



SENATE BILL No. 1141

September 12, 1996, Introduced by Senators NORTH, HART, BYRUM, MC MANUS and STALLINGS and referred to the Committee on Agriculture and Forestry.

A bill to amend section 8307 of Act No. 451 of the Public Acts of 1994, entitled "Natural resources and environmental protection act," being section 324.8307 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 8307 of Act No. 451 of the Public Acts
2 of 1994, being section 324.8307 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 8307. (1) ~~Every~~ EXCEPT AS PROVIDED IN SUBSECTION
5 (2), EVERY pesticide that is distributed, sold, exposed, or
6 offered for sale in this state shall be registered with the
7 director pursuant to this part. Registration shall be on forms
8 provided by the director and shall be renewed annually before
9 July 1. The director shall not register a pesticide under this
10 part unless the registrant has paid all groundwater protection

1 fees required under part 87. Registration is not required if a
2 pesticide is shipped from 1 plant or warehouse to another plant
3 or warehouse operated by the same person and used solely at that
4 plant or warehouse as a constituent part to make a pesticide that
5 is registered under this part, or if the pesticide is distributed
6 pursuant to an experimental permit.

7 (2) A PERSON ENGAGED IN THE BUSINESS OF DISTRIBUTING, SELL-
8 ING, OR OFFERING FOR SALE PESTICIDES TO THE ULTIMATE USER, WHO
9 PURCHASES PESTICIDES THAT ARE REGISTERED AT THE TIME OF PURCHASE,
10 MAY DISTRIBUTE, SELL, OR OFFER FOR SALE THOSE PESTICIDES REGARD-
11 LESS OF WHETHER OR NOT THAT REGISTRATION IS MAINTAINED.

12 (3) ~~(2)~~ An applicant for registration of a pesticide shall
13 submit to the director a complete copy of the labeling accompany-
14 ing the pesticide, and shall file on a form provided by the
15 director information that includes all of the following:

16 (a) The name and address of the applicant and the name and
17 address of the person whose name will appear on the label, if
18 other than the applicant.

19 (b) The full product name of the pesticide.

20 (c) A full description of tests made and the results of
21 tests made upon which claims are based for the pesticide if not
22 registered by the EPA.

23 (d) Other necessary information required for completion of
24 the registration form.

25 (4) ~~(3)~~ To register a pesticide for special local needs
26 pursuant to section 24(c) of FIFRA, 7 U.S.C. 136v, or the
27 regulations promulgated under that section, the director shall

1 require the information set forth under subsection ~~(2)~~ (3). A
2 pesticide may be registered for special local needs if the direc-
3 tor determines that all of the following conditions are met:

4 (a) Its composition warrants the proposed claims for it.

5 (b) Its labeling and other material required to be submitted
6 comply with the labeling requirements of FIFRA or regulations
7 promulgated under that act.

8 (c) It will perform its intended functions without unreason-
9 able adverse effects on the environment.

10 (d) When used in accordance with widespread and commonly
11 recognized practice, it will not generally cause unreasonable
12 adverse effects on the environment.

13 (e) The classification for general or restricted use is in
14 conformity with section 3(d) of FIFRA.

15 (5) ~~(4)~~ Pesticides containing active or inert ingredients
16 that have been confirmed in groundwater at a level above their
17 groundwater resource response level and pesticides for which a
18 state management plan is required shall be registered as
19 restricted use pesticides. The director, by rule, shall estab-
20 lish additional criteria for designating a pesticide a restricted
21 use pesticide due to groundwater concerns.

22 (6) ~~(5)~~ The director shall require the applicant to submit
23 a complete formula of the pesticide proposed for registration,
24 including the active and inert ingredients, when necessary to
25 execute the director's duties under this part. The director may
26 not use for his or her own advantage or reveal, other than to his
27 or her authorized representative, the EPA, the department of

1 ~~natural resources~~ ENVIRONMENTAL QUALITY, the department of
2 ~~public~~ COMMUNITY health, a court of the state in response to a
3 subpoena, a licensed physician, or in an emergency to a pharma-
4 cist or other persons qualified to administer antidotes, any
5 information relative to formulas of products, trade secrets, or
6 other information obtained under authority of this part.

