

By: Senator(s) Kirby

To: Agriculture

SENATE BILL NO. 2882

1 AN ACT TO AMEND SECTION 69-23-7, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE PESTICIDES TO BE CATEGORIZED FOR REGISTRATION PURPOSES
3 UNDER THE MISSISSIPPI PESTICIDE LAW; AND FOR RELATED PURPOSES.

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

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

8 69-23-7. (1) Every pesticide which is distributed, sold or
9 offered for sale within this state or delivered for transportation
10 or transported in intrastate commerce or between points within
11 this state through any point outside this state shall be
12 registered in the office of the commissioner, and such
13 registration shall be renewed annually; provided, that products
14 which have the same formula, are manufactured by the same person,
15 the labeling of which contains the same claims and the labels of
16 which bear a designation identifying the products as the same
17 pesticide may be registered as a single pesticide; and additional
18 names and labels shall be added by supplement statements during
19 the current period of registration. The registrant shall file
20 with the commissioner a statement including:

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

24 (b) The name of the pesticide;

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

provided for in FIFRA;

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

(e) Pesticides shall be categorized for registration purposes as follows:

(i) "Consumer protection and health benefit products," which include, but are not limited to, any disinfectant, sanitizer, germicide, biocide and any other pesticide which is registered by the United States Environmental Protection Agency and labeled for use directly on humans or pets and any pesticides which are specifically registered by the United States Environmental Protection Agency and labeled pursuant to FIFRA for use in or around household premises including, but not limited to, lawn, garden and ornamental sites or areas; and

(ii) "Crop protection products," which include, but are not limited to, all restricted use pesticides as determined by the United States Environmental Protection Agency or the commissioner and all other general use pesticides not categorized as consumer protection and health benefit products.

Such categories shall be based on the information provided by the applicant upon registration. All registration fees for both pesticide categories shall be equal and nothing in this paragraph (e) shall require additional evaluation or certification unless required by the commissioner; and

(f) Any other information required by the commissioner which may be prescribed by regulation.

(2) The registrant shall pay an annual fee of One Hundred Dollars (\$100.00) for each brand or grade of pesticide registered. Fifty percent (50%) of the fees collected under authority of this section shall be deposited in a special fund in the Treasury of the State of Mississippi; and subject to appropriation by the Mississippi Legislature, said fees shall be used by the Mississippi Department of Agriculture and Commerce for enforcement

65 of this chapter, and by the Mississippi Department of
66 Environmental Quality to carry out a program of protecting the
67 underground water resources from pesticides. Fifty percent (50%)
68 of the fees collected under authority of this section shall be
69 deposited in a special fund in the State Treasury, and subject to
70 appropriation by the Mississippi Legislature, such fees shall be
71 used by the Department of Agriculture and Commerce to implement a
72 waste pesticide disposal program.

73 (3) The commissioner, whenever he deems it necessary in the
74 administration of this chapter, may require the submission of the
75 complete formula of any pesticide. If it appears to the
76 commissioner that the composition of the articles is such as to
77 warrant the proposed claims for it, and if the article and its
78 labeling and other material required to be submitted comply with
79 the requirements of Section 69-23-5, he shall register the
80 article; provided, that the article is registered under FIFRA. If
81 the state is certified by the administrator of EPA to register
82 pesticides pursuant to Section 24(c) of FIFRA, he may register the
83 article to meet special local needs if he determines that the
84 registration will not be in violation of FIFRA.

85 (4) If it does not appear to the commissioner that the
86 article is such as to warrant the proposed claims for it or if the
87 article and its labeling and other material required to be
88 submitted do not comply with the provisions of this chapter, he
89 shall notify the applicant of the manner in which the article,
90 labeling or other material required to be submitted fail to comply
91 with the chapter so as to afford him an opportunity to make the
92 necessary corrections. If, upon receipt of such notice, the
93 applicant does not make the required changes, the commissioner may
94 refuse to register the article and the applicant may request a
95 hearing. In order to protect the public, the commissioner, with
96 approval of the advisory board provided for in Section 69-25-3,
97 may, at any time, cancel or suspend the registration of a

98 pesticide if he determines that it does not comply with this
99 chapter or creates an imminent hazard; or, pursuant to a notice
100 from the Commission on Environmental Quality under Section
101 49-17-26 in relation to state underground water quality standards,
102 he shall provide for modification of the labeling of any
103 pesticide, or suspend or cancel the registration of any pesticide
104 or any use of any pesticide, or adopt a regulation in accordance
105 with Section 69-23-9 to protect the underground water resources,
106 as defined in the Federal Safe Drinking Water Act, in the shortest
107 reasonable time. He may advise EPA of the manner in which a
108 federally registered pesticide fails to comply with FIFRA and
109 suggest the necessary corrections.

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

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