

SECOND REGULAR SESSION

SENATE BILL NO. 1005

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (21).

5674S.011

KRISTINA MARTIN, Secretary

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Section A. Section 281.260, RSMo, is repealed and one new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

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

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

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

13 (2) The name of the pesticide;

14 (3) Classification of the pesticide; and

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

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 3. The registrant shall pay an annual fee of two
19 hundred dollars for each product registered in any calendar
20 year or part thereof. The fee shall be deposited in the
21 state treasury to the credit of the agriculture protection
22 fund created in section 261.200 to be used solely to
23 administer the pest and pesticide programs of the department
24 of agriculture. The director may deposit up to seven
25 percent of the fee in the pesticide education fund under
26 section 281.265. If the funding exceeds the reasonable
27 costs to administer the programs as set forth herein, the
28 department of agriculture shall reduce fees for all
29 registrants if the fees derived exceed the reasonable cost
30 of administering the pest and pesticide programs of the
31 department of agriculture. All such registrations shall
32 expire on December thirty-first of any one year, unless
33 sooner cancelled. A registration for a special local need
34 pursuant to subsection 6 of this section, which is
35 disapproved by the federal government, shall expire on the
36 effective date of the disapproval.

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

46 5. If the renewal of a pesticide registration is not
47 filed prior to January first of any one year, an additional
48 fee of fifty dollars shall be assessed and added to the
49 original fee and shall be paid by the applicant before the

50 registration renewal for that pesticide shall be issued;
51 provided, that, such additional fee shall not apply if the
52 applicant furnishes an affidavit certifying that he or she
53 did not distribute such unregistered pesticide during the
54 period of nonregistration. The payment of such additional
55 fee is not a bar to any prosecution for doing business
56 without proper registry. The fee shall be credited to the
57 agriculture protection fund created under section 261.200 to
58 be used solely to administer the pest and pesticide programs
59 of the department of agriculture. If the funding exceeds
60 the reasonable cost to administer the programs as set forth
61 herein, the department of agriculture shall reduce fees for
62 all registrants if the fees derived exceed the reasonable
63 cost of administering the pest and pesticide programs of the
64 department of agriculture.

65 6. Provided the state complies with requirements of
66 the federal government to register pesticides to meet
67 special local needs, the director shall require that
68 registrants comply with sections 281.210 to 281.310 and
69 pertinent federal laws and regulations. Where two or more
70 pesticides meet the requirements of this subsection, one
71 shall not be registered in preference to the other.

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

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

82 (1) Issue an experimental use permit to any person
83 applying for an experimental use permit if he or she
84 determines that the applicant needs such permit in order to
85 accumulate information necessary to register a pesticide
86 under sections 281.210 to 281.310. An application for an
87 experimental use permit may be filed at the time of or
88 before or after an application for registration is filed;

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

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

96 9. If it does not appear to the director that the
97 pesticide is such as to warrant the proposed claims for it
98 or if the pesticide and its labeling and other material
99 required to be submitted do not comply with the provisions
100 of sections 281.210 to 281.310 or with federal laws, he or
101 she shall notify the registrant of the manner in which the
102 pesticide, labeling, or other material required to be
103 submitted fail to comply with sections 281.210 to 281.310 or
104 with federal laws so as to afford the registrant an
105 opportunity to make the necessary corrections. If, upon
106 receipt of such notice, the registrant insists that such
107 corrections are not necessary and requests in writing that
108 the pesticide be registered or, in the case of a pesticide
109 that is already registered, that it not be cancelled, the
110 director, within ninety days, shall hold a public hearing to
111 determine if the pesticide in question should be registered
112 or cancelled. If, after such hearing, it is determined that
113 the pesticide should not be registered or that its

114 registration should be cancelled, the director may refuse
115 registration or cancel an existing registration until the
116 required label changes are accomplished. If the pesticide
117 is shown to be in compliance with sections 281.210 to
118 281.310 and federal laws, the pesticide will be registered.
119 Any appeals resulting from administrative decisions by the
120 director will be taken in accordance with sections 536.100
121 to 536.140.

122 **10. Any pesticide registered by the United States**
123 **Environmental Protection Agency under the Federal**
124 **Insecticide Fungicide and Rodenticide Act (FIFRA), a**
125 **pesticide label approved by the United States Environmental**
126 **Protection Agency, or consistent with the United States**
127 **Environmental Protection Agency carcinogenicity**
128 **classification of the pesticide under FIFRA, shall be**
129 **sufficient to satisfy any requirement for a warning label**
130 **regarding cancer under any other provision of current law.**
131 **Nothing in this subsection shall be construed to grant full**
132 **immunity from liability to pesticide manufacturers in the**
133 **state.**

134 **11.** Notwithstanding any other provision of sections
135 281.210 to 281.310, registration is not required in the case
136 of a pesticide shipped from one plant or warehouse within
137 this state to another plant or warehouse within this state
138 when such plants are operated by the same persons.

139 **[11.] 12.** The director shall not make any lack of
140 essentiality a criterion for denying registration of a
141 pesticide except where none of the labeled uses are present
142 in the state. Where two or more pesticides meet the
143 requirements of sections 281.210 to 281.310, one shall not
144 be registered in preference to the other.

145 [12.] 13. Notwithstanding any other provision of law
146 to the contrary, the director may allow a reasonable period
147 of time for the retailer to dispose of existing stocks of
148 pesticides after the manufacturer or distributor has ceased
149 to register the product with the state. The method of
150 disposal shall be determined by the director.

✓