

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL 1527

6 By: Howard

7 COMMITTEE SUBSTITUTE

8 An Act relating to the Combined Pesticide Law;
9 amending 2 O.S. 2011, Sections 3-81 and 3-85, as
10 amended by Sections 1 and 3, Chapter 280, O.S.L. 2014
11 (2 O.S. Supp. 2019, Sections 3-81 and 3-85), which
12 relate to definitions, enforcement and rules and
13 standards; modifying and adding definitions;
14 authorizing the Oklahoma Department of Agriculture,
15 Food, and Forestry to promulgate rules pertaining to
16 heat as a method of pest control; and providing an
17 effective date.

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY 2 O.S. 2011, Section 3-81, as
20 amended by Section 1, Chapter 280, O.S.L. 2014 (2 O.S. Supp. 2019,
21 Section 3-81), is amended to read as follows:

22 Section 3-81. As used in the Combined Pesticide Law:

23 1. "Aircraft" means any contrivance used or designed for
24 navigation of or flight in the air over land or water and is
designed for or adaptable for use in applying pesticides as sprays,
dusts, or other forms;

1 2. "Active ingredient" means an ingredient, which defoliates
2 plants, prevents fruit drop, inhibits sprouting, or destroys,
3 repels, or mitigates insects, fungi, bacteria, rodents, weeds, or
4 other pests;

5 3. "Adulterated" means and includes any pesticide if the
6 pesticide strength or purity falls below the professed standard of
7 quality as expressed on labeling or under which it is sold, or if
8 any substance has been substituted wholly or in part for the
9 components of the pesticide, or if any valuable constituent of the
10 components of the pesticide has been wholly or in part abstracted;

11 4. "Antidote" means the most practical immediate treatment in
12 case of poisoning and includes but is not limited to first aid
13 treatment;

14 5. "Business location" means any place, site, or facility
15 maintained by a commercial or noncommercial applicator where
16 records, including, but not limited to, financial statements,
17 payroll, insurance, and personnel documents are maintained,
18 pesticides are stored, or customers are served. A location serving
19 strictly as a telephone answering service shall not be considered a
20 business location;

21 6. "Certificate" means a written document issued to an
22 individual by the State Board of Agriculture which indicates that
23 the individual has met the certification standards established by
24 the Combined Pesticide Law for the category of pesticide application

1 shown on the certificate. A certificate does not allow a person to
2 do work as a commercial, noncommercial, service technician, or
3 private applicator unless employed by a licensed entity or has a
4 valid license issued by the Board;

5 7. "Certification standards" means the standards that a person
6 shall meet to become a certified applicator;

7 8. "Certified applicator" means a person who has met the
8 certification standards;

9 9. "Commercial application" means the advertising of services,
10 recommendation for use, the preparation for application, or the
11 physical act of applying a pesticide or employment of a device for
12 hire or compensation;

13 10. "Commercial applicator" means any person engaging in the
14 commercial application of pesticides ~~or~~, commercial employment of
15 devices or the commercial use of heat as a pest control method
16 pursuant to Section 2 of this act. Any farmer while working for a
17 neighbor in agricultural production, not advertising, and not held
18 out to be in the business of applying restricted-use pesticides,
19 shall not be classified by the Board as a commercial applicator;

20 11. "Contract" means a binding, written agreement between two
21 or more persons spelling out terms and conditions and includes, but
22 is not limited to, warranties or guarantees for pesticide
23 application. For structural pest control applications, the contract
24 shall also include a statement, plat, or diagram showing all

1 locations of visible termites and termite damaged materials which
2 are observed, and how the application was performed;

3 12. "Defoliant" means any pesticide intended to cause the
4 leaves or foliage to drop from a plant, with or without causing
5 abscission;

6 13. "Desiccant" means any pesticide intended to artificially
7 accelerate the drying of plant tissues;

