

SENATE BILL NO. 369

INTRODUCED BY REA, TOEWS, KOEHNKE,
GROSFIELD, SCHYE, GRADY

IN THE SENATE

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| FEBRUARY 11, 1993 | INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION. FIRST READING. |
| FEBRUARY 17, 1993 | COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED. |
| FEBRUARY 18, 1993 | PRINTING REPORT. SECOND READING, DO PASS. |
| FEBRUARY 19, 1993 | ENGROSSING REPORT. THIRD READING, PASSED. AYES, 49; NOES, 1. TRANSMITTED TO HOUSE. |

IN THE HOUSE

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| FEBRUARY 23, 1993 | INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION. FIRST READING. |
| MARCH 5, 1993 | COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. |
| MARCH 9, 1993 | SECOND READING, CONCURRED IN. |
| MARCH 11, 1993 | THIRD READING, CONCURRED IN. AYES, 78; NOES, 22. |
| MARCH 12, 1993 | RETURNED TO SENATE. |

IN THE SENATE

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| MARCH 13, 1993 | RECEIVED FROM HOUSE. SENT TO ENROLLING. REPORTED CORRECTLY ENROLLED. |
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1 *Senate* BILL NO. *369*
2 INTRODUCED BY *Sen. Thomas Kohnke Griffler*
3 *Sege Grady*
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE SALE AND
5 USE OF CERTAIN PESTICIDES FOR UP TO 6 YEARS FROM THE DATE
6 THAT DISTRIBUTION FROM THE REGISTRANT, MANUFACTURER,
7 FORMULATOR, OR DISTRIBUTOR IS TERMINATED; AND AMENDING
8 SECTION 80-8-201, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 **Section 1.** Section 80-8-201, MCA, is amended to read:

12 "80-8-201. Registration. (1) Every pesticide
13 distributed, sold, or offered for sale within ~~this~~ the state
14 or delivered for transportation or transported in intrastate
15 commerce or between points within ~~this~~ the state ~~shall~~ must
16 be registered with the department. The registration ~~shall~~
17 must be renewed annually by the manufacturer, formulator, or
18 distributor of the pesticide. The department shall register
19 all federally approved pesticides, and those registered are
20 subject to registration fees and all other provisions of
21 this chapter. All registrations of pesticides expire on
22 December 31 following the date of issuance unless otherwise
23 terminated.

24 (2) The applicant for registration shall file with the
25 department a statement including:

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

4 (b) a complete copy of the label of the pesticide, the
5 United States environmental protection agency registration
6 number if the pesticide is so registered, and a statement of
7 all claims to be made for it, including directions for use;

8 (c) the trade and chemical name of the pesticide;

9 (d) if requested by the department, a full description
10 of tests made and the results upon which the claims are
11 based. In the case of renewal of registration, a statement
12 ~~shall--be~~ is required only ~~with-respect-to~~ for information
13 ~~which~~ that is different from that furnished when the
14 pesticide was registered or last reregistered.

15 (3) Any A pesticide imported into ~~this~~ the state ~~which~~
16 ~~that~~ is subject to and has been registered under the
17 provisions of any a federal act providing for the
18 registration of pesticides ~~and-has-been-registered-under-the~~
19 ~~provisions--of-a-federal-act-shall~~ must be registered in the
20 state. However, the state may restrict the sale or use and
21 application of the pesticide by type of dealer, applicator,
22 time, and place and may establish special registrations of
23 pesticides as outlined in subsection (8) of this section and
24 80-8-105(3). The annual registration fee must also be paid,
25 and registration information required by the department must

1 be provided.

2 (4) The applicant shall pay an annual fee of \$70 for
3 each pesticide registered. A registration fee is not
4 required to register a federally approved experimental use
5 permit.

6 (5) The department may require the submission of the
7 complete formula and certified analytical standards of any
8 pesticide. If it appears to the department that the
9 composition of the article pesticide warrants the proposed
10 claims for it and if the article pesticide and its labeling
11 and other material required to be submitted comply with the
12 requirements of 80-8-202, it the department shall register
13 the article pesticide.

