

By: Senator(s) Stogner

To: Agriculture

SENATE BILL NO. 2769

1 AN ACT TO AMEND SECTION 69-23-7, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE FEES FOR THE REGISTRATION OF PESTICIDES WITH THE
3 DEPARTMENT OF AGRICULTURE; AND FOR RELATED PURPOSES.

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

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

7 69-23-7. (1) Every pesticide which is distributed, sold or
8 offered for sale within this state or delivered for transportation
9 or transported in intrastate commerce or between points within
10 this state through any point outside this state shall be
11 registered in the office of the commissioner, and such
12 registration shall be renewed annually. Any containerized
13 pesticide having any of the following characteristics must be
14 registered as a single pesticide product: different U.S.
15 Environmental Protection Agency registration number, different
16 brand or trade names, different use directions or patterns,
17 different ingredient statement or formula, different manufacturer
18 or distributor specified on the labeling. The registrant shall
19 file with the commissioner a statement including:

20 (a) The name and address of the registrant and the name
21 and address of the person whose name will appear on the label if
22 other than the registrant;

23 (b) The name of the pesticide;

24 (c) A complete copy of the labeling accompanying the
25 pesticide and a statement of all claims to be made for it,
26 including directions for use and the use classification as
27 provided for in FIFRA;

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

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

36 (2) The registrant shall pay an annual fee of Three Hundred
37 Dollars (\$300.00) for each * * * pesticide registered. All of the
38 fees collected under authority of this section shall be deposited
39 in a special fund in the Treasury of the State of Mississippi and
40 subject to appropriation by the Mississippi Legislature. The fees
41 shall be used by the Mississippi Department of Agriculture and
42 Commerce for enforcement of this chapter. * * *

43 (3) The commissioner, whenever he deems it necessary in the
44 administration of this chapter, may require the submission of the
45 complete formula of any pesticide. If it appears to the
46 commissioner that the composition of the articles is such as to
47 warrant the proposed claims for it, and if the article and its
48 labeling and other material required to be submitted comply with
49 the requirements of Section 69-23-5, he shall register the
50 article; provided, that the article is registered under FIFRA. If
51 the state is certified by the administrator of EPA to register
52 pesticides pursuant to Section 24(c) of FIFRA, he may register the
53 article to meet special local needs if he determines that the
54 registration will not be in violation of FIFRA.

55 (4) If it does not appear to the commissioner that the
56 article is such as to warrant the proposed claims for it or if the
57 article and its labeling and other material required to be
58 submitted do not comply with the provisions of this chapter, he
59 shall notify the applicant of the manner in which the article,
60 labeling or other material required to be submitted fail to comply

61 with the chapter so as to afford him an opportunity to make the
62 necessary corrections. If, upon receipt of such notice, the
63 applicant does not make the required changes, the commissioner may
64 refuse to register the article and the applicant may request a
65 hearing. In order to protect the public, the commissioner, with
66 approval of the advisory board provided for in Section 69-25-3,
67 may, at any time, cancel or suspend the registration of a
68 pesticide if he determines that it does not comply with this
69 chapter or creates an imminent hazard; or, pursuant to a notice
70 from the Commission on Environmental Quality under Section
71 49-17-26 in relation to state underground water quality standards,
72 he shall provide for modification of the labeling of any
73 pesticide, or suspend or cancel the registration of any pesticide
74 or any use of any pesticide, or adopt a regulation in accordance
75 with Section 69-23-9 to protect the underground water resources,
76 as defined in the Federal Safe Drinking Water Act, in the shortest
77 reasonable time. He may advise EPA of the manner in which a
78 federally registered pesticide fails to comply with FIFRA and
79 suggest the necessary corrections.

80 (5) Notwithstanding any other provision of this chapter,
81 registration is not required in case of a pesticide shipped from
82 one plant within this state to another plant within this state
83 operated by the same person.

84 SECTION 2. This act shall take effect and be in force from
85 and after July 1, 2001.