8 14. "Device" means any instrument subject to the United States
9 Environmental Protection Agency regulation intended for trapping,
10 destroying, repelling, or mitigating insects or rodents, or
11 mitigating fungi, bacteria, or weeds, or other pests designated by
12 the Board, but not including equipment used for the application of
13 pesticides when sold separately;

14 15. "Direct supervision" means that the certified applicator is
15 responsible for assuring that persons working, subject to direct
16 supervision, are qualified to handle pesticides and are instructed
17 in the application of the specific pesticides used in each
18 particular application conducted which is subject to their
19 supervision. Certified applicators shall be accessible to the
20 noncertified applicator at all times during the application of the
21 pesticide by telephone, radio, or any device approved by the Board;

22 16. "Fungi" means all nonchlorophyll-bearing thallophytes,
23 including, but not limited to, rusts, smuts, mildews, molds, yeasts,
24 and bacteria, except those on humans or animals;

1 17. "Fungicide" means any pesticide intended for preventing,
2 destroying, repelling~~7~~ or mitigating any fungi or bacteria;

3 18. "Ground equipment" means any machine, equipment, or device
4 other than aircraft designed for use, adaptable for use~~7~~ or used on
5 land or water in applying pesticides as sprays, dusts, aerosols,
6 fogs~~7~~ or other forms;

7 19. "Heat as a method of pest control" means commercial
8 applicators that perform heat treatments for the purpose of treating
9 and controlling bed bugs or other insects;

10 20. "Herbicide" means any pesticide intended for preventing,
11 destroying, repelling, desiccating~~7~~ or mitigating any weed, or for
12 defoliating plants, preventing fruitdrop~~7~~ and inhibiting sprouting;

13 ~~20.~~ 21. "Inert ingredient" means an ingredient~~7~~ which is not an
14 active ingredient;

15 ~~21.~~ 22. "Ingredient statement" means a statement containing the
16 name and percentage of each active ingredient, and the total
17 percentage of all inert ingredients in the pesticide. If the
18 pesticide contains arsenic in any form, the percentages of total and
19 water-soluble arsenic shall each be calculated as elemental arsenic;

20 ~~22.~~ 23. "Insect" means any of the numerous small invertebrate
21 six-legged animals generally having the body more or less obviously
22 segmented, many belonging to the class Insecta~~7~~ including, but not
23 limited to, beetles, bugs~~7~~ and flies as well as allied classes of
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1 arthropods including spiders, mites, ticks, centipedes, and wood
2 lice;

3 ~~23.~~ 24. "Insecticide" means any pesticide intended for
4 preventing, destroying, repelling, or mitigating any insects which
5 may be present in any environment;

6 ~~24.~~ 25. "Label" means the written, printed, or graphic matter
7 attached to the pesticide, device, or container including the
8 outside container or wrapper of the retail package of the pesticide
9 or device;

10 ~~25.~~ 26. "Labeling" means all labels and other written, printed,
11 or graphic material:

- 12 a. upon the pesticide, device, or any of its containers
13 or wrappers,
- 14 b. accompanying the pesticide or device at any time, or
- 15 c. to which reference is made on the label or in
16 literature accompanying the pesticide or device except
17 when accurate, nonmisleading reference is made to
18 current official publications of the United States
19 Environmental Protection Agency, United States
20 Department of Agriculture, United States Department of
21 the Interior, the United States Public Health Service,
22 State Experiment Stations, State Agricultural
23 Colleges, or other federal institutions or official

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1 agencies of this state or other states authorized by
2 law to conduct research in the field of pesticides;

3 ~~26.~~ 27. "License" means a written document issued to a person
4 by the Board which shows that the person has met all established
5 licensing requirements established by the Combined Pesticide Law and
6 who is authorized to apply pesticides as a commercial,
7 noncommercial, or private applicator pursuant to the license issued;

8 ~~27.~~ 28. "Minimum standards" means the measures prescribed by
9 the Board to bring appropriate pesticide services to the public;