7 (7) ~~(6)~~ A registration approved by the director and in
8 effect on June 30 for which the July 1 renewal application is
9 made and the annual registration fee paid shall continue in full
10 force and effect until the director notifies the applicant that
11 the registration is renewed or denied.

12 (8) ~~(7)~~ Decisions on pesticide registration shall continue
13 to be made cooperatively by the departments of agriculture,
14 ~~natural resources~~ ENVIRONMENTAL QUALITY, and ~~public~~ COMMUNITY
15 health in accordance with a memorandum of agreement entered into
16 by the departments.

17 (9) ~~(8)~~ If a specific pesticide active ingredient for
18 which a groundwater protection rule has been promulgated has been
19 confirmed in groundwater at 3 or more sites at levels exceeding
20 the groundwater resource protection level, the director may
21 cancel the registration of pesticides containing that specific
22 pesticide ingredient. In determining the need to cancel pesti-
23 cide registrations due to groundwater concerns, the director
24 shall consider the degree to which the registrant or registrants
25 are willing to address groundwater concerns associated with their
26 product or products, and the potential effectiveness of

1 additional restrictions, prohibitions, or groundwater protection
2 rule modifications.

3 (10) ~~(9)~~ A registrant who intends to discontinue a pesti-
4 cide registration shall do either of the following:

5 (a) Terminate further distribution within the state and con-
6 tinue to register the pesticide annually for 2 successive years.

7 (b) Initiate a recall of the pesticide from distribution in
8 the state within 60 days from the date of notification to the
9 director of intent to discontinue registration.

10 (11) ~~(10)~~ Upon the director's request, a person that has
11 registered a pesticide in this state shall submit to the director
12 information necessary to determine the pesticide's mobility in
13 the environment and its potential to contaminate groundwater.
14 This information may include any of the following:

15 (a) Water solubility.

16 (b) Vapor pressure.

17 (c) Octanol-water partition coefficient.

18 (d) Soil absorption coefficient.

19 (e) Henry's law constant.

20 (f) Dissipation studies including hydrolysis, photolysis,
21 and aerobic and anaerobic soil metabolism.

22 (g) Product formulation.

23 (h) Other information considered necessary by the director.

24 (12) ~~(11)~~ Information requested under subsection ~~(10)~~

25 (11) shall be consistent with product registration information
26 required under FIFRA or criteria for designating a pesticide as a
27 restricted use pesticide due to groundwater concerns as

1 promulgated by rule under subsection ~~(4)~~ (5). The director
2 shall consider impacts on minor use pesticide registrations when
3 requesting information.

4 (13) ~~(12)~~ As used in this section:

5 (a) "Aerobic soil metabolism" means the rate at which a
6 chemical degrades in soil in the presence of oxygen.

7 (b) "Anaerobic soil metabolism" means the rate at which a
8 chemical degrades in soil in the absence of oxygen.

9 (c) "Henry's law constant" means the ratio of the partial
10 pressure of a compound in air to the concentration of the com-
11 pound in water at a given temperature.

12 (d) "Hydrolysis" means a chemical reaction in which a water
13 combines with and splits the original chemical creating degrada-
14 tion products.

15 (e) "Octanol-water partition coefficient" means the ratio of
16 a chemical's concentration in the water-saturated octanol phase
17 to the chemical's concentration in the octanol-saturated water
18 phase.

19 (f) "Photolysis" means a chemical reaction in which light or
20 radiant energy serves to split the original compound creating
21 degradation products.

22 (g) "Soil absorption coefficient" means the ratio of
23 absorbed chemical per unit weight of soil or organic carbon to
24 the aqueous solute concentration.

25 (h) "Vapor pressure" means the pressure exerted by the vapor
26 of a substance when it is under equilibrium conditions.

1 (i) "Water solubility" means the maximum amount of a
2 material that can be dissolved in water to give a stable
3 solution.