year. All beekeepers shall provide movable frames in their hives and cause bees to construct all combs in such frames so that they may be removed for visual inspection. State Apiarist shall be notified immediately of the existence of any bee disease, mite, or Africanized honeybee on any apiary in the State. An entry permit is required to transport any colony or used beekeeping equipment into the State. Imports of queen bees, combless packages of bees, or nucleus colony of bees must be accompanied by a valid inspection certificate.		
				DELAWARE DEPARTMENT OF AGRICULTURE https://agriculture.delaware.gov/plant-industries/honeybees/ Meghan McConnell (302) 698-4585 meghan.mcconnell@state.de.us		
BUSINESS						
	x	x		Agriculture Liens Chart of types of agricultural liens, lien claimants, attached property, possession requirements, filing requirements, attachment dates, and express statutory priority.		
				MULTIPLE http://nationalaglawcenter.org/wp-content/uploads/assets/agliens/delaware.pdf		
	x	x		Business Information Website provides information on a variety of topics on starting a small business, including funding and permits.		
				SMALL BUSINESS ADMINISTRATION http://www.sba.gov/business-guide SBA region 3 (610) 382-3092		
x		x		Business Registration Any person or entity conducting trade or business in Delaware must obtain a business license. The license must be obtained at the time the business commences and must be renewed annually.		
				DELAWARE DEPARTMENT OF FINANCE - DIVISION OF REVENUE http://revenue.delaware.gov/services/Business_Tax/Doing_Business.shtml License Department (302) 577-8778 bustax@state.de.us		
	x	x		Cooperative Extension Service Cooperative Extension specialists, agents and educators provide outreach education to citizens of Delaware through these mission areas: Agriculture and Natural Resources, Family and Consumer Science, 4-H and Youth Development, Lawn and Garden. Extensions are located at Delaware State University and University of Delaware.		
				DELAWARE STATE UNIVERSITY COOPERATIVE EXTENSION http://cars.desu.edu/cooperative-extension/agriculture-natural-resources (302) 857-6425 UNIVERSITY OF DELAWARE COOPERATIVE EXTENSION http://extension.udel.edu/ag/ (302) 831-2504		
x		x		Federal Tax Identification number All businesses (except sole proprietors with no employees) must register and obtain an Tax Identification Number (TIN) with the Internal Revenue Service.		
				INTERNAL REVENUE SERVICE https://www.irs.gov/businesses/small-businesses-self-employed/apply-for-an-employer-identification-number-ein-online		
	x	x		Financial Assistance Financial assistance may be provided by DDA for Farming, Farmland Preservation, Food Safety Audits, Forestry, Nutrient Management and Urban Ag/Community Gardening projects.		
				DELAWARE DEPARTMENT OF AGRICULTURE https://agriculture.delaware.gov/grants-loans/		
	x	x		New Farmers A website with information for those new to farming or those starting their own farms.		
				US DEPARTMENT OF AGRICULTURE http://newfarmers.usda.gov/ http://farmanswers.org FarmAnswers@gmail.com		

					Topic	Description / Contact	Phone	Website / Email
COMMERCIAL FEED								
x	x				Commercial Feed	Commercial feeds need to be registered (including a annual \$23 registration fee per brand) by the state of Delaware (with the exception of customer-formula feeds made up of registered commercial feeds and mixed by the customer). Commercial feeds shall be properly labeled with the net weight, product and brand names, guaranteed analysis showing percentages of minerals and crude protein, fat, and fiber; common names of all ingredients in the feed, and name and principal address of person distributing feed in the state. If non-nutritive substances are included in the feed for use in the diagnosis, cure, mitigation, treatment or prevention of disease or which are intended to affect the structure or any function of the animal body, the Department may require the label to show the amount present, directions for use, and/or warnings against misuse of the feed. Adulterated or misbranded feeds may not be distributed.		
						DELAWARE DEPARTMENT OF AGRICULTURE		http://delcode.delaware.gov/title3/c017/index.shtml
						Agricultural Compliance	(302) 698-4524	https://agriculture.delaware.gov/agriculture-compliance/instructions-and-applications/
COMMERCIAL FERTILIZER								
x	x				Commercial Fertilizer	Each brand and grade of commercial fertilizer must apply for registration annually with the Delaware Dept. of Agriculture. All registrations expire on December 31 of each year. Each soil conditioner must be registered with DDA prior to distribution. All commercial fertilizers distributed in the State must have a legible and conspicuous label affixed to the container with information on weight, brand and grade, guaranteed analysis, and name and address of registrant. Reports of annual net tonnage distributed in the State must be submitted each year and fees paid by the distributor. All commercial soil conditioners and fertilizers are subject to State inspection. No person shall misbrand or adulterate fertilizer or soil conditioners.		
						DELAWARE DEPARTMENT OF AGRICULTURE		http://delcode.delaware.gov/title3/c021/index.shtml
						Agricultural Compliance	(302) 698-4524	https://agriculture.delaware.gov/agriculture-compliance/instructions-and-applications/
CONSTRUCTION								
x	x				Asbestos	To minimize release of asbestos fibers, renovation of buildings which contain a certain threshold amount of friable asbestos must follow work practices described by the Asbestos National Emissions Standards for Hazardous Air Pollutants. This rule also applies during demolitions of all structures, installations, and facilities.		
						ENVIRONMENTAL PROTECTION AGENCY		http://www.epa.gov/asbestos/asbestos-national-emissions-standard-hazardous-air-pollutants-neshap
						Region 3 EPA	(215) 814-5000	
x	x				Discharge of Dredged or Fill materials/ 404 Permit	Any person, firm, or agency planning to discharge (dump, place, deposit) dredged or fill material in waters of the US, including wetlands, must first obtain a permit from the Corps of Engineers.		
						US ARMY CORP OF ENGINEERS		https://www.nap.usace.army.mil/Portals/39/docs/regulatory/regs/33cfr323.pdf
						Regulator of the Day; Dover Field Office	(215) 656-6728; (302) 736-9763	https://www.nap.usace.army.mil/Portals/39/docs/regulatory/regs/cwa_sec404doc.pdf
x	x				Stormwater Discharges from Construction Activity	A NPDES permit is required for stormwater discharges from construction activities that disturb ≥1 acre, or smaller sites that are part of a larger common plan of development or sale.		
						DE DEPT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL		http://regulations.delaware.gov/AdminCode/title7/5000/5101.shtml
						Conservation Programs Section, Drainage Program	(302) 855-1930	http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx DNREC Drainage@state.de.us

					Topic	Description / Contact	Phone	Website / Email
CROP INSURANCE								
x			x		Crop Insurance	Grain crops (excluding processing sweet corn) are insurable if they are grown in a county on insurable acreage where premium rates are provided; they are planted on insurable acreage for harvest as a grain, and the insured farmer has a share of the crop. Corn crop insurance premiums are for silage or grain. Soybeans must be planted for harvest as beans. Grain sorghum must be planted as grain that is a combine-type hybrid. Dual purpose types of grain sorghum are not insurable. Processing sweet corn is insurable if grown under and according to a processor contract executed by the acreage reporting date, and not excluded from the contract at any time during the year. Insured farmer must file a report of planted acreage to the crop insurance agent by the county-specific acreage reporting date. For those who have crop insurance through Federal Crop Insurance Corporation there are crop specific rules on the percentage of prevented crop coverage. To learn specific rules by crop see 7CFR457 in most recent version of CFR or contact USDA Risk Management Agency.		
						USDA RISK MANAGEMENT AGENCY		https://www.rma.usda.gov/en/RMALocal/Delaware
						Raleigh Regional Office	(919) 875-4880	rsonc@rma.usda.gov
ENVIRONMENTAL PROTECTION								
	x	x			Laws and Regulations by Farm Activity	A guide to laws and regulations that affect agricultural operations listed by farm activities with links to additional information.		
						ENVIRONMENTAL PROTECTION AGENCY		https://www.epa.gov/agriculture/agriculture-laws-and-regulations-apply-your-agricultural-operation-farm-activity
						Region 3 EPA	(215) 814-5000	
FOOD SAFETY & INSPECTION								
x		x			Food Processing Regulations for On-farm Kitchens	On-farm home food processing facilities that manufacture, process, pack or hold for commercial sale any non-potentially hazardous foods must obtain and maintain current On-Farm Home Food Processing License from DDA. Operators of on-farm home kitchens must have adequate knowledge of safe food handling practices and shall have successfully completed a course offered through the Cooperative Extension Program prior to applying for a permit. The course shall be approved by DDA and provide a minimum of 8 hours of training in sanitation, cross-contamination controls, and food security/defense. All persons working in direct contact with food, food-contact surfaces, and food-packaging materials shall conform to hygienic practices while on duty to the extent necessary to protect against contamination of food. Food products must be properly labeled.		
						DELAWARE DEPARTMENT OF AGRICULTURE		http://regulations.delaware.gov/AdminCode/title3/100/101.shtml
								https://agriculture.delaware.gov/food-products-inspection/on-farm-kitchens/
						Andrea Jackson, Food Products Inspection	(302) 698-4545	andrea.jackson@state.de.us
x				x	Meat and Poultry Products Inspection	Persons who own or operate slaughter and processing facilities for meat or poultry products must obtain a license annually from DDA. License application must be accompanied by annual fee of \$25 and permit shall expire at the end of the fiscal year on June 30. No person engaged in the business of buying, selling, or transporting in intrastate commerce dead, dying, disabled, or diseased animals, or any parts of the carcasses of any animals that died otherwise than by slaughter, shall buy, sell, transport, offer for sale or transportation, or receive for transportation, in such commerce, any dead, dying, disabled or diseased livestock or poultry or the products of any such animals that died otherwise than by slaughter, unless it will be prevented from being used for human food purposes.		
						DELAWARE DEPARTMENT OF AGRICULTURE		http://delcode.delaware.gov/title3/c087/index.shtml
								https://agriculture.delaware.gov/food-products-inspection/meat-poultry-inspection/
						Andrea Jackson, Food Products Inspection	(302) 698-4545	andrea.jackson@state.de.us
GRAIN INSPECTION & CERTIFICATION								
x			x		Grain Inspection	Seed Laboratory personnel provide grain inspection, training, and grading services to grain mills throughout the state. The Seed Laboratory examines and issues licenses to operators who inspect grain in Delaware. All grain mill employees must be licensed and grain testing equipment registered with DDA. Grain mills are certified each year and operators are licensed for a 2 year period.		
						DELAWARE DEPARTMENT OF AGRICULTURE		https://agriculture.delaware.gov/plant-industries/grain-inspection/
								http://delcode.delaware.gov/title3/c016/sc01/index.shtml
						Kenneth Wilkins	(302) 698-4593	kenneth.wilkins@state.de.us
x			x		Grain Storage	Commercial grain elevators, grain warehouses, and other grain storage facilities must be certified by DDA grain inspectors to meet minimum standards of performance.		
						DELAWARE DEPARTMENT OF AGRICULTURE		http://delcode.delaware.gov/title3/c016/sc01/index.shtml
						Kenneth Wilkins	(302) 698-4593	kenneth.wilkins@state.de.us