10 ~~28.~~ 29. "Misbranded" means and includes:

- 11 a. any pesticide or device if its labeling bears any
12 statement, design, or graphic representation relative
13 to its ingredients which is false or misleading, or
14 b. any pesticide or device:

- 15 (1) if it is an imitation of or is offered for sale
16 under the name of another pesticide or device,
17 (2) if its labeling bears any reference to
18 registration under the Combined Pesticide Law,
19 (3) if the labeling accompanying it does not contain
20 instructions for use which are necessary and, if
21 complied with, adequate for the protection of the
22 public,
23 (4) if the label does not contain a warning or
24 caution statement which may be necessary and, if

1 complied with, adequate to prevent injury to
2 humans and vertebrate animals,

3 (5) if the label does not bear an ingredient
4 statement on that part of the immediate container
5 and on the outside container or wrapper, if there
6 is one, through which the ingredient statement on
7 the immediate container cannot be clearly read,
8 of the retail package which is presented or
9 displayed under customary conditions of purchase,

10 (6) if any word, statement, or other information
11 required by or under the authority of the
12 Combined Pesticide Law to appear on the labeling
13 is not prominently placed with conspicuousness,
14 as compared with other words, statements,
15 designees, or graphic matter in the labeling, and
16 in terms likely to be read and understood by an
17 individual under customary conditions of purchase
18 and use, or

19 (7) if in the case of an insecticide, fungicide, or
20 herbicide, when used as directed or in accordance
21 with commonly recognized practice, it shall be
22 injurious to humans, vertebrate animals, or
23 vegetation, except weeds, to which it is applied,
24 or to the person applying the pesticide;

1 ~~29.~~ 30. "Noncommercial applicator" means any person, other than
2 a commercial or private applicator, who uses or supervises the use
3 of a restricted-use pesticide. The noncommercial applicator shall
4 be under the supervision of an owner or manager of property and who
5 is certified in the same manner as a commercial applicator. A
6 noncommercial applicator is subject to all requirements except those
7 pertaining to financial responsibility. Noncommercial applicator
8 includes a government employee applying restricted-use pesticides in
9 the discharge of official duties;

10 ~~30.~~ 31. "Nonrestricted-use pesticide" means any pesticide,
11 other than a pesticide classified as restricted-use pesticide;

12 ~~31.~~ 32. "Nonrestricted-use pesticide dealer" means any person
13 engaged in the sale, storage, or distribution of any pesticide other
14 than those pesticides classified by the United States Environmental
15 Protection Agency or the Board as restricted-use pesticides;

16 ~~32.~~ 33. "Permit" means a written document issued by the Board
17 which shows that a person has met all of the permitting requirements
18 established by the Combined Pesticide Law and is authorized to sell
19 pesticides as a restricted-use or nonrestricted-use pesticide dealer
20 in accordance with the type of permit issued;

21 ~~33.~~ 34. "Pest" means any organism harmful to man including, but
22 not limited to, insects, mites, nematodes, weeds, and pathogenic
23 organisms. Pathogenic organisms include viruses, mycoplasma,
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1 bacteria, rickettsia~~7~~ and fungi which the Board declares to be a
2 pest;

3 ~~34.~~ 35. "Pesticide" means a substance or mixture of substances
4 intended for defoliating or desiccating plants, preventing
5 fruitdrop, inhibiting sprouting~~7~~ or for preventing, destroying,
6 repelling, or mitigating any insects, rodents, fungi, bacteria,
7 weeds~~7~~ or other forms of plant or animal life or viruses, which the
8 Board declares to be a pest, except viruses on or in humans or
9 animals;

10 ~~35.~~ 36. "Private applicator" means any person who uses or
11 supervises the use of any restricted pesticide for purposes of
12 producing any agricultural commodity on property owned or rented by
13 the person, or employer, or on the property of another person if
14 applied without compensation other than trading of personal services
15 between producers of agricultural commodities;

