

## GUIDELINES FOR PARTNERSHIPS BETWEEN COUNTY EXTENSION OFFICES AND COUNTY WEED BOARDS

The North Dakota Noxious Weed Law (N.D.C.C. 4.1-47) requires each county to establish a county weed board to implement a program for the management of noxious weeds and enforce the noxious weed law. The law requires the county weed board to appoint a chair, vice chair, secretary, and treasurer. Each county is also required to appoint a county weed officer to monitor noxious weeds, investigate complaints regarding uncontrolled noxious weeds, assist landowners with weed control, and perform weed control activities. This can include making herbicide applications and distributing herbicides to landowners through a cost-share program.

In an effort to save resources and make use of existing expertise, some counties have explored ways to involve Extension agents with county weed board activities. These partnerships between county weed boards and Extension are extremely valuable, and we encourage Extension ANR agents to build a relationship with their local weed board and weed control officer. However, we must recognize that county weed boards are regulatory entities, while NDSU Extension is a non-regulatory entity that is focused on educational programming. The purpose of this document is to offer guidelines for the involvement of Extension agents in county weed board activities to eliminate or remove real or perceived conflicts of interests, reduce Extension's regulatory liability, and establish clear expectations for how Extension can assist county weed boards.

### Potential Roles of ANR Extension Agents

Involvement of Extension personnel with county weed boards can vary considerably based on county budgets, local needs, and available resources. Since county weed boards are regulatory entities that enforce weed laws and issue violations, Extension agents can only serve on weed boards as an ex officio, non-voting member. Extension ANR agents are encouraged to serve as a technical advisor to their local weed board to offer expertise on weed identification, biology, and management. Such technical advisor roles are consistent with the mission of NDSU Extension and the core duties of Extension ANR agents.

Extension agents may also be asked to serve a support role for county weed boards to schedule weed board meetings, keep board minutes and other records, track financial records, or serve as the secretary or treasurer. Such roles are appropriate if steps are taken to remove conflicts of interest and address the issues described below. However, weed board support duties are considered to be outside the core duties of Extension ANR agents.

Extension agents may be asked to serve as the county weed officer. This is strongly discouraged as a routine practice since it can create confusion with the public and a real or perceived conflict of interest. Having Extension agents serve as county weed officers can also create regulatory challenges for NDSU Extension since many weed board activities are regulated under the North Dakota Noxious Weed Law and state and federal pesticide laws and regulations. An agent is only allowed to serve as a county weed officer if steps are taken to address the issues described below. NDSU Extension reserves the right to re-evaluate and place limitations on Extension agents serving in weed officer roles.

### Clearly Describing Weed Board Responsibilities in Vacancy Announcements, Position Descriptions, and Hiring Letters

Potential weed board responsibilities for Extension personnel should be addressed in conversations between county commissioners and the district director when Extension positions are vacant and commissioners are asked for their support to refill the position. To ensure transparency, any weed board responsibilities beyond serving as a technical advisor to the board must be clearly identified in the vacancy announcement and hiring letter for Extension agents. Such duties should be discussed with applicants during the employment interview and negotiated during the hiring process. Weed board responsibilities beyond a technical advisor role that are added to the duties of a currently employed Extension agent should be discussed in the current year performance review and added as an addendum to an updated position description.

### Creating Separation between Extension and County Weed Boards

The North Dakota Pesticide Act clearly states that employers must take responsibility for any illegal acts performed by employees (N.D.C.C. 4.1-33-20(4)). This means that any enforcement actions for violation of the Pesticide Act must not only be levied against the individual committing the act, but also their employer. Weed officers are routinely required to store, distribute, handle and use pesticide products regulated under state and federal law and rules, and it is possible that those duties could result in an inadvertent violation. This could include such illegal acts as application of a product inconsistent with the labeling, distribution or use of an unregistered pesticide, improper storage, recordkeeping violations, and/or pesticide drift. Therefore, it is beneficial to create a distinct regulatory and budgetary separation between the Extension office and the county weed board.

If Extension agents engage in weed board activities beyond serving as a technical advisor to a county weed board, including performing administrative support duties for the weed board or serving as a weed officer, it is strongly recommended that those duties be covered under a separate contract along with an NDSU Extension Annual Conflict of Interest Notification/Disclosure Statement, just as if the Extension employee was working for a separate employer.

### Regulatory Actions

County weed boards are regulatory entities that have authority to levy regulatory actions to citizens for violations of the noxious weed law, as well as invoice citizens for noxious weed management activities. NDSU Extension needs to maintain a positive, non-threatening image with the general public. Therefore, if Extension agents serve as weed officers or in another capacity for the county weed board, any regulatory actions for noxious weed violations or invoices for weed control or pesticides must be signed by the weed board chair or appropriate county official, not the Extension agent. In addition, no regulatory actions or invoices for noxious weed management activities are to be prepared using Extension letterhead, envelopes, or materials identified as Extension.

### Pesticide Stewardship

NDSU Extension believes strongly in the need to ensure that Extension offices are safe and healthy environments for employees and members of the public. In addition, ANR Extension agents routinely train members of the public on the proper storage, handling, and use of pesticide products, and are to

serve as positive role models for pesticide stewardship. Noxious weed management includes use of herbicides and other chemical tools, and many weed boards make herbicide applications or distribute pesticide products to members of the public.

Pesticide exposure can occur through direct or indirect contact with such things as pesticide products, application equipment, or pesticide-contaminated clothing. Exposure can also occur through inhalation of pesticide-containing vapors. Therefore, no pesticides are to be distributed out of the Extension office on behalf of county weed boards, even if containers are sealed. In addition, no pesticides, pesticide application equipment, or pesticide protective equipment (PPE) used for pesticide applications are to be stored in NDSU Extension offices, except for unused or decontaminated equipment or PPE used for educational purposes.

Pesticide drift can occur even under ideal situations, and making herbicide applications on behalf of a local weed board puts the applicator at risk of being the source of a misuse or drift event. This raises two main concerns. First, herbicide drift often causes damage to nearby crops, trees, or ornamental plants, and this can cause ill will with affected property owners, even if those landowners are compensated for their losses. Second, ANR agents lead pesticide applicator training events as part of their duties, and agents need to be viewed as competent, technical experts on pesticide use. A pesticide misuse or drift event can negatively affect the public image of the agent and NDSU Extension. Therefore, Extension agents are not allowed to make herbicide applications on behalf of county weed boards, even if those duties are outside of the agent's job description and/or are covered under a separate employment contract.

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