

FIRST REGULAR SESSION

HOUSE BILL NO. 1006

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SHOEMYER, WIGGINS, LEGAN, JETTON,
COLEMAN (Co-sponsors) AND CURLS.

Read 1st time March 15, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2295L.011

AN ACT

To repeal section 281.260, RSMo 2000, and to enact in lieu thereof two new sections relating to the pesticide registration act.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 281.260, RSMo 2000, is repealed and two new sections enacted in lieu thereof, to be known as sections 281.215 and 281.260, to read as follows:

- 281.215. 1. There is hereby created in the state treasury the "Pesticide Project Fund". The annual registration fees imposed in section 281.260 shall be credited to the pesticide project fund. The moneys in the fund shall be used for the following purposes:**
- (1) Up to ten percent for the administration of the fund;**
 - (2) Up to thirty percent for the pesticide education through the pesticide applicator training (PAT) program at the University of Missouri;**
 - (3) Up to fifteen percent for the integrated pest management (IPM) practices through the integrated pest management program in the department of agriculture;**
 - (4) Up to fifteen percent for the sustainable agriculture program in the department of agriculture;**
 - (5) Up to ten percent for the agriculture awareness program in the department of agriculture;**
 - (6) Up to twenty percent for pesticide and water quality monitoring projects; and**
 - (7) Any remaining moneys may be used to fund other pest related issues as determined by the director.**
- 2. To be eligible for moneys in the pesticide project fund, the entities listed in**

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 subsection 1 of this section shall submit a proposed project plan to the director by March
18 thirty-first prior to the fiscal year in which the moneys are to be allocated. Allocation of
19 project moneys will be dependent upon an executed memorandum of understanding
20 between the entity receiving the moneys and the director.

21 3. Within thirty days of the end of the state fiscal year in which moneys are
22 allocated, the entities listed in subsection 1 of this section shall submit to the director a
23 report which shall contain an accounting of all moneys expended from the pesticide project
24 fund during such fiscal year and a report of the project or projects for which the moneys
25 were utilized.

26 4. Any unobligated or unexpended project moneys allocated to an entity shall
27 revert to the pesticide project fund within sixty days of the close of the project.

28 5. If an entity fails to complete a project as outlined in the project plan and
29 memorandum of understanding, the entity shall submit partial or full payment of the
30 allocated moneys to the pesticide project fund as determined by the director.

31 6. No moneys, except moneys for pesticide project fund administration, shall be
32 withdrawn from the fund prior to July 1, 2002.

33 7. The maximum balance allowable in the pesticide project fund shall be two
34 million dollars. Any moneys in excess of two million dollars shall revert to the general
35 revenue fund at the end of the fiscal year.

36 8. The pesticide project fund shall be administered by the plant industries division
37 within the department of agriculture.

281.260. 1. Every pesticide which is distributed, sold, offered for sale or held for sale
2 within this state, or which is delivered for transportation or transported in intrastate commerce
3 or between points within this state through any point outside of this state, shall be registered in
4 the office of the director, and the registration shall be renewed annually.

5 2. The registrant shall file with the director a statement including:

6 (1) The name and address of the registrant and the name and address of the person whose
7 name will appear on the label, if other than the registrant;

8 (2) The name of the pesticide;

9 (3) Classification of the pesticide; and

10 (4) A complete copy of the labeling accompanying the pesticide and a statement of all
11 claims to be made for it, including directions for use.

12 3. The registrant shall pay an annual fee of [fifteen] **seventy-five** dollars for each product
13 registered in any calendar year or part thereof. The fee shall be deposited in the state treasury
14 to the credit of the [general revenue fund] **pesticide project fund established in section**
15 **281.215**. All such registrations shall expire on December thirty-first of any one year, unless

16 sooner canceled. A registration for a special local need pursuant to subsection 6 of this section,
17 which is disapproved by the federal government, shall expire on the effective date of the
18 disapproval.

19 4. Any registration approved by the director and in effect on the thirty-first day of
20 December for which a renewal application has been made and the proper fee paid shall continue
21 in full force and effect until such time as the director notifies the applicant that the registration
22 has been renewed, or otherwise denied, in accord with the provisions of subsection 8 of this
23 section. Forms for reregistration shall be mailed to registrants at least ninety days prior to the
24 expiration date.