				Topic	Description / Contact	Phone	Website / Email
LABOR / EMPLOYEES							
x	x			Accident Prevention Signs and Tags	Accident prevention signs and tags must be used to identify hazardous conditions (e.g., danger, biohazard, hazardous materials) and provide a message to employees with respect to hazardous conditions in a manner that employees can understand. OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION http://osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9794#1910.145(f) OSHA, Wilmington Area Office (302) 573-6518		
x	x			Cadmium Exposure	Employers must assure that no employee is exposed to an airborne concentration of cadmium in excess of five micrograms per cubic meter of air calculated as an 8-hr time-weighted average exposure. If employee is exposed to levels in excess of 5 micrograms, the employer must provide protective equipment. There is risk of cadmium exposure through some phosphate fertilizers. OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION http://osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10960 OSHA, Wilmington Area Office (302) 573-6518		
x	x			Confined Spaces	Agricultural operations are exempt from OSHA regulations for confined spaces, but the General Duty Clause of the Occupation Health and Safety Act requires employers to provide employees with workplaces, including confined spaces, which are free from recognized hazards likely to cause death or serious physical harm and recommends that employers explain the risks associated with confined spaces such as grain bins, silos, and manure pits. OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION https://www.osha.gov/Publications/OSHA3939.pdf OSHA, Wilmington Area Office (302) 573-6518		
x	x			Fair Labor Standards	All minimum wage, overtime, recordkeeping and child labor standards of the Fair Labor Standards Act apply to agricultural employees, however there are exemptions. Agricultural employees do not have to be paid time and one half their regular rates of pay for hours worked in excess of 40 per week. Agricultural employers who don't utilize >500 man days (any day when an employee performs at least one hour of agricultural work) of agricultural labor in any calendar quarter of the preceding calendar year is exempt from minimum wage and overtime pay provisions of FLSA in the current calendar year. Employees who are immediate family members and those engaged in range production of livestock are exempt from FLSA requirements. Certain hand harvest laborers who are paid on a piece rate basis are exempt. Recordkeeping of names, permanent addresses, dates of birth of minor under age 19, and hours worked by all employees is required. US DEPARTMENT OF LABOR http://dol.gov/whd/regs/compliance/whdfs12.pdf http://dol.gov/whd/FLSAEmployeeCard/AgGuideEnglish.pdf Wage-Hour Help Line (866) 487-9243		
x	x			Fall Hazard Prevention and Protection	Employers are expected to provide protection for each employee exposed to fall and falling objects hazards. This includes protection from falls through floor holes or hatches or into pits, or if above dangerous machinery. Ladders should be equipped with appropriate fall arrest systems. Slaughter facilities are subject to specific protection measures. OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION http://osha.gov/pls/oshaweb/owadisp.show_document?p_id=9720&p_table=STANDARDS OSHA, Wilmington Area Office (302) 573-6518		
x	x			Field Sanitation	Agricultural employers shall provide for employees engaged in hand-labor operations in the field without cost to employee: sufficient supply of cool potable drinking water in locations easily accessible to all employees; and toilet and handwashing facilities (1 for every 20 employees) within 1/4 mile walk of laborer's place of work in the field. Toilets must be clean, maintained, well-ventilated, insure privacy, and be located in close proximity to hand-washing facilities. Employers are responsible for informing employees of location of sanitary facilities and instruct them in proper hygiene methods. OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION http://osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10959 OSHA, Wilmington Area Office (302) 573-6518		
x	x			Grain Dust Handling	Employees of grain elevators, feed mills, flour mills, rice mills, dust pelletizing plants, dry corn mills, soybean flaking operations, and the dry grinding operations of soycake must be trained annually or when job assignments change in: facility safety precautions particularly recognition of dust accumulation hazards and potential ignition sources, such as smoking. OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION http://osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9874 OSHA, Wilmington Area Office (302) 573-6518		

Regulation Reference		All		Grains		Livestock/Poultry		Topic	Description / Contact	Phone	Website / Email
x	x							Grain Storage Safety	Information on hazards in grain storage facilities due to worker entrapment and explosive grain dust and best practices for safely entering and working within grain storage bins.		
									OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION		http://osha.gov/Publications/grainstorageFACTSHEET.pdf
									OSHA, Wilmington Area Office	(302) 573-6518	
x	x							Hazardous Employment Restrictions for Youth	No one under the age of 18 may handle pesticides. No one under the age of 16 may operate a tractor over 20 PTO horsepower or connect or disconnect its implements, however, 14- and 15-year olds are exempt if they have successfully completed designated training or vocational program. Youth under 16 may not operate or assist in operating corn or cotton picker, grain combine, hay mowers, forage harvester, hay baler, potato digger, mobile pea vainer, feed grinder, crop dryer, forage blower, auger conveyer, nongravity-type self unloading mechanism of wagons or trailers, power post-hole digger, power post driver, or non-walking type rotary tiller, however, youth age 14 and 15 may be exempted if they have successfully completed certain designated training or vocational programs. Youth under 16 are prohibited from operating or working with a trencher or earthmoving equipment, forklift, potato combine; or power-driven circular, band, or chain saw; working in a yard, pen, or stall occupied by a bull, boar, or stud horse maintained for breeding purposes, a sow with sucklings, or a cow with a newborn calf; felling, bucking, skidding, loading, or unloading timber with a butt diameter >6 inches; working from a ladder or scaffold at height >20 feet; driving a bus, truck, or automobile to transport passengers, or riding a tractor as a passenger or helper; working inside a fruit, forage, or grain storage designed to retain an oxygen-deficient or toxic atmosphere, or an upright silo within 2 weeks after silage has been added or when a top unloading device is in operating position, a manure pit, or a horizontal silo while operating a tractor for packing purposes; handling toxic agricultural chemicals; handling or using explosives; and transporting, transferring, or applying anhydrous ammonia. Youth under 16 who are employed on farms owned or operated by their parents are exempt from these restrictions.		
									US DEPARTMENT OF LABOR		http://dol.gov/whd/regs/compliance/whdfs40.htm
											https://www.dol.gov/whd/regs/compliance/childlabor102.pdf
x	x							Machinery Guarding	All farm field and farmstead equipment, regardless of manufacture date, must be equipped with power take-off guarding and nip point guarding. Employer shall instruct every employee in the safe operation and servicing of all covered equipment.		
									OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION		http://osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10958
									OSHA, Wilmington Area Office	(302) 573-6518	
x	x							Migrant and Seasonal Workers	Migrant and seasonal workers engaged in agriculture are protected by the Migrant and Seasonal Agricultural Worker Protection Act which requires that workers receive the rate disclosed upon recruitment or hire and this wage cannot be less than the higher applicable state minimum wage or federal minimum wage. The H-2A provisions of the Immigration and Nationality Act authorize lawful entry of temporary, non-immigrant workers to perform agricultural labor or agricultural services of a temporary or seasonal nature. Foreign workers performing same work at same location for same employer as US workers must be paid the highest of the Adverse Effect Wage Rate or the prevailing rate for a given crop/area, or the federal/state minimum wage. There are requirements regarding employer-provided meals and transportation and restrictions on deductions that may be legally made from workers' wages. Complete and accurate payroll records must be kept for all employees. Wages must be paid when due and workers must be provided an itemized, written statement of earnings and deductions. Migrant worker housing and transportation must meet federal and state health and safety standards. Worker transports must be driven by a licensed driver.		
									US DEPARTMENT OF LABOR		http://dol.gov/whd/regs/compliance/whdfs49.pdf
											http://dol.gov/whd/mspa/
									Wage-Hour Help Line	(866) 487-9243	
x	x							National Agricultural Tractor Safety Initiative	Information on how to reduce tractor-related injuries and fatalities from overturns, run-over, entanglements in power drivelines and highway collisions.		
									CENTERS FOR DISEASE CONTROL		http://nasdonline.org/static_content/documents/1906/d001837.pdf
									National Institute for Occupational Safety and Health	(800) 232-6348	
x	x							Safe Walking-Working Surfaces	All places of employment, passageways, storerooms, service rooms, and walking-working surfaces are kept in a clean, orderly, and sanitary condition. Floors should be kept dry to the extent possible and free of hazards including sharp or protruding objects, loose boards, corrosion, spills, snow, and ice. When nature of the work requires the floor condition to be wet, drains must be available and dry standing places, such as mats, dry platforms or false floors should be provided when feasible. Walking-working surfaces should be able to support maximum intended load for that surface. Use of hazardous walking-working surfaces should be discontinued or guarded against use until repaired or corrected.		
									OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION		http://osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9714
									OSHA, Wilmington Area Office	(302) 573-6518	

