

CHAPTER 123**(HB 268)**

AN ACT relating to fertilizers and pesticides.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 217B.050 is amended to read as follows:

- (1) The department shall administer and enforce the provisions of this chapter and promulgate administrative regulations to carry out the provisions of this chapter and in the administrative regulations may prescribe methods to be used in the storage of fertilizers ~~and pesticides~~, **and the storage** and application of pesticides. Where the department finds that the administrative regulations are necessary to carry out the purpose and intent of this chapter, the administrative regulations may relate to the time, place, manner, and method of storage and application of the pesticides and storage of fertilizers ~~and pesticides~~, may restrict or prohibit use of pesticides in designated areas during specified periods of time, and shall encompass all reasonable factors which the department deems necessary to prevent damage or injury by drift or misapplication to:
 - (a) Plants, including forage plants, on adjacent or nearby lands;
 - (b) Wildlife in the adjoining or nearby areas;
 - (c) Fish and other aquatic life in waters in reasonable proximity to the area to be treated; and
 - (d) Pollinating insects, animals, or persons.
- (2) In promulgating the administrative regulations, the department shall give consideration to pertinent research findings and recommendations of other agencies of this state and of the federal government.
- (3) The department may by administrative regulation adopt a list of "restricted use pesticides" for the state or for designated areas within the state if it finds that the characteristics of the pesticides require restricting their use to prevent injury on lands other than the land to which they are applied, or to persons, animals, crops, or pests or vegetation other than the pests or vegetation which they are intended to destroy. For the purpose of uniformity of requirements between the states and the federal government, the department may adopt the list of "restricted use pesticides" as established by the Environmental Protection Agency or other federal or state agencies.
- (4) The department may establish additional classifications of applicator or operator licenses as required for conformance with the Federal Environmental Pesticide Control Act of 1972. The classifications may include private farmer applicators, commercial establishment applicators, and government employee applicators not specifically mentioned in this chapter. The administrative regulations may specify licensing conditions, procedures, and fees not to exceed those fees specified for other licensees under this chapter.
- (5) ***In addition to the fees authorized in subsection (4) of this section, the department may, by administrative regulation, establish fees for carrying out the provisions required or authorized by this chapter, but shall not establish fees exceeding those specified under this chapter.***

Approved April 4, 2006.