25 5. If the renewal of a pesticide registration is not filed prior to January first of any one
26 year, an additional fee of [five dollars] **twenty-five percent** shall be assessed and added to the
27 original fee and shall be paid by the applicant before the registration renewal for that pesticide
28 shall be issued; provided, that, such additional fee shall not apply if the applicant furnishes an
29 affidavit certifying that he **or she** did not distribute such unregistered pesticide during the period
30 of nonregistration. The payment of such additional fee is not a bar to any prosecution for doing
31 business without proper registry.

32 6. Provided the state complies with requirements of the federal government to register
33 pesticides to meet special local needs, the director shall require that registrants comply with
34 sections 281.210 to 281.310 and pertinent federal laws and regulations. Where two or more
35 pesticides meet the requirements of this subsection, one shall not be registered in preference to
36 the other.

37 7. The director may require the submission of the complete formula of any pesticide to
38 approve or deny product registration. If it appears to the director that the composition and
39 efficacy of the pesticide is such as to warrant the proposed claims for it and if the pesticide and
40 its labeling and other material required to be submitted comply with the requirements of sections
41 281.210 to 281.310, [he] **the director** shall register the pesticide.

42 8. **The director, after opportunity for hearing, may deny, cancel, suspend or revoke**
43 **a pesticide registration if, after consideration to pertinent research findings and**
44 **recommendations of other agencies of this state, the federal government or other reliable**
45 **sources, the pesticide may cause damage or injury, or is considered dangerous or harmful**
46 **to persons or the environment.**

47 9. Provided the state is authorized to issue experimental use permits, the director may:
48 (1) Issue an experimental use permit to any person applying for an experimental use
49 permit if [he] **the director** determines that the applicant needs such permit in order to
50 accumulate information necessary to register a pesticide [under] **pursuant to** sections 263.269
51 to 263.380. An application for an experimental use permit may be filed at the time of or before

52 or after an application for registration is filed;

53 (2) Prescribe terms, conditions, and period of time for the experimental permit which
54 shall be under the supervision of the director;

55 (3) Revoke any experimental permit, at any time, if [he] **the director** finds that its terms
56 or conditions are being violated, or that its terms and conditions are inadequate to avoid
57 unreasonable adverse effects on the environment.

58 [9.] **10.** If it does not appear to the director that the pesticide is such as to warrant the
59 proposed claims for it or if the pesticide and its labeling and other material required to be
60 submitted do not comply with the provisions of sections 281.210 to 281.310 or with federal laws,
61 [he] **the director** shall notify the registrant of the manner in which the pesticide, labeling, or
62 other material required to be submitted fail to comply with sections 281.210 to 281.310 or with
63 federal laws so as to afford the registrant an opportunity to make the necessary corrections. If,
64 upon receipt of such notice, the registrant insists that such corrections are not necessary and
65 requests in writing that the pesticide be registered or, in the case of a pesticide that is already
66 registered, that it not be canceled, the director, within ninety days, shall hold a public hearing to
67 determine if the pesticide in question should be registered or canceled. If, after such hearing, it
68 is determined that the pesticide should not be registered or that its registration should be
69 canceled, the director may refuse registration or cancel an existing registration until the required
70 label changes are accomplished. If the pesticide is shown to be in compliance with sections
71 281.210 to 281.310 and federal laws, the pesticide will be registered. Any appeals resulting from
72 administrative decisions by the director will be taken in accordance with sections 536.100 to
73 536.140, RSMo.

74 [10.] **11.** Notwithstanding any other provision of sections 281.210 to 281.310,
75 registration is not required in the case of a pesticide shipped from one plant or warehouse within
76 this state to another plant or warehouse within this state when such plants are operated by the
77 same persons.

78 [11.] **12.** The director shall not make any lack of essentiality a criterion for denying
79 registration of a pesticide except where none of the labeled uses are present in the state. Where
80 two or more pesticides meet the requirements of sections 281.210 to 281.310, one shall not be
81 registered in preference to the other.