Regulation Reference	All	Grains	Livestock/Poultry	Topic	Description / Contact	Phone	Website / Email
x	x			Safe Workplace	Employers must furnish a workplace that is free from recognized hazards that may cause serious physical harm or death. Employers and employees must comply with OSHA safety and health standards. OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION	http://www.osha.gov/html/a-z-index.html	OSHA, Wilmington Area Office (302) 573-6518
x	x			Slow-moving Vehicle Emblem	Slow-moving vehicle emblems must be displayed on the rear of farm vehicles that are unable to travel faster than 25 mph. SMV emblems should be constructed of the proper material and displayed appropriately at rear of tractors or tractor/implement combinations OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION	http://osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=1791	OSHA, Wilmington Area Office (302) 573-6518
x	x			Storage and Handling of Anhydrous Ammonia	Regulations for the approval of equipment and systems for the storage and handling of agricultural anhydrous ammonia must meet the American National Standard or the Fertilizer Institute Standards for the Storage and Handling of Anhydrous Ammonia. Continuous presence of an attendant in the vicinity is required during ammonia transfer operations. There are also specific requirements for farm vehicle mounted systems for distributing anhydrous ammonia. OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION	http://osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9757	OSHA, Wilmington Area Office (302) 573-6518
x	x			Tractor Rollover Protection	Roll-over protection structures (ROPS) are required on all tractors manufactured after 1976 that are operated by farm employees. Comprehensive safety and tractor operating instructions, as well as tractor-specific operation training must be provided to employees annually. Seatbelts must be used when operating a tractor with ROPS. Low-profile tractors used in orchards, greenhouses, and other buildings are exempt from this regulation. OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION	http://osha.gov/dsg/topics/agriculturaloperations/index.html	OSHA, Wilmington Area Office (302) 573-6518 http://osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10957
x	x			Unemployment Insurance for Employees	Agricultural employers are liable for unemployment insurance taxes with respect to any calendar year if: they pay cash remuneration of \$20,000 or more in any calendar quarter in either the current or the preceding calendar year; or they employ 10 or more individuals engaged in agricultural labor for some portion of a day in each of 20 different calendar weeks, whether or not such days were consecutive, in either the current or the preceding calendar year. DE DEPT OF LABOR - DIVISION OF UNEMPLOYMENT INSURANCE	https://ui.delawareworks.com/documents/UI%20Employer%20Handbook.pdf?20170516	UI Tax Operations Unit (302) 761-8482
x	x			Workers Compensation	Farm workers are exempt from the state workers' compensation statute, however, farm employers may elect to provide coverage. DE DEPT OF LABOR - DIVISION OF INDUSTRIAL AFFAIRS	http://dia.delawareworks.com/workers-comp/faqs.php	Office of Workers' Compensation (302) 761-8200
x	x			Youth Employment	Youth of any age may work at any time in any non-hazardous job on a farm owned or operated by their parent or person standing in place of their parent. Youth under 12 may perform non-hazardous work outside of school hours on small farm that is exempt from federal minimum wage provisions as long as there is parental consent. Local youth 10 and 11 years old may hand harvest short-season crops outside school hours for no more than 8 weeks between June 1 and October 15 if employer obtains special waivers from the Secretary of Labor. Youth ages 12-13 may work outside school hours in non-hazardous jobs on a farm where their parents work or with written parental consent. Youth ages 14-15 may work outside school hours in any non-hazardous agricultural job. Youth age 16 or older can work in any farm job at any time except for those restrictions described in Hazardous Employment Restrictions for Youth. US DEPARTMENT OF LABOR	http://dol.gov/whd/regs/compliance/whdfs40.htm	Wage-Hour Help Line (866) 487-9243
LIMING MATERIALS							
x	x			Liming Materials	Agricultural liming materials sold in Delaware must have a tag or label affixed to the packaging in a conspicuous manner giving the name and principal address of the manufacturer or distributor, brand or trade name of the material, identification of the product as a liming material, net weight, and minimum percentage of calcium and magnesium. If material has been altered after packaging, a plainly marked notice identifying the kind and degree of alteration must be affixed. No liming material shall be sold in the state unless it contains the minimum of calcium and magnesium required and contains no toxic materials in quantities that are injurious to plants. All liming products must be registered annually with the DDA. DELAWARE DEPARTMENT OF AGRICULTURE	http://delcode.delaware.gov/title3/c019/ https://agriculture.delaware.gov/agriculture-compliance/instructions-and-applications/	Agricultural Compliance, Ese Jessa (302) 698-4524 ese.jessa@state.de.us

