

By: Senator(s) Stogner

To: Agriculture

SENATE BILL NO. 2769
(As Sent to Governor)

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; TO CREATE SECTION 69-23-8, MISSISSIPPI
4 CODE OF 1972, TO PROVIDE A FEE REBATE FOR PESTICIDE MANUFACTURERS
5 BENEFITING EMPLOYMENT IN MISSISSIPPI; TO PROVIDE THAT THE
6 DEPARTMENT OF AGRICULTURE MAY CONTRACT WITH THE DEPARTMENT OF
7 ENVIRONMENTAL QUALITY FOR A GROUNDWATER MONITORING PROGRAM; AND
8 FOR RELATED PURPOSES.

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

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

12 69-23-7. (1) Every pesticide which is distributed, sold or
13 offered for sale within this state or delivered for transportation
14 or transported in intrastate commerce or between points within
15 this state through any point outside this state shall be
16 registered in the office of the commissioner, and such
17 registration shall be renewed annually; provided, that products
18 which have the same formula, are manufactured by the same person,
19 the labeling of which contains the same claims and the labels of
20 which bear a designation identifying the products as the same
21 pesticide, may be registered as a single pesticide; and additional
22 names and labels shall be added by supplement statements during
23 the current period of registration. The registrant shall file
24 with the commissioner a statement including:

25 (a) The name and address of the registrant and the name
26 and address of the person whose name will appear on the label if
27 other than the registrant;

28 (b) The name of the pesticide;

29 (c) A complete copy of the labeling accompanying the
30 pesticide and a statement of all claims to be made for it,
31 including directions for use and the use classification as
32 provided for in FIFRA;

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

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

41 (2) The registrant shall pay an annual fee of Two Hundred
42 Dollars (\$200.00) for each brand or grade of pesticide registered.
43 All of the fees collected under authority of this section shall be
44 deposited in a special fund in the Treasury of the State of
45 Mississippi and subject to appropriation by the Mississippi
46 Legislature. The fees shall be used by the Mississippi Department
47 of Agriculture and Commerce for enforcement of this chapter. The
48 Department of Agriculture and Commerce may contract with the
49 Department of Environmental Quality for a groundwater monitoring
50 program. * * *

51 (3) The commissioner, whenever he deems it necessary in the
52 administration of this chapter, may require the submission of the
53 complete formula of any pesticide. If it appears to the
54 commissioner that the composition of the articles is such as to
55 warrant the proposed claims for it, and if the article and its
56 labeling and other material required to be submitted comply with
57 the requirements of Section 69-23-5, he shall register the
58 article; provided, that the article is registered under FIFRA. If
59 the state is certified by the administrator of EPA to register
60 pesticides pursuant to Section 24(c) of FIFRA, he may register the

61 article to meet special local needs if he determines that the
62 registration will not be in violation of FIFRA.

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

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

92 SECTION 2. The following section shall be codified as
93 Section 69-23-8, Mississippi Code of 1972:

94 69-23-8. (1) A pesticide manufacturer having paid the
95 pesticide registration fee required by Section 69-23-7(2) may make
96 written application to the department on a form provided by the
97 department for a rebate of not more than fifty percent (50%) of
98 each pesticide registration fee paid by the pesticide
99 manufacturer. The application must be submitted at the time of
100 registration.

101 (2) Upon receipt of a written application for a rebate of
102 the pesticide registration fee, the commissioner may grant a
103 rebate of not more than fifty percent (50%) of each pesticide
104 registration fee to the pesticide manufacturer if the commissioner
105 finds, based upon the application submitted by the pesticide
106 manufacturer, public records and facts subject to official notice
107 that the operations of the pesticide manufacturer substantially
108 benefit the economy of Mississippi and employment in Mississippi.

109 SECTION 3. This act shall take effect and be in force from
110 and after July 1, 2001.