14 (6) If it does not appear to the department that the
15 article pesticide warrants the proposed claims for it or if
16 the article pesticide and its labeling and other material
17 required to be submitted do not comply with this chapter, it
18 the department shall notify the applicant of the manner in
19 which the article pesticide, labeling, or other material
20 required to be submitted fails to comply with the chapter so
21 as-to-allow to provide the applicant an opportunity to make
22 the necessary corrections. If the applicant does not make
23 the corrections upon receipt of the notice, the department
24 may refuse to register the article pesticide. The department
25 may suspend or cancel the registration of a pesticide

1 whenever it does not appear that the article pesticide or
2 its labeling comply with this chapter or whenever scientific
3 evidence proves that the article pesticide endangers man
4 humans or the general environment afforded protection under
5 80-8-105(3)(a). When an application for registration is
6 refused or the department proposes to suspend or cancel a
7 registration, the registrant may pursue administrative
8 remedies under the Montana Administrative Procedure Act and
9 rules of the department.

10 (7) Registration is not required in the case of a
11 pesticide shipped from one plant in this the state to
12 another plant in this the state by the same person.

13 (8) (a) The departments of health and environmental
14 sciences, agriculture, and fish, wildlife, and parks shall
15 review all applications for registration of an
16 experimental-use permit or a registration for special local
17 needs. The applicant shall pay a one-time fee of \$70 for a
18 special local need or experimental-use permit registration.
19 The departments shall utilize the same requirements and
20 standards for reviewing registrations established by the
21 Federal Insecticide, Fungicide, and Rodenticide Act, as
22 amended, and regulations adopted thereunder under the act.
23 The department of agriculture shall provide the departments
24 of health and environmental sciences and fish, wildlife, and
25 parks with a complete copy of the application, related

1 correspondence, and a statement of the department of
 2 agriculture's proposed action on the application. The
 3 departments of health and environmental sciences and fish,
 4 wildlife, and parks shall approve or disapprove the
 5 application within 10 days after the receipt of the
 6 application. If the departments of health and environmental
 7 sciences, agriculture, and fish, wildlife, and parks are in
 8 agreement with the proposed registration, the department of
 9 agriculture shall issue the registration.

10 (b) The department of agriculture shall establish a
 11 time and place for an interagency conference for the
 12 purposes of resolving the registration of any pesticide or
 13 device. If two of the departments approve the proposed
 14 registration, the department of agriculture shall issue the
 15 registration.

16 (c) The registrant applying for registration ~~shall~~ must
 17 be notified as to proposed changes in registration. If the
 18 departments cannot resolve the proposed registration
 19 following the interagency conference, the registrant may
 20 request a joint administrative hearing before the
 21 departments of agriculture, health and environmental
 22 sciences, and fish, wildlife, and parks.

23 (d) Following the interagency conference and, if
 24 requested, the administrative hearing, if the proposed
 25 registration of a pesticide or device has not been resolved,

1 the department of agriculture shall appoint an advisory
 2 council as outlined in 80-8-108 to resolve by majority vote
 3 the registration of any pesticide. The advisory council's
 4 recommendations on the registration ~~shall~~ must be accepted
 5 by the departments and implemented by the department of
 6 agriculture.

7 (9) (a) Pesticides registered under any federal law
 8 when canceled for sale and use in total or in part by a
 9 federal agency responsible for registration are considered
 10 canceled in total or in part for sale and use in Montana.
 11 The cancellation is effective on the final date of sale or
 12 use allowed under the federal law and rules or orders of the
 13 federal agency. If Except as provided in subsection (9)(b),
 14 if the federal cancellation allows existing stock to be used
 15 past the final date of cancellation, such the sale or use in
 16 this state may not exceed 2 years. The department shall
 17 provide technical assistance to any person in possession of
 18 such the products to insure ensure their proper disposal,
 19 relabeling, or removal.

20 (b) Pesticide products canceled under the Federal
 21 Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C.
 22 136a-1(i)(5) may be sold and used according to environmental
 23 protection agency labeling requirements or other
 24 requirements for a period not to exceed 6 years from the
 25 date that distribution from the registrant, manufacturer,

LC 1155/01

1 formulator, or distributor is terminated."