Regulation Reference All		Grains Livestock/Poultry		Topic	Description / Contact	Phone	Website / Email
MOTOR VEHICLES							
x	x			Commercial Drivers License Exemptions	Farmers are exempt from requirements for a Commercial Drivers License (CDL) for operating vehicles >26,000 lbs gross vehicle weight if: the vehicle is controlled and operated by a farmer; the vehicle is transporting agricultural products, farm machinery, or farm supplies to or from a farm; not in common or contract motor carrier operations; within 150 miles of the person's farm; and not used for hire. However, farmers must be in possession of a Delaware Non-CDL license. The CDL license is issued for a \$30 fee and requires the driver to pass written tests and a skills test in the CMV. Special endorsements to the license are required for tank vehicles, passenger vehicles, and the movement of hazardous material requiring placarding. A CDL permit is available allowing the driver to drive with another fully qualified CDL driver, once the driver passes the CDL written knowledge test. The 3 classes of CDL licenses are: Class A - For vehicles with combination weights over 26,000 lbs. pulling a trailer over 10,000 lbs; Class B - For vehicles over 26,000 lbs. with trailers less than 10,001 lbs.; Class C - For all other vehicles under 26,000 lbs., but defined as CMVs because they carry over 16 passengers or are required to be placarded for carrying hazardous material.		
					DELAWARE DEPARTMENT OF MOTOR VEHICLES		https://www.dmv.de.gov/forms/driver_serv_forms/pdfs/farm_manual.pdf
					Delaware DMV	(302) 326-5000	DMVCustomerService@state.de.us
x	x			Drivers Licenses for Farmers	Drivers licenses (Class D) are required to operate vehicles on public highways, however, non-licensed drivers may operate a farm tractor or move farm implements on a public highway if they are not operating for hire and are operating within 5 miles of the farm owned and managed by the vehicle owner. Class D license permits holder 18 years or older to drive passenger-type vehicles (except those designed to carry 16 or more persons), panel or pickup trucks, and other vehicles with a gross vehicle weight rating (GVWR) <26,000 lbs. Does not allow driving of vehicles that are required to be placarded for carrying hazardous material. License fee, written and road tests, and eye screening required. Available to persons 18 years or older who meet requirements. Persons 16 years or older may be issued at Graduated Drivers License if they have passed a certified Driver' Education Course. Commercial Drivers License (CDL) are required for operators of Commercial Motor Vehicles. These are vehicles over 26,000 lbs, vehicles designed to carry 16 or more persons, or vehicles placarded for carrying hazardous materials. Requirements include a series of written and skills test, fee, and special endorsements for tank vehicles, passenger vehicles, and hazardous waste transport.		
					DELAWARE DEPARTMENT OF MOTOR VEHICLES		https://www.dmv.de.gov/forms/driver_serv_forms/pdfs/farm_manual.pdf
					Delaware DMV	(302) 326-5000	DMVCustomerService@state.de.us
x	x			Farm Tractors and Implements of Husbandry	Drivers of farm tractors and implements of husbandry, whether or not hauling another vehicle or piece of equipment, have all the rights and all the duties of any other motor vehicle driver. All traffic laws apply. While registration provisions don't apply, implements of husbandry must be operated in a safe condition. All vehicles, including animal-drawn, must be equipped with two lamps displaying red light visible within 500 feet to the rear, from sunset to sunrise, or during fog. One red lamp and 2 red reflectors visible for distances of 100 to 600 feet from the rear when illuminated by headlights may also be used. On 2-lane highways where passing is unsafe because of opposing traffic or other conditions, a slow-moving vehicle, behind which 5 or more vehicles are formed in a line, must turn off the roadway wherever sufficient area for safe turnout exists, in order to let following vehicles proceed. Drivers of vehicles emerging from alleys, driveways, private roads, or buildings where there is no traffic-control device must stop vehicle prior to driving into the sidewalk area extending across the vehicle entry and shall yield right-of-way to pedestrians and vehicles on the approaching roadway. Liability for damages caused by any vehicle operated on the highway shall be borne by the owner.		
					DELAWARE DEPARTMENT OF MOTOR VEHICLES		https://www.dmv.de.gov/forms/driver_serv_forms/pdfs/farm_manual.pdf
					Delaware DMV	(302) 326-5000	DMVCustomerService@state.de.us
x	x			Federal Motor Carrier Safety Agency - Vehicle Requirements	Covered Farm Vehicles (CFV) are defined as straight trucks or articulated vehicles used to transport agricultural commodities, livestock, machinery or supplies to or from a farm or ranch, not carrying hazardous materials that require placarding and not used for in-hire transportation. CFVs must be registered with a state license plate or other type of state farm vehicle registration which is operated by the owner or operator of a farm or ranch, or employee or family member of an owner or operator. Vehicles being operated interstate must comply with federal laws and owners are required to keep an annual check of the driving records of drivers they employ. Farm vehicles < 26,001 lbs GVWR that do not cross state lines, and vehicles that have seating for <15 passengers are not subject to federal regulations. Vehicles >26,001 lbs GVW (or GVWR, whichever is greater) are exempt from federal regulations when operated across state lines within 150 air miles of vehicle owner's farm. Vehicles are subject to these regulations without consideration of either weight or passengers if transporting hazardous materials which requires the vehicle to be marked and/or placarded.		
					FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION		https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&ty=HTML&h=L&mc=true&=PART&n=pt49.5.390#se49.5.390_15 https://www.fmcsa.dot.gov/faq/what-%E2%80%9Ccovered-farm-vehicle%E2%80%9D-cfv
					FMCSA Information Line	(800) 832-5660	http://ask.fmcsa.dot.gov

Regulation	Reference	All	Grains	Livestock/Poultry	Topic	Description / Contact	Phone	Website / Email
x	x				Federal Motor Carrier Safety Agency - Driver Requirements	Covered Farm Vehicle (CFVs) and their operators are exempt from requirements relating to commercial driver's licenses in 49 CFR Part 383 or controlled substances and alcohol use and testing in 49CFR382; physical qualifications and examinations; service hour restrictions for drivers; inspection, repair, and maintenance requirements. However, CFVs transporting hazardous materials that require a placard are not exempt from federal regulations governing motor carrier operations and may require permits, Commercial Drivers License, and may be subject to vehicle requirements above.	FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION FMCSA - Eastern Service Center	http://ecfr.gov/cgi-bin/retrieveECFR?gp=1&ty=HTML&h=L&mc=true&=PART&n=pt49.5.390#se49.5.390_139 (443) 703-2240 https://www.dmv.de.gov/forms/driver_serv_forms/pdfs/farm_manual.pdf
x	x				Heavy Vehicle Weight Law	There are specific requirements for vehicles over 26,000 lbs when registering for the first time in Delaware. Documentation of Gross Vehicle Weight Ratings (GVWR) are required and additional fees may apply.	DELAWARE DEPARTMENT OF MOTOR VEHICLES Delaware DMV	https://www.dmv.de.gov/forms/driver_serv_forms/pdfs/farm_manual.pdf (302) 326-5000 DMVCustomerService@state.de.us
x	x				International Fuel Tax Agreement	Vehicles with 2 axles at a gross vehicle weight (GVW) or registered GVW >26,000 lbs, or 3 or more axles regardless of weight, or is used in combination when the combined weight is >26,000 lbs GVW or registered GVW, must have an International Fuel Tax Agreement for the simplification of fuel tax reporting. The IFTA allows operation in 48 states and most Canadian provinces.	DELAWARE DEPARTMENT OF MOTOR VEHICLES Delaware DMV	https://www.dmv.de.gov/forms/driver_serv_forms/pdfs/farm_manual.pdf (302) 326-5000 DMVCustomerService@state.de.us
	x	x			Motor Vehicle Laws Affecting Farmers	A guide to Delaware motor vehicle laws specifically pertaining to farmers, including information on non-licensed drivers, towing farm implements, trucking farm animals other farm products both within and outside the state. Including applicable federal regulations.	DELAWARE DEPARTMENT OF MOTOR VEHICLES New Castle County Kent County Sussex County	https://www.dmv.de.gov/forms/driver_serv_forms/pdfs/farm_manual.pdf (302) 434-3200 DMVCustomerService@state.de.us (302) 744-2500 (302) 853-1000
x	x				Non-CDL License	The NON-CDL License is for farmers operating Commercial Motor Vehicles (>26,000 lbs GVWR); where vehicle is transporting agricultural products, farm machinery, or farm supplies to or from a farm; not in common or contract motor carrier operations; within 150 miles of the person's farm; and not used for hire. The license includes regular driving privileges and is issued to farmers at least 18 years of age with one year of driving experience for a \$25 fee after passing a written test, a road test in the CMV, and an eye screening examination. NON-CDL Class A license covers vehicles pulling trailers with a combined GVWR over 26,000 lbs. when the towed vehicle is over 10,000 lbs. NON-CDL Class B license is for all other vehicles with a GVWR over 26,000 lbs.	DELAWARE DEPARTMENT OF MOTOR VEHICLES Delaware DMV	https://www.dmv.de.gov/forms/driver_serv_forms/pdfs/farm_manual.pdf (302) 326-5000 DMVCustomerService@state.de.us
x	x				Oversized Loads	A permit is required for farm vehicles which exceed maximum length (40 feet for single vehicle or 60 feet combined) or maximum weight limits. Maximum single axle load is 22,400 lbs. Maximum gross weight between coupled axles spaced less than 48 inches apart is 20,000 lbs and 40,000 lbs for axles spaced more than 48 inches. Any farm loaded truck or farm vehicle carrying harvested products or livestock may additionally exceed maximum weights by 3 percent. Implements of husbandry which are being temporarily operated, moved, or transported on State maintained highways (except Interstate and US Routes) are not required to obtain a hauling permit. A permit is not required on Interstate and US Routes when the equipment is being used by farmers engaged in agricultural activities. A permit is required at all other times.	DELAWARE DEPARTMENT OF MOTOR VEHICLES Delaware DMV	http://regulations.delaware.gov/AdminCode/title2/2000/2400/2405.shtml (302) 326-5000 DMVCustomerService@state.de.us
x	x				Titling and Registration	Four options are available. Standard license plates may be used on commercial trucks and passenger vehicles. User pays standard fees and vehicles then used with no restrictions on hauling merchandise, farm products, or other items for hire or for pay. Registration must be renewed and vehicle inspected annually. Farm Truck (FT) licenses plates are available at a reduced fee for trucks with a gross weight >5,000 lbs. Farmers must derive at least \$1,000 of annual income from farming or own or rent at least 10 acres that is actively farmed to qualify. Truck cannot be hired or rented or be used for any other use except in the operation of the farms owned or rented by the registered owner or in assistance to other farmers for harvest. FT registration must be renewed and vehicle inspected annually. Farm vehicle (FV) license plates allow requirements for registration and inspection to be waived if the vehicle is not used for hire, is only operated or towed on public roads within a 20 mile radius of a farm owned or managed by the owner, and are operated with stoplight, turn signals, and brakes that are in safe operating condition. FV plates have a one-time fee. Tractors and implements of husbandry are not required to be registered, titled, or inspected as long as they are not used for hire, but special restrictions apply to their use. Maryland, New Jersey and Pennsylvania honor DE Farm Truck tags as long as vehicle is operating under all requirements of tag.	DELAWARE DEPARTMENT OF MOTOR VEHICLES Delaware DMV	https://www.dmv.de.gov/forms/driver_serv_forms/pdfs/farm_manual.pdf (302) 326-5000 DMVCustomerService@state.de.us

