

By: Representatives Rogers, Moore, Smith
(59th), Weathersby

To: Agriculture;
Conservation and
Water Resources

HOUSE BILL NO. 1087

1 AN ACT TO AMEND SECTION 69-23-7, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THAT PESTICIDES SHALL BE CATEGORIZED FOR REGISTRATION
3 PURPOSES; TO PROVIDE THAT THE CATEGORIES SHALL BE NAMED "CONSUMER
4 PROTECTION AND HEALTH BENEFITS PRODUCTS" AND "AGRICULTURAL AND
5 OTHER PESTICIDES"; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 SECTION 1. Section 69-23-7, Mississippi Code of 1972, is
8 amended as follows:

9 69-23-7. (1) Every pesticide which is distributed, sold or
10 offered for sale within this state or delivered for transportation
11 or transported in intrastate commerce or between points within
12 this state through any point outside this state shall be
13 registered in the office of the commissioner, and shall be
14 categorized for registration purposes. Such categories shall be
15 named "consumer protection and health benefits products" which
16 means all disinfectants, sanitizers, germicides, biocides and
17 other pesticides labeled for use directly on humans or pets or in
18 or around household premises and "agricultural and other
19 pesticides" which means restricted-use pesticides and other
20 pesticides that are not consumer protection and health benefits
21 products. Such registration shall be renewed annually; provided,
22 that products which have the same formula, are manufactured by the
23 same person, the labeling of which contains the same claims and
24 the labels of which bear a designation identifying the products as
25 the same pesticide may be registered as a single pesticide; and
26 additional names and labels shall be added by supplement
27 statements during the current period of registration. The

28 registrant shall file with the commissioner a statement including:

29 (a) The name and address of the registrant and the name
30 and address of the person whose name will appear on the label if
31 other than the registrant;

32 (b) The name of the pesticide;

33 (c) A complete copy of the labeling accompanying the
34 pesticide and a statement of all claims to be made for it,
35 including directions for use and the use classification as
36 provided for in FIFRA;

37 (d) If requested by the commissioner, a full
38 description of the tests made and the results thereof upon which
39 the claims are based. In the case of renewal of registration, a
40 statement shall be required only with respect to information which
41 is different from that furnished when the pesticide was registered
42 or last reregistered; and

43 (e) Any other information required by the commissioner
44 which may be prescribed by regulation.

45 (2) The registrant shall pay an annual fee of One Hundred
46 Dollars (\$100.00) for each brand or grade of pesticide registered.
47 Fifty percent (50%) of the fees collected under authority of this
48 section shall be deposited in a special fund in the Treasury of
49 the State of Mississippi; and subject to appropriation by the
50 Mississippi Legislature, said fees shall be used by the
51 Mississippi Department of Agriculture and Commerce for enforcement
52 of this chapter, and by the Mississippi Department of
53 Environmental Quality to carry out a program of protecting the
54 underground water resources from pesticides. Fifty percent (50%)
55 of the fees collected under authority of this section shall be
56 deposited in a special fund in the State Treasury, and subject to
57 appropriation by the Mississippi Legislature, such fees shall be
58 used by the Department of Agriculture and Commerce to implement a
59 waste pesticide disposal program.

60 (3) The commissioner, whenever he deems it necessary in the
61 administration of this chapter, may require the submission of the
62 complete formula of any pesticide. If it appears to the
63 commissioner that the composition of the articles is such as to
64 warrant the proposed claims for it, and if the article and its

65 labeling and other material required to be submitted comply with
66 the requirements of Section 69-23-5, he shall register the
67 article; provided, that the article is registered under FIFRA. If
68 the state is certified by the administrator of EPA to register
69 pesticides pursuant to Section 24(c) of FIFRA, he may register the
70 article to meet special local needs if he determines that the
71 registration will not be in violation of FIFRA.

72 (4) If it does not appear to the commissioner that the
73 article is such as to warrant the proposed claims for it or if the
74 article and its labeling and other material required to be
75 submitted do not comply with the provisions of this chapter, he
76 shall notify the applicant of the manner in which the article,
77 labeling or other material required to be submitted fail to comply
78 with the chapter so as to afford him an opportunity to make the
79 necessary corrections. If, upon receipt of such notice, the
80 applicant does not make the required changes, the commissioner may
81 refuse to register the article and the applicant may request a
82 hearing. In order to protect the public, the commissioner, with
83 approval of the advisory board provided for in Section 69-25-3,
84 may, at any time, cancel or suspend the registration of a
85 pesticide if he determines that it does not comply with this
86 chapter or creates an imminent hazard; or, pursuant to a notice
87 from the Commission on Environmental Quality under Section
88 49-17-26 in relation to state underground water quality standards,
89 he shall provide for modification of the labeling of any
90 pesticide, or suspend or cancel the registration of any pesticide
91 or any use of any pesticide, or adopt a regulation in accordance
92 with Section 69-23-9 to protect the underground water resources,
93 as defined in the Federal Safe Drinking Water Act, in the shortest
94 reasonable time. He may advise EPA of the manner in which a
95 federally registered pesticide fails to comply with FIFRA and
96 suggest the necessary corrections.

97 (5) Notwithstanding any other provision of this chapter,

98 registration is not required in case of a pesticide shipped from
99 one plant within this state to another plant within this state
100 operated by the same person.

101 SECTION 2. This act shall take effect and be in force from
102 and after July 1, 1999.