

2017 -- S 0733

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO HEALTH AND SAFETY -- PESTICIDE CONTROL

Introduced By: Senators Sosnowski, and P Fogarty

Date Introduced: April 12, 2017

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-25-6 and 23-25-6.1 of the General Laws in Chapter 23-25
2 entitled "Pesticide Control" are hereby amended to read as follows:

3 **23-25-6. Registration.**

4 (a) Every pesticide which is distributed in the state shall be registered with the director
5 subject to the provisions of this chapter and shall be categorized for registration purposes. These
6 categories shall be: "consumer protection and health benefits products" which means all
7 disinfectants, sanitizers, germicides, biocides and other pesticides labeled for use directly on
8 humans or pets or in or around household premises and "agricultural and other pesticides," which
9 means restricted-use pesticides and other pesticides that are not consumer protection and health
10 benefits products. That registration shall be renewed annually prior to January 31; provided, that
11 registration is not required if a pesticide is shipped from one plant or warehouse to another plant
12 or warehouse operated by the same person and used solely at the plant or warehouse as a
13 constituent part to make a pesticide which is registered under the provisions of this chapter or if
14 the pesticide is distributed under the provisions of an experimental use permit issued under § 23-
15 25-7 or an experimental use permit issued by EPA.

16 (b) The applicant for registration shall file a statement with the director which shall
17 include:

18 (1) The name and address of the applicant and the name and address of the person whose
19 name will appear on the label, other than the applicant's;

1 (2) The name of the pesticide;

2 (3) Other necessary information required for completion of the department of
3 environmental management's application for registration form; The director may, upon receipt
4 of an application, designate a pesticide product as a "minor use" product. Such products will be
5 those which due to limited distribution within the state, do not, in the opinion of the registrant,
6 warrant payment of the registration fee and surcharge required to register a product within Rhode
7 Island. Upon designating a product as a "minor use" the director shall register the product for sale
8 or distribution while waiving both the registration fee and surcharge. The applicant wishing to
9 have a product so designated shall submit a completed application containing the following
10 information:

11 (i) The product name;

12 (ii) EPA registration number, if applicable;

13 (iii) Description of pest to be controlled, and applicable sites;

14 (iv) Documentation that the product is not registered due to limited market; and

15 (v) Explanation as to why they are not effective, reasonable alternative products currently
16 registered.

17 (4) A complete copy of the labeling accompanying the pesticide and a statement of all
18 claims to be made for it, including the directions for use and the use classification as provided for
19 in FIFRA.

20 (c) The director, when he or she deems it necessary in the administration of this chapter,
21 may require the submission of the complete formula of any pesticide, including the active and
22 inert ingredients.

23 (d) The director may require a full description of the tests made and the results of the
24 tests upon which the claims are based on any pesticide not registered pursuant to § 3 of FIFRA, 7
25 U.S.C. § 136a, or on any pesticide on which restrictions are being considered. In the case of
26 renewal of registration, a statement shall be required only with respect to information which is
27 different from that furnished when the pesticide was registered or last reregistered.

28 (e) The director may prescribe other necessary information by regulation.

29 (f) The applicant desiring to register a pesticide shall, unless the director has determined
30 the subject product is a "minor use" product pursuant to §23-25-6(3), pay an annual registration
31 fee of fifty dollars (\$50.00) to the general treasurer for each pesticide registered for the applicant
32 which shall be credited by the general treasurer to the pesticide relief fund. Annually on
33 November 1 the general treasurer shall notify the director of the amount of funds contained in the
34 pesticide relief fund. If the pesticide relief fund shall exceed one million dollars (\$1,000,000) on

1 that date, the annual registration fee for the next following year commencing December 1 shall be
2 twenty-five dollars (\$25.00) which shall become part of the general fund. All registrations shall
3 expire on November 30, of any one year, unless sooner cancelled; provided, that a registration for
4 a special local need pursuant to this section which is disapproved by the administrator, EPA, shall
5 expire on the effective date of the administrator's disapproval.

6 (g) Any registration approved by the director and in effect on the 31st day of January, for
7 which a renewal application has been made and the proper fee paid, shall continue in full force
8 and effect until any time that the director notifies the applicant that the registration has been
9 renewed, or denied, in accord with the provisions of § 23-25-8. Forms for re-registration shall be
10 mailed to registrants at least thirty (30) days prior to the due date.

11 (h) (1) Provided the state of Rhode Island is certified by the administrator of EPA to
12 register pesticides pursuant to § 24(c) of FIFRA, 7 U.S.C. § 136v(c), the director shall require the
13 information set forth under subsections (b), (c), (d), and (e) and shall, subject to the terms and
14 conditions of the EPA certification, register the pesticide if he or she determines that:

15 (i) Its composition is such as to warrant the proposed claims for it;

16 (ii) Its labeling and other material required to be submitted comply with the requirements
17 of this chapter;

18 (iii) It will perform its intended function without unreasonable adverse effects on the
19 environment;

20 (iv) When used in accordance with widespread and commonly recognized practice, it will
21 not generally cause unreasonable adverse effects on the environment; and

22 (v) A special local need for the pesticide exists.

23 (2) Prior to registering a pesticide for a special local need, the director shall classify the
24 use of the pesticide for general or restricted use in conformity with § 3(d), 7 U.S.C. § 136a(d), of
25 FIFRA; provided, that the director shall not make any lack of essentiality a criterion for denying
26 registration of any pesticide. Where two (2) pesticides meet the requirements of this subdivision,
27 one should not be registered in preference to the other.

28 (3) The director may develop and promulgate any other requirements by regulation that
29 are necessary for the state plan to receive certification from EPA.

30 **23-25-6.1. Registration fee -- Surcharge.**

31 In addition to the annual registration fee of fifty dollars (\$50.00) as required by § 23-25-
32 6, an additional one hundred fifty dollar (\$150) registration surcharge fee shall be imposed upon
33 each pesticide to be sold or used within the state, [unless the director has determined the subject](#)
34 [product is a "minor use" product pursuant to §23-25-6\(3\)](#). The registration surcharge fee shall be

1 deposited as general revenues.

2 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would create an exception to the registration requirements and registration fees
- 2 for minor use pesticides.
- 3 This act would take effect upon passage.

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