Regulation Reference All Grains Livestock/Poultry				Topic	Description / Contact	Phone	Website / Email
x	x			Vehicle Equipment	It is illegal for any person to knowingly drive, move, or knowingly permit to be driven or moved, on any highway a vehicle that is in unsafe condition. Vehicles are required to have service brakes that are adequate to stop the vehicle within 30 feet when travelling 20 MPH on dry asphalt or concrete where grade does not exceed 1 percent. Vehicles are required to have a horn capable of being audible within 200 feet under normal conditions. Vehicles must be equipped with rear view mirror. Headlights, taillights, reflectors and stoplights are required, and specifications for clearance and side lamps must be followed. Vehicles wider than 80 inches or having GVW or load weight >8,000 lbs must carry 3 flares or 3 red emergency lanterns or 3 portable red emergency reflectors capable of being distinguished within 600 feet under normal conditions at night.		
					DELAWARE DEPARTMENT OF MOTOR VEHICLES		https://www.dmv.de.gov/forms/driver_serv_forms/pdfs/farm_manual.pdf
					Delaware DMV	(302) 326-5000	DMVCustomerService@state.de.us
NUTRIENT MANAGEMENT							
x			x	Animal Feeding Operations	All concentrated animal feeding operations (CAFO) that maintain at least 8 animal units in a lot, corral, building, or other area where they are confined and fed for at least 45 days in any 12 month period and where crops or vegetation are not sustained over any part of the facility must comply with state Nutrient Management Law. Permit needed to authorize CAFOs to discharge under the National Pollutant Discharge Elimination System (NPDES) and Delaware State Law. Medium and large CAFOs are defined according to state-specific thresholds for various livestock types. State issues only individual NPDES permits to CAFOs. Compliance has four primary elements: nutrient certification and continuing education requirements, nutrient management planning, record-keeping of nutrient management activities, and annual reporting to DDA Nutrient Management Commission. A Nutrient Management Plan (NMP) must be submitted as part of the permit application. At a minimum, the NMP must ensure adequate storage of manure, litter, and process wastewater; ensure proper management of mortalities; ensure clean water is diverted from production area; prevent direct contact of confined animals with US waters; ensure that chemicals and other contaminants are not disposed of in manure or other waste streams; identify conservation practices to be implemented to protect water of US from pollutants in runoff; identify testing protocols for manure, litter, process wastewater, and soil; establish and application protocols to ensure appropriate agricultural utilization of nutrients in manure, litter, or process wastewater; identify record keeping procedures to document implementation of the above. Copy of NMP must be kept on site.		
					DELAWARE DEPT OF AGRICULTURE AND DEPT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL		https://agriculture.delaware.gov/wp-content/uploads/sites/108/2017/12/2011_CAFORegs_final.pdf
							https://agriculture.delaware.gov/nutrient-management/cafo/
							http://www.dnrec.delaware.gov/wr/Information/SWDInfo/Documents/CAFO%20FAQ%20FINAL.pdf
					Nutrient Management Division	(302) 698-4558	nutrient.management@state.de.us
x	x			Application of Biosolids/Sewage Sludge	Farms that land apply biosolids or which own land on which biosolids are land applied must directly meet regulatory requirements for pollutant limits, management practices, operational standards, reporting and other requirements.		
					ENVIRONMENTAL PROTECTION AGENCY		http://epa.gov/biosolids/biosolids-laws-and-regulations
					EPA Region 3	(215) 814-5000	
x	x			Certification under Nutrient Management Program	Individuals who apply nutrients to ≥10 acres or more, operate animal feeding operations of ≥8 animal units, apply nutrients to lands as a component of a commercial or agriculture business in exchange for a fee or service charge, or advise or consult with persons as part of the development of a Nutrient Management Plan must be certified by the DDA Nutrient Management Program. Certification is maintained by completing continuing education courses approved by DDA Nutrient Management Program before expiration of prior certification.		
					DELAWARE DEPARTMENT OF AGRICULTURE		https://agriculture.delaware.gov/nutrient-management/certification-education/
					Nutrient Management Division	(302) 698-4558	nutrient.management@state.de.us
	x		x	Concentrated Animal Feeding Operation	CAFO definition of large and medium CAFO by Delaware state statutes.		
					DELAWARE DEPARTMENT OF AGRICULTURE		https://agriculture.delaware.gov/wp-content/uploads/sites/108/2017/12/CAFO_FactSheet_2017.pdf
					Nutrient Management Division	(302) 698-4558	nutrient.management@state.de.us
x			x	Concentrated Animal Feeding Operation	The Secretary of Agriculture or his designee may designate any AFO as a CAFO upon determination that it is a significant contributor of pollutants to Waters of the State. CAFOs must be designated by state official with appropriate authority of the USEPA who conducts an on-site inspection.		
					DELAWARE DEPARTMENT OF AGRICULTURE		https://agriculture.delaware.gov/wp-content/uploads/sites/108/2017/12/2011_CAFORegs_final.pdf
					Nutrient Management Division	(302) 698-4558	nutrient.management@state.de.us

Regulation Reference All Grains Livestock/Poultry				Topic	Description / Contact	Phone	Website / Email
x	x			Concentrated Animal Feeding Operation - Manure Transfer	Records must be kept of the name, address, amount of material transferred, and date of transfer for manure recipients of large CAFOs. Nutrient analysis of material transferred must be provided to the recipient. Medium CAFOs need only record amount of material transferred and date of transfer. DELAWARE DEPARTMENT OF AGRICULTURE Nutrient Management Division	(302) 698-4558	https://agriculture.delaware.gov/wp-content/uploads/sites/108/2017/12/2011_CAFOPRegs_final.pdf nutrient.management@state.de.us
	x	x		Nutrient Management Program	Information on the Delaware state nutrient management program can be found at the Delaware Department of Agriculture website. DELAWARE DEPARTMENT OF AGRICULTURE Nutrient Management Division	(302) 698-4558	https://agriculture.delaware.gov/nutrient-management/ nutrient.management@state.de.us
	x	x		Nutrient Management Relocation Program	This program is a cost assistance program designed to assist in transporting nutrients (manure) from a farms with excess manure (namely poultry litter) to farms or alternative use projects in need of nutrients. Any farmer, person, or business can apply for assistance as long as they meet the transport standards and Relocation Program guidelines. DELAWARE DEPARTMENT OF AGRICULTURE Nutrient Management Division	(302) 698-4558	https://agriculture.delaware.gov/nutrient-management/cost-share/ nutrient.management@state.de.us
ORGANIC							
	x	x		Pesticide Drift	DriftWatch--Free program offers an online tool that helps protect pesticide-sensitive crops and commodities from pesticide drift. DELAWARE DEPARTMENT OF AGRICULTURE Laura Mensch	(302) 698-4573	https://agriculture.delaware.gov/pesticide-management/driftwatch/ laura.mensch@state.de.us
PESTICIDE MANAGEMENT							
x	x			Commercial Applicators	Those who apply pesticides to the land of others for compensation are considered commercial applicators and must obtain a Commercial Applicators Certification and must work for a company with a Pesticide Business License. To obtain certification as a Commercial Applicator must past core and category exams. Must recertify annually. DELAWARE DEPARTMENT OF AGRICULTURE Kenda Galipo	(302) 698-4571	https://agriculture.delaware.gov/pesticide-management/applicators/ kenda.galipo@state.de.us
	x	x		Groundwater Monitoring for Pesticides	When pesticides are applied, whether it is on a farmer's field or around a residential home, there is a chance that some of the product may run off the soil's surface or leach down through the soil to eventually reach the water held in the ground. The Delaware Department of Agriculture Pesticide Management Section monitors the state's shallow groundwater for pesticides. DELAWARE DEPARTMENT OF AGRICULTURE Laura Mensch	(302) 698-4573	https://agriculture.delaware.gov/pesticide-management/groundwater-monitoring-program/ laura.mensch@state.de.us
x	x			Pesticide Business License	A pesticide business license is required to engage in the business of applying pesticides to the property of another within Delaware for compensation. To qualify for a pesticide business license, applicants must become Certified Commercial Applicators in one or more categories of pest control and at least one of the certified applicators must have a minimum of 2-years related practical experience under the supervision of a certified applicator within the previous 3-year period. This requirement applies to aerial applicators and the structural pest control industry (categories 7A, 7B, and 7C) only. DELAWARE DEPARTMENT OF AGRICULTURE Kenda Galipo	(302) 698-4571	https://agriculture.delaware.gov/pesticide-management/business-licenses/ kenda.galipo@state.de.us
x	x			Pesticide Disposal	A farmer disposing of waste pesticides from his own use which are hazardous wastes is not required to comply with the standards in Delaware's Regulations Governing Hazardous Waste provided he triple rinses each emptied pesticide container and disposes of the pesticide residues on his own farm in a manner consistent with the disposal instructions on the pesticide label. Farmers must properly dispose of pesticide hazardous wastes. Waste pesticides disposed of on a farmer's own property in compliance with specified waste management requirements, including the disposal instructions on the pesticide label, are not subject to the TSD facility standards. Even wastes that exhibit one or more of the characteristics of a hazardous waste are exempt from regulation when the farmer triple rinses each emptied pesticide container and disposes of the rinsate on his own farm in compliance with the disposal instructions on the label. However, if the rinsate is characterized as "acute hazardous waste," some regulations may apply. If the pesticides have been recalled, some RCRA regulations may apply. Disposal of hazardous waste could subject farmers to hazardous waste generator requirements. ENVIRONMENTAL PROTECTION AGENCY Region 3 EPA	(215) 814-5000	https://www.epa.gov/pesticide-worker-safety/requirements-pesticide-disposal

