

SECOND REGULAR SESSION

HOUSE BILL NO. 2712

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DIEHL.

6070H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 281.260, RSMo, and to enact in lieu thereof one new section relating to pesticides.

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

Section A. Section 281.260, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 281.260, to read as follows:

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

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

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

(2) The name of the pesticide;

(3) Classification of the pesticide; and

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

3. The registrant shall pay an annual fee of two hundred dollars for each product registered in any calendar year or part thereof. The fee shall be deposited in the state treasury to the credit of the agriculture protection fund created in section 261.200 to be used solely to administer the pest and pesticide programs of the department of agriculture. The director may deposit up to seven percent of the fee in the pesticide education fund under section 281.265. If the funding exceeds the reasonable costs to administer the programs as set forth herein, the

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 department of agriculture shall reduce fees for all registrants if the fees derived exceed the
19 reasonable cost of administering the pest and pesticide programs of the department of
20 agriculture. All such registrations shall expire on December thirty-first of any one year, unless
21 sooner cancelled. A registration for a special local need pursuant to subsection 6 of this
22 section, which is disapproved by the federal government, shall expire on the effective date of
23 the disapproval.

24 4. Any registration approved by the director and in effect on the thirty-first day of
25 December for which a renewal application has been made and the proper fee paid shall
26 continue in full force and effect until such time as the director notifies the applicant that the
27 registration has been renewed, or otherwise denied, in accord with the provisions of
28 subsection 9 of this section. Forms for reregistration shall be mailed to registrants at least
29 ninety days prior to the expiration date.

30 5. If the renewal of a pesticide registration is not filed prior to January first of any one
31 year, an additional fee of fifty dollars shall be assessed and added to the original fee and shall
32 be paid by the applicant before the registration renewal for that pesticide shall be issued;
33 provided, that, such additional fee shall not apply if the applicant furnishes an affidavit
34 certifying that he or she did not distribute such unregistered pesticide during the period of
35 nonregistration. The payment of such additional fee is not a bar to any prosecution for doing
36 business without proper registry. The fee shall be credited to the agriculture protection fund
37 created under section 261.200 to be used solely to administer the pest and pesticide programs
38 of the department of agriculture. If the funding exceeds the reasonable cost to administer the
39 programs as set forth herein, the department of agriculture shall reduce fees for all registrants
40 if the fees derived exceed the reasonable cost of administering the pest and pesticide
41 programs of the department of agriculture.

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

47 7. The director may require the submission of the complete formula of any pesticide
48 to approve or deny product registration. If it appears to the director that the composition and
49 efficacy of the pesticide is such as to warrant the proposed claims for it and if the pesticide
50 and its labeling and other material required to be submitted comply with the requirements of
51 sections 281.210 to 281.310, he or she shall register the pesticide.

52 8. Provided the state is authorized to issue experimental use permits, the director may:

53 (1) Issue an experimental use permit to any person applying for an experimental use
54 permit if he or she determines that the applicant needs such permit in order to accumulate

55 information necessary to register a pesticide under sections 281.210 to 281.310. An
56 application for an experimental use permit may be filed at the time of or before or after an
57 application for registration is filed;

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

60 (3) Revoke any experimental permit, at any time, if he or she finds that its terms or
61 conditions are being violated, or that its terms and conditions are inadequate to avoid
62 unreasonable adverse effects on the environment.

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

79 **10. For any pesticide registered by the United States Environmental Protection**
80 **Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); a**
81 **pesticide label approved by the United States Environmental Protection Agency; or**
82 **consistent with the United States Environmental Protection Agency carcinogenicity**
83 **classification of the pesticide under FIFRA shall be sufficient to satisfy any requirement**
84 **for a warning label regarding cancer under any other provision of current law. Nothing**
85 **in this subsection shall be construed to grant full immunity from liability to pesticide**
86 **manufacturers in the state.**

87 **11.** Notwithstanding any other provision of sections 281.210 to 281.310, registration
88 is not required in the case of a pesticide shipped from one plant or warehouse within this state
89 to another plant or warehouse within this state when such plants are operated by the same
90 persons.

91 ~~[11.]~~ **12.** The director shall not make any lack of essentiality a criterion for denying
92 registration of a pesticide except where none of the labeled uses are present in the state.
93 Where two or more pesticides meet the requirements of sections 281.210 to 281.310, one
94 shall not be registered in preference to the other.

95 ~~[12.]~~ **13.** Notwithstanding any other provision of law to the contrary, the director may
96 allow a reasonable period of time for the retailer to dispose of existing stocks of pesticides
97 after the manufacturer or distributor has ceased to register the product with the state. The
98 method of disposal shall be determined by the director.

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