-End-

APPROVED BY COMMITTEE
ON AGRICULTURE LIVESTOCK
AND IRRIGATION

SENATE BILL NO. 369

INTRODUCED BY REA, TOEWS, KOEHNKE,

GROSFIELD, SCHYE, GRADY

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE SALE AND
USE OF CERTAIN PESTICIDES FOR UP TO 6 YEARS FROM THE DATE
THAT DISTRIBUTION FROM THE REGISTRANT, MANUFACTURER,
FORMULATOR, OR DISTRIBUTOR IS TERMINATED; AND AMENDING
SECTION 80-8-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 80-8-201, MCA, is amended to read:

"80-8-201. Registration. (1) Every pesticide
distributed, sold, or offered for sale within this the state
or delivered for transportation or transported in intrastate
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be registered with the department. The registration ~~shall~~
must be renewed annually by the manufacturer, formulator, or
distributor of the pesticide. The department shall register
all federally approved pesticides, and those registered are
subject to registration fees and all other provisions of
this chapter. All registrations of pesticides expire on
December 31 following the date of issuance unless otherwise
terminated.

(2) The applicant for registration shall file with the
department a statement including:

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

(b) a complete copy of the label of the pesticide, the
United States environmental protection agency registration
number if the pesticide is so registered, and a statement of
all claims to be made for it, including directions for use;

(c) the trade and chemical name of the pesticide;

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

(3) Any A pesticide imported into this the state which
that is subject to and has been registered under the
provisions of any a federal act providing for the
registration of pesticides ~~and-has-been-registered-under-the~~
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1 80-8-105(3). The annual registration fee must also be paid,
2 and registration information required by the department must
3 be provided.

4 (4) The applicant shall pay an annual fee of \$70 for
5 each pesticide registered. A registration fee is not
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7 permit.

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9 complete formula and certified analytical standards of any
10 pesticide. If it appears to the department that the
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12 claims for it and if the article pesticide and its labeling
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24 the necessary corrections. If the applicant does not make
25 the corrections upon receipt of the notice, the department

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 22 request a joint administrative hearing before the
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 24 sciences, and fish, wildlife, and parks.

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 18 this state may not exceed 2 years. The department shall
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 20 such the products to insure ensue their proper disposal,
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 23 Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C.
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 25 protection agency labeling requirements or other

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1 requirements for a period not to exceed 6 years from the
2 date that distribution from the registrant, manufacturer,
3 formulator, or distributor is terminated."

4 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS
5 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

SENATE BILL NO. 369

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GROSFIELD, SCHYE, GRADY

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(b) a complete copy of the label of the pesticide, the United States environmental protection agency registration number if the pesticide is so registered, and a statement of all claims to be made for it, including directions for use;

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80-8-105(3). The annual registration fee must also be paid, and registration information required by the department must be provided.

(4) The applicant shall pay an annual fee of \$70 for each pesticide registered. A registration fee is not required to register a federally approved experimental use permit.

(5) The department may require the submission of the complete formula and certified analytical standards of any pesticide. If it appears to the department that the composition of the article pesticide warrants the proposed claims for it and if the article pesticide and its labeling and other material required to be submitted comply with the requirements of 80-8-202, it the department shall register the article pesticide.

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(8) (a) The departments of health and environmental sciences, agriculture, and fish, wildlife, and parks shall review all applications for registration of an experimental-use permit or a registration for special local needs. The applicant shall pay a one-time fee of \$70 for a special local need or experimental-use permit registration. The departments shall utilize the same requirements and standards for reviewing registrations established by the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, and regulations adopted thereunder under the act. The department of agriculture shall provide the departments

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25 (d) Following the interagency conference and, if

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 13 The cancellation is effective on the final date of sale or
 14 use allowed under the federal law and rules or orders of the
 15 federal agency. If Except as provided in subsection (9)(b),
 16 if the federal cancellation allows existing stock to be used
 17 past the final date of cancellation, such the sale or use in
 18 this state may not exceed 2 years. The department shall
 19 provide technical assistance to any person in possession of
 20 such the products to insure ensure their proper disposal,
 21 relabeling, or removal.

22 (b) Pesticide products canceled under the Federal
 23 Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C.
 24 136a-1(i)(5) may be sold and used according to environmental
 25 protection agency labeling requirements or other

1 requirements for a period not to exceed 6 years from the
2 date that distribution from the registrant, manufacturer,
3 formulator, or distributor is terminated."

4 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS
5 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-