		Regulation	Reference	All	Grains	Livestock/Poultry	Topic	Description / Contact	Phone	Website / Email
x	x						Pesticide Disposal	Environmental Sweep Program--offers easy and environmentally responsible disposal of unwanted, outdated, or cancelled pesticides. Farmers can qualify for free removal of up to 500 pounds or 50 gallons of pesticides through this program. DELAWARE DEPARTMENT OF AGRICULTURE Jimmy Hughes	(302) 698-4569	https://agriculture.delaware.gov/pesticide-management/environmental-sweep-program/ James.Hughes@state.de.us
x	x						Pesticide Handling	The EPA Worker Protection Standard requires that owners and employers on agricultural establishments provide workers and handlers protection from potential pesticide exposure, provide annual mandatory training for workers about pesticide safety in a manner they can understand, make pesticide safety information available and accessible to employees, provide decontamination supplies within 1/4 mile of employees engaged in pesticide mixing and application operations, and provide mitigations and emergency assistance in case exposure occurs. Persons under 18 are prohibited from handling pesticides. No-entry signs must be posted to prohibit entry into pesticide-treated fields. This includes excluding workers and others during pesticide applications and suspending applications if a person is within the application exclusion zone. Records of application-specific pesticide information and farmworker training must be kept for 2 years. ENVIRONMENTAL PROTECTION AGENCY EPA Region 3 office	(215) 814-5000	http://epa.gov/pesticide-worker-safety/agricultural-worker-protection-standard-wps http://pesticideresources.org/wps/hosted/quickrefguide.pdf
x	x						Pesticide Information	Pesticide Management for Farmers--Website provides a link to applicator exams, applications, and forms; resources for training and recertification; information about exemptions; information on USDA recordkeeping; and links to a pesticide database. DELAWARE DEPARTMENT OF AGRICULTURE Pesticide Management Section	(302) 698-4571	https://agriculture.delaware.gov/pesticide-management/farmers/
x	x						Pesticides Registered in Delaware	A search engine to search the DDA database of pesticides. DELAWARE DEPARTMENT OF AGRICULTURE / ENVIRONMENTAL PROTECTION AGENCY		http://kellysolutions.com/de/pesticideindex.htm
x	x						Pesticide Registration	All pesticides distributed and sold in US must be registered with EPA and must be properly labeled. Applicators must be certified by Delaware Dept of Agriculture. ENVIRONMENTAL PROTECTION AGENCY Region 3 EPA	(215) 814-5000	http://epa.gov/laws-regulations/summary-federal-insecticide-fungicide-and-rodenticide-act
x	x						Pesticide Registration	Any pesticide product distributed or sold in the State of Delaware must be registered with the Pesticides Section of the DE Dept of Agriculture. All registrations shall continue in effect until June 30th of the year in which they expire. DELAWARE DEPARTMENT OF AGRICULTURE Kenda Galipo	(302) 698-4571	https://agriculture.delaware.gov/pesticide-management/manufacturers/ kenda.galipo@state.de.us
x	x						Pesticide Spill	Pesticide spills that present a sudden threat to public health should be reported to the EPA National Response Center. ENVIRONMENTAL PROTECTION AGENCY National Response Center	(800) 424-8802	https://www.epa.gov/pesticide-incidents/how-report-spills-and-environmental-violations
x	x						Pesticide Storage and Disposal	Farmers should store and dispose of pesticides according to label requirements. Pesticides must be stored in appropriate containers. Most farm pesticides cannot be disposed of in household hazardous waste programs. See Environmental Sweep program for disposal information. DELAWARE DEPARTMENT OF AGRICULTURE/ ENVIRONMENTAL PROTECTION AGENCY Jimmy Hughes	(302) 698-4569	https://agriculture.delaware.gov/pesticide-management/environmental-sweep-program/ James.Hughes@state.de.us
x	x						Pesticide Use and Water	Applications of biological pesticides and chemical pesticides that leave a residue, in which applications are made directly to waters of the United States, or where a portion of the pesticide will unavoidably be deposited to waters of the United States must have a National Pollutant Discharge Elimination System (NPDES) permit. This permit is issued through DNREC. DE DEPT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL Bryan Ashby	(302) 739-9946	http://epa.gov/npdes/pesticide-permitting https://dnrec.alpha.delaware.gov/water/surface-water/npdes/aquatic-pesticides/ Bryan.Ashby@state.de.us

				Regulation	Reference	All	Grains	Livestock/Poultry	Topic	Description / Contact	Phone	Website / Email
x		x							Private Applicators	Anyone buying or using a restricted pesticide must be certified by DDA and at least 18 years of age, unless under the direct supervision of a certified applicator. Private applicators are the producers of agricultural commodities that apply restricted-use pesticides to land that is owned or rented by them or their employer. To get certified, private applicators must successfully pass the private applicator core exam. Must recertify every 3 years.		
										DELAWARE DEPARTMENT OF AGRICULTURE		https://agriculture.delaware.gov/pesticide-management/applicators/
										Kenda Galipo	(302) 698-4571	kenda.galipo@state.de.us
x		x							Worker Protection Standard	The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) established the U.S. system of pesticide regulation to protect applicators, consumers, and the environment. Under FIFRA, the DDA conducts inspections on farms for the Worker Protection Standard. The WPS sets minimum age, information dissemination and standards for pesticide handling and use.		
										DELAWARE DEPARTMENT OF AGRICULTURE		http://epa.gov/pesticide-worker-safety/agricultural-worker-protection-standard-wps
										Jimmy Hughes	(302) 698-4569	james.hughes@state.de.us
PLANNING & ZONING												
x		x							Agritourism Statutes	Agritourism activities may be allowed on farms of 10 acres or more subject to county and other local regulations and provisions (zoning, building, etc). Such farms must implement a nutrient management plan or agricultural waste management plan. New farm entrances and signage related to agritourism must comply with Department of Transportation regulations. Appropriate customer parking areas must be provided. Many agritourism statutes are county-specific and are regulated by county zoning authorities.		
										INDIVIDUAL COUNTY PLANNING & ZONING COMMISSIONS		http://delcode.delaware.gov/title9/c049/sc01/index.shtml
										Kent County	(302) 744-2471	planning@co.kent.de.us
										New Castle County	(302) 395-5400	landuse@nccde.org
										Sussex County	(302) 855-7878	
x								x	Fence Laws	The owner of any sheep, goat, cattle, horse or hog that trespasses on any grounds enclosed with a lawful fence is liable for damages to the landowner. When unruly animals break through lawful fences, animal owners are liable for double the damage expense of the trespass animal. Good fences are made of iron, wood, wood or iron rods and wire, stone, or well-set thorns 4.5 foot high or 4 foot with a ditch within 2 feet in New Castle and Kent counties, or 4 foot high in Sussex County. A barbed wire fence may only be used when mutually agreed upon by the landowners whose property is divided by the fence.		
										INDIVIDUAL COUNTIES		http://delcode.delaware.gov/title25/c013/
x		x							Right-To-Farm Statutes	No agricultural operation within Delaware which has been in operation for more than 1 year shall be considered a nuisance as a result of a changed condition in or around the location of the agricultural operation. Agricultural operations in compliance with all applicable state and federal laws, regulations, and permits may not have criminal or civil actions brought against them for activities in compliance with applicable state and federal laws, regulations, and permits.		
										STATE OF DELAWARE		http://delcode.delaware.gov/title3/c014/
PLANT PESTS												
x								x	Injurious Plant Pests	Persons, owners or tenants of premises where dangerously injurious plant pest has been identified by the State Dept. of Agriculture must implement prescribed control measures within prescribed time limits. It is illegal to remove markings placed by the State Dept. of Agriculture that identify plants infected or infested with a dangerous injurious plant pest. Premises where a dangerously injurious plant pest has been identified may be subject to quarantine restrictions that prevent the movement of plant products or other material capable of carrying the pest.		
										DELAWARE DEPARTMENT OF AGRICULTURE		http://delcode.delaware.gov/title3/c011/index.shtml
										Stephen Hauss	(302) 698-4577	Stephen.Hauss@state.de.us
x		x							Noxious Weeds	It is illegal to import designated noxious weed into the state of Delaware or transport noxious weeds within the state. Exceptions only exist for research and then only with written approval of DDA. It is unlawful to knowingly contaminate uninfested lands or roadways with designated noxious weeds. It is unlawful to allow designated noxious weeds to set seed or allow them to reach a height or vine length of 24 inches. It is the duty of landowners or those with permission to farm lands to use prescribed practices to prevent seed set or to eliminate designated noxious weeds. The Plant Industries Section has an equipment loan program to further assist the public in the control of noxious weeds.		
										DELAWARE DEPARTMENT OF AGRICULTURE		https://agriculture.delaware.gov/plant-industries/noxious-weeds/
												http://delcode.delaware.gov/title3/c024/index.shtml
										Todd Davis	(302) 698-4581	Todd.Davis@state.de.us