16 ~~36.~~ 37. "Registrant" means the person registering any pesticide
17 or device pursuant to the provisions of the Combined Pesticide Law;

18 ~~37.~~ 38. "Restricted-use pesticide" means any pesticide
19 classified for restricted use by the United States Environmental
20 Protection Agency, either by regulation or through the registration
21 process, or by the Board pursuant to the Oklahoma Agricultural Code;

22 ~~38.~~ 39. "Restricted-use pesticide dealer" means any person
23 engaged in the sale, storage~~7~~ or distribution of restricted-use
24 pesticides;

1 ~~39.~~ 40. "Rodenticide" means any pesticide intended for
2 preventing, destroying, repelling, or mitigating rodents or any
3 other animal which the Board declares a pest;

4 ~~40.~~ 41. "Service technician" means a person employed by a
5 licensed commercial or noncommercial applicator who applies the
6 pesticide or employs a device, but is not a certified applicator. A
7 service technician or certified applicator shall be present at each
8 application performed;

9 ~~41.~~ 42. "Temporary certified applicator" means a person who has
10 successfully completed the written examinations required for
11 certification but has not successfully completed the practical
12 examination;

13 ~~42.~~ 43. "Use" means transportation, storage, mixing,
14 application, safe handling, waste and container disposal, and other
15 specific instructions contained on the label and labeling;

16 ~~43.~~ 44. "Weed" means any plant or plant part which grows where
17 not wanted; and

18 ~~44.~~ 45. "Wood infestation report" means a document issued with
19 a property transaction which shall, at a minimum, contain statements
20 or certifications as to the presence or absence of termites and any
21 other wood destroying insects, and the presence or absence of
22 damage. The wood infestation report does not include a bid or
23 proposal for treatment.

1 SECTION 2. AMENDATORY 2 O.S. 2011, Section 3-85, as
2 amended by Section 3, Chapter 280, O.S.L. 2014 (2 O.S. Supp. 2019,
3 Section 3-85), is amended to read as follows:

4 Section 3-85. A. 1. The State Board of Agriculture shall
5 administer and enforce the provisions of the Oklahoma Combined
6 Pesticide Law.

7 2. The State Board of Agriculture shall promulgate rules and
8 standards for the application, use or sale of pesticides, rules for
9 pesticide registration, standards for contracts and recordkeeping,
10 work performance, prescribe standards for the licensing of
11 application of pesticides, issuing pesticide dealer permits,
12 certification, recertification procedures, heat as a method of pest
13 control and storing and disposal of pesticide and pesticide
14 containers.

15 3. The Board shall, to the extent practical, create uniformity
16 between the requirements of Oklahoma and those prescribed by the
17 Federal Insecticide, Fungicide and Rodenticide Act.

18 4. The Board is empowered to cooperate with and negotiate
19 reciprocal agreements with the federal government or any state, or
20 any department or agency of either for the purpose of fulfilling the
21 intent of this section and securing uniformity of rules.

22 5. The Board may inspect any work, records, or contracts of
23 each applicator, manufacturer, or dealer to determine whether or not
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1 the work is performed according to the provisions of this section or
2 rules promulgated thereunder.

3 6. For the purpose of securing uniformity of rules, no city,
4 town, county, or other political subdivision of this state shall
5 adopt or continue in effect any ordinance, rule, regulation, or
6 statute regarding pesticide sale or use that is more stringent than
7 the rules of the Board, including, but not limited to, registration,
8 notification, posting, advertising and marketing, distribution,
9 applicator training and certification, storage, transportation,
10 disposal, disclosure of confidential information, or product
11 composition.

12 7. The Board may take samples of pesticide materials in order
13 to determine their concentration or residue level. If the Board
14 finds that such samples are not within established standards, the
15 Board's finding shall be considered prima facie evidence that a
16 violation has occurred.

