

## CHAPTER 81

## (HB 485)

AN ACT relating to pesticides.

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

➔Section 1. KRS 217.570 is amended to read as follows:

- (1) (a) **Except as provided by paragraph (b) of this subsection**, every pesticide distributed within the state or delivered for transportation or transported in intrastate commerce or between points within the state through points outside the state shall be registered with the department. ~~[- provided, that -]~~
- (b) Registration is not required if:
1. A pesticide is shipped from one (1) plant or warehouse to another plant or warehouse operated by the same person and used solely at ~~the [such]~~ plant or warehouse as a constituent part to make a pesticide which is registered under the provisions of KRS 217.542 to 217.630; or
  2. If the pesticide is distributed under the provisions of an experimental use permit issued under the provisions of KRS 217.542 to 217.630 or an experimental use permit issued by EPA.
- (c) All registrations shall expire on the thirty-first day of December of the calendar year for which they were issued.
- (2) The applicant for registration shall file with the department, a statement containing:
- (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 applicant's;
  - (b) The name of the pesticide and its EPA registration number;
  - (c) A complete copy of the labeling accompanying the pesticide and a statement of all claims made or to be made for it including directions for use and a request that the pesticide be classified for nonrestricted use, for restricted use, or for both as provided for in FIFRA. 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, **unless the department requests a copy of the labeling** ~~[- provided, that upon request a copy of all labels shall be furnished]; and~~
  - (d) Other necessary information as specified by the department on the application for registration form. ~~[-]~~
- ~~(3)(e)~~ The department may require a full description of the tests made and results **of the tests** ~~[- thereof]~~ upon which the claims are based on any pesticide not registered **in accordance with** ~~[- pursuant to]~~ Section 3 of FIFRA, or on any pesticide on which restrictions are being considered.
- ~~(4)(3)~~ (a) The applicant desiring to register a pesticide in this state shall make application on forms furnished by the department, and, for the purposes identified in paragraph (b) of this subsection, shall pay to the department an annual fee of **two hundred fifty dollars (\$250)** ~~[- one hundred twenty five dollars (\$125)]~~ for each and every brand or grade to be offered for sale in this state. There shall be issued to the registrant by the department a license entitling the registrant to sell all duly registered brands in this state until the expiration of the license. ~~[-]~~
- (b) The annual fees received by the department shall be used **to fund** ~~[- as follows]~~:
1. **The** ~~[- An amount not to exceed one hundred thousand dollars (\$100,000) annually for]~~ Kentucky Agriculture and Environment in the Classroom **program**, a program administered by the department; ~~[-]~~
  2. **The** ~~[- An amount not to exceed two hundred thousand dollars (\$200,000) for a]~~ farm chemical and container disposal program, **a program** administered by the department; ~~[-]~~
  3. **The** ~~[- An amount not to exceed five hundred fifty thousand dollars (\$550,000) for a]~~ cost-sharing program through the department and the Environmental and Public Protection Cabinet, Division of Conservation, for the use of farmers in implementing agricultural production practices that protect the quality of soil and water resources; **and** ~~[-]~~

4. ~~{Any remaining funds shall be used in defraying }~~Expenses incurred in the enforcement of KRS 217.542 to 217.630.
- (5)~~{(4)}~~ The department, when necessary in the administration of KRS 217.542 to 247.630, may require the submission of the complete formula of any pesticide, including the active and inert ingredients.~~{}~~
- (6)~~{(5)}~~ The department may refuse to register, or to cancel the registration of, any brand of pesticide~~{as herein provided,}~~ upon satisfactory proof that the registrant has been guilty of fraudulent and deceptive practices in evasions or attempted evasions of the provisions of KRS 217.542 to 217.630 or any *administrative*~~{rules and}~~ regulations promulgated *under KRS 217.542 to 217.630.*~~{thereunder, provided, that}~~ No registration shall be revoked or refused until the registrant *has*~~{shall have}~~ been given a hearing by the department.~~{}~~
- (7)~~{(6)}~~ Registrants desiring to renew registrations shall file with the department an application for renewal prior to January 1. Any registration in effect on the thirty-first day of December and for which a renewal application has been made and the proper fee paid shall continue in full force and effect until ~~{such time as}~~ the department has notified the applicant that the registration has been renewed, or denied.~~{}~~
- (8)~~{(7)}~~ If the renewal of a pesticide registration is not filed prior to January 15 of any year, or if a new product is sold or offered for sale prior to registration, an additional fee of ten dollars (\$10) shall be assessed and added to the original fee before the registration of that pesticide is renewed or a new registration is accepted. *The*~~{provided, that such}~~ additional fee shall not apply if the applicant furnishes an affidavit certifying that he did not distribute *any*~~{such}~~ unregistered pesticides during the period of nonregistration. The payment of *the*~~{such}~~ additional fee is not a bar to any prosecution for doing business without proper registry.~~{}~~
- (9)~~{(8)}~~ Upon certification by the administrator of EPA to register pesticides *in accordance with*~~{pursuant to}~~ Section 24(c) of FIFRA, the department may register *the*~~{such}~~ pesticides if it determines that:
- (a) Its composition *warrants*~~{is such as to warrant}~~ the proposed claims for it;
  - (b) Its labeling and other material required to be submitted meet with the requirements of KRS 217.542 to 217.630;
  - (c) It will perform its intended function, and when used in accordance with widespread and commonly recognized practice, will not cause unreasonable adverse effects on the environment; and
  - (d) ~~{Provided that}~~The registration is not disapproved by the administrator of EPA.

**Signed by the Governor March 24, 2009.**