Regulation Reference	All	Grains	Livestock/Poultry	Topic	Description / Contact	Phone	Website / Email
x	x			Nuisance Plant Law	It is illegal to sell, collect, transport, distribute, propagate, or transplant any viable portion, including seeds, of a Class A nuisance plant without prior written consent of the Delaware Secretary of Agriculture. The sale or distribution of a Class B nuisance plant must be labeled on the plant or container holding the plant that this plant has the capacity to spread and become a nuisance to neighboring property owners and its sale is therefore regulated by DDA and that the purchaser is financially accountable for the plant's growth beyond their property boundaries. Cultivators of Class B nuisance plants must not let them spread to neighboring properties.		
					DELAWARE DEPARTMENT OF AGRICULTURE		http://delcode.delaware.gov/title3/c027/index.shtml
					Plant Industries Section	(302) 698-4577	
x			x	Permitting under Plant Pests	It is illegal to sell, offer for sale, move, transport, deliver, or ship any plant pest or biological control agent without a permit from the USDA Animal and Plant Health Inspection Service.		
					ANIMAL & PLANT HEALTH INSPECTION SERVICE		https://www.aphis.usda.gov/aphis/ourfocus/planthealth/import-information/permits/regulated-organism-
						(866) 524-5421	Pest.Permits@aphis.usda.gov
RECREATIONAL USE							
x	x			Recreational Use	Farmers who allow use of their land for recreation without charge do not assume responsibility or incur liability for injury to person or property caused by an act of omission of such persons. They do not extend any assurance that the premises are safe.		
					DE DEPT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL		http://delcode.delaware.gov/title7/c059/index.shtml
SEED LAW							
x			x	Seed Certification	The objective of the Seed Certification program in Delaware for seed companies and local growers is the use of higher quality seed for soybeans and small grains in Delaware. The certification process consists of field inspections of the mature crop, sampling, laboratory analysis, and proper labeling through certified seed tags.		
					DELAWARE DEPARTMENT OF AGRICULTURE		https://agriculture.delaware.gov/plant-industries/seed-certification/
							http://delcode.delaware.gov/title3/c015/index.shtml
					Lisa Jones	(302) 698-4596	lisa.jones@state.de.us
x			x	Seed Labeling	Each container of agricultural seed that is sold, offered for sale, or transported within Delaware for sowing purposes must bear a conspicuous printed label or tag in English identifying specific information on kind and varieties of seed and weed components, chemical and other treatments, origin and lot numbers, etc. Requirements vary depending on type of seeds. See regulations for specifics.		
					DELAWARE DEPARTMENT OF AGRICULTURE		http://delcode.delaware.gov/title3/c015/index.shtml
						(302) 698-4596	lisa.jones@state.de.us
TAXES							
	x	x		Farmer's Tax Guide	A comprehensive guide to IRS rules for farms and agriculture businesses.		
					INTERNAL REVENUE SERVICE		http://irs.gov/uac/about-publication-225
WASTE MANAGEMENT							
x	x			Aboveground Storage Tanks	Agricultural aboveground storage tanks (AST) are tanks <40,000 gallons containing a regulated substance the contents of which are applied to the soil, crops, or livestock or ingested by livestock and used solely to directly facilitate the production of crops, livestock, or livestock products, or golf course turf. All ASTs > 1,100 gallons and <12,499 gallons must be registered and have appropriate signage. ASTs ≥12,499 and <40,000 gallons must be registered annually and a fee paid annually; follow requirements for inspection, monitoring, testing, and record keeping or have a DNREC approved Best Management Practices plan; and have appropriate signage. New construction in this size category must meet all these requirements and pay an additional new construction fee or have a DNREC-approved best management practice plan. ASTs ≥40,000 gallons must be registered and a fee paid annually, have appropriate signage, and may be subject to technical regulations. ASTs between 1,100 and 40,000 gallons are subject to a new construction fee. Release reporting and remediation requirements apply to all ASTs, whether required to be registered or not.		
					DE DEPT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL		http://regulations.delaware.gov/AdminCode/title7/1000/1300/1352.shtml
							http://dnrec.delaware.gov/tanks/Documents/AST/Delaware%20Aboveground%20Storage%20Tank%20Requir
							http://dnrec.delaware.gov/tanks/Pages/AST-Program.aspx
					Alex Rittberg	(302) 395-2500	alex.rittberg@state.de.us

Regulation Reference All Grains Livestock/Poultry				Topic	Description / Contact	Phone	Website / Email
x	x			Composting Operations	Composting operations must obtain a permit from the Department of Natural Resources and Environmental Control. To obtain a permit, person must submit a written plan of operation that demonstrates that the operator of the composting facility understands and will apply principles and proper methods of composting. This plan must also show that the composting facility will be operated in a manner that will not pose a threat to human health and the environment. A written statement explaining how the applicant will use the compost must accompany the plan and application. Individual household composting is exempt.		
					DE DEPT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL		http://regulations.delaware.gov/AdminCode/title7/1000/1300/1301.shtm
					Nancy Marker	(302) 739-9403	
x	x			Hazardous Substances	The Emergency Planning and Community Right to Know Act requires that any farm handling more than a threshold quantity of extremely hazardous substances requiring and OSHA material safety data sheet must report inventory of certain extremely hazardous substances to State and local planning entities.		
					ENVIRONMENTAL PROTECTION AGENCY		http://epa.gov/epcra
					EPA Region 3	(215) 814-5000	
x	x			Hazardous Substances	Farms that handle more than a threshold quantity of certain toxic and/or flammable substances must implement a chemical accident program and prepare and submit a Risk Management Plan to EPA. Listed agricultural nutrients such as ammonia and flammables used as fuel are excluded for farmers.		
					ENVIRONMENTAL PROTECTION AGENCY		http://epa.gov/rmp/forms/contact-us-about-risk-management-plan-rule
					EPA RMP Reporting Center	(703) 227-7650	RMPRC@epacdx.net
x	x			Hazardous Waste	Farms that generate, transport, treat, store, or dispose of hazardous waste (solid wastes that are ignitable, corrosive, reactive, or toxic) must properly handle these wastes according to Delaware's Regulations Governing Hazardous Waste. Authority for administering the program lies with the state of Delaware and notification and a permit may be required from DNREC.		
					DE DEPT OF NATURAL RESOURCES & ENV CONTROL / ENVIRONMENTAL PROTECTION AGENCY		http://regulations.delaware.gov/AdminCode/title7/1000/1300/1302/index.shtm
							http://epa.gov/hwgenerators
					Jason Sunde	(302) 739-9403	jason.sunde@state.de.us
	x	x		Oil Spill	Any farm that has a discharge of oil that may reach navigable waters or adjoining shoreline must report the spill to the National Response Center and the DNREC at 800-662-8802.		
					ENVIRONMENTAL PROTECTION AGENCY		http://epa.gov/pesticide-incidents/report-spills-and-environmental-violations
					National Response Center	(800) 424-8802	
x	x			Oil Storage	Farms storing more than 25 gallons of used oil in underground or aboveground tanks are required to store the used oil in tanks meeting EPA underground or aboveground technical requirements. A transporter with EPA authorization numbers must be used for removal of the used oil from the farm. Farmers who generate an average of 25 gallons or less per month of used oil from vehicles or farm machinery in a calendar year are exempt from regulations.		
					ENVIRONMENTAL PROTECTION AGENCY		http://epa.gov/sites/production/files/2015-09/documents/uoil.pdf
					Superfund, TRI, EPCRA, RMP, and Oil Information Center	(800) 424-9346	
x	x			Oil Storage	Farms that 1) have an aggregate aboveground storage for more than 2500 gallons oil or oil products (diesel fuel, gasoline, lube oil, hydraulic oil, adjuvant oil, crop oil, vegetable oil or animal fat) and 2) could reasonably be expected to discharge oil to water of the US or adjoining shorelines must submit a Spill Prevention, Containment, and Countermeasures Plan (SPCC) to EPA. Farms with >2,500 gallons and < 6,000 gallons of aggregate aboveground storage and no reportable discharge history are exempt. Farmers can self-certify their SPCC if they have aggregate aboveground oil storage >6,000 gallons and <20,000 gallons, no individual tanks >10,000 gallons capacity, and no reportable discharge history. If farmer has individual tank with aboveground storage capacity >10,000 gallons, or aggregate aboveground storage capacity ≥20,000 gallons, then a licensed Professional Engineer must certify the SPCC plan.		
					ENVIRONMENTAL PROTECTION AGENCY		https://www.epa.gov/sites/production/files/2016-02/documents/wrrda_farm_study_2015-06-30.pdf
					Superfund, TRI, EPCRA, RMP, and Oil Information Center	(800) 424-9346	
x	x			Oil Storage	Any farm/facility storing more than 1,000,000 gallons of oil in above ground storage or 42,000 gallons where transfers occur over water must prepare a Facility Response Plan and submit it to EPA.		
					ENVIRONMENTAL PROTECTION AGENCY		http://epa.gov/oil-spills-prevention-and-preparedness-regulations/
					Superfund, TRI, EPCRA, RMP, and Oil Information Center	(800) 424-9346	facility-response-plan-frp-overview