17 a. The concentration of an active ingredient for a
18 pesticide concentrate, shall not exceed or be less
19 than the concentration of active ingredient stated on
20 the pesticide label by more or less than the tolerance
21 for active ingredient concentration specified by this
22 paragraph. Concentrations above or below the
23 established tolerance shall be prima facie evidence
24 that a pesticide is adulterated or misbranded:

- 1 (1) pesticides with a stated concentration of active
2 ingredient less than 0.51% shall not exceed 150%
3 or fail to meet 80% of the stated active
4 ingredient on the pesticide label when analyzed,
- 5 (2) pesticides with a stated concentration of active
6 ingredient not less than 0.51% and not more than
7 1.0% shall not exceed 140% or fail to meet 85% of
8 the stated active ingredient on the pesticide
9 label when analyzed,
- 10 (3) pesticides with a stated concentration of active
11 ingredient not less than 1.01% and not more than
12 5.00% shall not exceed 140% or fail to meet 90%
13 of the stated active ingredient on the pesticide
14 label when analyzed,
- 15 (4) pesticides with a stated concentration of active
16 ingredient not less than 5.01% and not more than
17 10.00% shall not exceed 130% or fail to meet 92%
18 of the stated active ingredient on the pesticide
19 label when analyzed,
- 20 (5) pesticides with a stated concentration of active
21 ingredient not less than 10.01% and not more than
22 50.00% shall not exceed 125% or fail to meet 94%
23 of the stated active ingredient on the pesticide
24 label when analyzed, and

1 (6) pesticides with a stated concentration of active
2 ingredient not less than 50.01% and more than
3 100.00% shall not exceed 115% or fail to meet 96%
4 of the stated active ingredient on the pesticide
5 label when analyzed.

6 b. The concentration of an active ingredient for a
7 pesticide concentrate in fertilizer and pesticide
8 mixtures, pressed blocks and nonuniform baits shall
9 not be less than the concentration of active
10 ingredient stated on the pesticide label for the
11 tolerance for active ingredient concentration
12 specified by this paragraph. Concentrations below the
13 established tolerance shall be prima facie evidence
14 that a pesticide is adulterated or misbranded:

15 (1) when the stated concentration of active
16 ingredient on the pesticide label is less than
17 1.26% the minimum amount of active ingredient
18 shall be at least 67.0% of the stated
19 concentration on the pesticide label when
20 analyzed,

21 (2) when the stated concentration of active
22 ingredient on the pesticide label is not less
23 than 1.26% or more than 5.0% the minimum amount
24 of active ingredient shall be at least 80.0% of

1 the stated concentration on the pesticide label
2 when analyzed, and

3 (3) when the stated concentration of active
4 ingredient on the pesticide label is more than
5 5.0% the minimum amount of active ingredient
6 shall be at least 85.0% of the stated
7 concentration on the pesticide label when
8 analyzed.

9 c. The concentration of an active ingredient for a
10 pesticide concentrate in rotenone, pyrethrin and other
11 natural product formulations shall not be less than
12 the concentration of active ingredient stated on the
13 pesticide label for the tolerance for active
14 ingredient concentration specified by this paragraph.
15 Concentrations below the established tolerance shall
16 be prima facie evidence that a pesticide is
17 adulterated or misbranded:

18 (1) when the stated concentration of active
19 ingredient on the pesticide label is less than
20 0.51% the minimum amount of active ingredient
21 shall be at least 70.0% of the state
22 concentration on the pesticide label when
23 analyzed,
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1 (2) when the stated concentration of active
2 ingredient on the pesticide label is not less
3 than 0.51% or more than 1.25% the minimum amount
4 of active ingredient shall be at least 80.0% of
5 the stated concentration on the pesticide label
6 when analyzed, and

7 (3) when the stated concentration of active
8 ingredient on the pesticide label is more than
9 1.25% the minimum amount of active ingredient
10 shall be at least 85.0% of the stated
11 concentration on the pesticide label when
12 analyzed.