Regulation Reference		All		Grains		Livestock/Poultry		Topic	Description / Contact	Phone	Website / Email
x	x							Scrap Tire Cleanup	Anyone having greater than 99 scrap tires is regulated under Section 12 of Delaware's Regulations Governing Solid Waste. Farmers actively using whole scrap tires not exceeding 25 pounds each for beneficial purposes related to farming are exempt from Section 12.0 provided written approval is obtained from the Department and water accumulation within the tires is prevented by boring, punching, or drilling holes in each tire. DNREC offers a low cost scrap tire removal program for scrap tires piles of 100 or more that were in existence on June 30, 2006.		
									DE DEPT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL		http://dnrec.delaware.gov/dwhs/Info/Pages/ScrapTire.aspx
									Karen J'Anthony	(302) 739-9403	karen.janthonny@state.de.us
x	x							Underground Storage Tanks	Underground storage tanks over 110 gallons storing petroleum or hazardous substances are required to be registered with the state annually and pay an annual fee. Heating fuel systems greater than 1,100 gallons must be registered annually and pay an annual fee. All registered underground storage tanks have to comply with Delaware Regulations Governing Underground Storage Tank Systems. Tanks are inspected every 3 years to ensure proper tank installation and maintenance and thus prevent releases into the environment. Facilities with registered underground tanks must have a certified operator assigned to the site who has attended operator training classes. There may be additional requirements for vapor recovery on some tanks.		
									DE DEPT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL		http://regulations.delaware.gov/AdminCode/title7/1000/1300/Split1351/1351-02.shtml http://dnrec.delaware.gov/tanks/Pages/UST-Compliance-Program.aspx
									Alex Rittberg	(302) 395-2500	DNREC_USTRegulations@state.de.us
WATER SUPPLY											
x	x							Irrigation Preservation	Agricultural lands which are actively being farmed have the right to receive and recycle to such land reclaimed water through irrigation systems.		
									DELAWARE DEPARTMENT OF AGRICULTURE		https://agriculture.delaware.gov/wp-content/uploads/sites/108/2017/12/Irrigation.pdf
x	x							Land Treatment of Wastes	No person shall undertake any activity that may cause a discharge of a pollutant into any surface or ground water in the state of Delaware without first obtaining a permit from DNREC. Land application of manure from CAFOs may be used as a cost-effective alternative for wastewater management but over-application, improper storage and timing of land application can contaminate both surface and ground waters. A valid permit must be obtained from DNREC for collection, treatment, and disposal of waste that meets minimum requirements to protect public health and environmental quality. Several other agencies are involved in waste management and information should be obtained from DNREC about requirements with the Division of Public Health and county planning and zoning authorities.		
									DE DEPT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL		http://regulations.delaware.gov/AdminCode/title7/7000/7100/7103.shtml https://dnrec.alpha.delaware.gov/water/surface-water/land-treatment/
									Brian Churchill	(302) 739-9946	brian.churchill@state.de.us
x	x							Safe Drinking Water	Farms providing water for human consumption from own source to 25 people or through 15 service connections for more than 59 days/year must test for coliform and nitrate and possibly other contaminants and follow the requirements of the Safe Drinking Water Act.		
									ENVIRONMENTAL PROTECTION AGENCY		http://epa.gov/sdwa
									EPA Region 3	(215) 814-5000	
x	x							Underground Injection	All underground injections in Delaware are unlawful and subject to penalties unless authorized by rule, authorized by a permit or Rule Authorization letter. The only injection wells permitted in Delaware are those that are used to inject non-hazardous fluids underground (Class V wells). Farms operating injection wells must submit injection well inventory information to prevent the contamination of underground sources of drinking water.		
									DELAWARE DEPT OF NATURAL RESOURCES & ENV CONTROL / ENVIRONMENTAL PROTECTION AGENCY		http://dnrec.delaware.gov/wr/Information/regulations/Pages/GroundWaterDischargesRegulations.aspx https://dnrec.alpha.delaware.gov/water/groundwater/uic/ http://epa.gov/uic
									Kathy Potter	(302) 739-9948	Katharyn.Potter@state.de.us

Regulation Reference		All		Grains		Livestock/Poultry		Topic	Description / Contact	Phone	Website / Email
x	x							Water Use and Allocation	Water allocation permits issued by DNREC are required for all water withdrawals >50,000 gallons in any 24 hour period. Permit holders are required to record and report water usage each year. Irrigators only need to report irrigation water use from March through November. Permits are transferable as long as the allocation remains unchanged and the new owner applies using a transfer form. Occasional temporary withdrawals (such as filling a water truck from a pond or stream for dust control, hydroseeding, or drilling) do not require a permit. Withdrawals of >100,000 gallons per day within the jurisdiction of the Delaware River Basin Commission require separate approval from the Commission.		
									DE DEPT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL		https://dnrec.alpha.delaware.gov/water/supply/allocation/
									William Cocke	(302) 739-9945	William.Cocke@state.de.us
x	x							Well Construction and Use	A well may not be constructed until DNREC has issued a well permit and a call-in authorization number. Dewatering systems used to remove groundwater for excavation or construction also require a permit. All construction, repair, modification or sealing of wells must be performed by or under direct supervision of a licensed well driller or well driver. Installation of pumps and pumping equipment must be performed by or under the direct on-site supervision of a licensed pump installer, plumber, or well driller. Agricultural wells where a Certificate of Public Convenience and Necessity has been issued must not be used for human consumption and may not be interconnected with any portion of any building's plumbing or any water utility's service connection, and these wells are subject to revocation of permit upon any violation of these requirements.		
									DE DEPT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL		http://regulations.delaware.gov/AdminCode/title7/7000/7300/7301.shtm
											https://dnrec.alpha.delaware.gov/water/supply/well-permits/
									Alan Pongratz	(302) 739-9944	Alan.Pongratz@state.de.us
x	x							Wetlands / Subaqueous Lands Regulations	No activity can take place in a wetland or subaqueous lands, either public or private, which may contribute to the pollution of public waters, without a permit from DNREC. Work cannot commence until the permit is issued. Grazing of domestic animals and haying in wetlands do not require a permit. Permits will not be issued if the planned activity involves: dredging a channel through wetlands deeper than the existing depth or controlled channel depth specified by the Corps of Engineers; dredging through wetlands with only one outlet to navigable water unless channel is equipped with aerators; dredging channels through wetlands with sides that have a slope that is near vertical; utilize wetlands for any non-water access activity; or building bulkheads on wetlands higher in elevation than surface of the natural land. No person may deposit material upon, remove, or extract materials from, or construct, modify, repair, reconstruct, any structure or facility upon private subaqueous lands without first obtaining a permit or letter of authorization from DNREC.		
									DE DEPT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL		https://dnrec.alpha.delaware.gov/water/wetlands-subaqueous/whats-regulated/
									Tyler Brown	(302) 739-9943	Tyler.Brown@state.de.us

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