13 d. The concentration of an active ingredient for a
14 pesticide tank mix, as stated by the applicator and
15 allowed by the pesticide label, shall not exceed or be
16 less than the concentration of active ingredient
17 stated by more or less than the tolerance for active
18 ingredient concentration specified by this paragraph.
19 Concentrations above or below the established
20 tolerance shall be prima facie evidence of a use
21 unsuitable, unsafe or inconsistent with its label or
22 labeling. No pesticide shall be formulated into a
23 tank mix at a concentration in excess of or below that
24 permitted by the pesticide label without written

1 approval from an authorized agent of the Oklahoma
2 Department of Agriculture, Food, and Forestry:

3 (1) when the stated concentration or that allowed by
4 the pesticide label is less than 0.51% the
5 minimum amount of active ingredient in the tank
6 mix shall be at least 60.0% and not more than
7 150.0% of the stated concentration or that
8 allowed by the pesticide label when analyzed,

9 (2) when the stated concentration or that allowed by
10 the pesticide label is not less than 0.51% and
11 not more than 1.0% the minimum amount of active
12 ingredient in the tank mix shall be at least
13 70.0% and not more than 140.0% of the stated
14 concentration or that allowed by the pesticide
15 label when analyzed,

16 (3) when the stated concentration or that allowed by
17 the pesticide label is not less than 1.01% and
18 not more than 5.0% the minimum amount of active
19 ingredient in the tank mix shall be at least
20 80.0% and not more than 140.0% of the stated
21 concentration or that allowed by the pesticide
22 label when analyzed,

23 (4) when the stated concentration or that allowed by
24 the pesticide label is not less than 5.01% and

1 not more than 10.0% the minimum amount of active
2 ingredient in the tank mix shall be at least
3 84.0% and not more than 130.0% of the stated
4 concentration or that allowed by the pesticide
5 label when analyzed,

6 (5) when the stated concentration or that allowed by
7 the pesticide label is not less than 10.01% and
8 not more than 50.0% the minimum amount of active
9 ingredient in the tank mix shall be at least
10 88.0% and not more than 125.0% of the stated
11 concentration or that allowed by the pesticide
12 label when analyzed, and

13 (6) when the stated concentration or that allowed by
14 the pesticide label is not less than 50.01% and
15 not more than 100.0% the minimum amount of active
16 ingredient in the tank mix shall be at least
17 92.0% and not more than 115.0% of the stated
18 concentration or that allowed by the pesticide
19 label when analyzed.

20 e. The State Board of Agriculture may promulgate, by
21 rule, maximum and minimum concentrations or thresholds
22 for the other concentrate of pesticides in products,
23 or soil residues.

1 B. Authorized agents of the Board shall have the authority to
2 issue notices of violation, citations, compliance orders, stop
3 sales, or stop work orders to those persons committing violations of
4 the laws or rules relating to pesticides or pesticide application in
5 this state.

6 C. 1. Examinations of pesticides or devices shall be made
7 under the direction of the Board for the purpose of determining if
8 there has been compliance with the requirements of this section.

9 2. If it appears from examination that a pesticide or device
10 fails to comply with the provisions of this section, and the Board
11 contemplates instituting administrative proceedings against any
12 person, the Board shall cause notice and an opportunity for a
13 hearing be given to the person pursuant to the Administrative
14 Procedures Act.

15 D. 1. Any pesticide or device distributed, sold, or offered
16 for sale within this state or delivered for transportation or
17 transported in intrastate or interstate commerce may be seized by
18 the Oklahoma Department of Agriculture, Food, and Forestry in any
19 county of the state where it may be found and if:

20 a. in the case of a pesticide, it is adulterated or
21 misbranded, it has not been registered, it fails to
22 bear on its label the required information, or it is a
23 white powder pesticide and it is not colored as
24 required, or

1 b. in the case of a device, it is misbranded.

2 2. If the pesticide or device is condemned it shall, after
3 entry of decree or judgment of a district court, be disposed of by
4 destruction or sale as the court may direct. If the article is
5 sold, the proceeds, less court costs, shall be paid to the State
6 Department of Agriculture Revolving Fund.

7 3. The court shall not order the sale or disposal of a
8 condemned pesticide or device in a manner which would be a violation
9 of this section or rules promulgated thereto.

10 4. The person or entity directed to dispose or sell the
11 condemned pesticide or device shall do so in a manner that complies
12 with the order of the district court and this section and rules
13 promulgated thereto.

14 5. The court may direct that the pesticide or article be
15 delivered to the owner for relabeling or reprocessing.

16 6. If there is a person who is successful in intervening as
17 claimant of the pesticide or device, when a decree of judgment of
18 condemnation is entered against the pesticide or device, court
19 costs, fees, storage, and other proper expenses shall be awarded
20 against such claimant.

21 E. The Board may, by publication in a manner as it may
22 prescribe, give notice of all judgments entered in action,
23 instituted under its authority.

1 F. All authority vested in the Board shall with like force and
2 effect be executed by its officers, employees, and authorized
3 agents.

4 G. EXCEPTION - The fines provided for violations may not apply
5 to:

6 1. Any carrier while lawfully engaged in transporting a
7 pesticide within this state, if the carrier permits the Board upon
8 request to copy all records showing the transaction in and movement
9 of the pesticide and devices involved;

10 2. Public officials of this state and of the Federal Government
11 engaged in the performance of official duties;

12 3. The manufacturer or shipper of a pesticide or device for
13 experimental use only, by or under the supervision of an agency of
14 this state or of the Federal Government authorized by law to conduct
15 research in the field of pesticides or devices, or by others if the
16 pesticide or the device is not sold or if the container is plainly
17 and conspicuously marked "for experimental use only - not to be
18 sold", together with the manufacturer's name and address, if a
19 written permit has been obtained from the Board. Pesticides or
20 devices may be sold for experimental purposes subject to
21 restrictions set forth in the permit; and

22 4. Pesticides and devices intended solely for export to a
23 foreign country, and prepared or packed according to the
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1 specifications or directions of the purchaser. If not exported, all
2 of the provisions of this section shall apply.

3 H. 1. The Department of Environmental Quality shall have
4 environmental jurisdiction over:

5 a. commercial manufacturers of fertilizers, grain and
6 feed products, and chemicals, and over manufacturing
7 of food and kindred products, tobacco, paper, lumber,
8 wood, textile mill and other agricultural products,

9 b. slaughterhouses, but not including feedlots at these
10 facilities, and

11 c. aquaculture and fish hatcheries, including, but not
12 limited to, discharges of pollutants and storm water
13 to waters of the state, surface impoundments and land
14 application of wastes and sludge, and other pollution
15 originating at these facilities; and

16 2. Facilities which store grain, feed, seed, fertilizer, and
17 agricultural chemicals that are required by federal National
18 Pollutant Discharge Elimination Systems (NPDES) regulations to
19 obtain a permit for storm water discharges shall only be subject to
20 the jurisdiction of the Department of Environmental Quality with
21 respect to such storm water discharges.

22 I. This section shall not prevent any political subdivision
23 from complying with any applicable federal law or regulation. A
24 political subdivision which takes any action prohibited by this

1 title in order to comply with federal requirements shall notify the
2 Board of its compliance plan prior to taking any action. The Board
3 may assist the political subdivision in complying with federal
4 requirements necessary to carry out the policy of this section. The
5 Board may permit a political subdivision to impose standards more
6 stringent than required by the Board if necessary for the political
7 subdivision to comply with federal requirements.

8 SECTION 3. This act shall become effective November 1, 2020.

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10 57-2-3846 QD 2/24/2020 10:30:46 AM

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